Roots and Branches: Woodland Institutions in South China, 800-1600

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Roots and Branches: Woodland Institutions in South China, 800-1600

A dissertation presented

by

Ian Matthew Miller

to

The Committee on History and East Asian Languages

in partial fulfillment of the requirements

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Roots and Branches: Woodland Institutions in South China, 800-1600

Abstract

In this dissertation I trace the evolution of the institutions governing woodland in South China over the longue durée. I claim that after a high point of state forestry the imperial government lost both the interest and the ability to manage woodland effectively. Forestry was largely taken over by lineages - kin groups organized around the worship of shared ancestors. I tie this transition in woodland governance to two interrelated trends: growth in the power and independence of lineage organizations, and of long-distance trade in wood products. First, I show changes in local state capacities for tax collection and dispute resolution, the growing organizational capacity of lineages. Second, I argue that the growth of trade in woodland products affected state and lineage differently. On the one hand, government bureaus had increasing difficulty governing wood land while finding it increasingly convenient to obtain wood products on the market. On the other hand, lineages were well-equipped for the business of managing local landscapes, and saw substantial profits to be made from the export of timber and other forest commodities.

Finally, I argue that the rise of lineage influence shaped the terms in which woodland was claimed for private use. Over hundreds of years, claims to woodland shifted from the formal legal discourse specified by the imperial state to focus on the specialized language of fengshui. By the sixteenth and seventeenth centuries, claims no longer trumpeted the productive capacity of forests or their role in paying the taxes important to the state; they now focused on the
physical and metaphysical powers of the wooded landscape and its role in protecting the graves important to lineages. Contrary to existing scholarship, I claim that the decline of state forestry did not necessarily lead to the decline of the woods themselves; lineage oversight was highly effective at managing forests for both production and protection, and areas of strong lineage control remained well-forested into the modern era.
Acknowledgements

This project would have been impossible without help and guidance from a number of people. I benefited from a truly ideal committee of advisors who shaped this project from multiple angles. Michael Szonyi and Peter Bol have guided my path through graduate studies since long before this project took form, and have influenced my thinking on essentially every aspect of the dissertation. They have helped me balance my tendency toward overambitious projects with a focus on specifics. Ian Jared Miller has been a key advisor throughout my time at Harvard, and has given perhaps the greatest insight into the most interesting questions in this thesis - especially the role of graves. Paul Warde has been an incredible source of knowledge on forests in addition to providing a welcome outsider’s perspective.

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Much of my thinking is still influenced by my two advisors emeriti, Lillian Li and James “Woody” Watson. I have also benefited from an exceptional group of tongxue and senpai. Much of this dissertation has grown out of an eight-year conversation with John S. Lee. Javier Cha and Wen Yu 于文 have also been vital intellectual companions throughout my time at Harvard. Other aspects of my thinking were strongly shaped by discussions with Macabe Keliher, Sakura Christmas, Devin Fitzgerald, Maura Dykstra, Eric Schleussel, Ling Zhang 張玲, Victor Seow, Devon Dear, Huan Jin 金環 and many others. I have also benefitted enormously from relationships with two exceptional students-turned-peers, Rachel Wong and Adam Mitchell.

Finally, I must thank my family, who have been a huge source of support and inspiration. My parents Jane and Wally Miller and my stepmother Christina Smith have commented on multiple versions of research proposals, chapter drafts and talks derived from this project and been constant sources of moral support. My in-laws He Guomian 何国勉 and Xiao Wenjia 肖文佳 hosted me during my time in Shanghai and provided huge amounts of encouragement as well as child-care. My son Rye has been an immense source of inspiration, and accompanied me on numerous trips to parks and botanical gardens for “research.” Most of all, I must thank my wife Evelyn He 何及, my harshest critic and greatest supporter.

Any mistakes are my own.
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Introduction
Who controlled the woods in China? Historically, some forests were managed by the estates of nobles or temples, and others by the imperial bureaucracy, while the vast majority of woodland was effectively common land. Yet regardless of the institutions involved, woodland was overwhelmingly managed for local use; only small volumes of high-value woodland products were shipped long distances. This meant that fairly simple regulations - often unwritten or informal regulation - were sufficient to ensure the availability of needed wood products. This changed around the year 1000 CE, when the growth of interregional trade fundamentally changed the nature of woodland management. Regulations predicated on local use were no longer sufficient to ensure the long-term sustainability of forests. New institutions were needed, and, as I will argue in this dissertation, new institutions emerged.

I will depict two overlapping eras of woodland governance - the last great era of state forestry driven by adaptation to growing markets, between about 800 and 1500; and a fundamentally new system of forestry driven by the rise of corporate family organizations after about 1400. I will argue that the state forestry of the Song (960-1279) and Yuan (1271-1368) and first half of the Ming Dynasty (1368-1644) was derived from earlier patterns of imperial woodland management, but it was driven in part by the potential profits offered to the state by the expansion of wood markets. Key to the functions of this system was the close control that these states had over the expanding market; when state market controls failed in the 1400s, the systems of state woodland management failed with them. After this point, I will argue that the most important new forms of forest governance were developed by family lineages.

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1 This typology draws on a slightly different framework offered in Menzies, Nicholas K. *Forest and Land Management in Imperial China*. Studies on the Chinese Economy. New York: St. Martin’s Press, 1994.
Lineages started as groups of agnatic kin that gathered together to worship shared ancestors, but by the 1400s some of them - especially in South China - began to develop large, corporate structures with large landholdings and substantial political and legal power. Indeed, I will argue that the supposed “retreat” of state power after a peak in the twelfth century was not the product of institutional decline within the government, but rather of a renegotiation of local power related to the rise of lineage organizations outside of the formal political apparatus. As lineages developed independent capacities to govern land to respond to shifts in the economy in general, they became far more important managers of wooded land and wood markets in particular. By the end of my study around 1600, lineages were well on their way to becoming the most important institutions governing woodland in South China, displacing not only the state, but also forms of informal community management as well.

Why study woodland in the first place? In the era before the widespread use of coal and oil, woodland was a critical resource. Staple crop production consumed most of the days of most of the population and agriculture was greatly emphasized by almost all premodern states; but these societies relied as much on forests as on farms. Woodlands were the primary sources of fuel for cooking and heating, and of materials for construction and toolmaking; they were also important secondary sources of food, fodder for animals, and fertilizer. The livelihoods of poor peasants and emperors alike depended on their abilities to claim needed sources of firewood, lumber and even fallen leaves. The wood supply in this era was akin to the modern oil supply; control of woodland production was a strategic necessity for individual families, and for imperial

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states. This was especially true in times and places where wood was difficult or expensive to obtain. Wood resources were important to state revenue and to household revenue, alike. The resolution of claims to woodland were a crucial issue of political, economic and social power. In brief, woods were an important aspect of the material and political economy, a fact that is often overlooked due to the fact that many wood products were used locally even after the rise of markets in others.

Woodland plays a key role in the natural environment as well. Woods are important habitats for a wide variety of species; the diversity of woodland environments is part of what makes them valuable, but also difficult to manage. Woods are critical to modulating the microclimate by maintaining shade and by the cooling effect of transpiration. Finally, trees are especially good at retaining soil and water; this makes woodland play an important hydrological role in preventing flood, drought and sedimentation of rivers. If wood products but one of many parts of the broader economic context, woodland itself plays a leading role in the broader ecology. Changing claims to woodland and uses of woodland have major consequences for both economy and ecology.

I will argue that the shift from a state-dominated to a lineage-dominated realm of woodland governance was tied not to economic stasis and environmental degradation. Instead I depict the emergence of a system amenable to both economic growth and environmental stability, at least in the medium term. Increased trade in wood products and changing terms of woodland management did not lead to total deforestation, but rather to a change in forest composition - largely a shift from old growth forest and mixed forest to managed forests focused on economically-valuable tree species. While this transition did negatively effect some of the
environmental value of woodland - especially their role as habitats for large animals - it did not necessarily lead to the total collapse of local ecologies - especially as relates to the hydrological and micro-climatic services woods provide. Instead, I will speculate in the conclusion that the negative effects of this shift in forest governance were mediated by the appearance of social problems. In particular, I will assert that the rise of lineage forestry dispossessed certain groups of their long-term claims to woodland resources, leading to types of unrest that were far more destructive to the environment than either state or lineage forestry were themselves.

**Historiographical Context**

*Social dynamism and state-society relations in late imperial China*

Before detailing the specific relation of state and lineage institutions to forestry, the first section of the dissertation is largely concerned with state-society relations in late imperial China more generally. There is a longstanding trend in the historiography to argue that Chinese society lost much of its dynamism some time after the heights of the Northern Song (960-1137), a trend closely tied to the tendency to associate the post-Song period with environmental decline. Historians locate this decline at various time periods - from the fall of the Northern Song in the 1130s all the way to the mid-to-late Ming (c. 1580s-1644) - but the Yuan (1271-1368) has especially been identified as a "dark age." As Paul Smith and Richard Von Glahn’s introductions to their collection on the Song-Yuan-Ming show, the perception of this era as one of decline has a long history in both the Chinese and Japanese scholarship. In particular, the assessment of the Yuan as a dark age is predicated on the contradiction between two schools of history, one seeing the Song as "precocious modernity," and another seeing the perpetuation of "feudal society" until the end of the Qing Dynasty (1644-1911). To resolve this apparent contradiction, scholars have
tended to characterize the Yuan as a major setback to Song development, forcing the Ming and Qing to essentially repeat trends first seen in the Song. As Smith and Von Glahn show, this too is predicated as much on ignorance of Yuan developments - and the separation of the field into Tang-Song studies on the one hand, and Ming-Qing studies on the other - as on any particular evidence of decline.³

To further unpack the understanding of the Song-Yuan-Ming transition as a “dark age,” it is worth considering some of the evidence marshaled. Some scholars attribute this decline to factors that transcended the state society divide. Some scholars identify an “inward turn” in philosophy and technological progress after the dynamism of the early Song.⁴ Others see a closing Malthusian trap: a slowing rate of technological progress combined with growing demographic pressures.⁵ I generally agree with scholarship that rejects both of these oversimplified notions. First, technological histories tend to overstate the degree of developments in the Song, and understate the importance of later developments; they tend to overstate the importance of “firsts” and underestimate the importance of processes whereby intellectual and technological developments spread.⁶ Second, statistics - whether the number of counties, tax

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quotas, or demographic figures - are notably unreliable for this period, and are not particularly good indexes of development anyway.

Of more immediate concern to this project are those lines of scholarship that attribute the decline to shifts in the relationship between state and society. On the one hand, a group of scholars have sought to explain a perceived decline in state power, seen as a reduced ability to govern grounded in the declining number of administrators-per-capita. They highlight the ways in which “the autonomous state of the eleventh century gave way to the autonomous elite of the late imperial era,” generally locating the most important transition in the Southern Song. Others detail the ways in which the state had difficulties continuing to function in light of its internal contradictions, and the heavy weight of governing a large polity with a small bureaucracy. More recent scholarship has questioned several premises of this argument. First, we must question whether premodern statesmen saw it as their role to dominate society; indeed, the

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11 See, for example, Huang, Ray. 1587, a Year of No Significance: The Ming Dynasty in Decline. Yale University Press, 1982.

appropriate extent of government influence is society remains a question to this day. Second, we should not read state-society relations as a zero-sum game; it was possible for both official and non-official actors to benefit from their relations both inside and outside of government.¹³

On the other hand, a group of scholars highlight the rise of autocratic monarchs and abusive officials who sapped or destroyed the dynamism of both the bureaucracy and local society, especially in the late Yuan and early Ming.¹⁴ This picture of autocratic will can be readily questioned from multiple directions. First, there is an old body of scholarship demonstrating the adaptability of Ming institutions; even if autocrats overreached, the effects tended not to be as lasting as might be assumed.¹⁵ Second, there is a newer body scholarship questioning the extent of autocratic reach in the first place; while emperors could exert strong influence over anything, they had difficulty exerting control over everything.¹⁶

My synthesis of these perspectives is two-fold: first, there was great continuity in developments through the Song, Yuan and Ming, broken up by several relatively brief disruptions; second, there was a substantial renegotiation of the relationships between local officials and local elites - one that reflected the growth of lineages as sources of non-governmental power, but that also maintained a hand of the state in the locality. Many activities.

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¹³ Lee, Negotiated Power, esp. 148-150.


performed by state actors in the eleventh century were transferred gradually into the hands of non-state actors by the sixteenth century; some of this was grounded in a philosophical shift, much of it was the product of repeated claims and counterclaims. Yet officials still maintained a strong presence in local society: they still collected taxes, and resolved disputes. I argue that much of this authority was now in the hands of the court system rather than manifest through the presence of administrators in every community, but the authority of the state still existed.

Continuities and discontinuities in lineage development

The second section of this dissertation takes up the question of lineage development in the longue durée, again without specific reference to forests as such. This brings me into conversation with two major inquiries in lineage studies: first, on the origins of lay family lineages; second, on the development of corporate lineages. The first is a question of when and how families without formal membership in the titled aristocracy (zhuhou 諸侯), or scholarly or monastic communities, developed the principles of continuous inheritance along the lines of paternal descent. The second is a question of when and how relatively simple family lineages built the institutions that enabled them to dominate their localities - large corporate properties, comprehensive genealogies documenting their membership, and family temples independent of the Buddhist and Daoist monastic establishments and state or community shrines.

Existing scholarship documents the emergence of lay lineages starting largely in the tenth century, and accelerating in the Song and Yuan. One body of scholarship ties this largely to social shifts. The destruction of the medieval aristocracy in the ninth and tenth centuries effectively ended the longstanding system of hereditary privilege that had determined the bounds of the elite
from the Wei (220-265) and Jin (265-420) through the mid-to-late Tang (618-907). With the restoration of political unity in the late tenth and eleventh centuries, the Song state did not create a new aristocracy, instead relying on competitive examinations to staff its administration. Elites in this new system still attempted to perpetuate their power and status through inheritance as much as possible. By the thirteenth and fourteenth centuries a new family system emerged, with inheritance and marriage practices that shaped the emergence of lay lineages.

Another body of scholarship ties the emergence of the lay lineage more closely to shifts in ritual and ideology. First changes in grave ritual in the eighth and ninth century made it common for extended kin groups to gather together for worship, leading to a growth of group identity among lay families. In the ensuing period from about 1050 to 1400, many of the core ideologies of lineage ritual practice and ritual hierarchy were developed. It is clear that a


“lineage orientation” emerged over the course of the late Southern Song (1137-1279) and Yuan periods.\textsuperscript{21}

My findings on the early stages of lineage development are overwhelmingly in keeping with the scholars cited above. First, I find the lineages in my region of focus overwhelmingly emerged between about 880 and 1400. In the first half of this period, a profusion of different styles of lineage are in evidence, including some dedicated largely to the transmission of titles or informal status, and other oriented more closely toward the perpetuation of grave-side worship of common ancestors. After about 1200, there is a clear emergence of a more uniform style of \textit{gentry lineage} tied to well-developed strategies to maintain elite status, and increasingly clear ideologies about the proper forms of ritual kinship.

The second major issue in lineage history is understanding the emergence of corporate features that made Ming and Qing lineages the dominant institutions in many villages in South China. The type of large, property-owning, internally-complex, well-documented agnatic kinship organization that I call a \textit{corporate lineage} was first described in the work of Maurice Freedman on the South Chinese Coast.\textsuperscript{22} Lineage studies took a significant turn when another anthropologist, James Watson, asked historians to engage with these anthropological descriptions. However, he presented \textit{corporate lineages} (which he termed “descent group organizations”) as the standard by which other lineages were judged, a standard not met by most

\textsuperscript{21} Bol, Peter K. “Local History and Family in Past and Present.” In \textit{The New and the Multiple}. Hymes, “Marriage, Descent Groups and Localist Strategy.” Hymes coins the term “lineage orientation” on p. 114.

early lineages. Although most of the institutional features of corporate lineages were displayed by some lineages before 1400, they were not widespread. Another seminal study from the same period, Hilary Beattie’s *Land and Lineage in China*, showed that corporate landholding and corporate management were not generally established until the second half of the sixteenth century, generally after a period of organization and genealogy compilation by a small group of lineage leaders. After this transition to corporatism, however, lineages became quite durable, surviving periods without exam-passers that would have doomed their Song predecessors. This corporate transition tended to ensure that the leading lineages in an area were generally well-established within a century of corporatization, generally in the seventeenth and early eighteenth centuries. Other researchers argue that it was only in the late Ming and Qing that lineages had any real impact on the interpretation and performance of the ritual norms developed in the Song.

More recently, scholars have questioned whether the features of lineages from the Song and Yuan had much of any influence on the formation of the lineages of the Ming and Qing (1644-1911). Scholars of the South China Coast - most notably Zheng Zhenman 郑振满 and Michael Szonyi working on Fujian, and Liu Zhiwei 刘志伟 and David Faure working on Guangdong - have argued that lineages in these areas emerged largely from hereditary responsibilities of a more economic nature. David Faure and Liu Zhiwei especially emphasize

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24 See Ebrey, “Early Stages.”


the need to meet hereditary tax burdens under the *lijia* 里甲 system (see Chapter 1). Zheng Zhenman develops a more universal theory of how corporate lineages form - including what he calls “power-subordination” lineages that form through the division of simple lineages into branches of unequal power, and “contractual lineages” that form through the agglomeration of formerly separate lineages. In their collective understanding, the “gentry” features of lineages - especially their claims to ritual normativity - appeared only later and had little impact on the formation of lineage institutions. In particular, they suggest that gentry lineage practices were often used as a veneer to hide non-Han or otherwise marginal ancestry and heterodox practices.

While my evidence shows timing and sequence of corporate lineage formation much in keeping with this scholarship, it also suggests several modifications to this framework. First, I find little evidence for the importance of either *lijia* responsibilities (re: Faure, Liu and Szonyi) or inheritance of economic privilege (re: Zheng and Beattie) for the formation of lineages in early Ming Jiangxi. Genealogy writing and other lineage formation processes in the early Ming were overwhelmingly guided by attempts to reconstruct materials lost in the wars of the Yuan-Ming transition *in order to restore ancestor worship*. In fact, lineages in Jiangxi appear to have widely flouted attempts to form them into households under the *lijia* system; their hereditary

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ritual responsibilities under existing lineage paradigms dominated and shaped state attempts to construct hereditary economic responsibilities even more than in the contexts documented elsewhere. Second, Ming lineages in Jiangxi not only represented themselves as continuations of Song lineages, they possessed documentation of these continuities. Both claims to continuity and evidence of continuity were critical to their identity and their processes of formation. Third, these lineages were generally formed through the agglomeration of pre-existing lineages, rather than through division processes. However, unlike many of the “contractual lineages” documented by Zheng, these agglomerations were guided principally by the desire to form complete ritual communities, not to meet economic imperatives.

In brief, the lineages of central Jiangxi in the Ming and Qing were largely formed through the attempts of multiple, related lineages to reconstruct Song and Yuan institutions by combining into higher-order lineage structure. This process began through the sharing of records, but led to coordination of multiple lineage branches to finance the three flagship features of corporate lineages: comprehensive genealogies documenting the merged kin groups, collective property organized into trusts, and free-standing ancestral temples. Therefore, both continuity and discontinuity were critical to the formation of these corporate lineages. Finally, I will suggest that these “old lineages” of central Jiangxi, and others with documented connections to the Song,30 established the “gentry” norms copied by the non-orthodox lineages of the Southeast Coast.

Commons, enclosure, and the specter of environmental decline

The best summary we have of the current state of the field in Chinese environmental history is Robert Marks’s *China: Its Environment and History*. In the Introduction, Marks raises “several paradoxes in this environmental history of China.” He notes that “the transformations of the Chinese environment not only were extensive but also caused episodic and longterm ecological damage” yet “the Chinese agricultural system turned out to be exceptionally sustainable over long periods of time.” 31 This is a paradox not only of the agricultural system, but of the forest systems as well. Yet this paradox has been treated unevenly in the existing scholarship. Surprisingly few scholars have followed Nicholas Menzies in asking the questions “were their conditions where forest management was practices under general conditions of deforestation?” and “what factors contributed to stable forest management?” 32

The great works of Chinese environmental history by historians overwhelming emphasize the destructive side of Chinese civilization. In *The Retreat of the Elephants*, Mark Elvin develops explicates two logics of environmental degradation, what he calls: “war and the logic of short-term advantage,” and “water and the costs of system sustainability.” 33 Elvin also argues that “a war against wild animals” was a defining characteristic of Chinese civilization. 34 This perspective is largely echoed in Marks’s work. 35 These two highly influential studies

31 Marks, *China: Environment and History*, p. 3.
33 Elvin, *Retreat of the Elephants*, Chapters 5 and 6; these arguments build on ideas he develops in earlier work, notably the collected volume Liu, Ts‘ui-jung, and Mark Elvin. *Sediments of Time: Environment and Society in Chinese History*. Cambridge; Cambridge University Press, 1998, and “Three-thousand years of unsustainable growth.” I tend to find “Three-thousand years” to be the more concise statement of these ideas.
34 *Ibid*, p. 11.
overwhelmingly emphasize environmental degradation driven by two tendencies of Chinese state expansion, and by a general biophobia inherent to Chinese civilization. On the other side of the coin is a body of scholarship, largely by anthropologists, that emphasizes another side of China’s paradoxical environmental history. Eugene Anderson and Francesca Bray have written on the remarkable sustainability of China’s agricultural system. Anderson and others have noted aspects of Chinese culture that tend to promote environmental awareness and preservation.

What explains this discrepancy between the historians’ and anthropologists’ perspectives? I think this can be found in the particular path dependencies of their respective disciplines. On the one hand, historians are influenced by a body of scholarship that developed to explain a China in political decline in the nineteenth and twentieth centuries. They are also highly reliant on essays complaining of state overreach on the one hand, and of inadequate regulation on the other. We must be careful to take these arguments at face value, given that their writers often set up one position as a straw man in order to promote their preferred policy outcome. On the other hand, anthropologists have been highly influenced by village studies of the same era, which

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tended to extrapolate extremely long-term sustainability on the basis of limited evidence. What these perspective have in common is a relatively high degree of engagement with environmental science, but surprisingly little engagement with environmental history written on the rest of the world. I believe it is useful here to engage with some of that scholarship.

First, studies on wood history outside of China give us a better sense of the range of possibilities and paths taken in forest management in response to wood scarcity and the growth of the market. On the one hand, there are contexts where state forestry has been portrayed as the dominant path, especially in Prussia and Japan. Historically, scholars have assumed that sustaining wood availability in scarce conditions relied on state forestry practiced along the Prussian model, although more recent scholarship has generally questioned both the reach of early modern state forestry and the extent to which it resembled “modern” forestry. On the other hand, scholars of southern Germany have emphasized the role that bottom-up processes played in the response to new pressures on woodland. They show that peasants often “invited the state in” to judge resource conflicts that exceeded their abilities to resolve locally. Finally, scholarship has documented numerous ways that small communities were able to manage their own wood supplies with fairly simple rules.

See, for example King, F. H. Farmers of Forty Centuries, Or, Permanent Agriculture in China, Korea and Japan. Madison, Wis: Mrs. F.H. King, 1911.


Second, there is a larger theoretical discourse over the ways in which communities control the use of common resources, including common woodland. For many years researchers implicitly or explicitly followed the assumptions laid out by Garret Harden in an influential essay on “the tragedy of the commons.” Hardin argues that where resources were held in common, each individual user would be inclined to overuse them leading to resource degradation unless an outside body (such as the state) stepped in to regulate. This theory has since been questioned, first by empirical research showing that communities could, in fact, manage their own shared resources; and second by the seminal work of Elinor Ostrom, who showed that the possibilities of self-governance were well-supported by game theory.

In contrast to the theory that common resources would tend to be overused, there is also a theoretical approach that suggests that common resources would tend to be underused. Drawing on comparative work on communities in Northwestern Europe with communal “open field” systems, and those with private enclosed fields, this school of thought suggests that private landowners have stronger incentives to maximize the economic productivity of their land. Therefore, common resources would tend to be underused for want of incentives. This theory has also been largely debunked by subsequent research showing that common land could be used efficiently as well. The culmination of these theoretical and empirical approaches is the suggestion that the specific conditions matter far more to the governance of common resources -


including common woodland - than generalizations about “state,” “private,” or “communal”
management. There is no single narrative that can describe the history of Chinese woodland, we
must look at it in terms of the institutions involved in claiming, managing and using woodland
and wood resources.

A brief history of woodland institutions in China

There were a number of important shifts in the control and extent of woodland up through
the midpoint of the Tang Dynasty (618-907 CE), the point where my narrative will commence.
These transitions have been relatively well documented in the existing scholarship, and are not
the main focus of this dissertation. Nonetheless, they are important background for this project -
to show earlier trends, and the ways in which the shifts after about 800 CE departed from the
longstanding patterns of environmental control to that point.

In very early times, before the process of empire-formation known as the Warring States
(c. 475-221 BCE), some woodland was claimed by noble estates, but most was part of the
“wilds” (shanze 山澤). Estate forests may have been set aside as parkland or other types of
enclosure; while these were largely written about as in terms of symbolic purposes like hunting,
they were clearly also used for production of multiple products.\footnote{Schafer, “Hunting Parks and Animal Enclosures.” 318–43, see esp. 333.} Wild land was theoretically
claimed by the king, but was effectively a common resource open to the populace as long as
they followed certain rules of seasonality and size of harvests.\footnote{Wilds were considered the provenance of the King, administered on behalf of the people, largely on the basis of the logic of the 
Tribute of Yu. Because Yu - the third of the three legendary sage kings - tamed the wilds, he was
owed their produce in tribute. Those inheriting his mantle as King likewise claimed the right to tribute from the
wilds. The famous passage on “limiting the seasons when the axes go into the woodland” from Mencius 1A.3 is
probably a backwards-looking nostalgia for the customary rules for commons use that prevailed prior to the Warring
States, when this text was written. See also Elvin, “Three-thousand years of unsustainable growth,” 16.} Yet despite later nostalgia for

\footnote{Schafer, “Hunting Parks and Animal Enclosures.” 318–43, see esp. 333.}

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probably a backwards-looking nostalgia for the customary rules for commons use that prevailed prior to the Warring
States, when this text was written. See also Elvin, “Three-thousand years of unsustainable growth,” 16.}
these early usage patterns, the classical states were probably very destructive of woodland, relying on the fact that it was still very plentiful.\textsuperscript{49} Indeed, the royal courts of the Shang processed between multiple locations, the better to tax and control large, spread-out populations, but also to leave behind their garbage and to allow overtaxed landscapes to recover.\textsuperscript{50}

The first major shift in this system came with the rise of bureaucratic states in the late Warring States period, culminating in the Qin conquest of all its rivals in 221 BCE. As Mark Elvin has persuasively argued, the Qin State, and later the Qin and Han Empires, used earlier discourses on royal control of the wilds to establish monopolies on products of the hills and marshes. They appropriated the estates of the nobility and opened them to yeoman farmers, or monopolized them to produce valuable and strategic goods like copper, iron, and salt.\textsuperscript{51} The Qin and Han war machines, and the physical construction of their imperial infrastructure, consumed huge amounts of wood; this included timber for palace construction and public works projects, and fuel for smelters, forges, and salterns, and the urban population.\textsuperscript{52} Yet while they expropriated the estates of other nobles, the Qin and Han imperial houses greatly expanded their own parks, building massive tomb complexes and enormous hunting reserves, and turning the hunt into a spectacle of violence and state power.\textsuperscript{53} They also started programs for tree-planting


\textsuperscript{50} Robert Marks, \textit{China: Its Environment and History}, 42.


\textsuperscript{52} Marks, \textit{China: Its Environment and History}, 63-70, 76-77.

and conservation in the imperial capital, and along imperial roads.\textsuperscript{54} It is likely that some regions were badly deforested to fuel the construction of armies and cities during these periods. More importantly, the establishment of a fixed capital at Xi’an almost certainly meant that its immediate hinterland became badly deforested to fuel the ongoing needs of a large, permanent population. Yet I find it is unlikely that areas outside the Wei River Valley were ever completely deforested.\textsuperscript{55}

This pattern of imperial monopolization was repeated during the expansionary periods of later empires, including the Sui and Tang; the Song; and to lesser degrees the Yuan, Ming and Qing. Yet the emphasis on expansionary state power in the existing literature tends to overlook or downplay two other phases in the dynastic cycle. During long periods of peace, and even gradual decline, state control of the wilds was both impractical and unnecessary. Direct monopolies controlled by officials in the spatial hierarchy of prefectures and counties (junxian 郡縣) was generally replaced by more limited claims placed in the hands of trade and finance officials (水衡, aka 虞衡); these focused principally on securing enough fuel for copper smelting and

\textsuperscript{54} Marks, \textit{China: Its Environment and History} 82, 86.

\textsuperscript{55} Robert Marks argues “As the population density...implies, most of the North China plain had been deforested by the middle of the Han dynasty, and perhaps much earlier.” Taking as additional evidence the planting of trees along roads and of fruit plantations on the hills of Shandong. Marks, \textit{China: Its Environment and History}, 86. I would argue, to the contrary, that North China could not have supported such a large population if it was completely deforested - significant wood supplies were required for fuel.
Most woodland almost certainly devolved to older patterns of common use, or were claimed by the noble estates that grew in power during periods of imperial decline. During these eras of peace, large swaths of territory gradually grew wood-scarce - probably driven by population expansion more than by major state projects. Yet here too, scarcity was relative: some types of wood became regionally unavailable, and wood products became expensive, but there was probably never an absolute absence of woodland. In addition, scholars almost certainly underestimate the regrowth of woodland during periods when the empires and population collapsed.

The second major shift in woodland governance came with the rise of monastic Buddhism and Daoism after the fall of the Han Dynasty in the third century of the common era.

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56 Both Marks and Mark Elvin emphasize the Qin and Han (and subsequent states’) claims to monopolies on wild lands. See Marks, Environment and History, pp. 83-6. Elvin, “Three-thousand years,” pp. 18-21. See also Menzies, Nicholas K. “Strategic Space: Exclusion and Inclusion in Wildland Policies in Late Imperial China.” Modern Asian Studies 26, no. 4 (October 1, 1992): 719–33. Note that many of these monopolies and taxes on woodland were limited in either spatial or temporal extent. For example, the Zhou Guan lists a tax on various woodland products; as of the very early Han (Gaozu Reign), edicts specified that this tax remained local, if it was ever collected at all. Somewhat later in the 2nd century BCE, control of the wild-lands was further relaxed, and transferred to the control of the government bureau overseeing revenue (the 水衡, aka 號衡). Subsequent notes on these bureaus are principally about coinage, which almost certainly meant that the state principally taxed woodlands near mine-heads, for the purpose of smelting ores. Again and again from the Han through the Tang, taxes and monopolies on woodland products were forgiven shortly after they were issued; the only persistent state monopoly was on mining, especially copper and salt mining. All these cases are drawn from Wenxian tongkao vol. 19.

57 Elvin cites a later prohibition from the Liu Song (that controlled South China in the 5th century CE) as evidence of an imperial monopoly on wild-lands (“Three Thousand Years,” 25). This order was a prohibition on non-imperial aristocrats monopolizing the use of forests and lakes; while the prohibition was made in the name of the imperial monopoly on these lands, in effect the order enforced the principle of common usage - i.e. the state had a de jure monopoly on woods, but it used this to protect their use as commons by the common people. Wenxian tongkao vol. 19.

58 Marks (China: Environment and History, 86 and elsewhere) and Elvin (Retreat of the Elephants, Ch. 2 and 3) both use complaints of wood shortage as indications of deforestation. Marks specifically downplays the importance of forest regrowth (109). Compare to Schafer, who notes that wood was cut from along capital roads “when firewood was dear and silk was cheap.” Recognizing the importance of price considerations, rather than total lack of wood, he argues that “medieval forests must still have seemed inexhaustible” and notes that many officials though reforestation programs were a waste of time (Schafer, Edward H. “The Conservation of Nature under the T’ang Dynasty.” Journal of the Economic and Social History of the Orient 5, no. 3: 299 300). As leading forest historians Joachim Radkau and Paul Warde have argued, fears of wood shortage do not necessarily imply an absolute lack of wood resources, and historians often underestimate the pace of forest regrowth. See Warde, Paul. “Fear of Wood Shortage and the Reality of the Woodland in Europe, c.1450-1850.” History Workshop Journal 62, no. 1 (2006): 28–57. Radkau, Wood: A History, 25-28.
In many ways, rural temples and monasteries’ use of woodland resembled that of noble estates, while urban ones simply factored into the broader urban wood consumption. In other words, rural temples set aside some woods as preserves, and used others a sources for their fuel, pasture, and timber needs. Yet there were two key differences between temple and noble estates: temples were often built on hillsides, rather than in agrarian plains; and monks possessed much greater managerial acumen and entrepreneurship than most noble houses. The combination of these two factors meant that temples tended to control a far higher percentage of woodland than nobles (due to their location), and to cultivate the woods for profitable trade goods, and as investments in small industry on their estates.\(^59\) Buddhists almost certainly imported both financial practices, and attitudes toward nature from India.\(^60\) These shifts extended beyond the temples themselves; managerial forestry and Buddhist-influenced conservation of nature became apparent on aristocrats estates as well.\(^61\) Finally, various types of religious figures were clearly involved in the expansion of settlement into the forested periphery, as commemorated through a special genres of literature on monks battling forest demons.\(^62\)

Arriving at the mid-Tang there were now three high-level institutions governing woodland: the state bureaucracy, the aristocratic houses, and the monastic establishments. In the immediate vicinity of the two capitals, Chang’an and Luoyang, the combined weight of imperial, 


noble, and temple needs almost certainly caused regional wood shortages; deforested zones probably spread along the major transport routes, and to other urban and zones in the North China Plain and the Lower Yangzi. Outside of these areas, large temple complexes may have caused local wood scarcity, but it is equally likely that they managed relatively steady supplies of wood production. Despite the growth in all these types of settlement and managed forest, the majority of the empire almost certainly relied on “the wilds” for their wood needs; patterns of common woodland subject to overlapping usage claims were still the norm.

All of these institutions persisted in later history, but after the mid-Tang two major institutional transitions led all of them into gradual decline: the rise of the market, and the emergence of the corporate lineage. Regional and national markets in woodland products, including bulk goods like lumber and fuel, appeared starting in the ninth century, and grew by fits and starts thereafter. The emergence of large, well-capitalized markets in a wide variety of woodland products increased incentives to specialize forest production, and decreased the need to obtain supplies locally. State agencies, temples, and individual families all shifted from autarchic attitudes toward lumber and fuel, to a trust in trade to provide. But if all parties shifted from self-supply to market purchase on the demand side, the transition in supply was less


64 Elvin, “Three Thousand Years,” 25-7. This is demonstrated most clearly by the two main laws governing woodland in the *Tang Code*: one specifies that woods are for common usage and should not be monopolized (“Monopolizing Profit From Mountains, Wilderness Areas, Shores and Lakes,” *Tang Code* 26, Article 405); the other specifies that once wood has been cut (i.e. in a common woodland) it becomes the property of whomever cut it (“Throwing Away or Destroying Utensils, Articles, Trees and Crops,” *Tang Code* 27, Article 442). For translations of these articles, see Johnson, Wallace, trans. *The T'ang Code, Volume II: Specific Articles*. Princeton, NJ: Princeton University Press, 1997, 469 and 503, respectively.

65 On the persistence of monastic protections, see Menzies, *Forest and Land Management*, 70-71. On the persistence of community forests, see Menzies, 78-9.
uniform. The production and transportation of wood (and most other products) came to be dominated by a single type of institution: the corporate lineage.

Corporate lineages emerged somewhat later than wood markets; though they came to dominate forestry, and aspects of the trade in wood products, they developed through a process that was not entirely focused on woodland. Commoner lineages first appeared during the late Tang as small groups of kin focused on ancestor worship at graves. Gradually, they expanded to control large - if often piecemeal - estates. Yet through the acquisition of people, property, and power, a principle of intergenerational *ritual* continuity was key to their claims, and central to the development of their management practices. The inheritance of ritual and property did not distinguish lineages from the other estate-holding institutions: noble houses maintained the pedigrees of their ancestors; imperial states claimed the mantles of their dynastic predecessors; even monks, who had no physical heirs, functioned around the transmission of patriarchies from generation to generation. Nor were lineage management practices a departure from the past; it is clear that they borrowed and built on the record-keeping, staffing, and financial administrations of the aristocracy, the state bureaucracy, and especially the monastic organizations.

The most important difference between lineages and these other institutions was their sheer prevalence; while the aristocracy, priesthood, and especially the imperium were - by their very nature - limited to small and exclusive elites, any commoner family could potentially form a lineage. By the Song, many families formed lineage organizations; by the late Ming, most did so. While only a subset of these lineages acquired large holdings and built corporate organizations, this still constituted a vastly greater number of institutions than the sum total of temple, noble, and imperial estates. The expansion of lineage control effectively ended several millennia of
common woodland usage in many areas, as lineages claimed forests for their exclusive purposes - a feat neither the bureaucratic state, nor the aristocracy, nor the monastic establishments ever accomplished. Corporate lineages were ultimately the form in which the managerial estate - and its extension into managerial forestry - spread to almost every village in South China.

**Structure of the Dissertation**

This project tells the story of South China’s woodland through two institutions: the state bureaucracy, and the commoner lineage. It is structured in three sections, each of which covers roughly the same period from 800 to 1600:

Part I - “Households and Villages,” documents the state’s attempts to structure local society for its own purposes. I will describe the last, and greatest, push of the state bureaucracy into the village and the local environment, and its subsequent decline. Chapter 1 - “Taxing Jiangxi,” focuses on the tax and survey capabilities of village administrations, showing the growth in state penetration in the Song, and its gradual decline through the Yuan and Ming. Chapter 2 - “Magnates and Magistrates” focuses on the Ming in particular, looking at how the decline of the state-mandated village administration pushed many administrative problems into the courts of law; in the courts, there was an apparent rise in “magnate” power that speaks to the growth of the lineage.

In this section, I will argue that the state never lost the will to tax and control local populations, or local landscapes. The shift to more indirect state presence in local communities was not driven by a philosophical “inward turn;” nor by an unprecedented growth in venality and corruption; nor by the weakness of Ming emperors or contradictions in the state bureaucracy. Local officials in the mid-to-late Ming were just as interested in village affairs as their
predecessors; indeed, they were highly innovative in adapting means of generating revenue and maintaining social control in changing contexts. Instead, I will argue that state-mandated institutions lost their penetration into village life through the combination of two trends: the loss of state control over the money supply, and the growth in independent lineage power and authority.

From the creation of state-mandated village authority in the Song, village headships depended on a compromise between the state and locally-powerful families - an exchange of formal authority in return for the implicit agreement to work on behalf of the state. These positions were always venal, and always patrimonial, but these tendencies were offset by the fact that even powerful families were quite dependent on state, temple, and gentry institutions: they relied on outsiders for documentation of their households and landholdings, for incomes and financial management, and for status. By the mid-Ming, magnate power was increasingly tied to lineage institutions, rather than state, gentry, or temple ones. While magnates still relied on the state and community to support their status claims, they no longer relied on outsiders for documentation and financing. To make matters worse for the state, informal contracts came to be accepted in court and non-official currencies for tax payments. The power of families was no longer as dependent on the implicit bargain to work on behalf of the state.

The push and pull between the growing independence of magnates and the continued interest of officials led to the effective demise of the state-mandated system of village-level oversight (the village-tithing system or lığıa 里甲), but this did not spell the end of village governance, or of state oversight. The village-level functions of the lığıa effectively shifted from a state-mandated spatial hierarchy to a lineage paradigm defined around the kin group and its
clients. Often the same people were involved, but they increasingly effected their roles differently. Tax payments were coordinated through the lineage, both among its members, and their tenants. Indeed, lineages continued to define some of their actions around state fiscal categories of “household” (hu 戶). Arbitration was often in the hands of lineage heads and lineage elders, people who often held the titles of village head (lizhang 里長) or village elder (lilao 里老) as well, making it unclear under what authority they heard the disputes. In issues where a more direct state presence was necessary, this was increasingly effected through a sub-bureaucracy of clerks and runners based in the county seat rather than in the villages, or through suits brought in the county court.

Part II - “Ancestors and Descendants,” follows the construction of lineage organizations, first as ritual groups, then as components of gentry society, and finally as independent corporate bodies. Chapter 3 - “The Lineages of Ji’an” takes a broad and cross-sectional approach to the history of lineage formation, using a large corpus of genealogy prefaces and a smaller number of complete genealogies to track the shift from small ritual lineages in the tenth and eleventh centuries, to larger ones integrated into the gentry society of the twelfth and thirteenth centuries, to the formation of corporate lineages in the fifteenth and sixteenth centuries. Because this chapter is drawn from a scattered array of sources, it does not make clear whether the lineages of each era were new formations, or continuations of earlier organizations. To examine questions of lineage continuity, Chapter 4 - “1000 Years of Ouyangs” looks at this same transition from the perspective of one especially well-documented group: the Ouyangs of Anfu County.

The principle goal of this section is to bridge two approaches to lineage studies, one focused on the ritual and philosophical aspects of lineage building, and another concerned more
with the social, political and economic behaviors of lineage institutions. In the past two or three decades, great progress has been made in understanding the complex relationship between lineages as groups performing ancestor worship, as corporate groups controlling land, and as mediators between bottom-up processes of social organization and top-down processes of social control. Yet as we will see, the 1350s represented a major break in lineage development. Until recently, the majority of scholarship has fallen on either the Song-Yuan or the Ming-Qing, with only a few works crossing these two periods. Therefore a second goal of Part II is to test claims - made by lineages, and by scholars of lineage - about the continuity or discontinuity of lineage formation between these two periods. I will attempt to follow developments between ideology and institutions, and over the longue durée.

I claim that ancestor worship was the root of lineage formation, and that it remained at the core of later lineage development as well. Lineages emerged in the first place from the gathering of kin groups at ancestral graves. The earliest traces of lineage formation are

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essentially evidence of grave worship, or of activities involving a large kin group. The majority of later-developing lineage institutions emerged from these practices: genealogy developed as a way of documenting ancestors and the kin group that worshiped them; trusts were a way of ensuring funds for building, maintaining and worshiping at graves and ancestral temples; the fusion of lineage branches stemmed from claims to shared ancestry, and desire to worship together. The centrality of ritual is also seen in the diversity of lineage forms, all of which have ritual aspects, but most of which do not feature the economic and political institutions associated with South China corporate lineages.

I will also document both real and claimed connections between Ming and Qing lineages and their ancestors in the Song and Yuan. In a few heavily-settled regions of South China, lineage institutions established in the Song and Yuan carried over into the Ming, albeit with a substantial interruption by the dynastic transition of the 1350s and 1360s. The continuity of claimed and documented ancestry, of ritual practices, and of connections to other gentry and kin groups conditioned the development of these “old lineages.” At the same time, the experience of discontinuity during the warfare of the 1350s inspired old lineages to tighten their contacts with one another, and to invest more heavily in institutions to help them perpetuate their ritual inheritance and social prominence in future generations. New-forming lineages borrowed heavily from the forms developed by old lineages, as did lineages that had been dispersed or destroyed by the late Yuan warfare. Thus, an understanding of the lineages of Ji’an - and other similar areas

69 See primarily Ebrey, “Early Stages.”
in Jiangxi, Zhejiang and Fujian - is key to explaining the connections and discrepancies between Song-Yuan and Ming-Qing forms of lineage organization.

Finally, Part III - “Forests and Trees” uses the histories of state and lineage institutions to reconstruct the history of South China’s woodlands. Chapter 5 - “Forest Economies” looks at indications of the growing markets in woodland commodities, and follows state attempts to control and tax their production and trade. Chapter 6 - “Grave Groves and Dragon Veins” follows lineages as they expanded their claims to exclusive use of woodland, largely through the use of ancestral graves.

In this section, I will intervene in the existing narratives of China’s environmental history to balance conceptions of deforestation and decline against depictions of remarkable sustainability. I will argue that forest cover almost certainly declined between the ninth century and the seventeenth, as some woodland was converted to farms and settlements. The frontier of old growth forest moved from northern Jiangxi to far southwestern Hunan and Sichuan over the course of these centuries. But within this frontier, there was an equally important trend to replant cleared woodlands with new forms of managed forest. Managed forest focused on certain uses: probably less hunting and pasture, less swidden agriculture, and certainly greater emphasis on producing lumber and other market commodities. This probably led to a shift in the species mix, with certain conifers greatly preferred for timber, and certain other species valuable for industrial purposes. Trees that did not fit into these categories were increasingly characterized as “miscellaneous wood” (zamu), and considered of little value.

Middle- and long-distance trade in a large and growing bulk and variety of wood products enabled regional specialization, both by making imports available, and by providing
markets for exports. Some areas specialized in timber production, especially in straight-growing conifers like “China fir” (shan 杉, principally Cunninghamia lanceolata);71 others focused on producing charcoal; and others grew paper mulberry (gou 槭, Morus papyrifera), tung (tong 桐, Vernicia fordii), lacquer (qi 漆, Toxicodendron vernicifluum), bamboo, or fruit. Managed forestry also regularized patterns of multi-year rotations for producing multiple products on the same woodland that were almost certainly adapted from earlier and more informal swidden practices.

The growth of lineage organizations was also key to specialization. Lineages were the main owners of (or claimants to) forest, and their persistent structures and long investment horizons made them well-adapted for production forestry. Lineages were also the main institutions investing in long-distance trade, as it developed from the Ming onward, with specialties developing in different market segments. Lineage trusts were used to finance investment in both production and trade, and lineage temples became important centers used for organizational meetings, fundraising, and to negotiate ties between distant lineage branches.

In the development of lineage forestry, most woodland was not claimed through the state’s official land registration system, but indirectly through the use of graves. Ancestral graves were long given implicit claims to limit lumbering of the surrounding woodland. In the Song,

71 In South China, shan refers principally to Cunninghamia lanceolata, but almost certainly including other species such as Cryptomeria japonica var. sinensis (aka Cryptomeria fortunii). Cunninghamia is often called “China fir,” and Cryptomeria “Japanese cedar.” These terms are misleading - neither species is currently classified as either a true fir (Abies) or a true cedar (Cedrus). Formerly, these and other species termed shan 杉 in Chinese were grouped together in the family Taxodiaceae. In current taxonomies, all but one of the former Taxodiaceae species (i.e. shan) are grouped in subfamilies of the greater cypress family (Cupressaceae). To further confuse matters, Taxodiaceae is included as a sub-family of Cupressaceae, but contains only a few of the species formerly grouped under this name. The shan/historical Taxodiaceae species are only distantly related to the “true cypresses” (bai 柏 in Chinese). Note that in North and West China, most species termed shan are in fact members of the fir genus (Abies, especially section Pseudopicea). Recent studies are mixed in their translations. A large number (including McDermott, New Rural Order) use “China fir,” following historical usage. Menzies (Forestry and Land Management) uses Cunninghamia, which I believe to be somewhat inaccurate, as it is often impossible to tell from context whether a tree is Cunninghamia or another morphologically similar species. I will use the Chinese shan to avoid confusing the issue further.
these protections became ensconced in law, but were limited to the immediate surroundings of the grave. Over the course of the Yuan and Ming, the growing power of a Neo-Confucian discourse that valued grave ritual, and a geomantic discourse that valued grave land, allowed lineages to extend taphological protections to broader areas. By the late Ming, graves were used not only to restrict the uses of large swaths of woodland, but also to claim these woods for the exclusive use of the lineage controlling the grave. Lineages used this type of litigation to effectively enclose land for economic purposes, in addition to their stated goals to protect graves and grave ritual. This development brings together the trends seen in the previous sections - the devolution of state power from the tax and survey system to the courts, the extension of lineage power from their ritual base at graves to the broader political and economic systems of their village environment, and the special importance of lineages to forestry.

The intertwined stories of the decline of state and commons forestry, and of the rise of lineage forestry are largely untold. Robert Marks and Mark Elvin - the authorities on Chinese environmental history - both hint at the growing power of lineage organizations after the Song; so too does Nicholas Menzies, the leading English-language authority on forest history in China. But due to lack of sources or methodological oversights, they fail to trace this insight to a logical conclusion, overlooking the importance of the lineage to forest management after about 1200.72

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72 Elvin notes “mountain cemeteries that were owned by kin-groups where the kin-group leaders ...[were] able to monopolize the profits for the kin-group organization, as distinct from its individual members,” (“Three Thousand Years,” 28) - identifying what I see as a critical process. Yet he also writes “The process by which these de facto commons were then converted into the private mountain land... is still to be studied.” (27). Marks does mention the lineage, but explicitly argues (in the context of colonization of the frontier) "regardless of who actually 'owned' the land the peasant family farmed...the decision-making economic unit was the Han Chinese peasant farming family..." while "the Chinese state provided the military muscle." (Marks, China: Environment and History, 148-9). Menzies devotes an entire chapter to “Clans, Communities and Commons” (Forest and Land Management, Chapter 5), and notes the “protection of important ritual sites such as ancestral graveyards,” (75) but has limited evidence. He notes in the introduction that at the time of his book “no continuous sources and records [had] yet been found which document one specific case of forest management.” (Forest and Land Management, 4).
Marks focuses his treatment of the period 1300-1600 on the frontiers - areas with substantial military presence, and relative lack of politically powerful private interests. This leads to an overemphasis on the state to the exclusion of other land-controlling institutions. Elvin implicitly assumes that Song usage patterns continued after about 1300, but with little technological progress following the end of the “medieval economic revolution.” He argues that this lead to a patterns of overuse and decline that he terms the “high-level equilibrium trap.” However, his work presents little evidence from this period, largely skipping from the Song to the Qing.

Other work has identified struggles between old lineages’ rights to upland forests, and new migrants’ claims to these resources in the eighteenth and nineteenth centuries. Still other scholars have noted that lineage forestry and fengshui were an important basis of forest

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73 Marks, China: Environment and History, Chapters 4 and 5. The later chapter is titled “China’s Borderlands, Islands, and Inner Peripheries in the Late Imperial Period, 1300-1800 CE.” This is a useful treatment based in the existing secondary work. However, I would argue that the peripheries are a special case without longstanding Han populations to resist over-expansion. To my mind, Marks overemphasizes the importance of the state.

74 For these claims, see Elvin, “Three Thousand Years,” 3-9. Elvin, Retreat of the Elephants, Chapters 2 and 3. Elvin, The Pattern of the Chinese Past, 298-315. In Elephants, Elvin specifically claims of the “Old South” - my area of focus - that “an important change of gear occurred during the medieval economic revolution in the centuries after about 900 C, but he presents evidence only from 336 and 1789, leaving a gap of 1400 years that includes the era where he argues for a transition (55-57). In “Three Thousand Years,” he does note the official removal of forest restrictions in the 1420s and 30s (27), and gives much more treatment to the Song (980-1279) in Pattern. Nonetheless, this period is largely a lacuna in his work.

management into the twentieth century.\textsuperscript{76} But these scholars have generally not discerned the origins of lineages’ grave-based claims or the circumstances of their emergence. With several notable exceptions, lineage studies have overwhelmingly focused on lineage involvements in temples rather than graves; and their investments in agrarian land and trade, rather than in forestry.\textsuperscript{77} This study will show the important role of lineages in governing woodland, and the importance of forestry in the process of lineage development. In doing so, I hope to bridge the environmental histories of early and late imperial China, and to connect this history to broader trends in the early modern world.


Part I - Households and Villages
In historical China there were two fundamental, local ways of organizing land and people: the household, and the village. Both of these were, at root, “natural” formations: households were groups of people, generally kin, living under a single roof; villages were groupings of households within the broader landscape. Both emerged through processes of division - as children left to form new households or siblings split their inheritance - and through processes of combination - as multiple families chose to live together, to collaborate or for protection. Yet throughout history, higher-level institutions sought to impose top-down order on these “natural” groupings, and bottom-up structures emerged as groups sought ways to govern their relations with one another. For their part, states sought to reify local structure to organize them for revenue purposes: to collect taxes on the land grouped under households and villages, and to command the labor of their inhabitants. Communities, in turn, manipulated these groupings to make their own claims on resources, and to request resolution of disputes.

To understand the claims that these multiple layers of institutions made on resources and the demands that they made on one another, it is useful to work through the lowest-level structures. I suggest that there are two principle windows onto the structuring of households and villages: the tax system that tried to extract revenue from them, and the courts that resolved disputes between them. Therefore, before inquiring into the specific demands that people placed on woodland, I will the begin by looking at changes in the structure of local society, through its households and villages.

I will argue that the greatest transition in the structure of local society came in the Ming, when the state lost much of its ability to dictate the terms along which households and villages formed. Prior to the Ming, states were fairly successful in governing the grouping of people and
land into households, and of households into villages. They did this by licensing village leaders
as their official intermediaries, by developing strong documentation of populations and
landholdings, and by enforcing rules requiring these documents as evidence in court. For
commoners to have their bottom-up demands for aid and arbitration heard by officials, they had
to frame them in terms of the top-down categories imposed by the state.

In the Ming, this social contract was broken, and state-imposed structures of household
and village were warped to other ends. Individual families kept their own records of land and
people, and obfuscated state surveys. Now, rather than commoners depending on state records as
evidence in court, the state increasingly relied on families to ensure tax collection. Officially-
mandated terms for household and village were still used, but the social structures they described
were increasingly dictated by the internal dynamics of private families, rather than the external
impositions of cadastral surveys. With the balance of power in the village shifted in their favor,
families were increasingly able to take over state courts for private purposes.

In these two chapters, I will describe the devolution of state authority over local groups.
First I will show the states declining ability to survey people and land for the purposes of
taxation. Second, I will show the failure of state-mandated forms of local dispute resolution, and
the process by which families used state courts for their own ends. Neither of these spelled the
total eclipse of state power, but it did largely remove state presence from villages to county seats,
and effectively ended state governance over the structures of households.
Chapter 1 - Taxing Jiangxi: Tax Policy and Oversight in the Old South
Seen in retrospect, the Ming Dynasty's land tax and registration system was complex and convoluted. This was the outcome of centuries of institutional path-dependence and localized adaptations to changing circumstances, interrupted by occasional attempts at systematic reform. If we view it instead in context of its institutional inheritance and contemporary circumstances, the system actually makes a great deal of sense. The most important taxes were the land tax (*tianfu* 田賦) and labor tax or corvee (*chaiyi* 差役 or *yaoyi* 徵役; the land and labor taxes were collectively called *fuyi* 賦役). Additional "tribute" or “direct supply” in specialty products (*gong* 貢; *shanggong* 上供), and miscellanies levies (*ban* 辦) were effectively included under the corvee. Finally, there were a number of state monopolies on goods like tea and salt (*ke* 譲), in-kind and cash levies on shipments of goods (*choufen* 抽分, *shangshui* 商税), and excise taxes on things like notarizing contracts and changing household registration.\(^78\)

Despite the apparent complexity, it is clear that each of these categories was intended to provide key goods and services to the state, or to tax an otherwise untaxed sector of the economy; they can effectively be split into taxes on land, taxes on population, and taxes on trade and other activities. For local governments, the land tax, and especially the corvee, were the most important sources of revenue. To enforce taxes on land and labor the state relied on village-level oversight, primarily through the village-and-tithing system (*lijia* 里甲) that grouped each of ten leading households (*li* 里) with a “tithing” of ten ordinary households (*jia* 甲) to rotate tax collection and corvee duties on a decennial basis.\(^79\)

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\(^{78}\) This summary is developed from Huang, Ray. *Taxation and Governmental Finance in Sixteenth-Century Ming China*. Liang, Fangzhong. *Mingdai fuyi zhidu* [The Ming Dynasty tax system]. Beijing Shi: Zhonghua shu ju, 2008. Heijdra, Martin “The socio-economic development of rural China during the Ming Dynasty.”

Most of these categories of tax were established in the late Tang, and continued with various modifications through the Song and Yuan into the Ming and Qing. Starting in the late Tang, each subsequent dynasty increased its reliance on the area south of the Yangzi River (Jiangnan 江南), a region where the landscape was less regular and landholding patterns less equal than in the North. The late Tang form of land tax started with reforms to move away from household taxes that assumed equal-sized landholdings (juntian 均田), to taxes that varied with the size and quality of landholding.\(^{80}\) The Song made substantial improvements on the land surveys to further ensure collection of taxes.

The Tang, Song and Yuan also featured rapidly rising commercial and industrial economies; in response, administrators innovated monopolies and commercial tariffs to benefit from these sectors, and increased state control over mines and mints to better control the monetizing economy. In times where land and commercial taxes failed or were insufficient, these state relied heavily on monopolies to make up the difference. The late Tang state relied quite heavily on the salt monopoly to make up for shortfalls in the land tax.\(^{81}\) The Song Dynasty depended on growing iron, porcelain and textile industries; major innovations in monetary policy; and monopolizing the tea-and-horse trade to pay its expanding bureaucracy and army.\(^{82}\)

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Yuan rulers - like their Tang and Song predecessors - relied heavily on monopoly revenues, possibly a factor in the rebellions that ended the dynasty.83

For six and a half centuries, from the 780s until the early 1400s, strong states relied on their land surveys to generate a large revenue base, and increased their interventions into the markets for further incomes. Especially during periods of weakness, they relied on monopolies. This changed markedly in the Ming, when the court lost control of the currency in the early 1400s - first to hyperinflation of government paper, and then through a shortage of copper to mint coins. As a result, the Ming became very reliant on a large but stagnant land tax, with limited ability to profit from monopolies or trade tariffs. When shortfalls occurred, they were generally made up by increasing direct levies collected through the system of corvee. Yet Ming cadastral records also went through a protracted stasis starting around 1420, at least in the South.

By the mid-to-late 1400s, village-level tax collection through the lijia was little more than a fiction, greatly curtailing officials’ abilities to assess the corvee and its various surcharges. In response, officials began to assess these levies in cash instead of labor and goods, and to collect them at higher and higher levels of abstraction from the households and villages themselves.

By the end of the Ming, the government was left with a tax system that was based almost entirely on landholding surveys that were almost two centuries out-of-date, a substantial amount of which was collected in silver bullion, whose exchange rates were largely out of state control. Despite the fact that the mid-to-late Ming featured a large and booming market economy, despite the fact that the government largely relied on the market to supply needed goods, the state was largely unable to capitalize on two centuries of commercial and industrial growth. Nonetheless, I

will argue that we should see the Ming tax system as a success in the face of two almost unprecedented shifts in the economy: the huge international supply of silver, which defeated state attempts to control the money system or set stable rates of exchange; and the rise of corporate family groups, which defeated state attempts to survey land and people to keep pace with demographic and agrarian expansion.

Sources and approach

This chapter will trace the development of the tax system and cadastral surveys with a focus on Jiangxi, in the old south. To this point, the tax system has largely been understood from the perspectives of the capitals, and the history of economic development has focused on the booming commercial region of Jiangnan (a loose term that generally applies roughly to the southern half of the Ming Southern Metropolitan Region 南直隶 and sometimes the northern half of Zhejiang Province). This work describes important trends, but I believe largely overlooks the critical locus of tax reforms. Ming tax policy shifted focus away from commercial taxes and industrial monopolies that had been so important in the Tang, Song and Yuan. These taxes did not disappear, but the court had substantial problems regulating and profiting from the


85 Huang, Taxation and Finance, as well as his related chapter in the Cambridge History, remains the primary work in English. While a very useful text, the perspective is overwhelming that of the imperial center, and it looks primarily in retrospect from the late 1500s. I find Heijdra, “Socio-economic development,” and Liang Fangzhong, Mingdai fuyi zhidu, much more useful, but both give only scattered evidence from the provinces.
markets - especially those in Jiangnan.\textsuperscript{86} As noted above, the focus shifted overwhelmingly to land.

**Figure 1.1 - Jiangxi Province in relation to the rest of South China**

To understand the evolution of the land tax, and especially the corvee and its surcharges, I suggest that we look at a setting where these were major components of the revenue stream, a place like the wealthy interior south. Jiangxi, the province at the heart of South China, has a particular advantage: a substantial regional documentary record. This archive includes a large

\textsuperscript{86} The state made continuous attempts to update official rates of exchange between different currencies, and official prices for goods. On the one hand, this was an attempt to keep pace with inflation - to ensure that the state’s revenues did not decline in the face of changing prices. On the other hand, it was an attempt to prevent graft by officials (or eunuchs) underpaying for goods - a practice that tended to make merchants loathe to sell to the state, and that made it harder to obtain needed supplies. See *Ming History* - Monograph on the economy.
number of county and prefectural gazetteers from the late 1400s and early 1500s, a relatively early province-level gazetteer (the Jiangxi sheng dazhi 江西省大志 of 1597) and a set of Complete tax registers (fuyi quanshu 賦役全書) from 1611. With the notable exception of Huizhou, no other region boasts a comparable set of extant tax records from the Ming; unlike the Huizhou archive, there is relatively little work using the Jiangxi sources. This set of records allows me to compare anecdotal evidence to statistical data, with enough data points to trace change over time.

As I will show, places like Jiangxi - and nearby provinces like Zhejiang and Fujian - posed a particular problem to surveyors and tax collectors; they were full of large, wealthy, corporate families built around the lineage paradigm. These corporate lineages controlled large amounts of land and labor, and had the organizational and political clout to impede attempts to survey their holdings to increase or redistribute the tax burden. Left with few alternatives, administrators looked for new ways to maintain their revenues in the face of this opposition. Ultimately, they removed tax governance from the hands of village-level organizations that could be dominated by lineages, to the county seat, where they built new bodies of financial specialists. This was generally not enough to impose new forms of taxation on the thriving commercial and industrial sectors, but it was sufficient to maintain earlier levels of tax revenue from the agrarian base.

As we will see in later chapters, the loss of official oversight in the village had other consequences for the state’s ability to manage the landscape. But for revenue purposes, these

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87 For a somewhat out-of-date list of Jiangxi gazetteers, see Jiangxi, sih fan da xue. Jiangxi sheng difang shi zhi ziliao xuanji. 1985. See the bibliography for a complete list of the gazetteers used in this study.

reforms were enough to keep the Ming state solvent through huge economic and social shifts. Furthermore, lineages that wanted their claims to farmland supported in court still had to register the land with the state; by basing taxes on land - the primary source of lineage wealth - the late Ming system was probably more equitable than earlier attempts to tax based on household composition. 89

Precursors to the Ming tax system, 980 to mid-1300s

Similar imperatives and a surprising degree of long-term institutional continuity made the basic structures of the Ming tax system quite similar to previous dynasties dating back to the Tang, if not earlier. The fundamentals of taxing a large and predominantly agrarian population meant taxes were primarily levied in grain, cloth and corvee labor, and assessed at the household level. In order to establish quotas and organize the proximate collection of tax payments, the state - through its local agents - had to survey both land and population. Statistics from these cadastral surveys are extant as far back as the Western Han (206 BCE - 24 CE). For their part, farmers had strong incentives to manipulate their household registration to lower their tax burden or avoid taxes entirely. Surveys tended to be most accurate early in dynasties, followed by periods of tax avoidance and fiscal difficulties, followed by surcharges leading to even greater tax avoidance. These dynamics of survey, taxation, resistance and evasion were historically universal, but key shifts in economic conditions led to major changes in the tax paradigm over time.

Three interrelated trends massively transformed the East Asian economy in the six centuries before the Ming: demographic expansion and shift southward, market integration and development, and the rise and fall of copper- and paper-currency issues by strong state treasuries. Between 750 and early 1550, the population of China expanded enormously, and its center of gravity shifted south and east from the North China Plain toward the Lower Yangzi. Expanded demographics and technological change - particularly the advent of multi-cropping rice, but also improvements in water control, porcelain, textile and iron manufacture - created a larger surplus and promoted commercialization. To meet the liquidity needs of a larger economy - and to better derive tax revenues from it - the state ramped up its production of currency. The growth in the money supply continued in the Ming, but largely outside of the control of the state. These shifts meant that the Ming governed an empire very different than the Tang, Song and Yuan Dynasties before it. Yet it inherited many of their financial institutions. Before looking in detail at changes during the Ming, we should first examine the longer history of taxation, land surveys and local oversight.

The first steps toward monetization of taxes and their collection as surcharges on the land tax took place long before the Ming. In the early Tang, the main set of taxes forwarded to the central court assessed grain, labor and cloth levies (zu-yong-tiao 租庸調) on the household as functions of its working-age populations. The tax could be assessed on the size of the household, rather than on the size of the landholding because the state redistributed land between households every generation under the so-called Equalized Field System (juntian zhi 均田制). This worked fairly well in a labor-scarce environment, especially in the very flat region of the North China

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Plain where land was easy to redistribute. But population growth, tax avoidance and migration led to problems with this system, especially in the mountainous South. Administrators modified the system to take account of the different sizes and productivity of landholdings. These changes culminated in the switch to the Twice Annual Tax Method (*liangshui fa* 餘稅法) in 780, which assessed taxes based on landholdings - although they were still collected at the household level. From this point forward all grain and cloth taxes were assessed based on acreage rather than population. Corvee levies and miscellaneous requisitions were still assessed as household taxes (*hushui 戶稅*) based on both the size and wealth of the household.

These two systems - a twice-annual land tax based on acreage, and a household tax based on population and wealth - were the foundations for the fiscal systems of the Song, Yuan and Ming Dynasties, all of which collected similar levies. The biggest changes to the tax system in the Song came with the massive expansion of state minting and monopolies, and the expansion of goods production. Partially in response to major monetary crises in the late Tang, the Song vastly expanded its production of copper coins. This allowed the state greater control of rates of exchange, which further buttressed its ability to collect taxes. We can see this in figures from the late eleventh century, when the summer tax was about half cloth, and equal parts grain and

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91 A shift to land-based taxation that may have already been in place in parts of the south. Twichett, *Financial Administration*, 32-3.


This applied to direct supply (shanggong 上供) as well, a set of requisitions assessed in luxury goods and local specialities, but paid largely in cash. In the Ming, these figures would look very different as the state lost control of the currency.

Figure 1.2 - Registered households in four Song circuits, 1080-1223

The Song also had a very effective system of surveys and household registration. As we will see in later chapters, this was tied in part to the importance of officially-stamped documentation in resolving land disputes: if parties wanted their claims respected, they had to have registered their land, giving a strong incentive to do so. From these figures, we can see

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94 The autumn tax was almost entirely grain and fodder. Calculated from Liang Fangzhong. Zhongguo lidai hukou, tiandi, tianfu tongji. Shanghai: Shanghai renmin chubanshe : 1980, 289. Note that this given in mixed units in the original, and not converted to a single denomination, but the units for each good are within the same order of magnitude of value so it provides a useful approximation.

95 About 35% thread and 15% finished cloth, and slightly less than 30% each grain and cash. Liang Fangzhong Lidai hukou, tiandi, tianfu tongji, 299.

96 This is seen, for example, in cases in the Minggong shupan qingming ji, v. 5-7. See also Chapters 5 and 6.
that in the Song and Yuan the household registration figures consistently rise.\textsuperscript{97} Overall the sense is that these figures are at least roughly keeping pace with population increase. This would imply that the institutions responsible for compiling population surveys were highly effective, from the prefecture and county down to the village. This would not be the case in the Ming either.

\textsuperscript{97} Data based on Liang Fangzhong Zhongguo Lidai Hukou, Tiandi, Tianfu tongji, pp. 89-208. I have chosen not to include the Tang figures because Tang administrative units do not accord with Song and post-Song administrations. All of Jiangxi's prefecture-level administrations were created by the end of the Northern Song, although new counties continued to be added after that, so the Song-Yuan-Ming-Qing period is more comparable. The only two exceptions were Xingguo Commandery and Nanfeng Sub-prefecture, both of which had brief existences in the Song or Yuan as separate administrations before being recombined with Ganzhou and Jianchang Prefectures, respectively.
Ming structures of taxation and local control, late 1300s

In the first few decades of the Ming Dynasty, it appeared that the state of affairs from the Song and Yuan would largely continue apace. Administrators surveyed the land and population and compiled cadastral records, a combination of pre-Ming continuities and new policies promulgated under the first three emperors. There are no extant early Ming registers from Jiangxi so we will have to rely on documents from elsewhere demonstrate this process in action, although enough tax figures survive from mid-Ming sources to infer some changes in retrospect.

The Fish-Scale Registers

Starting in 1368 - the first year of the dynasty - some localities began to compile Fish-Scale Registers (yulin ce 魚鱗冊) that depicted the sizes, shapes, and types of landholdings. In some cases these took as much as a decade to complete; in others they were completed much faster, likely an indication that they relied on pre-Ming records. This was almost certainly the case in the river-lands of northern Jiangxi, where surveys were completed by 1370. The rest of the province was reported completely surveyed by 1375. The instructions were to "draw the shape of the plot of paddy, farmland, forest or pond; and record the name of the original owner.

98 All extant early Ming cadastral records, including Yellow Registers, Fish-Scale Registers and the precursor Household Receipts (hutie 戶帖) are from a small number of localities in Huizhou and the Southern Metropolitan Region (modern Suzhou Province). See Luan, Xiancheng. Ming Dai Huang Ce Yan Jiu. Di 1 ban. Beijing Shi: Zhongguo shehui ke xue chu ban she, 1998. These locations, especially Huizhou, also have a preponderance of early Ming deeds that reference cadastral records.

99 Liang Fangzhong, Mingdai fuyi zhidu, 5-8.

100 Jin Zhongbo, Mingdai lijia zhi yu fuyi zhidu zhi guanxi ji qi bianqian [The Ming Dynasty lijia system, tax system, their relationship and changes], Taiwan: Zhongguo wenhua daxue shixue yanjiu suo 1985, 11-12.
and the present owner” (圖畫田地山塘段樣，開載原業某人，今業某人). The seventeenth-century historian Gu Yanwu noted the importance of official categories of land: “whether state or private land, whether high or low, whether fertile or barren, whether forest or pond; all these details were to be noted beside the diagram.” (或官或民，或高或圩，或肥或瘠，或山或蕩，逐圖細注). As we will see, there were major tax implications underlying the specification of whether a plot was state-owned (guan 官) or private (min 民); assigning it one of the four major categories - paddy (tian 田), dry-land (di 地), forest (shan 山, often translated “mountain land”) or pond (tang 塘 or dang 蕃); and assessing its productivity.

The Yellow Registers

Simultaneous to the compilation of Fish-Scale Registers documenting land by plot, Yellow Registers were compiled recording population and landholdings by household. In 1368, an edict ordered local officials to collect population records (hukou banji 户口版籍) that had been dispersed to private households. Two years later an edict ordered people to take up their corvee responsibilities as before, and another one to compile and post “household receipts” (hutie 戶帖) recording the names and ages of everyone in the household and their property. Gradually, some localities began to compile their own Yellow Registers until 1391 when an edict ordered empire-wide compilation of these records. By this point, every locality

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101 Liang, Mingdai fuyi zhidu, p. 6, quoting the Jiajing-edition Pujiang [County] Draft Gazetteer 嘉靖浦江志略.

102 Gu Yanwu, “Chang city” 常鎮, Tianxia libing shu 天下郡國利病書, 7 “Changzhen,” quoted in Liang, Mingdai fuyizhidu. 11. Note that this passage supports my decision to translate shan 山 as “forest” rather than “mountain” in this context. Gu has already specified one category related to topology - high (gao 高) or low (wei 低, literally “poldered/diked”, i.e. below water-level); it would be redundant in this context for shan to mean “high” or “mountainous” - clearly it refers to the usage of the land. Shan means “forested” in contrast to tang which means “swampy.” These refer to the four major official categories of land.

103 Liang, Mingdai fuyi zhidu, 18-22. Luan, Mingdai huangce.
was expected to have both Fish-Scale and Yellow Registers. These would serve as the mutually-
reinforcing warp and woof of administrative oversight - one recording the owners next to the
diagrams of land, the other recording property below the names of their owners.\textsuperscript{104} Of the two,
the Yellow Registers were by far the more important for tax collection; Fish-Scale Registers were
important for resolving disputes over land boundaries, but had less immediate impact on tax
collection. Yellow Registers would also require more frequent revision to account for births,
deaths and household division; by the original edict they were to be revised every ten years.

\textit{The Village-Tithing System}

The third key aspect of local taxation and control was the organization of households into
groups under the village-and-tithings (\textit{lijia} 里甲) system. Like the two sets of cadasters, the \textit{lijia}
emerged from longstanding local practice made national by edict in 1381.\textsuperscript{105} The \textit{lijia} was based
on village systems inherited from the Southern Song system by way of the Yuan, and ultimately
from Wang Anshi’s mutual-responsibility groups (\textit{baojia} 保甲).\textsuperscript{106} Theoretically, each village
group was to consist of ten leading households (\textit{li}) consisting of those with the highest combined
labor force (\textit{ding} 丁) and crop yield (\textit{liang} 樣), and one-hundred normal households grouped into
ten tithings (\textit{jia}). In practice, they often were incomplete - containing less than one-hundred and
ten households from the outset - or contained supernumerary ones - generally those without land
of their own. Village groups were further placed within a hierarchy of wards (\textit{tu} 園 or \textit{li} 里)

\textsuperscript{104} Ming History 77.
\textsuperscript{105} Veritable Records of Ming Taizu, 135; cited in Jin, Mingdai \textit{lijia} zhi, p. 10.
\textsuperscript{106} For more detail on the transformation of the system from Song to early Ming, see Itō, Masahiko. \textit{Sō Gen Gōson Shakai Shiron: Minsho Rikōsei Taisei No Keisei Katei} [Historical essay on Song-Yuan village society: the formative process of the early Ming \textit{lijia} system]. Kyūko Sōsho 89. Tōkyō: Kyūko Shoin, 2010.
generally consisting of one or two *lijia* groups, and townships (*du* 都) consisting of multiple wards, and finally reporting to the county (*xian* 縣). In certain areas, especially urban zones, other names and irregular hierarchies were used. As Timothy Brook argues, these designations were the result of repeated attempts by the state to impose hierarchies on emergent communities, especially what we might call “natural villages.”

Within the village-tithing group, households were to rotate responsibility on a decennial basis, with one leading household acting as village head (*lizhang* 里長, also “hundreds captains”) and ten tithing heads (*jiashou* 甲首) on duty each year. Initially, the village and tithing heads were mostly responsible for collecting and transporting the grain tax, as well as for incidental duties like dispute resolution.

With the these three overlapping institutions in place providing records of land and population, and a hierarchical sub-county administration, the Ming state quickly developed the capacity to tax and oversee the countryside down to the village, and even the household level. The village-tithing groups were the critical locus of control. The central state only appointed officials at the county level and above: the magistrate, assistant magistrate and education official at the county seat were its most local representatives; unlike in previous dynasties there were no officially appointed clerks or functionaries. All other positions in the local bureaucracy - both at the county seat and in the villages - had to be filled through the village-tithing groups. Local administrations were also expected to be self-sufficient. Only a small percentage of tax grain

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107 Brook, *Chinese State in Ming Society*, 19-35.

108 Jin, *Mingdai lijia zhi*, 72-3. He quotes Qiu Jun, *Daxue yanyi bu*, 31.6 “If there are disputes among the people, they all fall under the purview of those on [lijia] duty. In resolving the village’s military and craft [responsibilities], judging evidence in lawsuits, capturing fleeing [criminals], and investigating the causes of [criminal] occurrences, in all cases make use of the village head on duty that year.” (民間有所爭鬨，皆在見役〔里甲〕者所司。惟清里軍匠，質證爭訟，根捕逃亡，挨究事由，則通用排年里長焉).

109 There were a few other officially-mandated local positions like tax captaincies (*liangzhang* 里長) that worked in parallel to the *lijia*. But the tax captains, as their name suggests, were almost exclusively used for tax collection, while the village heads on duty were tapped to provide a much wider array of goods and services.
remained local and this was mostly intended for famine relief and price-stabilization; other local needs - everything from wax to arrows to postal horses - had to be supplied by other tax levies. In practice, this meant that the village and tithing heads were tapped to provide a wide range of highly specific goods and services: door guards and scribes - and ink and paper - for the government offices; porters and boats for grain transportation; uniforms and weapons for local military outposts; and salaries for local officials. Village heads were also responsible for ensuring that the hereditary craft households appeared for service - either locally, at a princely estate, or at one of the two capitals. Early in the dynasty these burdens were relatively light, except in areas with major public works projects like the Grand Canal. But administrators quickly realized that it was far easier to increase levies on the village-tithing groups than to make changes to the land tax.

Direct Supply and increased tax burdens, early 1400s

The first Ming emperor was very careful to keep corvee and requisitions at a low level throughout his reign, cognizant of the social hazards of heavy taxation widely blamed for the demise of the Yuan Dynasty, but this circumspection did not last long. The third emperor Zhu Di built a new capital in Beijing, reopened the Grand Canal, and launched massive fleets to show the flag in Southeast Asia; levies of craftsmen and goods increased manifold. The ensuing tax increases were mostly categorized under the terms “tribute” (gōng 貢) or “direct

110 These examples are drawn from mid-Ming gazetteers from Jiangxi, but evidence is that they were widespread.
111 Liang, Mingdai fuyi zhidu, 63.
supply” (shangggong 上供), but were collected through the village-tithing groups. Earlier “tribute” had followed precedent and mainly collected local specialty goods; now it became a major tax burden in its own right.113

It is important to note that the increase in levies was not just a function of spendthrift emperors or corrupt officials. The direct imposition of in-kind taxes was guided at least in part by the runaway inflation of the officially-mandated paper currency. By 1425, paper money circulated at 2% of its face value, taxing in cash would have lost the state major revenue in real terms. To meet their needs, state agencies simply had to directly requisition the goods and services they needed. Many categories of corvee and direct supply that appeared in the early decades of the fifteenth century were clearly oriented to local and ordinary needs of governance, including traveling money for examination candidates, food and decorations for rituals and feasts, repairs to administrative buildings, and the regular clerkships and office supplies noted

112 Jin, Mingdai lijia zhi, p. 73 quotes Zhang Huang, Illustrated Encyclopedia, "Supplement on matters related to Jiangxi corvee levies," which says “All direct tax payments and expenses aside from those paid from the land tax are listed under the village-tithing groups (lijia). This means that all the village units of a county are responsible for them.” See also note 37 below.

113 Liang, Mingdai fuyi zhidu, p. 63; Jin, Mingdai lijia zhi p. 74. Both quote Gu Yanwu, Tianxia junguo libing shu: "There are three categories of annual supply: the first are supply by annual levy, the second are supply by additional requisitions (i.e. general requisitions above the quota), the third are supply by occasional requisitions (i.e. requisitions for specific events). The old records say they do not know the origins [of these]. They started more or less during Yongle when the capital was moved (i.e. in the first decade of the 1400s), when there were levies by quota and additional requisitions (paiban), they were all paid annually by the village-tithing groups of the six counties. In 1501 there were first occasional requisitions of bricks for the walls and related items...” See also note 37 below.

114 Von Glahn, Fountain of Fortune, 74.
This trend can also be seen in the large number of state-run workshops that opened in the first half of the fifteenth century.\textsuperscript{116}

\textit{The extent of early Ming tax avoidance}

Regardless of the rational basis of direct supply levies, they represented a rapid increase in tax obligations that produced major social effects. A disproportionate share of the tax burden fell on the households on duty - especially the village heads - creating strong incentives for them to avoid this position or pass the burden on to others. According to a mid-1400s memorial from Sichuan, the single household of the village head (\textit{li}) was personally responsible for three-tenths of these requisitions, the ten tithing households (\textit{jia}) split the remaining seventy percent.\textsuperscript{117} It is not clear whether this figure applied in other areas as well, but indirect evidence does suggest that the levies on village heads were generally quite high. The village-tithing system implicitly assumed that the ten head households were equally able to meet this burden. This assumption was likely inaccurate from the outset, and became more so as the fortunes of the ten head

\textsuperscript{115} These examples are all drawn from mid-Ming gazetteers and JXFY. It is almost certainly true that levies increased substantially in the first half of the 15th century. However, the tendency to attribute this solely to wasteful emperors and evil eunuchs and officials is clearly a legacy of early Qing historians trying to explain the fall of the Ming - a legacy that persists to varying degrees in even the best modern scholarship. It is both a product of the intellectual biases of that time, and of a perspective privileging the actions of the court. Careful consideration of the actual content of these levies suggests that local needs probably exceeded central ones as a proportion of expenses.

\textsuperscript{116} Starting in the Yongle Reign (1403-1424)...in accordance with civil engineering needs, there were five big workshops - two for lumber and fascines, two for tiles and bricks for the inner court’s use, and one for firewood and reeds; and five little workshops - one for woodworking, one for metalworking, two for silk-working, and one for leather-working; and for repairing storehouses there was additionally a northern kiln, a southern kiln and an ironworks” (永樂後...按營礱所需木植磚瓦，有大五廠，曰神木廠，曰大木廠，【即箇鹿房廠】堆放木植，兼收柴薪。曰黑窯廠，曰琉璃廠，焼造磚瓦，及內府器用。曰壙基廠，堆放柴薪，及炭市場。又有小五廠，曰營礱所、木工。曰寶源局、金工。曰文思院、曰工孫廠、俱統工、曰皮作局、革工並隸管廠官。外修倉別設三廠，曰北窯廠，曰南窯廠，曰鐵廠，主範金合土之內後備。) \textit{Ming Huidian, 190.}

\textsuperscript{117} \textit{Ming Yingzong Veritable Records}, 332.1. Quoted in Jin, \textit{Mingdai lijia zhi}, 75.
households changed. There are widespread reports of families fleeing the *lijia* or manipulating their household status to avoid this burden.\textsuperscript{118}

Population records from Chaling Sub-prefecture 茶陵州 on the Jiangxi-Hunan border shows this pattern in effect (see Table 1.1).\textsuperscript{119} In the interval between 1391 and 1412 - the period of greatest increase in direct supply requisitions related to the movement of the capital - the registered population and number of households both drop precipitously. The decline in registered population (62.4\%) is much greater than that of registered households (30.6\%) - likely an indication that families were hiding working-age males (*ding*) to avoid being classified as leading households responsible for village head duty. At the same time, albeit in the longer interval from 1368 to 1412, the number of village-tithing units declined by 48\%. This probably shows the merging of village units to ensure enough of a leadership to collect taxes as households fled or avoided this responsibility. This was while registered land - and therefore the land tax quota - remained relatively even and the corvee and direct supply quotas increased, leaving a substantial tax burden on the households that remained on the books - 43\% higher assuming no increase in non-grain levies, but probably more like two to three times the earlier burden.


\textsuperscript{119} JJCL, 11. Note that Chaling was technically in Hunan in the Ming (as it is today), but its pattern was more like that of central Jiangxi. In previous dynasties, Chaling repeatedly switched between the administration of Changsha (in Hunan) and Jizhou/Ji’an (in Jiangxi). I have found no such data on village-tithing units from Jiangxi proper.
Table 1.1: Registered land and population, Chaling Sub-prefecture (Hunan), 1368-1432

<table>
<thead>
<tr>
<th></th>
<th>1368</th>
<th>1391</th>
<th>1412</th>
<th>1432</th>
<th>Change to 1432</th>
</tr>
</thead>
<tbody>
<tr>
<td>Households</td>
<td>12568</td>
<td>8722</td>
<td></td>
<td></td>
<td>-30.6%</td>
</tr>
<tr>
<td>Population</td>
<td>56563</td>
<td>21283</td>
<td></td>
<td></td>
<td>-62.4%</td>
</tr>
<tr>
<td>Villages</td>
<td>100</td>
<td>52</td>
<td></td>
<td></td>
<td>-48.0%</td>
</tr>
<tr>
<td>Land (qing)</td>
<td>2783</td>
<td>2719</td>
<td></td>
<td></td>
<td>-2.3%</td>
</tr>
</tbody>
</table>

How general was this trend? Five prefectures in Jiangxi report population figures for 1391 and 1412 (see Figure 1.2). Three prefectures - Fuzhou, Jianchang and Ganzhou - show similar patterns to Chaling. Two prefectures - Yuanzhou and Jiujiang - showed a slight increase or very small decline in both registered population and registered households. Finally, Nanchang Prefecture - the seat of the provincial capital - shows a substantial increase. It is unsurprisingly an outlier from the rest of the data. This suggests that in many areas - especially areas with substantial pre-Ming populations - there was a widespread flight from corvee and direct supply obligations in the first two decades of the fifteenth century, a trend that appeared somewhat later in portions of the province.

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120 Closer inspection reveals that this is mostly due to the effect of just one county. Nanchang County in Nanchang Prefecture had the largest population, the greatest increase (until 1442), and was the site of both the prefectural and provincial government offices. The other counties in Nanchang reported flat population figures throughout the first half of the 1400s.
Table 1.2: Registered population, 6 Jiangxi prefectures, 1391-1412 (Chaling provided for comparison)

<table>
<thead>
<tr>
<th>Prefecture</th>
<th>1391</th>
<th>1412</th>
<th>1422</th>
<th>Change 1391-1412</th>
<th>Change 1412-1422</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jiujiang</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Households</td>
<td>15200</td>
<td>14911</td>
<td></td>
<td>-1.9%</td>
<td></td>
</tr>
<tr>
<td>Population</td>
<td>78278</td>
<td>77600</td>
<td></td>
<td>-0.9%</td>
<td></td>
</tr>
<tr>
<td>Nanchang</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Households</td>
<td>196948</td>
<td>220761</td>
<td></td>
<td>12.1%</td>
<td></td>
</tr>
<tr>
<td>Population</td>
<td>1110444</td>
<td>1124119</td>
<td></td>
<td>1.2%</td>
<td></td>
</tr>
<tr>
<td>Fuzhou</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Households</td>
<td>228575</td>
<td>239607</td>
<td></td>
<td>4.8%</td>
<td></td>
</tr>
<tr>
<td>Population</td>
<td>1201797</td>
<td>961741</td>
<td></td>
<td>-20.0%</td>
<td></td>
</tr>
<tr>
<td>Jianchang</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Households</td>
<td>114493</td>
<td>93346</td>
<td></td>
<td>-18.5%</td>
<td></td>
</tr>
<tr>
<td>Population</td>
<td>513126</td>
<td>292736</td>
<td></td>
<td>-43.0%</td>
<td></td>
</tr>
<tr>
<td>Yuanzhou</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Households</td>
<td>63998</td>
<td>64995</td>
<td></td>
<td>1.6%</td>
<td></td>
</tr>
<tr>
<td>Population</td>
<td>379236</td>
<td>407197</td>
<td></td>
<td>7.4%</td>
<td></td>
</tr>
<tr>
<td>Ganzhou</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Households</td>
<td>82036</td>
<td>88050</td>
<td>47135</td>
<td>7.3%</td>
<td>-46.5%</td>
</tr>
<tr>
<td>Population</td>
<td>366265</td>
<td>380702</td>
<td>189379</td>
<td>3.9%</td>
<td>-50.3%</td>
</tr>
<tr>
<td>Chaling</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Households</td>
<td>12568</td>
<td>8722</td>
<td></td>
<td>-30.6%</td>
<td></td>
</tr>
<tr>
<td>Population</td>
<td>56563</td>
<td>21283</td>
<td></td>
<td>-62.4%</td>
<td></td>
</tr>
</tbody>
</table>

Figure 1.4 - Prefectures of Jiangxi (with Ji’an highlighted)
Market recovery and commutations of the land tax, mid 1430s and 40s

By the 1430s the paper currency had completely failed, but the market had had some time to recover; in particular, increased silver mining in the southwest began to show inject liquidity into the economy. These changes led to the first in a series of major major commutations of taxes - allowing taxes denominated in one form to be paid in another. These commutations were initially local, generally attempts to reduce the tax burden or make it easier to pay by collecting it in locally available products. Both land taxes and the direct supply levies paid under the corvee tax were commuted in this way. As early as 1393, parts of Zhejiang, Jiangxi and Fujian were allowed to send their summer tax in cash instead of grain or cloth. Shortly thereafter northern Jiangxi, Zhejiang and Songjiang Prefecture were allowed to pay their fall tax in cotton instead of grain.

These localized commutations from one in-kind tax to another started to shift more markedly with the uptick in the economy and the increased supply of silver starting in the 1430s. Beginning as localized reforms in the Southern Metropolitan Region in 1433, portions of the grain tax were allowed to be commuted to silver, in part to avoid the expense and labor of shipping large volumes of grain. In 1436, government stipends in the Southern Metropolitan Region, Zhejiang, Jiangxi and Huguang were converted to silver, and commutations were

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gradually expanded from there.\textsuperscript{123} These allowed most of the south to ship portions of their grain tax in silver bullion at an initial exchange rate of one tael of silver per four piculs of grain.\textsuperscript{124}

In addition to these commutations on farmland, ponds and forests generally paid their land tax in cash or grain rather than in products they actually produced,\textsuperscript{125} although a range of forest products were also collected under the grain tax. A number of other products - mostly dyes and oils - were initially collected in-kind, under the land tax. These included mercury, Chinese gromwell, cinnabar, black plums, alum and lead (for the state dye-works); and raw lacquer, tin, yellow wax, red-worked copper, ox tendons and tung oil (for the furniture works). By 1611, they were largely commuted to cash, although the specific history of the commutation is largely opaque.\textsuperscript{126}

In any case, the commutation of the land tax was the first step in a series of conversions from in-kind to cash that began the process of fiscal rationalization. This was not at all unprecedented: since at least the Tang, it had been common to collect portions of both land tax and corvee in cash. At the same time, by setting official, empire-wide exchange rates the state opened the door to the collection of profits based in the differential between the mandated exchange rate and the exchange rate based on market transactions. Under previous dynasties, the state treasury had enough control of the money supply to ensure that most of these seigniorage profits accrued to the state. After the first two or three decades of the Ming however, the state lost control of the money supply as the market was inundated with silver bullion and privately

\textsuperscript{123} Huang, \textit{Taxation and Government Finance}, 138-9; Von Glahn, \textit{Fountain of Fortune}, 75.

\textsuperscript{124} Jin, \textit{Mingdai lìjià zhì}, 67.

\textsuperscript{125} The \textit{Ming Huidian}, 24 lists “cash rents” (zuchao 租鈔) collected in Jiangxi at the outset of the dynasty. Based on information from gazetteers and the \textit{Jiangxi Province JXFY} from 1611 it is clear that these cash rents were primarily collected from forest properties; ponds more frequently paid in grain or cloth.

\textsuperscript{126} These examples are drawn from JXFY 1.
minted bronze coins, meaning that its real revenues would fall without constantly-updated surcharges.

The extent of the problem is only partially clear from central accounts: by the 1440s it was already impossible to maintain a single rate of exchange for the different regions of the empire; by the 1490s, the state had to impose “wastage charges” (huohao 火耗) - raising the effective exchange rate from 0.25 to 0.6 taels of silver per picul of rice - to make up for the loss of real revenue due to inflation. More than ever before, cash and silver conversions became opportunities for local power-holders to extract their own seigniorage profits based in their superior access to currency markets. In the fifteenth century there was already marked difference between access to currency for long-distance transactions and for local ones; despite the widespread use of silver and private coin, much of the interior south experienced “currency famines.” This meant that a few well-capitalized families were the only ones with ready access to the silver needed for tax payments, and they could extract substantial profits from the exchange.

**Stable land tax, problematic corvee**

Despite these problems, the land tax was relatively equitable - by definition families with more land paid more tax. It was also less sensitive than corvee to changes in the number of registered households - the state just had to make sure the land was registered to someone to tax it, whereas corvee depended on assessing the relative wealth of households and assigning them to village-tithing units. This is reflected in the fact that land tax quotas established early in the

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dynasty remained more or less the same until a major resurvey in the late 1500s. Finally, the land tax was exclusively managed by the Board of Revenue which was relatively well-structured to oversee both cash and in-kind payments. All of these conditions made it comparatively difficult to embezzle land tax profits, although landlords and officials certainly found was to do so.

The picture of the land tax given by extant figures is remarkable stability that undoubtedly belied real changes in cultivated acreage. Four prefectures showed changes by more than 10% from the 1391 baseline: in Nan’an, the registered acreage declined by more than 20% from the early dynasty figures, and stayed low; in Guangxin it declined and subsequently recovered; in Jiujiang, there was a fairly consistent increase in registered land; only in Ganzhou did the figures shift repeatedly, indicating an active administration. Everywhere else, the 1391 figures were modified only slightly, and subsequent figures were simply copied (see table 1.3 and below).
By contrast to the land tax, corvee - and the associated direct supply levies - came under the purview of a wide and disparate array of administrative units, including offices under all Six Boards, the Imperial Household Department, various princely estates and the local prefects and magistrates. The grain tax (and salt tax) were the main engines supplying the court and military garrisons, but more specialized or regional administrators relied on corvee and direct supply to provide needed goods and services. The complex meshwork of overlapping institutions and lack of a single oversight body made it comparatively easy for officials to add levies of all kinds - including ones to line their own pockets. Worse still, these taxes were assessed on the village unit rather than on the household, which also meant that the tax burden could easily become uneven.

We have already seen that corvee and direct supply requisitions grew burdensome in the first twenty years of the fifteenth century, and that flight from the tax rolls was already visible by the 1410s. This only increased the burden on the households remaining in the village-tithing registers - and increased the incentives for the village heads to find the means to pass these burdens onto others, frequently their tenants.
Solving the corvee problem, mid 1440s to 1530s

Starting in the mid-fifteenth century, a series of reforms attempted to even out the corvee burden. They attempted to solve two problems with the corvee levies: the uneven distribution between households, and the *ad hoc* addition of surcharges. As Qian Qi 錢琦 wrote of Xiajiang County 峽江縣 in central Jiangxi in the 1440s:

Some villages have no more than two or three tithings (of the expected ten), some tithings have no more than one or two households (of the expected ten). There are even villages without a single tithing, and tithings without a single household. Every year the provincial treasury invariably collects miscellaneous taxes according to the old quotas. One village often takes on many villages' levies, a household often takes on several households' corvee. Requisitions are excessive and goods and labor are insufficient.

For about a century, officials tried to resolve these problems with corvee assessments with two sets of tools: redistribution of quotas between households and village-tithing units, and conversion of parts or all of these quotas to silver surcharges. In the long term, these reforms tended to succumb to the same two problems that prompted them in the first place: demographic change and tax avoidance gradually rendered quotas uneven, and inflation and collection problems led to tax shortfalls and the imposition of new surcharges. Nonetheless, at least by the early 1500s, the constant reforms of this era appear to have maintained cadastral data better than during the massive tax flight of the 1420s and 1430s.

1430s-1450s: “Equalized Corvee” and silver surcharges

The first attempt to even out the corvee system was called the “Equalized Corvee Method” (*junyao fa* 均徭法). It was innovated by Ke Xian 柯暹 while serving as Magistrate of Yongxin and Jishui Counties in central Jiangxi the late 1430s and early 1440s. It essentially

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129 Qianqi 錢琦 “Long memorial on pittyng and renewing the counties,” [Yongzheng] *Jiangxi tongzhi*, 藝文 **
grouping together all the miscellaneous levies added to the corvee in the early 1400s and assessing them evenly across each registered household. This theoretically resolved the problem of new levies falling disproportionately on the village heads. Key to the policy was the compilation of a new set of cadasters compiled detailing each household’s population of working-age males (ding) and grain production (liang) to set quotas for these levies.130

Through the efforts of provincial official Han Yong 韩雍, the reforms were promoted across Jiangxi by 1452, after opposition delayed an earlier attempt by Xia Shi 夏时 in 1443.131 The ideas had already begun to spread elsewhere: in 1444 equalized corvee reforms were made in Guangxi Province; in the mid-1450s they spread to Sichuan and probably the Southern Metropolitan Region; a single individual - Zhu Ying 朱英 - was responsible for spreading the concept to Guangdong, Fujian and Shaanxi in his tours as province-level official in the mid-to-late 1450s. Zhejiang Province was a relative latecomer but still adopted the policy by 1465. Thereafter records specified four types of corvee levy (sichai 四差), each assessed by household within the lijia - the three older categories of village-tithing (lijia, primarily for tax collection labor), militia (minbing 民兵) and postal service (yizhuan 驛傳), and the new category of “equalized corvee” (junyao) which consisted primarily of service at the local government office.132

The other major reform of the 1450s was a conversion of certain levies from goods or labor to silver payments. Han Yong, the same official that promoted Equalized Corvee, was one

130 Deng, Zhihua. “Ming Zhongye Jiangxi Difang Caizheng Tizhi de Gaige (Local Fiscal Reforms in Mid-Ming Jiangxi).” Zhongguo Shehui Jingji Shi Yanjiu 21, no. 1 (2001), 2. Note that this article lacks page numbers, so I have numbered it sequentially from the first page of the article.
131 Liang, Mingdai fuyi zhidu, 228. Liang notes that this date is uncertain; Deng Zhihua, “Ming zhongye,” 2, cites 1445 instead.
132 Liang, Mingdai fuyi zhidu, 228-30.
of the first to do so. Initially this silver surcharge only applied to certain ritual expenses, but by the early 1500s many of the corvée levies categorized as village-tithing were now assessed in silver, called “public expense silver” (gongfei yin 公費 or “post-board silver” (banbang yin 板帳). These reforms were supposed to resolve on of the biggest problems with corvée - that it removed many of the most productive laborers from their farms - by requisitioning silver instead, allowing farmers to stay on the land and officials to hire workers to replace them. Nonetheless, the burdens of monetized corvée - like those of actual labor service - fell disproportionately on certain families.

1460s-1530s: “Equalized Silver” and “Ten Sectors” reforms

At least two different attempts were made to fix problems with uneven silver-based surcharges. Between 1465 and the 1530s, officials in one Shaowu County of Fujian tried to resolve these inequities by redistributing the number of tithings (jia) in each village. After several iterations, this method was promulgated throughout the province in 1535. In Jiangxi, officials tried to fix the same problem by recalculating surcharge rates that accounted for the population and landholding of each village unit - called “equalized silver” (junping yin 均平). Both of these systems of recalculation ultimately fell behind, as normal demographic processes and more active means of tax avoidance made the new groupings unequal. Again, the combination of avoidance and inflation led to revenue shortfalls, which drove new surcharges, and new rounds of recalculation. As a later retrospective notes "The

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133 Deng, “Ming zhongye,” 1.
134 Liang, Mingdai fuyi zhidu, 279-80.
135 Liang, Mingdai fuyi zhidu, 268-9.
‘equalized silver’ surcharge [previously assessed at 6 taels per village-tithing group] slowly increased to twelve or thirteen taels. Villagers fled and in successive years their accounts went into arrears." (均平银后渐增至十二、三两，里甲逃亡，递年拖欠).  

Of the two, the Fujian method was probably more effective because it was far easier to shift existing tithing groups than to resurvey land and population. In 1505, a survey to regroup the tithings into villages also resulted in a key shift: they changed the ten-year rotation of payments to a single annual surcharge. To ease in the calculation, each year’s charge was assessed on one sector of the county, making ten sectors for the ten years of the cycle; this was called the Ten Sector Method (shiduan fa 十段法). This Ten Sector Method may have been the inspiration behind a similar set of reforms in Jiangxi that effectively did away with the village-tithing groups entirely, instead imposing the corvee as a single annual surcharge on the entire county. The major innovation was to assess it as a surcharge on each picul of grain collected through the land tax, effectively ending the need to redistribute burdens between the villages: “In 1522 Inspecting Censor Ge Gaiyi took the prefectures statistics on population and grain production (used to calculate the corvee burdens) and divided it by the ten years [of the corvee rotation]. In Ji’an Prefecture, this yielded an annual surcharge levied at 0.35 taels per picul. It was called ‘village-tithing equalization.’” (嘉靖初年巡按盛都御史奉勘曷改益，将一府丁粮分作十年，吉安府每年每石派银三钱五分，名曰里甲均平). This also had the effect of ending a surcharge imposed on Yongfeng County to subsidize the village-tithing fees of the other counties in Ji’an.  

137 Nie Bao 聶豹, ”Reply to administrator Guo of Dongguo, part 4 of 4,” Shuangjiang Nie xiansheng wenji 雙江聶先生文集, 8. Quoted in Liang, Mingdai fuyi zhidu, 274-5.  
138 Ibid.
The Ten Sectors Method and Village Tithing Equalization reflected the changing understanding of households, tithings and villages as *tax accounts* rather than natural social formations - an understanding that farmers already employed in manipulating their household registration to lower their tax rates. These marked the turning point in mid-Ming tax policy - away from the repeated attempts to even quotas by redistributing them at the village and household levels, and toward attempts to assess them on the county as a whole. This was a critical watershed. And even the regular redistribution of tax burdens should be considered evidence of a proactive local bureaucracy. In every retrospective account, the previous set of reforms is portrayed as a failure thanks to the clarity of hindsight. Yet there is evidence that each series of reforms was key in maintaining at least a minimum of household registration, and led in important ways to the next set of reforms.

*The effectiveness of corvee reforms*

To get a sense of the function of mid-Ming tax reforms in maintaining some accounting of village populations, I will turn to survey data from ten Jiangxi prefectures between 1391 and
1542 (Figures 1.5A and B). There are two take-aways from this data: first, that there is a large and nearly universal hole in the records between 1412 and 1462. The fifteenth-century gap covers most of the period between the activist administrations at the beginning of the dynasty and the beginnings of major tax reform around the turn of the sixteenth century; it is not entirely clear what happened to these records.

139 Only Ganzhou and Nanchang have records from this interval. There are in fact landholding records available for two of its ten counties in this interval, Yudu and Xinfeng, both of which had exceptionally small amounts of registered land - around 850 qing for Yudu and around 400 qing for Xinfeng. Note that Ganzhou was still a frontier region, and one with a substantial non-Han population. It was almost certainly a hardship post, and therefore drew activist and upwardly mobile administrators - the type that would be most inclined to maintain good records - including Hai Rui 海瑞, quoted below. Ganzhou also had a continuous shortage of registered land and population. Nanchang and Ganzhou also had by far the greatest increase in land registration following the land resurvey of 1581 (see Table 1.3 below), and Nanchang continued to increase population registration while all other prefectures showed a drop-off. Also note that most records of tax reform stem from just two prefectures - Ji’an and Nanchang. Strangely, neither has gazetteers extant from before the Single Whip Reforms and land resurveys. Nanchang’s gazetteer from shortly thereafter (1586) does have particularly excellent retrospective statistics, while Ji’an’s gazetteer from the previous year has almost no statistics from before the Single Whip Reforms. Nanchang’s statistics in the JXFY are also particularly excellent (see Chapter 2). In any case, it is likely that Nanchang and Ganzhou were both hardship posts for most of the Ming and attracted proactive administrators, resulting in denser statistical records.
Second, cadastral figures in the late 1400s and early 1500s evidence the shifting understanding of households and village-tithing units as tax accounts rather than as social formations. Reforms restored a useful number of accounts, and then transferred these burdens along with the accounts rather than trying to keep up with changes in the composition of families and villages. This understanding is reinforced by another set of statistics giving the number of village units in each county between a similar set of dates. This data (given as prefectural totals

[Registered population, 10 Jiangxi prefectures 1391-1542]

[Registered households, 10 Jiangxi prefectures, 1391-1542]

\[\text{Figures 1.5A and B - Population and household statistics, 10 Jiangxi prefectures}\]

\[\text{Based on prefectural gazetteers as listed in the references. Note: the Fuzhou landholding data is almost certainly off by an order of magnitude in the source. It has been modified to reflect this.}\]
Table 1.4 below) shows minimal changes in the village units except in three prefectures - Ji’an and neighboring Linjiang, both of which drop by a bit more than 13%; and Guangxin, which increases by a marked 53.4%. Unlike the early 1400s, when huge populations fell off the cadastral records, records from the late 1400s and early 1500s maintained more or less constant figures - and fairly constant tax payments. Despite the numerous problems with commuting corvee to silver payments, these reforms appear to have succeeded in maintaining the tax rolls through a century of substantial economic and social change.

Table 1.4: Village units by prefecture, Jiangxi, circa 1460 and 1570

<table>
<thead>
<tr>
<th>Prefecture</th>
<th>circa 1460</th>
<th>circa 1570</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jiujiang</td>
<td>82</td>
<td>82</td>
<td>0.0%</td>
</tr>
<tr>
<td>Nanchang</td>
<td>1566</td>
<td>1720</td>
<td>9.8%</td>
</tr>
<tr>
<td>Nankang</td>
<td>216</td>
<td>217</td>
<td>0.5%</td>
</tr>
<tr>
<td>Fuzhou</td>
<td>1345</td>
<td>1453</td>
<td>8.0%</td>
</tr>
<tr>
<td>Jianchang</td>
<td>523</td>
<td>495</td>
<td>-5.4%</td>
</tr>
<tr>
<td>Raozhou</td>
<td>1162</td>
<td>1237</td>
<td>6.5%</td>
</tr>
<tr>
<td>Guangxin</td>
<td>472</td>
<td>724</td>
<td>53.4%</td>
</tr>
<tr>
<td>Ruizhou</td>
<td>600</td>
<td>604</td>
<td>0.7%</td>
</tr>
<tr>
<td>Linjiang</td>
<td>1086</td>
<td>936</td>
<td>-13.8%</td>
</tr>
<tr>
<td>Ji’an</td>
<td>2225</td>
<td>1924</td>
<td>-13.5%</td>
</tr>
<tr>
<td>Yuanzhou</td>
<td>494</td>
<td>494</td>
<td>0.0%</td>
</tr>
<tr>
<td>Ganzhou</td>
<td>359</td>
<td>358.5</td>
<td>-0.1%</td>
</tr>
<tr>
<td>Nan’an</td>
<td>63</td>
<td>66</td>
<td>4.8%</td>
</tr>
</tbody>
</table>

The Single Whip Reforms, 1550s to 1580s

Despite the repeated reforms of the previous century there were still numerous problems with the corvee system. Indeed, officials’ reactions to the corvee situation in the 1550s sound much like their predecessors’ reactions in the 1430s. As Xu Jie 徐階 wrote in the mid-1500s, “In Jiangxi they are not troubled by the land tax, they are troubled by corvee.”

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141 Based on prefectural gazetteers. The dates vary by location, but in each case a figure is chosen from 1460 +/- 20 years and for 1570 +/- 20 years.
Part of the problem stemmed from the continued use of the old village system, which despite reforms was badly in disrepair. Hai Rui 海瑞, magistrate of Xingguo County in far southern Jiangxi, made a report in 1563 that likewise sounded much like those of the mid-1400s:

Prior to 1551, [Xingguo County] still had forty-four villages, today it only has thirty-four. After arriving at my post, I exhausted my strength canvassing them and was able to arrive at forty villages. But there are many half-villages, or even villages with only one, two or three parts in ten. Counting according to the decennial rotation, there should be five-hundred seventy-seven people, but there are now only four-hundred thirty-two people [registered]. Among them, there are village heads without tithing heads, tithing heads in charge of only one or two households, and households with only one or two people.

All the previous reforms quickly regressed to the same problems with grouping together households and villages, even as they began to show the way toward a more abstract way of calculating tax payments. This ultimately led to a reform called the “Single Whip Method” (yitiao bianfa 一條鞭法). This Single Whip Method was essentially a combination and extension of the previous set of reforms, grouping all corvée payments under a single heading and assessing it as a surcharge on the entire county. By the time Hai Rui served as magistrate of Xingguo it had already been put into practice in other parts of Jiangxi; it was thereafter spread

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143 Hai Rui 海瑞, "8 proposals from Xingguo [County]" 興國八議, Hai Rui ji 海瑞集, 1. Quoted in Deng, Zhihua. “Ming Houqi Jiangxi Difang Caizheng Tizhi de Baihuai (Failure of the Local Fiscal System in Late Ming Jiangxi).” Jiangxi Shifan Daxue Xuebao: Zhexue Shehui Kexue Ban 9 (2003), 1. For a similar assessment from around the same time, see Liu Guangqi 劉光淇, “Long memorial on corvee levies,”差役疏, WLNC 25. Quoted in Liang, Mingdai fuyi zhi, 296.
throughout the empire largely by the action of a few enthusiastic officials, including Liu Guangji and Hai Rui themselves.\textsuperscript{144}

The work of Liang Fangzhong in the mid-twentieth century is largely responsible for clarifying our understanding of the Single Whip Reforms. He reveals that it, like previous policy changes, began locally; as with Equalized Corvee, Jiangxi was a key incubator of these ideas. Liang attributes the origination of this bundle of policies to a series of essays submitted to the Board of Revenue by the scholar Gui E 桂萼, a native of Raozhou, Jiangxi. His memorial argues:

For the Yellow Registers to be equitable, every county must combine their total population and production figures and divide them into ten parts, with each year responsible for one part, carried out evenly and not according to the annual quotas established in the Yellow Registers. Furthermore create a comprehensive register combining the figures for each prefecture. Each prefecture likewise takes each county's population and production figures and calculates their fair share [of the tax burden] to be recorded and requisitioned according to the present [figures] for each county.

Gui E’s \textit{Investigations in Service of the People} (\textit{renmin kao 任民考}) apparently also included essays on "clarifying diagrams," (probably a reference to the Fish-Scale Registers) "clarifying registers," (the Yellow Registers) "establishing military and craft households," "increasing [registered] land," "temple land," and "compiling and inspecting corvee," only the last of which is partially extant and quoted above.\textsuperscript{146} Gui’s ideas were not immediately put into place, but were

\begin{flushleft}\textsuperscript{144} Hai Rui has a very interesting place in history. He - along with Qiu Jun 邱濬 - was one of two preeminent statesmen to come from the far southern island of Hainan during the Ming. He is best known for his principled opposition to the Jiajing Emperor during the Great Rites Controversy - the political furor over the emperor’s decisions to posthumously enshrine his father as emperor (Jiajing’s father had not actually served as emperor, Jiajing having come from a cadet branch of the imperial family and succeeded the throne when the Zhende Emperor had no heirs). This event was later depicted in the play \textit{Hai Rui gets Dismissed from Office} (海瑞罢官), which Mao Zedong took as the political satire that it probably was, and which is considered partially responsible for the outbreak of the Cultural Revolution. In addition to these better-known roles, Hai Rui was one of the mid-Ming officials most responsible for the innovation and spread of the Single Whip Reforms.

\textsuperscript{145} Quoted in Liang, \textit{Mingdai fuyi zhidu}, 290-1.

\textsuperscript{146} See also Jiajing shilu, 118.\end{flushleft}
taken up by later reformers. It is particularly noteworthy that Gui, like earlier policy-makers, recognized the need to update the cadasters.

In the 1550s and 60s, this idea was taken up by a series of officials in service in Jiangxi. Wang Zongmu 王宗沐 brought the policy up sometime in the 1550s, and circuit inspector Cai Kejian 蔡克廉 attempted to put it in play in 1556. So too did his successor in the 1560s, Zhou Rudou 周如斗. There were multiple problems in this interval, including difficulties fixing the quotas and opposition from the two Ming princes with fiefs in Jiangxi.\(^{147}\) Finally in 1570, Liu Guangji 劉光濟 realized that the problem was manpower. He had written that “It is the responsibility of the presiding official to calculate a budget, and to delegate clerks to disburse silver and record expenses accordingly. Requisition by purchase and dispatch of laborers should proceed from the budget for soldiers and clerks, without interfering with the neighborhoods and villages.” (掌印官為之經紀 扣算實用數目 責令該吏照所司分管 隨事給銀 登記支 銷。其買辦役使之入 即於隸兵內輪撥應用，與坊甲絕無干渉).\(^{148}\) But now that it was the officials’ responsibility to compile a budget, he needed to ensure that his local administrators take time away from their regular duties to do so.

Liu summoned a top bureaucrat from each of Jiangxi’s four biggest prefectures - Nanchang, Ji’an, Fuzhou and Raozhou - and the magistrates of three metropolitan counties - Xinjian 新建 in Nanchang, Luling 盧陵 in Ji’an and Linchuan 臨川 in Fuzhou - and locked them in the examination hall (suo jiyuan 锁院) to compile data and calculate quotas. He further summoned an acquaintance who was particularly known for his skill with statistics and tax

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\(^{147}\) The princes of Huai 淮, and Yi 益. Liang cites JXDZ 1 as the source of this information, but I have been able to find it in that document.

regulations to help them in their efforts. It took these nine men three months to complete quotas for Nanchang and Xinjian Counties, and another year to finish them for the rest of the province. After approval from the court, they were put into effect by the end of 1572.\footnote{The full text reads.一条鞭法缘由 记述 "刘光济入赣后 召抚州府同知包大焕、南昌府司理张守约、吉安府 司理郑恭、饶州府司理 孙济远、新建令王以修、庐陵令俞一贯、临川令蒋梦龙 锻棘院而校计之。时胡少保 从子文学胡 绺 善计虑 习赋役法 并召之从包等谋议。议上 刘悉恳诸署壁 旦日仰观俯思 三月乃定南 昌、新 建 二邑条鞭法 明年始遍七十余邑。 此后 又经朝廷审议批准 才在江西全境推行一条鞭法 时为隆庆 四至六年. This is from an unknown source quoted in Deng, "Ming zhongye,"5.}

By the time the Single Whip Reforms had been fully put in practice in Jiangxi, they had already spread to much of the rest of the empire. After facing difficulties promoting the policies in Jiangxi, Wang Zongmu took them with him to Shandong where he served in a variety of capacities in the late 1560s. They spread thence to Henan and other parts of the north. Having learned about the policies while serving in Jiangxi, Hai Rui brought the Single Whip to parts of the Southern Metropolitan area around the same time. A third official, Pang Shangpeng 麟尚鹏, was largely responsible for spreading similar policies to Fujian and Zhejiang in the 1560s and 70s. His version of the reforms even rolled the salt tax into the combined surcharges. Finally in 1580 and 81, Grand Secretary Zhang Juzheng 張居正 promulgated the policy empire-wide. Like his predecessors Zhang understood that for this policy to be effective, new surveys would be necessary. Since almost all taxes were now assessed as surcharges on the land tax, it was particularly vital to make sure that the land surveys were up-to-date.
The land surveys of 1581

Under Zhang’s direction, officials carried out the first major resurvey since the beginning of the dynasty. Let us take a look at how effective this survey was.

**Table 1.5: Changes in registered land (qing) before and after the 1581 surveys**

<table>
<thead>
<tr>
<th>Prefecture</th>
<th>Latest figure 1502-1542</th>
<th>1597</th>
<th>Change post-1581</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jiujiang</td>
<td>9659</td>
<td>12485</td>
<td>29.3%</td>
</tr>
<tr>
<td>Nanchang</td>
<td>49987</td>
<td>70461</td>
<td>41.0%</td>
</tr>
<tr>
<td>Jianchang</td>
<td>14251</td>
<td>17017</td>
<td>19.4%</td>
</tr>
<tr>
<td>Raozhou</td>
<td>63728</td>
<td>70547</td>
<td>10.7%</td>
</tr>
<tr>
<td>Guangxin</td>
<td>49238</td>
<td>48113</td>
<td>-2.3%</td>
</tr>
<tr>
<td>Ruizhou</td>
<td>36293</td>
<td>37723</td>
<td>3.9%</td>
</tr>
<tr>
<td>Linjiang</td>
<td>27307</td>
<td>34038</td>
<td>24.6%</td>
</tr>
<tr>
<td>Yuanzhou</td>
<td>16528</td>
<td>22397</td>
<td>35.5%</td>
</tr>
<tr>
<td>Ganzhou</td>
<td>10861</td>
<td>33528</td>
<td>208.7%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>277852</strong></td>
<td><strong>346309</strong></td>
<td><strong>24.6%</strong></td>
</tr>
</tbody>
</table>

Although registered acreage had changed before 1581, on the whole land registration figures remained within about five percent of the 1391 values for almost two centuries. This changed under Zhang Juzheng, who in one massive effort added about a quarter more acreage to the registers in Jiangxi. Looking at eight prefectures that have extant land registration figures from both before and after the 1581 land surveys, it is clear that real surveys did take place in most of these areas. The registered land in the northeast - Guangxin and Raozhou - changed only modestly, but most of the rest of the province increased registered acreage by between twenty and forty percent. This included the three prefectures nearest Poyang Lake - Nanchang, Jiujiang and Linjiang - as well as Yuanzhou in the west and Jianchang in the east. But the most marked

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150 Drawn from prefectural gazetteers (figures for 1502-1542, with the latest available figure used in each case), and the JXDZ (1597).

151 With the key caveat that two of the three prefectures with the largest landholdings - Ji’an and Fuzhou - have incomplete figures and are excluded from this statistic.
increase was in Ganzhou, which more than doubled the amount of registered land. Unfortunately, no definite figures are available for Ji’an and Fuzhou, encompassing large areas in the middle of the province and representing the second and third most prosperous prefectures after Nanchang. Indirect evidence suggests that land surveys may have been less successful in these areas.\footnote{There are no extant figures for land registration from Ji’an pre-1581. However, Ji’an is a clear outlier in the 1611 \textit{JXFY} - it is the only prefecture that did not make several key reforms and there are strong indications that its land registration was artificially low (see Chapter 2). Fuzhou conversely has figures only for 1492 and 1597 (the sections for Fuzhou, Jianchang, Nan’an and Nankang are missing from the \textit{JXFY}). The available figures actually show a 23.7\% drop in land registration in this interval. However, the 1597 \textit{Jiangxi sheng dazhi} has very poor print quality and I suspect a transcription error.}

However in order to encourage cooperation with the land surveys, administrators had to offer something in return - reduced tax rates. I have found no reliable source giving specific tax rates in Jiangxi before the surveys, but these can be inferred from overall figures. In 1579 - two years before the resurveys - Jiangxi payed a combined summer and autumn tax of 2,616,342 piculs of grain, less than a thousand piculs more than it paid in 1402, and about fifty-thousand less than it paid in the 1390s.\footnote{\textit{Ming huidian} 24.} In 1597 - fifteen years after the surveys - the province paid a combined summer and autumn tax of 2,607,023 piculs of grain,\footnote{\textit{JXDZ} 1.} about ten-thousand less than before the surveys. We do not have complete data on total land registration before the survey, so I have made two assumptions to give rough bounds on the changing tax burden: Assumption 1 is that the 1581 surveys increased the registered acreage at the observed rate in prefectures for which figures are known, and that acreage did not increase at all in the other prefectures; Assumption 2 is that the 1581 surveys increase the registered acreage by twenty-five percent in the prefectures with no observations. With these as outer bounds, we can infer that the base tax
rate was decreased by about thirteen to twenty percent to encourage compliance with the surveys (See Table 1.6).

### Table 1.6: Tax rates before and after 1581

<table>
<thead>
<tr>
<th></th>
<th>Land (qing)</th>
<th>Total grain tax (dan)</th>
<th>Inferred tax rate (dan/qing)</th>
<th>Inferred change in tax rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-survey assumption 1</td>
<td>414305</td>
<td>2616342</td>
<td>6.32</td>
<td>-13.4%</td>
</tr>
<tr>
<td>Pre-survey assumption 2</td>
<td>381407</td>
<td>2616342</td>
<td>6.86</td>
<td>-20.3%</td>
</tr>
<tr>
<td>Post-survey observed</td>
<td>476759</td>
<td>2607023</td>
<td>5.47</td>
<td></td>
</tr>
</tbody>
</table>

At the same time that land registration increased, the registered population declined markedly; every prefecture with available figures shows between a forty and sixty-five percent drop in registered population (see Table 1.7). The effect of the more populous prefectures is such that the overall average is a nearly sixty-percent decline in registered population. With the changes in policy culminating in the Single Whip Reforms almost all taxes previously calculated based on population were rolled into the land tax as surcharges. While this made it significantly more important to maintain good records of landholdings and encouraged substantial concessions to make sure that land surveys were accurate, it made it much less important for population records to be accurate. The state had essentially given up any meaningful attempt to keep track of households. Those that existed at the time of the Single Whip Reforms remained on the books as tax accounts, with all the associated responsibilities

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155 The pre-survey figures are derived from the acreage listed in prefectural gazetteers, with estimates for those prefectures with no pre-survey figures available. As noted in the body text, Assumption 1 is that the pre-survey figures for unknown prefectures were the same as post-survey figures; Assumption 2 is that the pre-survey figures for unknown prefectures were 20% lower than post-survey figures (i.e. the surveys increased acreage by 25%), in keeping with the observed trend for other prefectures. The post-survey figures are from the JXDZ.

156 In addition to the prefectures omitted from table 1.3A, Jianchang is missing from the JXFY and the JJLJ gives no population figures.

157 The significant exception in Jiangxi was the salt tax.
delegated to the lineage organizations that managed these accounts. The transformation of household registration to tax accounts was effectively finalized in 1712, when the Kangxi emperor froze the land tax in perpetuity, but for all functional purposes this transformation had already taken place by the end of the sixteenth century.

Table 1.7: Registered population before and after the 1581 surveys

<table>
<thead>
<tr>
<th>Population</th>
<th>Best figure 1502-1532</th>
<th>1611</th>
<th>Change post-1581</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jiujiang</td>
<td>70620</td>
<td>27308</td>
<td>-61.3%</td>
</tr>
<tr>
<td>Nanchang</td>
<td>1159714</td>
<td>406881</td>
<td>-64.9%</td>
</tr>
<tr>
<td>Raozhou</td>
<td>879216</td>
<td>303770</td>
<td>-65.4%</td>
</tr>
<tr>
<td>Guangxin</td>
<td>326880</td>
<td>189698</td>
<td>-42.0%</td>
</tr>
<tr>
<td>Ruizhou</td>
<td>468634</td>
<td>187080</td>
<td>-60.1%</td>
</tr>
<tr>
<td>Yuanzhou</td>
<td>392336</td>
<td>179649</td>
<td>-54.2%</td>
</tr>
<tr>
<td>Ganzhou</td>
<td>164237</td>
<td>97393</td>
<td>-40.7%</td>
</tr>
<tr>
<td>Total</td>
<td>3461637</td>
<td>1391779</td>
<td>-59.8%</td>
</tr>
</tbody>
</table>

Conclusion

For centuries, starting around 780, state tax regimes worked to improve land and population surveys and increase control of currency exchange, monopolies and trade. These trends effectively ended in the early 1400s, when a series of unforeseeable shifts in the economy pushed Ming policies out of this course of development. Inflation and collapse of the paper currency and shortages of copper coin forced the early Ming into semi-autarchic policies. When the economy recovered, it did so around the twin poles of private industry and unminted silver, both of which were largely outside of state control. Unlike its predecessors, the Ming relied overwhelmingly on the land tax and corvee to meet its fiscal needs - a holdover from the period of autarchy. Yet as the market recovered, the state shifted more tax collection to silver that it used

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159 1502-1532 figures are drawn from prefectural gazetteers, using latest available date in that range. 1611 figures are drawn from JXFY. Note that Fuzhou, Jiancheng, Nan’an and Linjiang Prefectures are missing from the JXFY, and no pre-1581 figures are extant for Ji’an, so they are omitted here.
to pay for goods and services. The resulting system was a paradox to history, its assessments focused overwhelmingly on the agrarian context, despite rising commercialization. Yet through decades of constant adaptation, Ming officials were able to keep the coffers full and the business of government operating.

Yet despite their continued abilities to tax the populace and fund government activities, officials lost fringe benefits of the earlier systems of land surveys and commercial taxes, in particularly their presence in the most active sectors of society: the village and the market. I have focused here on the former, the gradual but intractable retreat of the eyes and ears of the state from the village community. Even as local officials maintained their tax quotas, they did so at the cost of regular interventions into the small communities that made up their administrations. This was not through lack of trying; until the 1550s or 60s, magistrates made regular attempts to update their surveys of local land and local people. But shifts in the social and economic conditions made this nearly impossible, and by the end of the century these attempts ended and tax functions were removed to the county seat.

The Ming state, like its predecessors, wanted households and villages to correspond to real, social formations. Yet through a bottom-up process of manipulations by families, and adaptations by administrators, these became fiscal fictions. These units continued to function as tax accounts, but in the mid-Ming “household” (hu) ceased to mean “family sharing a roof,” and “village” (li) no longer described a group of households clustered around a central place. In the early Ming, tax accounting and collection was handled by village heads as compulsory labor service; in the late Ming, these services were performed by professional clerks paid salaries from silver-denominated tax surcharges.
I suggest that the decline of official oversight at the sub-county level - seen through the stasis of cadastral records, the decline of the village-tithing system, and the removal of taxation and oversight to the county seat - was not strictly a function of reduced state capacity. As I will explore in the Chapters 3 and 4, the decline of state oversight of the locality was largely relative to increasing lineage capacity to surveil and record their own populations and landholdings.

Initially, lineages had poor records and were highly reliant on the state to document their memberships and landholdings; they relied heavily on the state for authority and even for income. As Chapters 3 and 4 will show, lineages were particularly weak and scattered during the founding decades of the dynasty - the only period when the village-tithing system appears to have worked at all. After this half-century of weakness, lineages reemerged stronger than ever. By the 1500s, lineage records of their descendant populations were substantially better than state records of the same people. More importantly, lineages developed mechanisms to continuously document population change - including births, deaths, and especially migrations; mechanisms that the state lacked.

As lineage records improved, they became less reliant on state records as evidence in lawsuits and other disputes, and therefore less willing to participate in compiling of these records. They built larger memberships, improved ability to organize for trade, finance and dispute resolution. Once the economy recovered and commerce expanded, they relied less on state positions for income or status maintenance. As their power grew, lineages inserted themselves like a wedge between the tax-collectors and the land, increasing their wealth and control at the expense of older public institutions - not only the village-tithing system, but also schools, temples, charity granaries and public works. While it is true that the village-level power
of the state declined in the Ming, this decline looks greater relative to the rise of a new set of institutions in the villages - corporate lineages.

Nonetheless, we must recognize that, to a degree unprecedented in the previous thousand years of history, the agents of the Ming state lost track of its subject population. While population records had always fallen into disrepair during periods of rebellion and civil war, in the Ming this occurred during more than two centuries of nearly unbroken peace. The cause is clear - the state lost control of local oversight. There is a temptation to blame this on decisions made early in the dynasty to limit the size of the bureaucracy and to eliminate clerkships and other sub-magistrate positions from the official rolls. This was certainly a factor.

From its outset, Ming local oversight relied heavily on the village-tithing system and other institutions mandated by the state but staffed by people outside of its direct purview. These village communities had a long history of development, but no dynasty relied so heavily on them as did the Ming. The more important difference was that Ming officials failed to regain control over the villages where pre-Ming administrators were able to do so. As we have seen above, this was not for lack of innovations or the will to put them into play. Rather than blaming the demise of village oversight on weak officials, I think we must attribute it to strong lineages. It was not that magistrates relinquished control of the locality, but that lineages claimed control.

But before addressing the rising capacity of lineage organizations, we must look at a second piece of the local bureaucratic puzzle: the courts. I suggested above that lineages resisted the taxmen in two ways: by avoiding or falsifying registration, and by using political connections to resist new taxes. I further argued that state authority moved from the village to the county seat. Let us look at these dynamics wearing the second of the magistrate’s many hats: in addition to
the head tax collector of the county, he was the presiding judge. To fully account for shifts in his authority, we must look for change in the courts as well as the cadasters.
Chapter 2 - Magnates and Magistrates: Courts and the Law in Ming Jiangxi
In Chapter 1, I argued that the Ming state saw its village-level authority decline due to three interrelated factors: changes in the economy that lessened state control of the money supply and terms of trade; demographic change, especially migration, that made cadastral surveys difficult to maintain; and the growing independence of powerful houses from their formal positions within the state system. Yet while changes in the tax and surveys allowed us to explore some of the effects of these trends on higher-level administration, the lower-level developments remain largely opaque. For this chapter, I will shift to another set of documents that gives more perspective on the operation of local society: court records.

Court cases expand our field of vision in two ways: first, they record real disputes that give a window onto local society; second, they show local officials in their capacity as judges. The structure of official dispute resolution was such that the most difficult cases rose through the judicial hierarchy; this means that the high-level jurisprudence used in this chapter focuses on conflicts that caused the greatest challenges to the local social order or to the courts. By following these cases, we get a higher-resolution picture of the same trends seen in Chapter 1: the rise of markets largely outside of state control; large-scale migrations and renegotiations of social ties that made population registration difficult; and the growth of families that flouted their power outside of legitimate channels.

Like its tax administration, the Ming legal code diverged from the social conditions it was designed to control and officials worked to modify it accordingly. In both cases, many of the problems were caused by those who avoided or corrupted the household registration system. In criminal discourse, those abandoning their registration were often referred to as “outlaws” (zei 貽), and those that manipulating their household status were frequently termed “magnates” (hao 濶).
These groups were problematic because they were hard to surveil and tax, because they perverted the formal channels of authority, and because they were suspected of being the major perpetrators of well-defined crimes. Both avoidance and manipulation of the terms of local authority appears to have peaked in the late fifteenth century; around the same time some officials worked to restructure the tax system, others worked to adapt the legal system to new forms of abuses. While negative behaviors clearly continued thereafter, the types of manipulations perpetrated on local hierarchies appear to have stabilized.

As with tax collection, dispute resolution moved through iterations of crackdown and avoidance toward a new equilibrium. Mid-Ming magistrates implicitly accepted magnate households as a *de facto* intermediary in the countryside; rather than producing new and ineffectual legal restrictions, they worked to channel magnate power into productive channels. After a period of expansionary behavior, powerful houses largely did channel their activities into internal governance. The sixteenth-century descendants of fifteenth century magnates found that their corporate lineage structures internalized many of the problems of village-level governance: they administered large, internally-divided populations; diverse landholdings with differing management regimes; moneylending and trade; and a range of ritual and charity commitments.160 Lineage heads, rather than the state-mandated village heads, were now responsible for resolving disputes that emerged within these institutions. Other aspects of local governance were reinvented under less official, gentry auspices around the same time. State authority was concentrated in the county seats, with their expanding bodies of professionalized (if officially

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160 See Chapters 3 and 4.
unsanctioned) clerks, runners, and litigators; village authority was largely in the hands of lineages and inter-lineage associations.

Understanding Ming law

The Code and the Placard

Premodern Chinese law - and Ming law in particular - has several distinctive features that are themselves worth discussion before delving further into the evolution of particular legal issues. The foundation of Ming law was a set of documents from the late 1300. For local administration, the most important were the Ming Code (daming lü 大明律) - the main document used to adjudicate crimes in official courts - and secondarily the Placard of People's Instructions (jiaomin bangwen 教民榜文) - intended as the basis of village-level governance, in part to keep disputes out of official courts. These constitutional documents were, in turn, based on earlier codes - especially the Tang Code - as well as on general principles in the classics.161

The Code was overwhelming concerned with matters of direct importance to governance, organized according to the Six Boards: Personnel laws governing recruitment to office and official behavior; Rites laws governing rituals of the imperial court and local administrations and restrictions on heterodoxy; War laws governing the many aspects of military administration, including border garrisons, military farms and transport; Revenue laws governing landholding, taxation, coinage and monopolies; Punishments laws governing crime and lawsuits; and Works laws governing public works projects. Minor issues regarding property and marriage, as well as

small debts, brawls and petty theft were intended to be resolved outside the official courts. These matters were theoretically adjudicated by village elders (lilao 里老) according to regulations on the Placard, not by magistrates under the statutes in the Code. Any major case involving treason, murder or other serious offenses had to be tried at the county level.

There was no clear separation in Ming law between “civil” and “criminal” law. All statutes were framed as prohibitions of illegal activity, and all laws carried punishments. At the same time, there was no official prosecutorial function; every legal case stemmed from one individual reporting the crimes of another, although some were reported by people in positions of semi-formal authority such as village elders. In some ways, this function was progressive because it allowed private individuals to report the crimes of their officials, yet it also opened the door for minor disputes to consume the courts time. The state made attempts to keep “private matters” out of the official courts, and to focus on complaints that involved crimes against the public order. But because of the conceptual overlap between interpersonal disputes and crimes against the public order, magistrates ended up receiving hundreds, even thousands of what were essentially private lawsuits. Their burden became progressively worse over time, as the village elderships became little more than a fiction.

“New Precedents”

While the Code was intended to serve as the unchanging basis of all future legal administration, the challenges of administration led almost immediately to ad hoc regulations (li

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The founding emperor did not want these to become permanent legislation, but by the end of the fifteenth century that is exactly what happened: dozens of “new precedents” (xinli 新例) became near-permeant amendments to the Code as the basis of judgement. New precedents were initially gathered into irregular collections, first the Classified Precedents of the August Ming (Huang Ming tiaofa shilei zuan 皇明條法事類纂), and then a series of Criminal Investigations and Classified Precedents (wenxing tiaoli 間刑條例), issued in 1500, 1550, 1555, and 1585. Yet the review of new precedents in the Ming remained irregular.¹⁶⁴ The compilation of new precedent to be issued alongside the Code was finally regularized only in the 1750s, under the Qing.¹⁶⁵

While some of “new precedents” came directly from the emperor's pen, the vast majority emerged from lower-level judgements in one of two ways: either a local official sent a memorial (zou 奏) to the court in an attempt to resolve an individual case; or a court office issued a proposal (ti 题) in response to a group of related cases. These cases were debated by various offices at the capital - often, but not always, including the Board of Punishments (xingbu 刑部) - and a suggested remedy was forwarded to the emperor. If he approved (zhun 准) this proposal would become legal precedent (li 例, also referred to as zouzhun 奏准 or tizhun 题准 "proposed and approved") and issued as an imperial edict (shengzhi 命旨). Starting in the late 1400s, groups of precedent were reconsidered by ad hoc legal bodies, before being compiled and distributed to local officials. These compilations of precedent are our best window onto the changing social and legal environment of the mid-late Ming.


The court hierarchy

The hierarchy of judgement began with local officials, prefects (zhifu 知府) and county magistrates (zhixian 知縣) who were generalists responsible for legal arbitration, tax collection, surveillance and other affairs. Because of their short postings (three years) and general lack of specialist knowledge, prefects and magistrates were heavily reliant on a semi-official sub-bureaucracy of clerks, many of whom did develop specialized legal expertise. By contrast, above the prefect level there were no formal generalists; all administration was divided into civil and military administration, and surveillance (the Three Bureaus, sansi 三司), with specialized province-level officials responsible for Revenue and Punishments.\textsuperscript{166} While this meant that provincial and capital officials often had much more specialized legal expertise, it often complicated the resolution of cases that crossed administrative boundaries. In response to this problem, censors were dispatched from the capital as circuit inspectors (xunfu 巡撫), in theory to surveil provincial officials or to direct special projects, in practice to serve as generalist supervisors at the province level - as \textit{de facto} provincial governors.\textsuperscript{167} This effectively meant that there were two channels of appeal above the prefecture: through a province-level official reporting to the Board of Punishments; and through a Capital Censor reporting to the Censorial Court (duchayuan 都察院), and with the authority to report directly to the emperor.\textsuperscript{168}

\textsuperscript{166} Hucker, \textit{The Censorial System of Ming China}, p. 38. Prefects were rank 4a; after 1383 censors-in-chief were rank 3a and vice censors-in-chief rank 4a.

\textsuperscript{167} This practice started in the 1450s. These were generally censors-in-chief (duyushi 都御史) or vice censors-in-chief (fu duyushi 副都御史) to give them rank authority at or above the level of prefects. Hucker, \textit{Censorial System}, pp. 51-2.

\textsuperscript{168} All censors had this authority as of the 1380s. Hucker, \textit{Censorial System}, p. 50.
Unsurprisingly, the Circuit Inspector Censors became the preferred avenue for private individuals, even as many local officials forwarded their suggestion by way of the Six Boards.

Sources and approach

The extant case-law allows varying degrees of detail for the different periods covered. The Hongwu reign produced huge volumes of statute, most of which have been extensively studied. By contrast, the early 1400s have very little documentation outside the Veritable Records - theoretically a record of all major court business that is quite patchy for large parts of the dynasty. For the late 1400s, the documentation is very strong; this chapter principally uses a collection of Ming precedents issued between 1464 and 1494, grouped by statutory category in a collection called the Classified Precedents of the August Ming (see above) which is very clearly dated and shows chain of documentation. For the next century, the extant case-law is not as detailed; I follow a series of updated commentaries on the Ming Code, most of which contain separate section of new precedents (xinli 新例). Most important of these are three editions Criminal Investigations and Classified Precedent (wenxing tiaoli 問刑條例) from 1500, 1526 and 1585. These texts generally do not give the chain of transmission or exact dates - they were intended as reference books for practicing officials rather than exhaustive encyclopedias - but the publication information allows me to date new precedent approximately. The Collected Statutes of the Ming Dynasty (daming huidian 大明會典) give a picture of Ming law around its

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compilation just prior to 1598, and also gives scattered documentation of precedents that its authors considered important, but despite its title it is not nearly as exhaustive on legal issues as the *Classified Precedents of the August Ming*. Finally, I use a casebook and commentary from 1632 to give a picture of the late Ming legal situation.

**Power differentials**

In the early Ming, most leading families integrated themselves into the officially mandated village-tithing and civil service systems; to the extent that families built power and influence, they did so by serving as village heads and tax captains and occasionally having a son pass the exams. This situation persisted into the 1430s in part because the collapse of the money system made it difficult to accrue capital. But after the inflationary spending of the government in the 1410s and 20s, and the depression of the 1420s and 1430s, the economy recovered in the mid-century. This recovery was largely driven by private enterprise, not by government spending; the loss of public trust in government bills meant that these fortunes were largely denominated in currencies outside state control. By the 1450s and 50s, a vibrant commercial economy offered new opportunities; even aside from those venturing out as merchants, shrewd management of finances offered profits through moneylending, commercial cropping and small-scale industry. It was increasingly possible - and desirable - to look beyond government service for possibilities of social advancement. This inevitably led to the emergence of greater distinctions between great houses (*dahu* 大戶) and small-folk (*xiaomin* 小民). In the same interval, state registers lost track of an indeterminate - but certainly substantial - proportion of the
Those most likely to avoid the tax-man were precisely those at the top of the income ladder who hid people and land through official corruption and bookkeeping craft; and those at the bottom, who fled to the protection of powerful households or to eke out a living as bandits and peddlers.

Differentials of wealth and power were a clear problem to Ming administrators, especially when these power gradients were used to coerce behavior at odds with the dictates of law and order. Ming jurisprudence is full of terms related to coercion and force: *qiang* 强 - force, *hao* 豪 - bullying, *shi* 勢 - power, *bipo* 逼迫 - coercion. To Ming administrators, these expression of power led to the growth of two socially problematic groups - magnates and outlaws.

“Magnate” (*hao* 豪, and related compounds) described those employing many forms of illegitimate behavior, including economic coercion, threat of violence, abuse of official prerogative, and even excessive use of legal channels. The main commonality was that all magnates accrued power to themselves outside the channels sanctioned by the state or employed legitimate power in illegitimate ways. Magnates posed two problems to law and order: they were able to use their personal influence to evade or oppose critical state functions like tax collection and dispute resolution; and by doing so, they often caused unrest and banditry among the small-folk they dispossessed. In other words, “magnate” behavior was seen as the leading contributor to the problem of “outlaws.”

In addition to bandits and thieves, the term “outlaw” (*zei* 贼) was used to encompass a motley array of escaped criminals, landless laborers, delinquent craftsmen, fleeing troops, and

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171 See Chapter 1.
often merchants. The Ming state did not just apply this term to accused robbers and murderers, officials generally distrusted anyone who was not where they were supposed to be.172 At the frontiers, this situation was further complicated by the presence of non-Han peoples that had never been fully acculturated - and more importantly, never been fully registered. As Liu Zhiwei writes, “the so-called ‘outlaws’ of Ming Guangdong were in fact composed of two apparently contradictory social movements joined into a single force: one being the local ‘barbarians’ gradually becoming Sinicized, and the other being the officially recorded populace fleeing their registration.”173 But in the interior, this diffuse realm of outlaws was overwhelmingly the latter group - people who for one reason or another fled their official registration. While many of them did so to avoid the state’s jailers and tax collectors, many others fled the abuses of rapacious landlords, loan sharks, and litigators. In the eyes of many lawmakers, magnates were the action and outlaws the reaction. Both groups posed problems to law and order, and those problems started with improper household registration and tax avoidance.

172 In a previous article, I translated zei - and the related tu 徒 kou 口 and fei 匪 - as “bandit.” Under recent consideration I find that these terms are closer to the medieval European use of “outlaw” - those literally outside of formal residence and the protections claimed thereby. I owe this insight largely to the work of Huang Zhifan 黄志繁, who has argued specifically that many “ethnic” labels in Song to Qing Jiangxi had more to do with tax registration than with “ethnicity;” and the work of David Ownby, who argues that movement and violence were key to the composition of secret societies. I am inclined to extend these conclusion to outlaws more generally. “Outlaw” was generically applied to almost anyone without proper registration, but had strong discursive connections to both mobility and violence. Within this discursive category, compounds are used to further specify typology by crime - daozei 盗贼 “bandits” - or by terms closer to ethnicity - dong zei 僵贼 “Dong bandits.” However I find it counterproductive to reify these terms or build them into complex philogenies - tendencies all too common in much earlier research. See especially Huang Zhifan 黄志繁, and Qiong Hu 胡琼. “Songdai Nanfang Shanqu de ‘Dongkou’ pp. 106, 110. Ownby, David. Brotherhoods and Secret Societies in Early and Mid-Qing China: The Formation of a Tradition. Stanford, Calif.: Standford University Press, 1996, p. 13.

Migrants and outlaws

Movement from Jiangxi to other parts of the south was a major trend for much of late imperial Chinese history; it perhaps the single most important demographic shift in South China in the mid-Ming.\(^{174}\) Most scholars attribute this to the overpopulation of Jiangxi’s major river-valleys, especially in the Ji’an region.\(^{175}\) Unsurprisingly, Jiangxi emigrants were listed in many cases involving outlaws avoiding tax registration; they were among the groups of people labeled “outlaws.” Emigrants from central Jiangxi were also among the most important merchants of the early and mid-Ming. They ranged across south China, from Fujian and Guangdong to Yunnan and Sichuan - and parts of north China as well - as everything from small-scale peddlers to major grain and salt wholesalers. These were just two of the groups described as criminals; in the eyes of officials everyone was either a tax-paying farmer or an outlaw, with no middle ground.

To Ming administrators, anyone living outside their official residence was under immediate suspicion - including many ostensibly peaceful farmers and merchants as well as more obvious criminal gangs. In Ming legal discourse the term “unregistered” (wuji 無籍) was almost always paired with the term “ruffians” (tu 徒), implying rootless men headed down the path toward “outlaw” status. To some degree, this was based on the observed tendency of migrants to engage in criminal behavior. A precedent from 1476 observed that “recently [the state] has repeatedly captured robbers and other criminals, many of whom are

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\(^{174}\) Heijdra, “Socio-economic development,” 434. See also Qiu Jun 丘濬 “Proposal on Jiangxi people moving to Hunan” 江右民遷荊湖議, Ming jingshi wenbian 明經世文編 72.

military and civilians fleeing from all directions to reside secretly in the capital. By day they work, and by night they steal.” (今日累次緘獲強盜雜犯，多係四方逃軍、逃民，在於[京]師潛住。[畫]作僞工，夜則為盜). According to reports from the late 1400s, tens of thousands of merchants went abroad from Jiangxi and surrounding areas. They were blamed for swindling people, bribing officials, soliciting lawsuits, monopolizing markets, and other types of illegal and antisocial behavior. Around 1470, the Ming had a substantial problem with poor farmers moving to the mountains in northern Huguang, including large number of Jiangxi natives. They were widely cited for forming illegal gangs and illicitly occupying land.

Yet regardless of whether they were poor farmers, merchants, or active robbers and bandits, migrants were almost universally guilty of being outside their proper registration; if nothing else this marked them as tax evaders. Officials classified migrants’ tax evasion into two basic types: residing in secret (qianzhu 潛住), and using someone else’s household

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176 “Explicit instruction that in cases involving fleeing military, civilian, prisoner or craft households, those relying on powerful Buddhist and Daoist monks and other to live in secret...” 晃諭在逃軍民囚匪等項依通勢要僧道人等潛住者.. HMTF pp. 4.506-7.

177 “Ruling on the Yunnan Provincial Surveillance Commission investigation into matters involving Jiangxi and other regions’ travelers living secretly in other areas”雲南按察司查究江西等處客人躲住地方生事例, HMTF 4.493. This author claims “no fewer than 30-50 thousand” merchant residing in Yunnan, specifically citing Anfu County in central Jiangxi and Longyou County in western Zhejiang as the major sources. (有浙江、江西等布政司安福、龍游等縣客商人等，不下三五萬人在衛府（生）理).

178 “Jiangxi travelers living secretly in other areas,” HMTF, p. 493-4; “Ruling against conniving longterm merchants” 不許縱容老引客商例, HMTF p. 4.494－5 both specifically cite Jiangxi merchants.

179 Here called “dependent registration” (jiji 寄籍) - much like “old- introduction” and qianzhu 潛住 - a synonym for duozhu. See “Ruling that migrants entering dependent registrations in the Huguang mountains and fabricating reports are to be investigated for their crimes, placed in the stocks and transported for military service,” 流民進入胡廣等處山寄籍並捏詞具告開軍枷號軍例 and “Ruling that Jingxiang migrants living in secret in restricted mountains are to be transported for military service, the main perpetrators are to be placed in the stocks, and their families and children sent to live with them.” 荊襄流民潛住禁山充軍正犯枷號家小隨住例 HMTF pp. 4.499-505 for examples.
registration (variously *jiji* 寄籍, *jihu* 寄戸, *jizhuang* 寄庄 and *laoyn* 老引). In either case, culprits were sent back to their original registrations to serve corvee (*[na jie yuanji] dang chai* 拿解原籍當差). If the offenders were too poor to return home, they were sent to military service. In cases where tax households were actually falsified, the precedent further dictated that the registers be corrected, the modifications reported to higher authorities, and the households that harbored tax avoiders be punished.

Migrants were far from the only tax avoiders, however, and far from the most problematic. Indeed, in many ways the households that harbored illegal migrants (*wozhu* 窩主) were considered more problematic than the migrants themselves. Living without proper registration, migrants gave up of many of the legal prerogatives and social networks of their natal counties. By contrast, those who harbored them were generally legitimate residents of the county. By taking in outlaws and their property off the books, these households could build on wealth and power that were otherwise legitimate in the eyes of the state. They increased their own income and clientage at the expenses of state tax revenue and the corvee labor pool. Those outside their registrations were already outlaws, and should be dealt with accordingly; while they continued to plague the Ming legal system from the edges, tax

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180 See “Migrants entering dependent registrations in Huguang” and “Jingxiang migrants living in secret” HMTF pp. 4.499-505 for examples.

181 若是貧難不能還鄉者查爾京城充軍.” Explicit instructions on fleeing military, civilian, prisoner and craft households,” HMTF 4.506

182 “Ruling that it is not permitted to connive ‘old introductions’ for traveling merchants,” HMTF 4.495. See also “Memorial on the matter of ‘old introductions’” 奉老引事, HMTF 4.495-6 and “Explicit instructions on fleeing military, civilian, prisoner and craft households,” HMTF 4.506-7.

183 Lawsuits theoretically had to be brought in person in one’s native county, although as we will see below this limitation meant little in practice for wealthy merchants. The civil service exams were also supposed to be taken “at home,” although there were certain exceptions.
evaders with proper registration were disrupting the system from within. These “magnates” were the greater of the two social problems.

**Magnates**

*Officials as magnates*

Much of the existing literature on magnate power in the fifteenth century has focused on the abusers of state-granted positions, including civil and military officials, Ming princes, and sub-official functionaries. These problems were certainly pronounced; the largest landowners did tend to be invested with formal authority, if not as commissioned officials or member of the titled nobility, then as tax captains or village heads. Power often led to formal positions: tax captains and village heads were specifically chosen because they were wealthy enough to personally float the cash needed for tax payments; \(^{184}\) warlords were given military office to entice them to bring their armies over to the Ming side; \(^{185}\) and old families were well-positioned to educate their sons for office. Formal positions also led to wealth and power: officials and nobles used their partial tax exemptions to induce others to “ consign” their property (*touxian* 投献) and become tenants of the officials’ families, paying less in rent than they would have in tax; officials, tax captains, and village heads used their positions as opportunities for graft or to manipulate the tax rolls.

Officials could and did use their positions to embezzle state funds or solicit bribes through an astounding range of techniques. Cases from the late 1460s show officials embezzling

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\(^{184}\) See Chapter 1.

\(^{185}\) See, for example, Liu, Zhiwei 刘志伟, “Cong Xianghao Lishi Dao Shiren Jiyi — You Huang Zuo ‘Zi Xu Xianshi Xingzhuang’ Kan Mingdai Difang Shili de Zhuanbian [From the History of Local Aristocrats to the Memoirs of Scholar-Officials: The Shift of Local Power in the Ming Dynasty as Seen from ‘a Memoir of My Forefathers’ by Huang Zuo].” *Lishi Yanjiu* 2006, no. 6 (2006).
tax funds, and funds disbursed for famine relief. A precedent from 1469 shows military officials in Nanchang increasing “wastage” charges (haomi 毫米) to profit from tax shipments along the Yangzi. Officials in Zhejiang and the Southern Metropolitan Region used their positions to force grain transport boatmen to take usurious loans. Other officials along the river-ways used corvee laborers to cut lumber and bamboo and transported it to their home counties for sale. Opportunities for these types of graft were everywhere, but they were concentrated in the capital regions and along the major transport routes. In the southern countryside, there were fewer such opportunities. More importantly, official corruption did not directly translate to dominance of the nearby countryside, especially because officials were typically posted outside of their home regions.

Land consignment was a much larger problem, because it enabled powerful landowners to build up even larger holdings. Small households were incentivized to place their property under the name of larger ones, especially those of officials and nobles who were granted exemptions from corvee. The smallholders then typically became tenants paying relatively low rents; the magnate families saw their property and manpower increase, but were generally able to avoid increases in their tax burden. Magnates also built their landholdings to include “dependent

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186 “Ruling prohibiting embezzling grain tax payments” 禁約收糧作弊例, HMTF pp. 4.636-7 and “[Officials] embezzling aid to starving commoners are to be investigated and transported for military service as commoners” 資濟饑民作弊開發充軍為民, HMTF pp. 4.593-5, respectively.

187 “Ruling prohibiting matters of embezzlement in exchanging tax grain” 禁約兌糧作弊 (事) 例, HMTF pp. 4.635-6.

188 “Ruling on forcing private loans onto grain transport workers to profit from interest,” 強放私債運糧人夫加陪取利例, HMTF p. 4.879.

189 “In matters of no great urgency, it is not permitted to recruit work teams [under public authority]”一應不急之務不許興工修理, HMTF 5.938-9.
estates” (jizhuang 寄庄, etc.), both by sending their own relatives to claim land outside the county, and by taking in consignments of such property from others.

While consignment was seen throughout the empire, there was a strongly regional character to this form of tax evasion. In the Southern Metropolitan Region (i.e. Jiangnan), land tax was so high that the reduction granted officials was of major benefit; there were also a very large number of high officials able to claim such a benefit. Many abuses of official prerogative were linked to this region.\(^{190}\) In many parts of the North, corvee was especially oppressive, and the ability to avoid corvee through the protection of official, princely, or military households was a major relief; as in the Southern Metropolitan Region, there was also substantial opportunity for consignment provided by the large number of officials, nobles and military garrisons. Most complaints of princes’ and military tax avoidance focus on the North.\(^{191}\) By contrast, the South had relatively low rates of both land tax and corvee. The smaller number of government offices, military garrisons and princedoms also meant that there were fewer households with the opportunity to use their official tax reduction as a means of encouraging consignments. This does not mean that there was no abuse of official or noble prerogative in south China - there are several clear cases of consignment to high officials and princes in Jiangxi in the historical record;\(^{192}\) it is merely to suggest that the opportunities and benefits of office-based land grabs were not as significant in the South as in the rest of the empire.

\(^{190}\) Some examples include Huizong shilu 158.2887 (a Nanjing official hiding land), Hongzhi shilu 10.217-219, 23.531-2, 31.701 (officials claiming state reed-land along the Yangzi for their own use).

\(^{191}\) The 1489 precedent specifically cites Shandong, Shanxi, Henan, Huguang, Shaanxi and Sichuan as areas with lots of princedoms (fanguo 藩國) and the associated consignment problems. HMTF 4.549. The inclusion of Huguang demonstrates the extent to which this was a result of military presence and not a cultural difference. Impressionistically, Huguang had many of the same institutional problems as Shandong, despite substantial regional differences. See also Huizong shilu 190.3389, where a military farm is consigned to a Shanxi princedom.

\(^{192}\) Zhengtong shilu 220.4746-4748 cites related problems with the Princes of Ning and Yi in Jiangxi leading up to 1452. HMTF 4.888 describes similar abuses in the Yi Princedom leading up to 1488.
Magnates in South China did seek out official posts and did use these posts to improve their positions, but they primarily used formal authority to solidify gains made through other means. Southern magnates were more often noted for using force and wealth to seize land, and using their official power to defend these gains. The case of Chen Xun 陳循 is particularly instructive in this regard. In the mid-1400s, Chen was one of literally dozens of Ji’an literati to ascend to high office, where he simultaneously held the ranks of Hanlin Scholar and Board President, effectively occupying the peak of official power in the fifteenth century. While in these posts, Chen was repeatedly accused of acting like a “local despot,” by sending family members to “forcibly occupy land” (豪橫鄉曲欲吞併...強占其土地). This land seizure was enabled by Chen’s position, which he repeatedly used to quash accusations brought against him. But Chen’s family used force and coercion (豪橫, 強佔) - not formal authority - to seize the land in the first place. This was broadly true throughout Jiangxi: despite its reputation for scholarship and state service, cases from this region rarely hinge on abuse of position; more often they are based in use of force and economic coercion. Magnates were often officials and officials were often magnates, but the two forms of power depended little on one another; both depended on wealth, connections and cultural capital, but operated through fairly distinct channels. People like Chen Xun used official prerogative as a ratchet to prevent the loss of local power rather than as a lever to increase it.

Consolidation of landholding by powerful families went back to the beginning of the dynasty, and probably continued throughout, but the problem appears to have peaked in the late

193 Zhengtong shilu 209.4497.
1400s. The first clear citation of consignment (touxian) dates to 1372, the fifth year of Ming reign, when an edict went out proclaiming that “families of the nine ranks of officials are not permitted to receive other people’s land and hide it through ‘consignment’ of property” (其九凡功臣之家不得受諸人田土及 朦朧投獻物業). The penalties were relatively minor: the first offense was forgiven, the second and third resulted in reduction of salary, and only on the forth were they to be prosecuted as commoners.

Judging from the rather spotty records, tax evasion began to grow particularly bad starting around 1450. An edict from that year cites a growing problem with “dependent estates” (jizhuang), where families bought land across county boundaries making it difficult for either county to track tax burdens effectively; violators were to be banished to military service at the border garrisons and the land devolved to the state. Like almost all Ming reforms, it also called for better cadasters, and included increased punishments for those found falsifying the Yellow Registers. In 1459, the penalty for “consignment” also increased to permanent military service. The edict specifically cited “imperial relatives, dukes, marquises, counts, and civil and military officials” for “forcible occupation of military and private land” (皇親、公、侯、伯、文武大臣中間...強佔軍民田土). Further edicts in 1467, 1478 and 1489 further clarified the circumstances under which this precedent applied, showing increasingly problems in that

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195 Hongwu shilu 74.1380.

196 初犯者免罪附過，再犯住支俸給一半，三犯停其祿，四犯與庶人同罪. Ibid 74.1380-1381.

197 Zhengtong shilu 202.4320-4321.

198 A Tianshun (1457-64) edict quoted in “Prohibition and expulsion [of nobles] soliciting tenants to consign their land” 禁革求討莊田投獻地土. HMTF 4.548. This edict does not appear in the Veritable Records. The increase to permanent military service (i.e. hereditary, with sons to inherit their fathers’ posts) at the border garrisons (發邊衛永遠充軍) suggests that the penalty had previously been increased to single-lifetime service. However, I have been unable to find exact documentation of when this may have occurred.
interval.\textsuperscript{199} This trend is also reflected in the *Veritable Records*, which noted just three cases of *touxian* consignment prior to 1468, but closer to three cases *per year* for much of the late 1470s and 80s.\textsuperscript{200} After about 1500, the practice appears to have declined, probably due in part to reforms of the tax system that made official corvee avoidance less advantageous.

*Functionaries as magnates*

If land consignment to tax-exempt noble and official families was a large problem in the North and in Jiangnan, tax avoidance by sub-bureaucratic functionaries was probably a much larger problem in most of the South. Despite lacking the power or influence of commissioned officials, sub-bureaucratic functionaries were in much better positions to dominate their localities. Unlike civil officials - but like the princes and military officials often cited as magnate landlords - tax captains, village heads and supernumerary officials had authority in their places of residence. While they did not have the formal tax forgiveness granted to princes and officials, tax captains and village heads were the linchpins of local tax collection and were often able to pass their tax burdens onto the households they supervised.

While the magistrate theoretically had oversight over village heads and tax captains, he was highly reliant on them to actually collect the tax. In addition, these leading households were the closest thing magistrates had to social peers while serving in jurisdictions away from home.

\textsuperscript{199} *Ibid*, 4.548-550. This 1489 precedent gathers much key earlier precedent.

\textsuperscript{200} *Hongwu shilu* 74.1380-1381, 223.3270; *Zhengtong shilu* 72.1397-1398 are the three early cases. One case was recorded in each year of 1469-71, 74 and 76 - *Huizong shilu* 70.1383, 86.1669, 99.1897, 132.2489, 158.2887; followed by three in 1478, one in 1479, two in 1484 - *Huizhong shilu* 190.3389, 195.3439; 195.3445-6, 260.4398-4402; 263.4452; with similar frequency through the late 1400s. This may be in part a product of selection bias; in particular, there is reason to think that the late 1450s and early 1460s are poorly recorded in the Veritable Records. However, the timing of increased rates of new jurisprudence in the HMTF very closely reflects the timing of increased instances recorded in the Veritable Records; this strongly supports my inference that this trend crested in the 1470s and 80s.
Often local functionaries were the relatives of officials and exam candidates, or were themselves retired or non-serving degree holders; their literacy was especially important for them to be able to connect non-local officials to local society.\textsuperscript{201} This made it difficult for the tithing households - the lesser households of the village - to bring accusations against village heads, and probably disinclined heads to bring charges against one another. This made the village-tithing system, and the parallel system of tax captaincies hotbeds of graft.

Tax captains were the most powerful of the positions in the sub-bureaucracy, and a particular feature of the South.\textsuperscript{202} A tax captain was designated for each 10,000 bushels of grain tax in the county, designated as a sector (\textit{qu} 區) overseeing as many villages as was necessary to fulfill this quota, generally several dozen. Tax captains were unpaid, and personally responsible for tax payments, a situation that could potentially be a huge burden for a single household to take on. Nonetheless, their position at the nexus of tax collection gave them ample opportunity for ill-gotten gains. Furthermore, while they were not granted tax exemptions, tax captains were given reduced sentences after criminal convictions, many crimes were forgiven entirely, and even death sentences were reduced to beatings or fines.\textsuperscript{203} This made it easier for them to abuse their positions without fear of consequences.

\textsuperscript{201} Many scholars have made the point that “magnates” (tuhao) and “gentry” (shenshi 鎮士) were essentially two sides to the same coin, that they performed a “bridging” role between state and society. Fu Yiling’s argument that they were the same people exercising power in different modes is especially influential. Fu Yiling, “Zhongguo chuantong shehui: duoyuan de jiegou” [Traditional Chinese society: multivalent structures], \textit{Zhongguo shehui tongji shi yanjiu}, Beijing: Beijing daxue chubanshe, March 1998

\textsuperscript{202} The system of tax captaincies was only formalized in the Southern Metropolitan Region, Zhejiang, Jiangxi, Fujian, and Huguang; it was implemented to a lesser degree in Shandong, Shanxi and Henan. Huang, \textit{Taxation and Finance}, p. 37. See also Liang, Fangzhong 梁方仲. \textit{Mingdai liangzhang zhidu [The tax captaincy system of the Ming Dynasty]}, Beijing: Zhonghua shuju, 2008.

\textsuperscript{203} Brook, \textit{Chinese State in Ming Society}, 67; Huang, \textit{Taxation and Finance}, 37.
A record from 1429-30 shows the dominance and abusiveness of tax captains at work. A pair of censors visiting Luling and Jishui counties in central Jiangxi “discussed the problems with tax captains, saying they collected several times the tax owed, and [if people could not pay] forced them to give their sons and daughters instead; they controlled lawsuits and monopolized the government offices.” (各言糧長之害，謂其倍收糧石，准折子女，包攬詞訟，把持官府). In short, these already-wealthy men used their positions of dominance to accrue even greater wealth; they also used their centrality to the tax system to control access to government offices.

Should these abusive behaviors be attributed to the post of tax captain, or to the individuals that occupied the posts? Tax captains were chosen as the most wealthy and powerful individuals in a county; the state required individuals in such a dominant position for the tax captaincy to function. Almost by definition the people chosen were magnates. Nonetheless, it is clear that tax captains used the authority of their positions to extract substantial graft, probably above and beyond their capacity for ill-gotten gains through other avenues. In any case, repeated complaints about these abuses ultimately led to reform: by 1523 the duties of the office were transferred to much larger numbers of households. While the state relied on them for tax payments throughout the dynasty, their importance receded greatly thereafter.

Village heads were also highly problematic and used their positions for all manner of graft. Like magistrates, their dual roles as local overseers and arbiters gave them multiple

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204 Gu Yanwu, “The staffing of country pavilions” 鄉亭之職 Rizhi lu 日知錄 8.858

205 Ming History 78 notes that former roles of the full and assistant tax captain were now fulfilled by ten or more people by 1523, and the position eliminated.

206 Huang holds that the position continued throughout the dynasty, see Taxation and Government Finance, 38. This apparently contradicts the information in the Ming History.
avenues to solicit bribes. Like tax captains, their position at bottlenecks of tax collection made it easy to skim profits for themselves. But most of all their power stemmed from connections to the local government: village heads were the primary intermediary between magistrates and the broader population and in good position to influence magistrate behavior. Village elders were theoretically to act as a check on the power of village heads and prevent these types of abuses, but in fact often colluded with them. A 1485 ruling opens with the claim that:

In recent years, the elders of many areas do not act in accordance with the old regulations and even flagrantly violate them, act unfairly, incite lawsuits, and come and go from the government offices negotiating and counting money. Some were previously clerks and runners, or even criminals; all are perverse and petty men. They befriend that year's village head, scheming to form cliques together.\textsuperscript{207}

It goes on to describe the harms these cliques visited on their home villages:

They don’t distinguish between good and bad customs or consider the hardships they cause among the people. In resolving lawsuits, they confound right and wrong, and they obscured the truth in their investigations and reports. All they know is how to cheat people and take their belongings, to ask for chicken and wine, and to gang up with officials to exploit the small-folk. They do nothing to promote agriculture and sericulture for taxes, or to encourage ritual decorum. If a stream could be used to irrigate fields of seedlings, they send sons and nephews to block it. If another stream threatens harm if it is not diked, they order sly followers not to do the work. If a clogged river could be dredged, they send relatives to fill it in for fields. If a roadway should be repaired, they tear it down and take the planks and stones for their own use. They even issue private loans and collect excessive interest, and allow [the debt] to be paid instead by taking people's children as concubines and servants. They tear down houses, leaving no place for ancestral worship. They disrupt tax payments and collude with village heads to control the fabrication of Yellow Registers, which they use along with village records to practice fraud.\textsuperscript{208}

This gives a long list of abuses, ranging from soliciting bribes to the use of public land for private purposes. Not only were village leaders doing harm to the small-folk, they directly violated their mandates as representatives of the state.

\textsuperscript{207} “Ruling dismissing elders whose conduct is dishonorable,” 革退行止不端老人例, HMTF 4.491.

\textsuperscript{208} Ibid. My emphasis.
Village heads and elders were tasked with promoting good customs, resolving disputes, collecting taxes and maintaining records. Yet in each of these contexts, they had opportunities to used their positions for private benefit at the expense of both the state and the people (see italics above). The fabrication of records was particularly damning in the eyes of the state; as we have seen repeatedly,, these records were critical to both tax collection and social control. By manipulating tax records, village functionaries could effectively project their vision of local society into higher-level jurisdictions. As we will see below, magistrates, prefects and even higher-level officials often accepted the reports of village leaders at face value, or relied on them to conduct investigations.

In addition to these village posts mandated by statute, the Ming government sold sinecures that granted some degree of local authority. From the 1470s on, there were “supernumerary” or “volunteer official” (buguan 補官, yiguan 義官, sanguan 散官) positions available for purchase in Jiangnan, and probably other parts of the empire soon thereafter. These positions brought many of the fringe benefits of official position - the cap and belt of office and relief from corvee - as well as some degree of local authority. The higher orders of literati had little respect for these men. As one wrote:

Regardless of social class, anyone can pay forty taels and get a cap and belt and be called a “volunteer official.” When dispatched in that capacity, they take it as opportunity for illicit profit. Office runners, servants, beggars and rootless scoundrels borrow a little money to pay [for this position], and then use it as license for all manner of coercive behaviors.

年補官之價甚廉，不分良賤，納銀四十兩即得冠帶，稱“義官”。且任差遺，因緣為奸利。故皂隸、奴僕、乞丐、無賴之徒，皆輕資假貸以納，凡僭擬豪橫之事，皆其所謂。209

209 Wang Qi 王琦, “Abuses of volunteer officials” 義官之濫, Yifu zaji 寓圃雜記 5.
He estimates that in a single county, three-hundred such positions were purchased between 1470 and 1487.\textsuperscript{210} Like other sub-county positions, these “volunteer officials” used their title as license to abuse their power. A case from Zhejiang in 1471 noted that these supernumerary officials “ride around on horses or in sedan chairs\textsuperscript{211} with groups of three to five servants and henchmen following at their heels; they rely on their wealth and power and scheme to occupy the farms of small-folk.” (動輒乘馬轎衍帶僕伴，三五成群，跟隨出入，恃豪富而謀占小民田產).\textsuperscript{212} Here for the first time, we see clear instances of officials using their positions to dominate landholding. But can we really interpret this as an abuse of their post? It seems that his is a case of ruffians buying sinecures to give their actions a veneer of legitimacy, rather than official positions giving otherwise good people them the ability to behave like magnates.

The key problem with all sub-bureaucratic posts was that they granted official imprimatur to the most powerful local families and allowed them to use it in their home localities. These people were already in positions to use wealth and influence to expand their landholdings; now they were granted legal authority in dispute resolution and placed at a critical nexus of record-keeping and tax collection. Unsurprisingly they used these positions to increase their own landholdings, frequently at substantial cost to both the state and to lesser families within their oversight. It is clear that much of the growth of magnate power in the fifteenth century was enabled by these positions.

\textsuperscript{210} Ibid.

\textsuperscript{211} An arrogation of privilege technically allowed by their purchased office, but still looked upon negatively by those officials who tested into their offices.

\textsuperscript{212} “Prohibition on supernumerary officials violating the law, prohibition on magnates abusing power in order to spare the people disaster, prohibition on cheating the public good and playing with the law” 禁約散官違法禁豪強以免民患禁欺公玩法, HMTF 4.34.
Nonetheless, it is misleading to think that magnate power was *created* by village headships or tax captaincies; these positions rarely gave families power they would not otherwise have possessed, they merely granted them an additional avenue to use their power to dominate local society. As we will see, officials worked to reduce or eliminate village-head authority once this trade-off became too great for the state. As their formal authority was reduced, landlords simply turned to other means to expand and protect their holdings. As with landlords drawn from the nobility and the bureaucracy, the problems caused by village-functionaries-cum-magnates always had more to do with their independent and illicit use of money and power, the same money and power that formed the basis of their grants of village office.

*Money and power*

While the abuses of officials, princes, tax captains, and village heads were real, and often stemmed from their positions of formal authority, these were merely a subset of the contexts that legal officials described as “magnate abuses.” At its root, the Ming discourse on magnates comes down to abuses of wealth and social influence. Magnate cases almost always involved use of illicit force or financial manipulations, but cannot easily be parsed into violent and economic coercion because most cases involved both.

It is true that some were relatively simple cases where force was used to seize property. In 1469 the Jiangxi Surveillance Commissioner (*anchashi* 按察使) reported that “Jiangxi magnates are behaving violently, recruiting thugs in large numbers; carrying spears and clubs they forcibly occupy fields and other property, killing people and resisting arrest.”

(江西豪民...)

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But this case is somewhat atypical in the straight-forwardness of its violence. More often, landlords and creditors employed armed thugs to enforce the payments of rents or debts that theoretically had legal basis.

A case from 1475 gives the most detailed description of the type of landlord abuses then common in central Jiangxi. The “magnate” in this case combined economic and contractual coercion with the threat of force, and employed intermediaries of unclear legal status to do most of his dirty work:

In Xin’gan County, there is a local magnate who owns more than twenty properties - including fields and houses - but his heart is still not satisfied. Seeing that a person nearby had a nice forest, garden or plot of land, he started to scheme. He gives longterm loans with interest rates in excess of the law. Once [the debtor] is impoverished with no way to repay, he makes sure that he sign a deed of sale to the aforementioned land or building. Even if they are harmed greatly, he does not forgive the debt or return the contract. At night [the debtors] flee their homes, and the property is all given over to this magnate to manage; who could dare to dispute this. With these fields now his property, he recruited poor people from the various counties in Ji’an, as well as soldiers and craftsmen, and sent them to the various properties to work. They are no different than slaves. When this magnate goes out, he orders a sedan chair brought as well as a horse; [his followers] yell out to clear the way ahead and surround him behind; their force is like tigers and wolves. He also hired an expert teacher of martial arts, who does nothing but fight with the locals. As soon as this magnate calls out, a crowd of people rush to him, each carrying a rake-handle, spear, iron chain, bamboo staff or other weapon, like an army in formation. If they win, they kill an ox and buy wine and party all night. They have killed and injured people, but when he is brought to court, everything is recorded and slowly the matter brought to light, but when he is sent to be punished, it is stopped, and [they] conceal his crime. As this bully gets what he wants, other people can think of nothing else.

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213 “Soldiers and civilians who bring lawsuits in violation of the law or in the wrong jurisdiction and who slander ten or more people; as well as magnates who raise mobs to fight over land and rob property and related items are all to be punished by banishment to the military to occupy posts and render meritorious service”軍民詞訟違例越訴並謗告十人以上及豪民聚眾爭田搶奪家財等項俱 devant 詔, HMTF 5.567-8.

214 新淦縣, in Linjiang Prefecture, and bordering on Ji’an Prefecture.

215 A precedent from 1464 10 sets a limit of 30%/month on loan interest rates, but this is five years after this case. It is unclear what the limit was prior to that, but presumably something fairly comparable. See HMTF 4.874.

216 This implies that he assumes the prerogatives of an official, presumably without actually holding title or office.
This case exhibits almost all of the common forms of coercion used by magnates to seize and occupy property. The landlord gives out high-interest loans both for their direct profit and to use to force people to cede their property. To farm his properties he employs tenants or bondservants from outside the county, many of them of military or craft registration, who are “no different than slaves.” He also keeps a gang of armed toughs led by a martial arts expert to fight anyone standing in his way. Finally, he is able to manipulate the court system to avoid being punished. Despite all of these crimes, this landlord was not accused of any of the more direct abuses of official power: manipulating household registration, using official position as a threat, or graft. This is a pattern we will see throughout the Jiangxi cases: magnates made broad use of force and economic coercion, but compared to Jiangnan and the North there was much less direct abuse of official power.

The combined use of debt and force as instruments of domination was apparently widespread in central Jiangxi in the late fifteenth century. A case from Luling County from 1473 argues:

Of all the things that cause harm to the small-folk, nothing is worse than magnate ruffians, who use their own wealth and power and also have gangs of followers like teeth

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217 This case is included under two precedents: “Ruling forbidding the forcible occupation of fields and property” 禁約侵佔田產例, HMTF 4.553-4; and “Ruling prohibiting commutation of debts to land” 禁約私債准折田土等項例, HMTF, 4.865-6. Note that in the edition of the HMTF used, the editors frequently indicate suspected errors. These have been indicated with ☐, which unless otherwise noted are the work of the HMTF editors and not my own annotations. For ease of reading, I have indicated both omissions and substitutions in this way, with only the correct character given and the mistaken original elided.
and claws to increase their menace. When poor folk rent their land, [the owners] do not forgive the rent; even in bad years of flood or drought they covet the money and use force to extract [the payments]. Over [the past fifty or sixty years,] the money has been paid, yet they still use their power to hold onto the contract and extract more: sometimes taking [tenants’] children to order about (i.e. as servants), sometimes forcing them to sign over fields and houses to become [the landlord’s] property. They force [their tenants] to harm to meet [the landlord’s] household corvee burdens, they extract excessive [rents] to meet their land tax burdens, such that the small-folk cannot support themselves, and flee to other places. To provide for the small-folk, policy must start by getting rid of this harm.

Separated by two years and two counties from the Xin’gan case, the circumstances are strikingly similar. While less colorful in describing the use of force, it further clarifies the conditions of coercion: refusal to return contracts once the debt is repaid. In both cases, the magnates made use of force in part to insist on documentation. They did nothing so bald-faced as invading a neighbor’s land, but had no compunctions about using force to enforce contracts. With written evidence on the their side; “who could dare to dispute their claims]” (誰敢言辯).

The cumulative effect of landlord abuses was that many tenants and debtors fled to other places. Doubtless many of them became the tenants or servants of other magnates. Others entered the hazy realm of the “unregistered,” a group under constant suspicion of being lawbreakers. A precedent from 1485 makes clear the connection between magnate abuses and banditry, with particular reference to southern Jiangxi. It describes many familiar forms of compulsion: enticing tenants by helping them avoid corvee, forcing rent payments in good years.

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218 “Creditors that, on receiving payment, consider it unpaid”債務主謂即謂不應, HMTF 4.876. This long precedent consists of several cases starting on p. 4.873. This is repeated in a later 1487 1 “Precedent prohibiting magnates using debts to cause harm to the people,” 禁約勢豪放債害民例, HMTF 4.886-7.
and bad, usurious interest on late payments, and taking children and livestock when they could not pay at all. This case specifically describes the results:

Without the means to survive, [these tenants] can only form bands and flee their tax households, sometimes dispersing in all directions to rob and plunder, sometimes joining with the bandits of their native place to attack their masters. Among them there are great households that divide the spoils, as well as followers and relatives who gang together to perform the robbery; the ones who come out [to commit crimes] are mostly of this latter group.

In other words, this official blamed the great households in the region, both for reducing tenants to indigence, leading them to resort to banditry; and for harboring bandits and helping them fence their stolen goods. It paints a picture of small-folk fleeing the household of one magnate to the household of another, whether they became the latter’s tenants, servants, or gangsters under his protection. In fact, this law makes little distinction between the three.

As the text makes clear, great householders did not need to commit the acts of theft and violence themselves; they employed others as their “talons and teeth” knowing that this shielded them from direct prosecution. For their part, outlaws’ rootless status opened them up to prosecution; they relied on magnates for protection, and even needed to fence their stolen goods through them. Whether legal tenants or illegal bandits, small-folk’s dependance on stronger households was nearly complete. Magnates could go too far, however; tenants driven to the brink of starvation could equally turn on their landlords, rob, kill and flee into the hills. Either way, the case makes clear that magnates are to blame for the rise of brigandage.

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219 企境小民畏避差徭，揭家逃走投為佃戶，或收充家人。種田土，則不論荒熟，一概催取租穀；借借錢債，則不論有無，一概算算利息。少拂其意，或橫加種楚，或強逼孳畜，或逼賣子女。“Ruling prohibiting the great houses of Jiangxi from coercing their tenants and servants into banditry, those harboring more than three bandits to be banished to military service,” 禁約江西大戶逼迫放縱僱僱為盜其窩盗三名以上充軍例, HMTF 6.422. Note that this also appears without the body text in HMTF 5.414.

220 Ibid. 6.423.
Restricting the magnates

The Board of Punishment had some difficulty dealing with fifteenth century wave of magnate abuses. Landlords generally did not commit brazen and obvious crimes, they used coercion to magnify existing power dynamics; as much as possible they employed others to do so for them. Unlike theft or murder, which were largely matters of evidence, many magnate excesses fell into statutory grey zones. The confusion and overlap between different forms of coercion can be seen in the case-law, which often grouped together multiple types of violations under a single precedent, or listed a single case under multiple statutory categories. One law from 1469 lumped together specious lawsuits with armed gangs, even though the cases cited for the two violations were different. Conversely, a single case from 1475 was cited under two different precedents, one “forbidding the forcible occupation of fields and property” and another “prohibiting commutation of debts to land.”

Officials struggled to fit the facts of cases into existing statutes, and to generate new precedents to cover violations of public order not clearly prohibited by existing law. The whole array of behaviors cited above - force, litigiousness, high-interest loans, tax avoidance - were all seen as manifestations of the same fundamental problem: abuse of power. But officials could not simply make “magnate” status illegal the way they did with “outlaws,” because magnate power almost always had semi-legitimate basis. “Outlaws” could not escape the fact that they were without legal registration; “magnates” could defend land seizures with the legal armor of deeds.

221 “Soldiers and civilians who bring lawsuits in violation of the law or in the wrong jurisdiction and who slander ten or more people; as well as magnates who raise mobs to fight over land and rob property and related items are all to be punished by banishment to the military to occupy posts and render meritorious service” 軍民訟訴違例越訴並謗告十人以上及豪民聚眾爭田搶奪家財等項俱問〔發〕充軍懲站立功, HMTF, 5.565-8.

222 “Ruling prohibiting impinging on fields and property,” 禁約侵佔田產例 HMTF 4.553-4 and “Ruling prohibiting commuting private loans to [require payment in] land” 禁約私債准折田土等項例, HMTF 4.865-6, respectively.
and loan contracts. Officials could hardly get rid of these behaviors without also eliminating all sale of land and all loans. Nonetheless, they tried to build clear ontologies of magnate behavior the could be made illegal.

As noted above, Ming statute divided external governance into six broad categories demarcated by the Six Boards. Most abuses of non-official wealth and power fell under two of the six broad categories: regulations on economic behavior administered by the Board of Revenue (hubu 戶部), and adjudication of criminal statutes under the Board of Punishments (xingbu 刑部). Within these two broad groupings, the majority of anti-magnate legislation fell under a handful of statutes laid out in the Ming Code: usury (weijin quli 違禁取利), illicit sale of real estate (daomai tianzhai 盜賣田宅), and [illicit] rent or pawn of real estate (dianmai tianzhai 典賣田宅) under the Revenue Section; and harboring criminals (盜賊窩主) under the Punishments Section, with a handful of other precedents under less-used statutes. Changes in the law itself reflects changes in both social circumstances and legislative attitudes since the Ming founding. Between 1464 and 1494, the court produced twenty-one new precedents on usury, nine each on illicit land sales and rents or pawns, and five on harboring criminals. While these paled by comparison to the thirty-three new precedents on improprieties in tax payments (shou liang weixian 收糧隨限) or the massive volumes on improper litigation (detailed below), they nonetheless represented major changes in these areas of law. Many were specifically in response to abuses of non-official power and position.

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223 This does not include the abuse of courts of law, which is addressed in more detail below.

224 HMTF 4.14-23.

225 By my count, six of the twenty-one on usury, eight of the eighteen on illicit sale or pawn of land, and two of the five on harboring criminals mention the use of force and coercion (勢要, 豪勢 etc), tax evasion (投贓) or slander (誣告) but not official position.
These new precedents updated the statutes in three ways - they clarified existing laws in cases where they were unclear, added clauses to these laws to further delineate categories of crime and punishment, and increased the penalties for certain types of crime. Frequently they did more than one. For example a precedent from 1487 added a subcategory to the statutes for violence involving thirty or more followers, and increased the penalties for any such non-capital case from penal servitude or banishment (\textit{xi 徒, liu 流}) to military service (\textit{chong jun 充軍}).

Military service was the strongest penalty available short of capital punishment, which the Board seemed loath to use for crimes that fell short of homicide, rape and rebellion. But military service did not seem to be a terribly effective deterrent, not least because many criminals were able to avoid banishment or flee.

In 1484-85, the court tried a different tack to deal with these problems. As part of a broader amnesty for criminals and tax evaders, the state forgave the crimes of magnates so long as they returned any property they had taken illegitimately. Following the standard lambasting of those using force and craft to take over others’ “farmland, forests and ponds,” and to take consigned land (\textit{touxian}), the edict reads:

\begin{quote}
But although there are precedents prohibiting this behavior, for the most part they have not been followed, causing inexpressible harms to the small-folk. Starting from the day this edict arrives, [those possessing land illegally] are given a month to return the
\end{quote}

\footnote{Theoretically they could also reduce penalties, but I have not seen any cases where this occurred.}

\footnote{“In cases of Jiangxi magnates and their ruffians gather crowds to dispute land and size property, doing harm to others, officials are to dispatch men to investigate and capture the offenders, all those found guilty of ‘banishment’ crimes are to all be transported for military service,” 江西豪強之徒聚眾爭田奪財傷人官司差人勾攝拏捕犯該徒流罪者俱充軍, HMTF 5.802}

\footnote{As a rough indication of the size of the problem, the HMTF contains thirty-three new precedents related to soldiers fleeing their posts (従征守禦官軍逃) and thirteen related to they employing substitutes (軍人替役). p. 4.18. Note that military service was not one of the penalties allowed under the original statutes. The increased use of this punishment in the mid-Ming is a particularly interesting question. This may have been related to the fact that (under most circumstances) only non-capital punishments could be redeemed by fines, which meant that military servitude represented the highest fine a magistrate could easily issue without having to deal with the additional complications of a capital sentence. Szonyi, *Forthcoming?* and personal communication.}
property taken [to be forgiven their crimes]. Those who do not accord with this, and any future occupation and false registration is to be reported by the aggrieved parties for resolution, and will be punished to the fullest extent of the law. Cases where there is a clear deed of sale are not included in this precedent.

As with the increased penalties seen above, this single item groups together much of the same behavior - tax evasion, treachery, and abuse of power. This same amnesty also contains an item forgiving outlaws in Jiangxi, Zhejiang, Huguang and Fujian; forgiving their crimes if they turned themselves in, and rewarding outlaws who turned over their leaders. Yet note that landlord who forced their tenants to sign away land with proper contracts were not liable to prosecution (italics).

Apparently neither increased penalties nor amnesty did much to stem the power of magnates: new case-law aimed at resolving their abuses continued to issue from the courts. A 1485 memorial offered one of the most inventive solutions to the problem. Recognizing that magnates employed others to do their dirty-work, it moved to make them them responsible for the actions of their followers. This case also demonstrates the remarkable vibrancy of mid-Ming policymakers, and the ways the discourse extended to unexpected corners of the official world. This memorialist was not a local official, Board administrator, or a circuit inspector, but a eunuch official of the imperial stud (yu ma jian taijian 御馬監太監) who came into contact with magnate abuses in his inspections of southern Jiangxi horse farms. He writes:

These days many officials’ memorials aim to get rid of robbers and reassure the common people with new policies, for fear that small-folk are driven to flee their borders, for fear that after years of farming they can no longer bear the burdens. They want to ensure
household registration and that people appear for corvee duty, but fear that time will render [this burden] unequal, and that longstanding regulations are hard to reform.

Having given his summary of the prevailing mood of reform and impotence at the court, this writer proposed a novel solution: to make the heads of household personally responsible for the behavior of their tenants; if tenants were convicted of banditry, their landlord was also to be banished for military service. As with many mid-Ming policies, this reform attempted to resolve both criminal and fiscal issues by ensuring proper household registration:

Great houses and the families of officials are to survey and report all family members and tenant households to the state. When a crime occurs, [officials] issue a summons with the names [of perpetrators] and the location where the crime occurred. If [the perpetrators] are tenants, it is the responsibility of their head of household to bring them to court, in which case [the head of household] will be exempt from prosecution. If he intentionally allows [the perpetrators] to flee or hides...more than three of them - regardless of wether they are tenants or family members, regardless of whether the head of household was aware of their crimes - he is to be banished to the military. Village leaders are also to be punished.

Not only were landlords held responsible for the crimes of their tenants, village leaders were made culpable for households that failed to list their tenants and servants in the official registers.

Landlord culpability for tenant crimes appeared to be the best solution to the related problems of landlord abuses and banditry. As we have seen, the crimes that magnates personally committed were generally economic crimes like usury or failing to return property at the end of a pawn - far less obvious than the thefts and assaults they compelled their followers to commit. By making landlords responsible for the actions of their tenants and servants, this law attempted to

231 “Ruling prohibiting the great houses of Jiangxi from coercing tenants and servants into robbery, those harboring three or more robbers are transported for military service” 禁約江西大戶逼迫故縱佃僕為盜，其竊盜三名以上充軍例, HMTF, 6.423. My emphasis

232 Ibid. My emphasis.
go beyond prosecuting crimes to eliminate their causes. But like so many mid-Ming reforms, it probably fell into the paradox of record-keeping: updating records depended on local cooperation, local cooperation required delegating authority to leading families, and these leading families used their authority to falsify the records.

It appears that magnate violence and coercion receded somewhat in the second half of the Ming. Unfortunately the extant case-law after 1495 is not quite as detailed as the earlier material, but it is still instructive to examine the new precedents in some of these later law-books. A precedent from 1503 deals with two cases of persecuting people to death (威逼人致死), one from Jiangxi and one from Zhejiang. The 1526 edition of Criminal Investigations and Classified Precedent (wenxing tiaoli 間刑條例) has two new precedents on forcible occupation of land. A 1632 casebook gives clarifications of the difference between “occupying land by craft” (qinzhan 侵佔) and “by force” (qiangzhan 強佔). But otherwise there is little new case-law on these issues. While this certainly does not indicate that magnate families stopped using violence and coercion to magnify their power, it does suggests that their dominance had fallen into patterns.

Whether or not magnate abuses declined after 1500, it is clear that families had found ways to use the structure of the law to restructure social relations to their own ends. This is the thread joining all the different forms of magnate behavior described in the new precedents from the mid-Ming on. Landlords enveloped the lessfortunate into their own households as tenants.

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233 DMLS, p. 328.
234 WXTL, pp. 278-9. These are undated, but presumably were written between 1500 (the previous edition of the work) and 1526.
235 Xinjuan guanban ludi linmin shi jing” [New official edition of the True mirror of law to rule the people] 新鑑官板律例臨民實鏡, ZXFL－乙編 vol. 7 p. 319
and servants, or sheltered outlaws without registration to use as their “talons and teeth.” Officials and functionaries used their formal responsibility for tax collection to embezzle funds for private gain. Moneylenders kept written contracts; they used these as legal basis for forcible seizures of land, and even women and children to use as servants and concubines. Even if these behaviors became less violent, or less coercive over time, magnates were still left with power of position. Not only were magnates the ones with money, land, and large households, they were also the ones with proper household registration, formal titles, and contracts. Yet the repurposing of official avenues for private purposes was the most evident from the use of the courts themselves; by the mid-Ming, private interests dominated the courts at the expensive of the public order.

Lawsuits and litigators

By the mid-Ming, Jiangxi residents were especially notorious for their love of lawsuits; the region was often singled out as a hotbed of antisocial and even illegal forms of litigiousness. Yet this characterization of Jiangxi as litigious was not entirely new. In the Yuan Dynasty, Nanchang people already had a reputation for “relishing fights, losing their tempers, and enjoying lawsuits;” and in 1398, the Hongwu emperor singled out Jiangxi residents as “prone to litigation.” Yet the problem apparently grew thereafter. In 1468, the Prefect of Ji’an estimated that “at the prefectural offices, eight or nine-hundred suits are brought per day... at the provincial court, three or four thousand are brought per year;” (近則投詞狀於司府，日有八九百，遠則致勘合於省臺，歲有三四千). Qiu Jun, a leading statesman of the late fifteenth century,
likewise wrote that litigiousness was a growing problem in the empire and that the situation in Jiangxi was the most extreme.²³⁸

Jiangxi folk were noted for the sheer numbers of lawsuits they brought, and also for several particular forms of antisocial litigiousness. They used specious and slanderous suits (wugao 諟告) to clog the courts and bias the carriage of justice; hired professional litigators (songshi 訟師) and other stand-ins; and they were especially noted for violations of proper jurisdiction (yuesong 越詐). All of these behaviors were either illegal to begin with or were restricted and penalized in the course of the late fifteenth century, but this did little to decrease litigiousness. If anything the penalties for certain forms of litigiousness encouraged plaintiffs to use other illegitimate behaviors as cover. To avoid being investigated personally for their lawsuits, wealthy plaintiffs employed professional litigators. Because professional legal representation was illegal, litigators used young, elderly or female stand-ins to actually bring the suits to court. They brought hundreds of suits to dilute the impact of complaints brought against them and clog the courts. They accused magistrates and even censors of corruption to bias judgements in their favor.

All Jiangxi residents were notorious for their love of lawsuits, but this was especially true of Jiangxi merchants. A precedent from 1465 decrees, “henceforth, when Jiangxi merchants traveling on business in Huguang and other regions bring suits to recover debts owed and not repaid, they should only bring them in in the court in their area of residence, where they will be heard for judgement.”

²³⁸ “These days, the trend toward excessive litigation is worst in Jiangxi; if this tendency is not put to rest, if the good people are not given peace, one day there will be an unexpected disturbance.” Qiu Jun 邱濬, Daxue yanyi bu 大學衍義補 105.
This law resulted from an old suit from 1458 that had taken until 1464 to be resolved, presumably because the merchant kept bringing it at higher and higher courts. This caused problems in part because the merchant violated the proper jurisdictional hierarchy, but also because it was unclear which lower-level court should hear it - the one in Jiangxi or in Huguang. It was an issue of excessive litigation, but also of the merchant’s non-residence in his place of official registration. The case was ultimately to be heard in Huguang, and the merchant then sent back to his native registry in Jiangxi for labor service.

It was not just Jiangxi’s merchants that were notorious for excessive litigiousness; farmers and landlords were widely cited for bringing minor suits to courts above their jurisdiction. A precedent from 1470 begins by noting “in Jiangxi, when people bring suit, many are based in minor cases of land disputes and brawls, trumped up to major charges like murder and robbery.” (江西地方，人民健词，中闻多由田土斗毆等政细事，控词人命，劫财重情). Excessive litigation of minor suits was clearly a major problem at this time: this 1470 precedent was issued in response to the Censorial Court (ducha yuan 都察院) collecting hundreds of cases of legal manipulations. Yet as far as the censors were concerned, the biggest problem was not jurisdictional violation, nor the sheer number of lawsuits, but the professional litigators employed by plaintiffs.

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239 “Jiangxi travelers doing business in various places who bring suit are to have their cases put on record but not prosecuted”江西客人〔各〕處買賣奏告情詞立案不行, HMTF 5.496

240 “Military and civilians who bring lawsuits to the capital are to be punished according to precedent, and their cases returned to the appropriate bureau for judgement...”軍民詞訟慕越赴京奏告者照例問罪給引遞回所司聽理...，HMTF 5.569.
The growth of private legal expertise

The lead figure singled out in suggesting a new precedent was one Peng Yan 彭彦, a resident of Taihe County in southern Ji’an Prefecture. Between October 11, 1468 and June 4, 1471, Peng had brought more than five hundred lawsuits, or approximately one case every two days! The censors note cases where litigators drew together many plaintiffs for something like an early modern class action; and cases where they employed boatmen, capital soldiers and artisans to bring cases in their stead; they list cases where litigators falsified or omitted the names of plaintiffs, where the plaintiffs had left their home registration on business, and where they simply failed to appear in court for years on end.

Even when these cases were returned to the proper jurisdiction - as mandated by law - litigators provided others services for their employers. They used force, or money, or fled to avoid being made to appear in court. But the officials note that litigators cleverly avoid bringing completely specious lawsuits. They write: “less than two or three percent [of these lawsuits] are admitted to be total fabrications, but eight or nine in ten involve falsehoods,” (甘認誣捏情實者，百無二三，渉虛者十常八九). In the eyes of the Censorial Court, the use of professional litigators was key to these abuses. The appearance of professional litigators meant that the magnates of Jiangxi had access to a class of specialists whose legal knowledge often surpassed the magistrates in whose courts they appeared.

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241 受人財団搭娯他人姓名. Ibid, 5.570
242 雇募無籍馬丗夫解戶人等及等托在京軍校尉役匠等役，假名托姓，妄行妄告. Ibid.
243 其原告有誤無名姓住址者，有逃往別處買賣者，經年累月捉拿不來. Ibid.
244 蒙得原告遞回聰理，都怕訟出前情，或就彼雇人代替遞回，中途聚眾打奪，或用財買放，或潛自逃回. Ibid.
245 Ibid.
Persecuting the magistrates

A memorial from Zhao Yu, circuit inspector to Jiangxi in 1467, reveals that litigants used specious accusations to put fear into the local magistrates as well. Zhao wrote: “Jiangxi’s small folk are accustomed to litigiousness; if the local officials are the slightest bit incautious, [the locals] bring slanderous accusations [that the official caused them] harm” (江西小民習［俗］健訟，官吏稍不慎情，動輒捏詖告害). He argued that censors - the officials responsible for reviewing plaints against local officials - need to be careful to take into account the character of the accused official, arguing that these false or inflated accusations have a chilling effect. He reveals that those directly accused often die while awaiting judgement (終年不對理), and other officials fear similar persecution and “hang their heads and feel disheartened...and sit and watch as magnates do as they please, and no-one dares challenge them. Knowing clearly that the timid good people are being wronged, they do not dare to stop it.” (垂首喪氣，庸庸祿祿，坐視豪強之徒縱事妄為，莫敢（奈）何，明知柔懦良民負屈，不敢斷決). Conversely, Zhao argued that investigating officials are often “indiscriminate in investigating with torture, fearing that otherwise [they too] will be implicated in corruption” (輒概住提［拷］問，慮恐［傳訪］點污). 246

Even when local elites did not actually threaten officials, their social prominence - and the occasional well-placed bribe - was generally enough to ensure favorable judgements. A case from 1475 describes how this often worked in central Jiangxi:

When a complaint is brought to village elders, they fear the wealthy and powerful, take bribes, and give biased judgement. Then the case is taken to the county. Frequently, wealthy and powerful people are on good terms [with the magistrate], who throws the

246 “Ruling that when accusations are made against serving civil or military officials, inquiry should first be made clear before proceeding with interrogation” [訟] 告軍民職官先行審勘明白方許提問例, HMTF 5.502－4.
small-folk in jail for six months or even a year or two. [Litigants] bribe the officials and clerks, who only rely on the word of village elders and neighbors and retain the original rash and biased judgment. Repressed in this way, small-folk then run to the prefectural court to present their suit, and again [the presiding official] consults the original case. The county improperly claims the matter resolved and completely obscures further inquiry so the case is quashed and the injustices are never heard.

In this way cases continued to wind their way up through the court hierarchy, from the village to the county, the prefecture, the circuit inspectors, and even the capital. At each level of review, overworked judges repeated the faults of lower courts, dismissing cases or relying on earlier judgments. By dominating or bribing village functionaries and county magistrates, litigants could effectively ensure a favorable result at higher jurisdictions as well. This document further suggests that rich and influential families were often on good terms with their county magistrates. Even if they did not actually bribe them, great houses could expect favorable treatment as the hands of their social peers. After all, a magnate in one context was often an official in another.

Unclogging the courts

Until the 1470s, censors and Board officials tried to limit manipulation of the court system by increasing penalties, while generally trying to keep lawsuits in lower courts. First they attempted to limit specific abuses - libel and slander, bringing cases in the wrong jurisdiction, using go-betweens to appear in court or accusing large numbers of people. As with their attempts to limit other forms of coercion, they did so through increased penalties; by 1472 all the
behaviors listed could be punished by banishment to border garrisons. At the same time, officials were concerned with the sheer volume of petty cases clogging the higher courts. Citing early Ming statutes, they argued that the such lawsuits should be resolved by the village heads. The *Placard of People’s Instructions* clearly states that “among common people, marriage, household issues, and land disputes and brawls are all minor matters; these suits should not be brought to court, but should be resolved by the village leaders” (竇個民間戶婚田土鬥打相爭一切小事，不許輒赴告官，務要經由本管里甲老人（理）斷). Appearing in a constitutional document of the dynasty, this injunction was widely cited - both obliquely and directly - in later precedents concerning overreaching litigation. Until the 1470s, legal officials attempted to uphold this law by sending minor cases back down to local courts, increasing punishments, and further clarifying jurisdictional questions where they were unclear.

A new law from 1472 appears to be the turning point where officials begin to call into question the value of village heads in resolving disputes. Written by Zhao Yin 趙銀, Supervising Secretary (*jishi zhong* 給事中) of the Board of Punishments, the memorial starts by observing the increasing problem of lawsuits jumping up through the courts all the way to the capital. Zhao notes that earlier precedent - all the way back to Confucius and the *Book of Changes* - charges officials with resolving lawsuits, but he argues it does not specify that village administrators

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248 The HMTF contains seventy-eight cases related to improper litigation, mostly from TS8 to 1464 14, pp. 5.455-601. The major precedent raising penalties for the abuses listed had all been laid out by 1464 7-9. See “Ruling that provincial officials and yamen personnel investigating crimes must appear in person to judge the suit, and must not entrust village elders with the investigation” 在外問刑衙門官員務要親理詞訟，不許輒委里老人等保勘例, HMTF 5.517-22, and “Military and civilian lawsuits that proceed directly to the capital to present their plaints, according to precedent are held guilty of crime and the matter return to the appropriate office for judgment...” 軍民詐訟 肄越赴京奏告者照例罪給引遞回所司聽理..., HMTF 5.569-574 which lay out most earlier case-law, specifically including statutes from the *Ming Code*, the *Placard of People’s Instructions*, and precedents from 1445 and 1464.

249 As quoted in “Ruling that provincial officials and yamen personnel investigating crimes must appear in person to judge the suit, and must not entrust village elders with the investigation” 在外問刑衙門官員務要親理詞訟不許輒委里老人等保勘例, HMTF 5.518.
should be involved. The Placard of People’s Instructions from the Ming founding does indicate that village heads be employed in resolving disputes, but Zhao argues that this could not possibly anticipate litigation on the scale of the late fifteenth century. To Zhao, the problem of excessive litigation stemmed from local officials’ failure to investigate personally, and their use of village heads and elders to do so in their stead. As a result of this, problems in the initial investigation were simply transferred further up the hierarchy, with each official adding little more than empty words. However, in the process there were numerous additional opportunities for bribery and suasion by the rich and powerful. This problem was all caused by the initial investigation. Zhao further makes a novel claim - that the reason minor disputes can be resolved locally is because they all have local documentation or evidence:

Households and population issues...have cadastral registers that can be inspected; both before and after marriages take place, there are matchmakers and certificates for verification; determining the borders between fields depends on the evidence in deeds; brawls have witnesses; bribes have go-betweens; all this can be clearly analyzed. All of this could be checked easily by the official, resolving the dispute quickly and avoiding the use of village administrators. It is only when documentation is missing that they should be called to investigate.

The 1475 precedent on bribery cited above continued the trend to take authority away from village administrators. Like the 1472 law, its argues that mistakes and biases in low-level judgements easily propagate upward through the legal hierarchy. And like the Board

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250 故易曰“辦訟”，孔子曰“聽訟”，書曰“兩（造）具備，師聽其辭“。未聞委諸里甲老人之助保以求其平也

251 據厥所由，皆因在外司府州縣官員不肯親身與民分憂，徒溺於里甲老人之保勘，以致此分爭也。

“Provincial officials investigating crimes must appear in person, in the court of officials. They must personally examine the facts. If they fail to do so, they will be held responsible.”

252 Ibid.
administrator, its low-level author argues that the solution is to take dispute resolution out of the village and place it firmly in the hands of the magistrate. He writes “it is difficult to rely on village elders and neighbors in minor suits; henceforth instruct that this is to be managed by magistrates, whose must arrest and interrogate [those involved] and only then resolve the case,” (今後小名詞訟，難憑里老地鄰，著落該管知縣，務須拘問審實，方許問結).\(^{253}\) The logic is that it is easier to hold magistrates to account for accepting bribes than to investigate village heads. As part of the official hierarchy, inquiries into magistrate behavior fell directly under the purview of inspecting censors,\(^ {254}\) whereas village heads and elders were outside the system of commissioned officials and therefore easier for magnates to bribe or dominate without consequence. Another precedent from the early 1500s continued this trend of taking power out of local hands. It suggested that “magnates are able to refuse questioning by government functionaries and their dispatched representatives” (勢要衙門人役有札委，經行文，佔忤不服拘審者).\(^ {255}\) It’s writer argues that the solution is to dispatch agents even more distant from magnate power - the Imperial Guard - to detain and interrogate suspects.\(^ {256}\) There was no perfect solution to restricting the power of magnate houses, but at least these reforms brought aspects of the problem within official oversight and out of the corrupt networks of local functionaries.

Manipulation of the legal system was problematic throughout the empire, but again and again central Jiangxi was cited as particularly bad. This was apparently a longstanding problem. In their manipulation of the law, Jiangxi’s great families employed the same set of techniques

\(^{253}\) Title missing, HMTF 5.931.

\(^{254}\) 本管知縣仍行受財枉斷，許赴巡按御史訴告，詳加論審得實. \textit{Ibid.}

\(^ {255}\) “Doing what aught not be done” 不應為，DMZY, 2.305.

\(^{256}\) 乞敕錦衣衛將犯人擒拿送官，（從）重罪治. \textit{Ibid.}
seen in their domination of other spheres of influence. As much as possible they worked within the legal boundaries laid out in the statutes, but at the margins they used multiple forms of coercion and obfuscation to maintain their positions. They employed experts in the law to muddy the waters with hundreds of lawsuits, used stand-ins and go-betweens to avoid being directly called to account, and used money and force to swing the system in their favor. But for the most part they used litigation to maintain the status quo, not to change it. Almost all the techniques employed by litigators on behalf of their clients were designed to keep matters from ever being tried in the courts at all. Most of all, they worked to delay interrogations and appearance in court or avoid them entirely, preferably while their rivals languished and even died in prison.

For their part, officials did their best to limit the manipulation of the system. Initially they attempted this by increasing penalties for all kinds of legal abuses, from using stand-ins to specious lawsuits to excessive litigation itself. When this proved ineffectual, they shifted focus to controlling jurisdiction. For the first century of the dynasty, the preference was to judge disputes as locally as possible. Ideally, minor matters would be resolved in the village before they even made it to county courts let alone the higher orders of legal administration. Starting around the 1470s the legal establishment began to lose faith in village administrators and exhibit a preference for magistrates to hear even minor lawsuits. The idea was that a single, decisive judgement in the county court was preferable to a drawn-out series of appeals through multiple jurisdictions. In many ways this prefaces the more general inclination to take power away from village administrators and give it to county and prefectural officials seen above and in Chapter 1.

In some ways the growth of litigation also speaks to a gradual calming of the more aggressive forces of magnate domination. While the behavior of professional litigators in the
Ming looks chaotic and abusive to modern eyes, it nonetheless showed at least superficial respect for the Ming judicial establishment. It was certainly less socially destructive than more direct applications of force and violence in defense of acquisitive interests. In most of the cases above where professional litigators were employed - mostly on the side of the more powerful parties - their actions were mostly intended to maintain the status quo. Nonetheless, the growth of litigation demonstrates the extent to which private interests came to dominate the public courts.

Conclusion

In 1468, Prefect Xu Zongji 許聰給 wrote “although Ji’an has broad territory, there are few farms to plow; although its population multiplies, it does not produce a wealth of riches or grain; it has many literati and civil servants, but there are more than a few forceful lineages and their magnate friends. People fight with each other and steal one another’s property; lawsuits multiply and a climate of craftiness prevails.” (吉安地方雖廣，而耕作之田甚少；生齒雖繁，而財穀之利未殷；文人賢士固多，而強宗豪右亦不少。或互相爭鬥，或彼此侵漁，訟訟大興，刁風益肆).\(^{257}\) This is as good a summary of late fifteenth-century Jiangxi society as we are going to find, and encompass many of the paradoxes of local governance seen in the past two chapters. Later accounts still emphasized the litigiousness and coerciveness of the great lineages of Jiangxi; literati and magnates were always seen as two sides of the same coin. If the worst land-grabs were over, it was principally because certain families were now entrenched in power, and others were largely dispossessed of their historic positions.

\(^{257}\) Chenghua shilu 23.
Nonetheless there is a sense that sometime in the early sixteenth century, elite society turned a corner. Abuses continued, yet we also hear of grass roots attempts to stem those abuses. In the sixteenth century we begin to see groups of leading families working toward self-governance. They wrote community compacts (xiangyue 鄉約), founded and revived private academies (shuyuan 書院), and brought back self-defense groups (baojia 保甲). But to a greater degree than ever before, the gentry of the mid-Ming turned within their own families to construct the institutional basis of local society. As I have shown in the preceding two chapters, mid-Ming families were freer of state strictures than their predecessors in earlier periods. The following section will explore what families did with this space by exploring the construction of the South Chinese kinship organization *par excellence*: the corporate lineage.

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Part II - Ancestors and Descendants
In the first two chapters, we repeatedly saw the powerful families of mid-Ming Jiangxi dominating their localities, and limiting official interventions. The state interfaced with these families in multiple ways. Many of the examination candidates filling state and private academies came from old, prominent houses; heads of large households often served as village leaders or tax captains, and were the social peers of local officials; many became officials themselves. In these capacities, family leaders were generally called “gentry” (shenshi 紳士, and variants). Yet the landlords abusing their tenants, hiring thugs and illegal litigators, avoiding taxes, and embezzling funds also came from many of these same families. In this capacity, they were often called “magnates” (hao 豪). The social roles of “gentry,” “landlord,” “literatus,” “magnate,” and “village head,” while not coterminous, overlapped greatly; these many positions were often filled by just a few people.259

This phenomenon was not new to the Ming; gentry had existed since the Song, and magnates even longer. Yet I suggested that the independent power of these men and their families was greater in the Ming than for several centuries prior. I argued that the reason for the growing independance of Ming gentry stemmed largely from the growth of family institutions that could displace those of the state and local community. In the Song and Yuan, the leading families of South China relied on the state and the gentry community for incomes, record-keeping, and political connections. By about 1500, the most prominent households of Jiangxi and surrounding areas had their own capacities to document their own kin groups, and to mobilize them as sources of manpower, funding, and legal and political power. As we have seen, these corporate

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259 See Fu, Yiling 傅衣凌. *Ming Qing fengjian tudi suoyou zhi lungang [Outline theory of land ownership unnder Ming-Qing feudalism]*. Shanghai: Shanghai renmin chuban she, 1992, 24-40. Beattie, *Land and Lineage*, 18-20 has a great critique of earlier scholarship that defined the gentry too narrowly.
kin groups no longer needed to buy into the same social contracts that had prevailed in previous eras; they effectively renegotiated a social order where extended families encompassed many of the roles previously performed by the county government, state-sanctioned village leaders, or the gentry community.

This section will take up this transition from a different angle: the internal dynamics of these great families. As I will argue below, the leading families of South China formed around the paradigm of the ancestral lineage. Lineages transmitting ritual responsibilities for ancestor worship long predated the rise of the corporate form of kinship organization, yet it was not until the Ming that these lineages acquired the degree of social, economic and political power seen in the first two chapters. Indeed, the lineages of the Song and Yuan were relatively small and often short-lived as social institutions. Yet as we will see in the next two chapters, even if their political and economic fortunes rose and fell, there were great continuities in lineages’ transmissions of ritual inheritance. I will argue that this theoretically unbroken line of ancestral sacrifices was critical to the development of other aspects of lineage organization. To understand the corporate lineages that emerged in the Ming, we must therefore go back to the beginnings of their ritual inheritance. The form of ancestor worship performed in the Ming had its roots in the Tang, so that is where we must begin.
Chapter 3 - The Lineages of Ji’an: Continuities and Discontinuities in Kinship Organization
This chapter will serve as a broad introduction to the trends of lineage formation starting in the late Tang and extending until the end of the Ming. To trace these developments, I will rely on two major sets of records. First, I have constructed a corpus of 645 genealogical essays (prefaces, forwards and afterwords) contained in the literary collections of famous scholars of the Song, Yuan and Ming and preserved in the *Siku quanshu*. The majority are from Ji’an Prefecture, with other large subsets from Fuzhou, Jiangxi; and Jinhua, Zhejiang. This large corpus gives me a broad view of lineage ideology and genealogical practice among the elites of the Old South; it is particularly useful in constructing synchronic cross-sections at relatively high levels of abstraction. Second, I have conducted thorough readings of received genealogies from several lineages from Anfu County, from other counties in Ji’an Prefecture, and in other parts of Jiangxi Province. These are relatively complete genealogies, and therefore contain detailed materials that are not included in literary collections such as genealogical tables and records of institutions like temples and trusts. They are also organized by lineage and lineage branch, and therefore allow me to track these lineages through time.

I will highlight the earliest periods when multiple lineages went through similar stages of development. This avoids identifying individual outliers as the origins of a trend, but it still tends to bias my picture toward relatively early adopters. As detailed further below, once key practices were in place, later-forming lineages imitated them on somewhat different timescales than early innovators. I will break lineage formation into six stages: first, the formation of *ritual lineages*.

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260 The full collection of Ming genealogical essays has been published in Wu Xuande 吳宣德 and Zong Yun 宗韻, ed. *Mingren pudie xuba jilüe* [Collection of genealogy forwards and afterwords by Ming people], Shanghai: Shanghai guji chuban she, 2013. A slightly different list of Song and Yuan essays is referenced in Morita Kenji 森田憲司, “Sō Gen jidai ni okeru sōfu,” *Tōyōshi kenkyū* 27, no. 4 (March 31, 1979): 27–53. In this chapter, I reference approximately 2/3 of these more complete corpora based on what I could find digitally. See References for the complete list of essays used.
involving extended kin groups and grave worship; second, the formalization of lineage institutions, including genealogies and ritual trusts; third, the stage of gentry lineages typified by the addition of guest forwards and other materials to genealogies, and the integration of lineages with academies and other gentry institutions; fourth, the loss and reconstruction of records during the late Yuan; fifth, the collaboration between kin that led to the formation of corporate lineages typified by large, composite memberships, the compilation of comprehensive genealogies, and the construction of large and growing numbers of lineage temples and trusts.

**R ritual lineage formation**

In medieval China, there were three major social orders: the aristocratic houses (aka the “great clans”), including the imperial family itself; temples and monastic organizations; and the state hierarchy of prefectures and counties (the junxian system). Nobility, church, and state were the main ways of organizing groups of households for ritual, economic, and political purposes; more importantly, these were the three systems giving social continuity across time. While there were certainly other social structures at play - the natural village for example - rank, property, office, ritual responsibilities, and tax burdens were all inherited according to the rules of the titled aristocracy, the various temple groups, or the prefecture-county system. This all changed with the advent of a new way of organizing households: the commoner ritual lineage.

Lineages first emerged among commoners in the sixth and seventh centuries as ritual groups, gathering together multiple households that shared patrilineal ancestors for worship at graveside. The addition of grave-based worship of distant ancestors to the longstanding home-based worship of recent ancestors may seem like a minor change, but it led to a series of greater
social shifts. Extending worship to a deeper generational depth included a larger kin group, which created challenges in organizing and funding ritual activities. Nascent lineages innovated new forms of documentation and financing, and constructed new sites of worship.\footnote{261} The development of lay, commoner lineage organization was further encouraged by repeated crackdowns on the Buddhist establishment, more than a century of political upheaval, and the permanent demise of the medieval aristocracy.\footnote{262} It is certainly no coincidence that the greatest early boom in lineage formation came in the ninth and tenth centuries, the period when all three pillars of the medieval social order were shaken or destroyed.

The early period of ritual lineage formation around the practice of grave worship during Qingming \textit{(Clear and Bright) Festival} and the extension of the kin group has been well-established in general terms, but it is difficult to observe in its specifics. Very few documents survive in their original forms from the ninth and tenth centuries so records of individual lineage formation events have to be extrapolated from later retellings, generally from the eleventh and twelfth centuries. In trying to locate the moments when individual lineages began to function as ritual groups, I look for three types of evidence: the date when “first migrant ancestors” arrived,


the earliest known grave locations, and the point where genealogical charts branch out to encompass more than a single descent-line. These three indicators often coincide.

A clear paradigm of “first-migrant ancestors” (shiqian zu 始遷祖) was theorized only after the eleventh century, but was clearly based in continuous traditions of worshiping the earliest known local ancestors and therefore a good indication of the origins of the ritual lineage.

For a relatively systematic approach to migration histories I use a set of thirty-five genealogy prefaces written by Wang Zhi 王直 for Ji’an lineages in the early 1400s. I chose this set because Wang - a high official in the early Ming - was very careful to record place names, dates and chain of documentation.

Bassed in Wang’s genealogy essays, it appears that the greatest early wave of lineage formations followed migrations within South China in the late ninth and tenth centuries. Seven of the thirty-five lineages he documents claimed ancestry in Ji’an that pre-dated the Huang Chao Rebellion (c. 880), generally on the basis of fairly dubious evidence with little direct connection to ritual lineage formation. Fourteen of the thirty-five claimed to have arrived between about 880 and 980. Many of these lineages subsequently lost evidence in the Yuan, but their narratives generally indicate more continuous traditions from the tenth century through the early 1300s.

Based on these figures, we can extrapolate that about one in five locals claimed ancestry predating the fall of the Tang, and about two in five claimed local ancestry dating from between

263 Wang wrote a total of forty-four genealogy forwards, thirty-eight for lineages local to central Jiangxi, but only thirty-five have enough information to give them approximate migration dates.

264 The Xitian Xi 西田習氏 and the Kanxi Liu 龍溪劉氏 both wrote narratives giving very early dates to their local founders, but both of these were based exclusively on oral traditions. The Taihe Chen 泰和陳氏 house claimed descent from a censorial official, but Wang noted that twenty generations were missing from their genealogy. Wang writes that the Gaoping Guo 高坪郭氏 claim to descend from Tang aristocrats was well-documented, although he does not give specifics. The Cangqian Zhou 倉前周氏 - boasted a notarized deed from the 740s - evidence of local residence, but not organized worship. Wang gives no specifics on the evidence presented by the other two lineages with pre-880s claims to residence in Ji’an.
880 and 980 - roughly the century starting with the fall of the Tang and ending with the Song conquest of South China. The remaining two-fifth of Ji’an lineages in Wang’s collection first documented their ancestry in the Song, Yuan or early Ming.

The earliest known grave locations are probably a better indicator of the rise of lineage-based ritual; if nothing else, they show where and when grave sites became ritually important for the kin group. Ouyang Wan 欧阳万, worshiped as the founding ancestor of the Anfu Ouyangs (see Chapter 4), was probably alive in the early-to-mid 800s; his tomb in Anfu is still the site of lineage activities. Ouyang genealogies record the burial locations of most of his descendants as well. The Pingxi Luos 平溪罗氏, also of Anfu, dated their local residence to the mid-Tang based on a 757 deed, and wrote of an abandoned mid-Tang grave-site that locals referred to as the Luo tomb. But it was only from Luo Ze 罗廓, who died shortly after 941, that they were able to recall the names and grave locations of their ancestors. From Ze on, the Luo’s maintained extensive records of the burial locations of multiple branches of lineage members, and their and their wives burial locations, and continued to worship them as ancestors. The Hualin Hu 华林胡氏 of the Nanchang area claimed descent from Cheng (高千成), an official who served the Southern Tang, and later the Song in the 980s. They record the location of Cheng’s grave and

265 Oral interviews with members of the Ouyang lineage, April 6, 2014.

266 AFLOY volume 2.

267 Note that this is a posthumous name; Ze’s given name is unknown. As of the early 1200, they still had a deed that had been issued for Ze’s burial location that records his household income tax at eight guan and change (謹白曲闌 追祖廟公葬橋下之大石廟，戶税八貫有奇). By comparing this deed to historical records of tax policy, they supposed that Mr. Ze died after 941, and estimated that he was born between 859 and 873. Luo Hui, “Preface” (1227), 平溪罗氏四修族谱 (henceforth PXLS), 1.3b-4b. Note that as of May 2014, this genealogy was mis-labeled in the Shanghai archive as 黑田鍼氏九修族譜.

268 Based on a set of contracts that they drew up to split responsibility (fenxi 分析) for military service (chong yijun 充義軍) to the Southern Tang. Ibid.
the names, descent-lines and graves of most of his immediate descendants.\footnote{Hu Fang, “Hualin Hu greater descent-line tablet preface” 華林胡氏大宗碑序 (1139), Hualin Hu shi xuxiu zongpu 華林胡氏續修宗譜 [Continued revision of the Hualin Hu house genealogy] (1928), pp. 51-2. Henceforth HLHS. Note there are no page numbers in this genealogy, so I have numbered them sequentially.} Note that the charts of Ouyangs, Lius and Hus all branch out to record multiple descent-lines in the century between about 880 and 980. This is a fairly good indicator of when larger kin groups became involved in collective activities, and probably also the point when written records began to be kept.

While some lineages boasted earlier ancestors, or had evidence of earlier residence in Ji’an, it appears that the behaviors associated with the rise of the ritual lineage emerged largely in the late ninth and tenth centuries. Records of first-migrant ancestor, first recorded grave sites, and the branching out of descent-line charts all reach an early critical mass in this era. It appears that the earliest continuous descent-line worship in Ji’an began between the 880s, when the Huang Chao Rebellion effectively ended Tang power, and the 980s, when the Song Dynasty conquered South China. Other scholars have found similar evidence for the emergence of grave worship and recordkeeping in other parts of the South in the century or two prior to the Song.\footnote{Ebrey, “Early Stages,” 24-27, 40-43. Clark, Hugh R. “Reinventing the Genealogy: Innovation in Kinship Practice in the Tenth to Eleventh Centuries.” In The New and the Multiple: Sung Senses of the Past, edited by Thomas H. C. Lee. Hong Kong: Chinese University Press, 2004. Clark, Hugh R. “The Fu of Minnan: A Local Clan in Late Tang and Song China (9th-13th Centuries).” Journal of the Economic and Social History of the Orient 38, no. 1 (January 1, 1995), pp. 61-3.}

**Formalizing lineage institutions**

By the eleventh and twelfth centuries, lineages developed ways to keep genealogical records, to fund ritual, and to maintain graves. Extended kin groups organized under lineage umbrellas were well-suited to nurture candidates for the newly competitive examination system.
that awarded rank and determined bureaucratic office. Where medieval aristocrats could depend on relatively assured inheritance of titles, offices, and state incomes by *individual* heirs, the leading families of the Song had to diversify their strategy in the hope that *one of many* descendants passed the exams and was given a position in the bureaucracy. Lineages of this era invested heavily in education to enable descendants to attain office, and also in land and other property as a more reliable source of income. In the eleventh century, some lineages had enough economic and political reach that they were denounced as “engrossers” (*jianbing zhi jia* 兼並之家).  

Yet despite their increased stability and economic basis, lineages of the early and mid-Song continued to rely heavily on state and temple institutions to organize their finances and records, to perform many of their key rituals, and as sources of financial support. Despite their emphasis on ancestor worship, lineages of the eleventh and twelfth centuries relied on Buddhist or Daoist clergy to perform most of their death and veneration rituals. Most landholdings were still parcelled out by individual household, rather than retained by the lineage. Some lineages did develop financial trusts of their own, but most early Song lineages that did have corporate property tended to hold it along older patterns. Many put land to finance their ritual trusts into the hands of Buddhist (or rarely, Daoist) temples - a practice stemming from Tang-era

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273 I agree substantially with McDermott’s finding for “the position of large kinship institutions to have been less prominent and powerful than [Buddhist and Daoist temples and village worship associations] in Song and Yuan Huizhou (and more broadly), especially in matters concerned with death.” (*New Rural Order*, p. 44). He subsequently shows many of the ways in which lineages depended on these other institutions to aid in their financing, organization, and ritual, see pp. 43-45, 126-130, and *passim*.
establishments like merit cloisters (gongde yuan 功德院). 274 Others maintained large, communal families living within a single compound - probably a holdover from the chaotic tenth century that was perpetuated beyond its useful lifetime by grants from the Song state. 275 Gradually, these institutions began to transition toward greater independence and abstraction, but through the end of the eleventh century there were strong continuities with older patterns, and most lineages were fairly weak on their own.

Yet lineage influence grew enough that many prominent philosophers weighed in to develop theories and rules to govern their organization and ritual practices. In the second half of the eleventh century, many thinkers and statesmen composed essays reflecting on attempts to organize their own lineages, and on classical standards of ritual organization. Fan Zhongyan 范仲淹 formed history's most famous trust-based lineage in 1050; although his trust mostly funded charity for the lineage, most others focused on funding ritual. 276 Ouyang Xiu 歐陽修 and Su Xun 蘇洵 compiled genealogies and developed theories of proper genealogical practice later that decade. 277 Sima Guang 司馬光 composed a set of rules for rituals, including weddings, capping ceremonies, and funerals. Su Xun, Cheng Yi 程頤 and Zhang Zai 張載 began to theorize the lineage as an extension of the classical greater and lesser descent-line systems (da xiao zongfa 大小宗法) that governed the formal structures and hierarchies of ancestor worship. 278 We should see these efforts reflections of broader trends rather than individual innovations.

276 Ebrey, “Early Stages,” pp. 40-43. McDermott, New Rural Order, 133-139. Both Ebrey and McDermott rightly stress that these early ritual trusts were both few in number and relatively short-lived.
Funding and organizing the lineage

The most important measure of formalization of lineages in the early and mid-Song was the regularization of ancestral ritual by providing a regular source of funds and records. The Qianxi Luo have perhaps the clearest record of the transitions from relatively informal joint ritual practice to a more formalized lineage structure. A lineage member from the mid-twelfth century narrated the outlines of this.

In the Tiansheng Reign (1023-1032), we moved the Five Dynasties ancestor (i.e. Luo Ze) to a new burial location at South Pond. When his four sons Yuan, Bing, Xing and Xuan split the inheritance, they retained 360 ba (a local measure of unclear dimensions) of fields at Black Rock Slope. His descendants took turns cultivating [these fields] to provide the resources for annual grave-sweeping ritual, and to gather the kin there (i.e. at the grave) to drink to good fortune. Since 1129, these rituals have had ups and downs, which have already been described in detail by [an earlier lineage member]. In 1165 it was my turn to plow and harvest [the ritual fields]; the following spring, I led the group’s grave-sweeping rituals, and took great pleasure preparing wine and meat and music to feast our good fortune. I then recorded this in the records to inform those to come.

In addition to the descent-lines with surviving heirs, the Luos established sacrifices to two men who died some time before 967 while serving as “turtledove soldiers” (i.e. guerrillas) resisting the Song army’s advance (江南方鵲兵抗王師). Known to later generations as the seventh and eighth collateral ancestors - or more colloquially as the “seventh and eighth uncles” (七叔祖，八叔祖) - after 980 these two men had their tablets brought out for worship every year so that the whole lineage could know of their sacrifice.280

279 Luo Yuantong (Shangda) 羅元通 [上達], “Original Xiuchuan Preface” 秀川原敘(1166), PXLS 1.3a-b.

280 Luo Xiyuan (Zhe) 羅溪園 “Inquiry into origins” 原始考 1.4b - 8a. This is a very interesting narrative. The author appears to be at some pains to both celebrate the Song unification (and makes careful use of Song reign periods even during the years when Ji’an was controlled by the Southern Tang), and to mourn these ancestors who died resisting Song unification.
The Hualin Hus formalized their development around the same time, albeit with a somewhat different focus. Like a number of powerful families of the time, they responded to the chaotic tenth century by living together in a large compound - in some ways a return to early medieval aristocratic practices. With the establishment of peace in the Song, they worked to turn this estate into an advantage under the new system of government. Their genealogy records that

Zhongyao (an early eleventh-century ancestor) and his seven brothers cohabited and built a school to educate outstanding talents; they established corporate fields to provide for their lineage members. [To celebrate these accomplishments], the dynasty gave them a door plaque and awarded the title of Instructor to various sons and nephews, and they were visited by [various high officials and local prefects, etc.]

In addition to this school, later called the Hualin Academy (華林書院), Zhongyao and his brothers also built a temple at the city walls and endowed it with a large number of fields (創本邑西門昭德觀，及施半庄田計民糧四十八碩［項］，蔭注陂一所又建儒學南津橋華林書院). Many of his descendants attained office in later generations.

Another branch of the family headed by Lingmin 令贊, Zhongyao’s great uncle, also founded a massive library with ten-thousand volumes that locals called the “book hall” (廣創重樓峻閣貯書萬巻，鄉人名其樓曰書樓), although his descendants were less successful on the

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281 This appears to be especially the case with the Hualin Hus. Their compound was based in a very large estate given to their founding ancestor by the Song founder - probably a pay-off for him to accept Song suzerainty. Many of the early-generation members also held sinecures as an outgrowth of this pay-off. The basic structure of this exchange of titles, offices, and land grants for loyalty is not that different than the institution of the medieval aristocracy as created in the Wei and Jin.


283 From the short biography of Zhongyao contained in the “Hualin Hu house charts” 華林胡氏表, HLHS, vol. 2.

284 Biography of 令贊, in same.
exams. This suggests that the success of Zhongyao’s line may have been due as much to the Song state’s beneficence toward large families as to their education. Other families invested in learning as well. The Linhai Chens 临海陈氏 of Taizhou, Zhejiang had been a scholarly family in Jinhua in the Five Dynasties period, when they moved to Taizhou. They produced a continuous line of officials (yiguan xiangji 衣冠相繼) and constructed a library called the “ten-thousand volume hall” (wan juan lou 萬卷樓). 285 These investments in schools were both means to display their culture and to promote learning that might lead to success on the exams.

Early genealogy compilations

In much of the South, the earliest genealogy compilations extant in their original forms date from the late eleventh and early twelfth centuries. Based on his nianpu, Fan Zhongyan was working on a genealogy in 1052, the year of his death. 286 Ouyang Xiu famously compiled his genealogy in 1055; his friend Su Xun did so the following year. 287 Their later contemporary Yang Jie 楊傑 had a complete genealogy by the time of his 1068 visit to Yuzhang 豫章 (modern Nanchang, Jiangxi). 288 The earliest preface in the received Hualin Hu genealogy dates to 1112; 289 the Pingxi Luo preserved one from 1166, but claimed this was merely an addition to earlier records (ce 册). 290

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286 Lou Yao 楼鑑, Record for 1052 (慶歷三年辛卯年), Fan Zhongyan Nianpu 范文正公年譜. The genealogy itself is not extant.


288 Yang Jie 楊傑, “Genealogy preface” 楊氏族譜序, Wuwei ji 無為集.

289 “Hualin Hu greater descent line diagram and preface” 華林胡氏大宗圖序, HLHS p. 48-50.

290 Original Xiuchuan Preface 秀川原敘 (1166), PXLS 1.3a-b,
It is important to note that all of these developments in the mid-Song were quite limited compared to later examples. Even as they broadened out from single descent-lines, genealogies remained overwhelmingly concerned with the cults of limited numbers of ancestors. Su Xun wanted to limit the genealogical depth to five generations; Ouyang Xiu was most concerned with encouraging government service by recording those who passed the exams; the Pingxi Luos appear to have been oriented toward maintaining existing cults to meritorious ancestors, rather than expanding the lineage structure to encompass new ones. Nonetheless, this was a period when lineages that began their formative transitions in the ninth and tenth centuries worked to institutionalize ancestor worship and to adjust to the competitive political environment of the Song; it was also when many new lineages formed, benefiting from the experiences of groups like the Ouyangs, Hus and Luos.

The era of gentry lineages

In the late twelfth and thirteenth centuries, we can identify another shift in the functions of lineage organizations. Where early Song lineages were largely private groups interested in the internal rituals, education, and economics of the kin group, late Song lineages became increasingly public and integrated into local gentry communities. The exams became ever more competitive, decreasing the chances of continuous traditions of state service for even the largest and most developed lineages. In response, elites formed stronger ties with local gentry
communities, building institutions for charity, self-defense, worship, and education.\(^{291}\) Lineages, rather than individual households, were the primary level of engagement. Genealogies became public documents used to demonstrate pedigree and culture; they expanded beyond charts of ancestry, to include records of service, poems and essays. Lineage leaders asked their gentry peers for help compiling these texts, and requested essays verifying their claims to pedigree and prominence. They composed elegies and biographies for their local friends, praising their lineage activities.\(^{292}\) Marriages were often arranged between one lineage organization and another.\(^{293}\) By the thirteenth century the local gentry had emerged as the third leg of the social tripod, alongside resurgent state and temple organizations; the gentry community itself was largely composed of lineages and inter-lineage ties.

Another linchpin of the gentry lineage was the greater integration of a unified system of family rituals. In the late 1100s, Zhu Xi 朱熹 - probably the most important ethical philosopher in a millennium - worked on merging and organizing the work of earlier thinkers like Sima Guang and Cheng Yi into a comprehensive system of thought, encompassing everything from abstract cosmology to rules for burial. Part of Zhu’s mission was to make Confucianism into a complete...
metaphysical system that could also compete with Buddhism and Daoism in the arena of everyday ritual. He compiled much of the abstract philosophy into a definitive set of classical commentaries, but put equal amounts of labor into his book on Family Rituals, in part to free Confucians from the need to hire ritual specialists from the monastic establishments.294

The period of gentry lineages extended through the fourteenth century, and into the fifteenth. Lineages, especially elite lineages, increased their formal links to gentry institutions. It became increasingly standard practice to request essays from leading scholars at both private and state academies. Lineage leaders used ties of locality, mentorship, and marriage to request essays and poems from the most famous literati of the day, some of whom wrote dozens of genealogy prefaces.295 Lineages also increased their contact with other lineages that shared their surnames or claimed the same ancestors, using these connections to solidify their pedigrees, and cultivating a broadening sense of kinship.296 In the late Song and Yuan, a Neo-Confucian fellowship grew out of the teachings of Zhu Xi; his friends and followers promoted lineage as a tool of social transformation at academies across South China.297 The ritual theories promoted by Neo-


296 McDermott, New Rural Order, 104-5.

297 Bol, “Local History and Family,” 318-326. Ebrey, “Early Stages,” 52-53. Bol argues that the Neo-Confucian fellowship was most interested in non-lineage gentry institutions in the late Song and became increasingly interested in lineage by the late Yuan. While I agree with this assessment, I find that many of the gentry institutions Bol notes from the late Song (i.e. academies, charity granaries, community compacts) were held together by the same literati groups that aided one another with their genealogies. I find below that the practice of composing guest prefaces for genealogies probably began around the 1160s or 1170s, rather than the early 1200s (as Bol supposes based on Morita). This earlier shift is easily missed because these prefaces were not generally included in their writers’ collections until the 1200s.
Confucians became a clear basis of lineage hierarchies, providing norms for the placement of graves, naming conventions and the terms of address used between kin.298

Public genealogy

With institutions in place to help ensure the continuity of ancestor-worship, and to aid descendants in passing the exams and succeeding in government, lineages became increasingly integrated into the local realms of gentry society. This is most apparent through changes in the form and usage of genealogies in the gentry community. From the twelfth century on, we can see the development of strong gentry networks that formed the backbone of all of these local institutions: they were the teacher and students at local schools; the leading benefactors of temples, shrines, granaries and public works projects; and the main contributors to one another’s genealogies.

In Ji’an, a core group including Yang Bangyi 楊邦乂, Hu Quan 胡錫, Yang Wanli 楊萬里 and his son Yang Dongshan 楊東山, Zhou Bida 周必大, Ouyang Shoudao 歐陽守道, Liu Chenweng 劉辰翁, and Wen Tianxiang 文天祥 are widely cited writing forwards for one another’s lineages and the other leading lineages of the region in the late twelfth and thirteenth centuries. Relatively few of these forwards are included in their literary collections, some of which are no longer extant at all.299 Nonetheless enough guest forwards are in these collections


299 There are no records of literary collections by Yang Bangyi or Yang Dongshan. Hu Quan’s collection was published but is no longer extant. Yang Dongli and Zhou Boda’s collections are extant, but contain no genealogy forwards. However, they have enough other discussion of genealogical practice to confirm that they were involved in it. Ouyang Shoudao and his students Liu Chenweng and Wen Tianxiang all have extant collections containing some genealogy forwards, but far fewer than are attributed to them. This marks a general trend that collections began to include more and more genealogy forwards in the thirteenth century. This can probably be decomposed into two interacting developments - the trend to write more forwards, and the trend to publish more of the forwards written.
to verify that this practice existed at that time, and many others were documented in later forwards by the leading historians of the Yuan and early Ming. Collectively, these give credence to the development of this practice in the twelfth and thirteenth centuries (See Table 3.1).

**Table 3.1: Genealogy forwards by key Jiangxi writers, 12th-13th centuries**

<table>
<thead>
<tr>
<th>Writer</th>
<th>Index date</th>
<th>Published forwards</th>
<th>Additional attributed forwards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yang Bangyi 楊邦乂</td>
<td>1129</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Hu Quan 胡銑</td>
<td>1162</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Zhou Bida 周必大</td>
<td>1186</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>Yang Wanli 楊萬里</td>
<td>1187</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Yang Dongshan 楊東山</td>
<td>1217</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Jiang Wanli 江萬里</td>
<td>1258</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Ouyang Shoudao 歐陽守道</td>
<td>1269</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Wen Tianxiang 文天祥</td>
<td>1283</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Liu Chenweng 劉辰翁</td>
<td>1292</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>He Zhong 何中</td>
<td>1325</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Wu Cheng 吳澄</td>
<td>1329</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>Yu Ji 虞集</td>
<td>1332</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>Ouyang Xuan 歐陽玄</td>
<td>1333</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Li Qi 李祁</td>
<td>1359</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Wei Su 危素</td>
<td>1363</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

From the fourteenth century on, many more such forwards are extant in the collections of Ji’an-affiliated figures like Ouyang Xuan 歐陽玄, and Li Qi 李祁; a similar group of literati was evident in Fuzhou 撫州 in north-central Jiangxi, centered on Yu Ji 虞集, Wei Su 危素, He Zhong 何中, and Wu Cheng 吳澄. By this point in time, there was a strong feeling that genealogy should be an open practice shared with the other families in a region. As Ouyang Xuan wrote of his contemporaries in the early 1300s, “The unwise think [genealogy] is a private matter of their own family, the wise take advantage of the improving climate of peace and allow their genealogies to be seen [by others].” (不知者以為一家之私事，知者則以昇平之氣象可觀於
As genealogies were made public, essays by leading scholars became the *sina qua non* of entry into gentry society.

*Shrines to local worthies*

Song and Yuan gentry did not confine their involvement in each-others’ lineages to writing forwards and confirming details; they were highly active in building shrines to eminent figures from any local family. Several Ji’an notables had shrines built in the Song through the collective efforts of local officials, gentry, and common villagers; they were often built as wings to Buddhist or Daoist temples. While the lineages of these eminences were involved in the construction of their ancestors’ shrines, they were not necessarily central to these projects. As often as not the descendants of famous figures like Ouyang Xiu or Wen Tianxiang lived in somewhat reduced circumstances; to build and worship at shrines to their ancestors, they depended on the benefice of other lineages, especially those with members in active service to the state or other wealthy institutions. While many of these shrines would later be re-conceived as the origins of lineage temples, it is clear that in the thirteenth and fourteenth centuries they were products of gentry communities that transcended the single-surname lineage.

Let us begin by looking at the histories of shrines to two martyrs of the twelfth century: Ouyang Xun 歐陽珣 and Yang Bangyi 楊邦乂. Both men were killed resisting the Jin conquest of North China, and initially had shrines built outside of Ji’an Prefecture. Yang Bangyi’s first shrine was built beneath the walls of Nanjing, where he had died in defense of the city. In recompense for his sacrifice, Emperor Gaozong granted Yang posthumous titles, gave land and

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sinecures to his sons, and had a temple built on the spot where he died. Yang’s tablet was also
included in the shrine at the county school (xuegong 學宮) in his home region.\footnote{Liu Yueshen 刘岳申, “Record of the Ji’an Commended Worthies Temple” 吉安褒忠廟記, \textit{Zhongjie Nanling [Yang] Genealogy} 忠節南嶺族譜 (1944), 1.63-6} Ouyang Xun,
who died on a diplomatic mission to the Jin, first had a shrine built to venerate him at the Jianfu
Temple (jianfu si 薦福寺) in his son-in-law’s home village in Linjiang Commandery 臨江軍, an
area of central Jiangxi to the north of Ji’an.\footnote{Ouyang Shoudao and Jiang Wanli, “Record of the [Ouyang Xun] Shrine” 監丞公祠堂記, AFLOY 3.17b-18b}

With the growing community spirit of the thirteenth century it was considered necessary
to build shrines to these local heroes in their home county of Luling, Ji’an. When the shrine to
Ouyang Xun was built, in 1242, its supporters wrote specifically of the need to build him a local
shrine. The record of its construction clearly demonstrates their chagrin that this local hero had
not been given a place of veneration by his fellow villagers in Luling:

\begin{quote}
Ouyang Xun died at Yanshan 燕山 (near modern Beijing, and therefore in Jin
territory)...death on a diplomatic mission meant that there was no place for
[Ouyang’s] shrine. Yet if there is no other location for the shrine, should we not
build him one in his home village?
\end{quote}

The Luling shrine was largely constructed on the impetus of Ouyang Wenlong 歐陽文龍, a
descendant of Xun’s brother. Wenlong also suggested that Ouyang Shoudao - a more distant
kinsman - write the record of the construction of Ouyang Xun’s shrine because of his connection
to the lineage, and doubtless because of his local and national prominence. Yet as Shoudao’s
narrative makes clear descendants of the Ouyang house were not the only figures involved in
building the shrine. Other important figures, including Shoudao’s mentor Jiang Wanli 江萬里,
figured centrally as organizers, while the wealthy Zhou family and other locals - and the Song state - were major contributors of funding. Shoudao writes:

At the time, Jiang Wanli 江万里 led the prefecture’s volunteers in undertaking this matter, first going to his in-law’s family and encouraging them to give funds. He felt it necessary to record this achievement. In a letter to Jiang, Wenlong suggested that he consider having [me, Ouyang Shoudao] write it, saying “is this my family’s affair? Then [Shoudao] should record it.” They did not accept my polite refusal and ordered me to attend the gathering…Half the land [supporting the shrine] is from the state, [and for the other half Wenlong] sought assistance from fellow villagers. The hall and altar were built through the efforts and assistance of volunteers from [Xun’s] old village, with the Zhou family contributing a great deal.

The construction of a shrine to Ouyang Xun was led by his descendants, but it became a broader affair, bringing in leading members of the local and regional gentry and using the labor of ordinary members of the village community. While Shoudao writes that Wenlong intended to “lead his lineage members in performing ritual sacrifices there” (率宗人俎豆焉), it seems likely that these other members of the community were also involved in some forms of worship at the shrine. Not only was the shrine built with villagers’ financing and labor, it was also located in a wing of the Huicheng Temple (于慧燈寺之傍屋之立公之像), which by its name was probably the most important local Buddhist institution.

The shrine to Yang Bangyi was even more clearly based in efforts of people not descended from the Yang house. While I have not found a detailed record of the shrine’s construction in 1234, the record of it reconstruction in 1333 shows the extent to which it

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304 Ibid.
functioned as a community shrine and not exclusively for lineage worship. Liu Yueshen wrote this summary of the shrine’s rise and fall on the occasion of its reconstruction:

For dying in service, [Bangyi] was granted a number of posthumous titles, etc. Luling has long maintained an altar [to Bangyi] in the county school, yet it was only in 1234, the year that the Jin state fell, that the present altar was built. Of old its aspect was broad and profound, with majestic wings surrounding a high hall. Above the hall, the icon was placed in a locked chamber. It was supplied by sacrificial fields. [But in the interim, these fields] were seized by force and treachery, and all that remained was the icon room. In 1333, Liu Yuanren of Zhending asked the Magistrate of Luling to repair the shrine to Ouyang Xiu. It was on this occasion that Presented Scholar Liu Xing came to talk about the temples to loyal ministers, saying “there used to be a temple to the martyred general Yang Bangyi.” Having been reminded [of Bangyi, Yuanren] generously ordered officials to restore the shrine to its old aspect, and natural requested a record of this date.

With its reconstruction suggested by Liu Xing, supported by Liu Yuanren, and recorded by Liu Yueshen, we would expect this to be a shrine to a worthy surnamed Liu, rather than Yang! In fact, the rest of Yueshen’s account better supports an interpretation of it as a community shrine; it is here that we first see the beginnings of a group of celebrities that would eventually be known as the “Five ‘loyals’ and one ‘sincere’”:

How great is my hometown of Luling! Ouyang Xiu’s literary compositions are in the mouths of everyone in the southeast; and Ouyang Xun, who refused to cede two river’s of land to the Jin and died below the walls of Shenzhou. After them, Hu Quan asked to behead Qin Hui (a Song minister who wanted to give in to the Jin), causing the Jin subjects who read his letters to turn white and feel disheartened; he continued to oppose Hui and fled to Xinzhou. Nineteen years later, prime minister Zhou Bida served with loyalty and distinction until advanced age, at three successive courts. Baomo Pavilion Scholar Yang Wanli was well-known by contemporaries for his literary scholarship and integrity.

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305 Liu Yueshen, “Record of the Ji’an Commended Worthies Temple.”
When the Song was lost, Prime Minister Wen Tianxiang died with eminence and an open heart at Beijing and became renowned throughout the world for his unequaled faithfulness. These six or seven men all rose to prominence through the exams, and hailed from Luling and Jishui. When we speak of the origins [of their achievements], the distant blessings of Ouyang Xiu are always mentioned; yet can we forget that Yang Bangyi’s integrity opened up these possibilities around the same time?

By the early fourteenth century, it is apparent that Ouyang Xun, Hu Quan, Zhou Bida, Yang Wanli, Wen Tianxiang - and especially Ouyang Xiu - were venerated by all of Luling as symbols and progenitors of the area’s cultural and moral preeminence.

By the mid thirteenth century, these six or seven men were already enshrined in a number of collective shrines, including the county school, and surely indicating some level of official approval. In Wen Tianxiang’s youth in the early 1200s, the county school had shrines to Ouyang Xiu, Yang Bangyi and Hu Quan; Wen himself would later be included with them. While these men would later be reinvented as lineage ancestors, and even as nationalist heroes, it is clear that the two shrines described above were largely local projects aimed at demonstrating the values of the locality, not the lineage, and not the nation. While they were constructed with approval and aid from the government, they were projects of the local gentry community. The

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306 Ibid.

307 Ouyang Qingjing 歐陽青敬, “Preface to the Gazetteer on the Shrine to Song Prime Minister Wen [Tianxiang] at Luoshan” 螛山宋文丞相祠志序, Record of Shrine to Song Prime Minister Wen [Tianxiang] at Luoshan, Ji’an 吉安螺山宋文丞相祠記 (1936), 1.2a-b.

308 This was the ultimate fate of Wen Tianxiang’s shrine, was was massively reconstructed in the 1930s when his anti-Mongol resistance made him a nationalist hero. See Ouyang Qingjing, “Shrine to Song Prime Minister Wen.” It has since been built even larger.
“Five ‘Loyals’ and One ‘Sincere’” may have risen to prominence through service to the state, and through the emperor’s grants of posthumous names and titles, but they were worshiped as local eminents. And while these included lineage members in their construction and veneration, they were clearly intended as shrines for the use of the entire village, county, or prefecture, not exclusively for the kin groups of the venerated individuals.

*Transitions to corporate structures*

While Song and Yuan ritual - including ritual veneration of lineage ancestors themselves - was generally subsumed under the worship of local worthies at shrines sponsored by the state or gentry community, the thirteenth and fourteenth centuries were somewhat of a watershed in lineage activity. Under the influence of Neo-Confucian philosophy promoting lineages as independent liturgical communities, many began to express the desire to take control of all aspects of family ritual. Lineages also began to build stronger, more independent trusts that did not depend on external institutions, or on coresidential communities. They kept landholdings in the name of charitable fields (yitian 義田) and ritual fields (jitian 祭田), that were explicitly tied to the lineage as a whole, and not free for sale or division. While intended to finance charity or ritual, the collection of large amounts of capital allowed lineages to innovate financial practices - much like those used by the Buddhist temples to which they had long given their ritual trusts. In the thirteenth and fourteenth centuries, more and more lineages used ritual trusts as investment capital to use for money lending and producing goods for the market - including, vitally, woodland products. In other words, there are signs that late Song and Yuan lineages were

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headed toward the corporate model that would later emerge, yet they were still largely
constrained by the paradigms of gentry society that continued from the Song.

The loss and reconstruction of records

The Red Turban Rebellion and civil warfare that ended the Yuan Dynasty was a shock
that shifted the course of lineage development. For nearly four centuries, the South had largely
escaped the warfare and forced migrations that disrupted the North repeatedly in the twelfth,
thirteenth and fourteenth centuries. Indeed, southerners were well aware that this extended period
of peace had enabled their high degree of lineage development. In the late Song, Ouyang
Shoudao wrote

For more than one hundred years, people of the Northwest and Central Plains
have lost their kin and moved about, while we might say that the Southeast has
been unmolested. The areas affected by warfare could not avoid it in the past,
and recently it has been especially severe. Yet Jiangxi has had no small
disturbance that was not quickly restored to peace; heaven itself delights in this
land!

He went on to argue that southerners - benefitting from the preservation of written documents,
tombs and oral traditions - could not but develop a strong lineage culture. A century later,

Shoudao’s distant relative Ouyang Xuan made a similar comment that

Many areas South of the Yangzi have not been bothered by warfare. Thanks to
the long-term stability, they boast many gentry houses; blessed with profoundly
peaceful times, their scholars are deeply benevolent and frequently take charge
of their houses’ genealogies.

311 Ouyang Shoudao 歐陽守道, “Huangshi Dong genealogy” 黃師董族譜序, Xun zhai wenji 晏齋文集.

312 Ouyang Xuan, “Luling Zhongzhou Liu genealogy preface.”
Yet the peace did not last indefinitely; the South was shocked by the widespread chaos that erupted during the decline of the Yuan Dynasty. Rebellion, plague and fleeing refugees affected most of the empire during the 1350s. Even after Zhu Yuanzhang emerged victorious and established the Ming Dynasty, repeated purges and forced migrations during his reign and the reign of his son Zhu Di disrupted key portions of the state bureaucracy and the empire. 

While the late-Yuan chaos was much shorter than most earlier dynastic transitions, the plague and warfare were enough to wipe out entire branches of lineages, and to scatter or burn their records. In fact, the wars of the 1350s and 60s created a major divide even within the South - between areas that remained fairly sheltered and those that were badly ravaged. In the protected river valleys of the interior - including central Jiangxi and southwestern Zhejiang - warfare was generally a fairly brief disruption, and at least some records were quickly reassembled.\textsuperscript{313} Old lineages from Jinhua were a major source of officials in the first two Ming reigns;\textsuperscript{314} after Jinhua men were purged by Zhu Di, scholars from Ji’an lineages essentially replaced them at the apex of government.\textsuperscript{315} In other parts of the South, most pre-Ming lineages were destroyed, and lineage formation began anew with the arrival of peace.\textsuperscript{316}

\textsuperscript{313} Note that this included tax records as well as genealogies. Liang Fangzhong notes that western Zhejiang was able to reproduce cadasters very quickly, presumably based on Yuan records, while eastern Zhejiang took much longer, probably because it had to be resurveyed. Liang, \textit{Mingdai fuyi zhidu}, 5-6.


\textsuperscript{316} This was the experience of Huizhou and Ningbo, see McDermott, \textit{New Rural Order}, Chapter 3. Lee, \textit{Negotiated Power}, 45-9, 84.
Yet even in sheltered Ji’an, the 1350s were highly disruptive. A great many lineages wrote of the extreme difficulties encountered in finding their records; many other lost pre-Ming records entirely and had to reconstruct them from memory and non-lineage sources. Paradoxically, lineages that lost their records but retained contact with the gentry and kin communities ultimately built stronger lineage ties than before. For the first hundred years of the Ming (from the 1360s through the mid-1400s), the quest to document lost ancestry drove lineage leaders to consult leading scholars at court and private academies; they continued use literati contacts to reinforce the form of public genealogy that had emerged as the dominant paradigm in the late Song and Yuan.

_A resurgence in public genealogy_

In response to the loss of records in the warfare of the 1350s, many more lineages went to leading scholars to request genealogical assistance. As we saw above, only one man active in the mid-Yuan - Wu Cheng 吳澄 - produced more than ten genealogy prefaces; three writers from the Yuan-Ming transition produced that many, and the numbers kept growing. Nine writers active in the early fifteenth century have more than ten genealogy prefaces in their collections; seven of them wrote more than twenty, and three - Yang Shiqi 楊士奇, Wu Yubi 吳與弼 and Wang Zhi 王直 - wrote more than fifty! Yet this wave ultimately crested and receded, as genealogies improved. Only four scholars active in the next two centuries wrote more than twenty genealogy prefaces (see Table 3.2). In the the Qing, I have found only one writer who did so!
Table 3.2: Writers with ten or more genealogy prefaces

<table>
<thead>
<tr>
<th>Writer</th>
<th>Dates</th>
<th>County Collection</th>
<th>Prefaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Born before 1300</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wu Cheng</td>
<td>1249-1333</td>
<td>崇仁</td>
<td>吳文正集</td>
</tr>
<tr>
<td>Born 1300-1350</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wei Su</td>
<td>1303-1372</td>
<td>金溪</td>
<td>危學士全集</td>
</tr>
<tr>
<td>Song Lian</td>
<td>1310-1381</td>
<td>浦江</td>
<td>宋學士文集</td>
</tr>
<tr>
<td>Liu Song</td>
<td>1321-1381</td>
<td>泰和</td>
<td>極翁文集</td>
</tr>
<tr>
<td>Born 1350-1400</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fang Xiaoru</td>
<td>1357-1402</td>
<td>寧海</td>
<td>遜志齋集</td>
</tr>
<tr>
<td>Yang Shiqi</td>
<td>1365-1444</td>
<td>泰和</td>
<td>東里文集</td>
</tr>
<tr>
<td>Liang Qian</td>
<td>1366-1418</td>
<td>泰和</td>
<td>泊薊集</td>
</tr>
<tr>
<td>Hu Guang</td>
<td>1370-1418</td>
<td>吉水</td>
<td>胡文穆公文集</td>
</tr>
<tr>
<td>Li Shimian</td>
<td>1374-1450</td>
<td>安福</td>
<td>古廉文集</td>
</tr>
<tr>
<td>Luo Hengxin</td>
<td>1377-1457</td>
<td>東莞</td>
<td>覺非集</td>
</tr>
<tr>
<td>Chen Xun</td>
<td>1365-1464</td>
<td>泰和</td>
<td>芳洲文集</td>
</tr>
<tr>
<td>Wang Zhi</td>
<td>1379-1462</td>
<td>泰和</td>
<td>抑菴文集</td>
</tr>
<tr>
<td>Wu Yubi</td>
<td>1391-1469</td>
<td>崇仁</td>
<td>康齋文集</td>
</tr>
<tr>
<td>Born 1400-1450</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Luo Lun</td>
<td>1431-1478</td>
<td>永豐</td>
<td>一峰集</td>
</tr>
<tr>
<td>Cheng Minzheng</td>
<td>1445-1499</td>
<td>河間</td>
<td>笏墩集</td>
</tr>
<tr>
<td>Li Dongyang</td>
<td>1447-1516</td>
<td>茶陵</td>
<td>懷麓堂集</td>
</tr>
<tr>
<td>Born 1450-1500</td>
<td></td>
<td></td>
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<tr>
<td>Lin Jun</td>
<td>1452-1527</td>
<td>莆田</td>
<td>見素集</td>
</tr>
<tr>
<td>Luo Qinshun</td>
<td>1465-1547</td>
<td>泰和</td>
<td>整庵存稿</td>
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<tr>
<td>Liu Jie</td>
<td>1476-1555</td>
<td>大庾</td>
<td>梅園前集</td>
</tr>
<tr>
<td>Lü Nan</td>
<td>1479-1542</td>
<td>高陵</td>
<td>涇野先生文集</td>
</tr>
<tr>
<td>Ouyang Duo</td>
<td>1481-1544</td>
<td>泰和</td>
<td>歐陽恭bred 恭文集</td>
</tr>
<tr>
<td>Zou Shouyi</td>
<td>1492-1552</td>
<td>安福</td>
<td>東郭鄭先生文集</td>
</tr>
<tr>
<td>Ouyang De</td>
<td>1496-1554</td>
<td>泰和</td>
<td>歐陽南野先生集</td>
</tr>
</tbody>
</table>

*Note: to show the regional character of this corpus, I have highlighted counties in Ji’an in red, and in the rest of Jiangxi in purple.

317 These figures are based on Morita, “Sō Gen ni okeru sōfu;” Wu and Zong, Ming ren pudie xuba jilüe, and my own survey of wenji using the Airusheng database. Note that this complete list differs somewhat from the genealogical essays analyzed in this chapter.
Why did lineages solicit help from these leading scholars? Some simply wanted their pedigrees confirmed, a key to maintaining their standing in the community. As I will detail further in Chapter 4, group of Ouyangs spent the early Ming requesting essays attesting to the existence of Yuan-era essays that allegedly confirmed even earlier lineage documentation, nearly all of which had subsequently been lost.\textsuperscript{318} I have identified a total of twenty-two Ji’an lineages with documentation of their ancestry from before 1350. All but three of them had their evidence verified by famous scholars of the early Ming (See Table A.1 in the Appendix).

But many lineage leaders went to court with little to nothing, seeking help in reconstructing even the outlines of their early ancestry. Conceptually, the restoration of ancestor worship was a central concern. As Yang Shiqi wrote for the Qianxi Lius 前溪劉氏 in 1411

My home in Ji’an used to be called the “land of documents,” and there were more than a few old families and great lineages like the Lius. But since the warfare and destruction, many genealogies have been scattered and lost and cannot be found. Those with worthy descendants still think of revising [their

\textsuperscript{318} “Diaoyuan record of preserving edicts preface” 釧源存錄封誥序, AFLOY, 1.18a-b. The remaining Yuan-era prefaces were included as “Diaoyuan recompiled genealogy prefaces and postfaces”釧源續譜序跋, AFLOY, 1.17b-18a.
genealogies], fearing that still later men might not be so worthy, and know nothing of serving their ancestry.

In addition to Yang’s essay, the Liu genealogy contains prefaces from four other Hanlin scholars dating to the early Yongle Reign. They all document much the same history: the Lius had formerly been a large lineage, and had a pre-existing tradition of genealogy, but they lost all their documentation in the late-Yuan chaos. Because they had a well-known ancestor (a Prefect of Jizhou), they were able to request help from several of the most learned men in the empire to reconstruct their genealogy. This was more than reconstructing records - it allowed them to resume proper sacrifices to their ancestry, gave them an ongoing claim to participate in the gentry culture of Ji’an, and ultimately enabled them to join together a much larger lineage than before (see below).

**Lineage grafting**

Early Ming collaborations between lineages did not just go through the capital. Many lineages sheltered with one another during the rebellions, leading to closer relationships - ranging from marriage ties to the grafting of one lineage onto another. It may have actually been advantageous for both houses if a weaker branch grafted itself to a stronger one - often both branches suffered from weakened memberships and documentation in the wake of the late Yuan rebellions. In some cases these connections were merely used to request information and

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319 Yang Shiqi 楊士奇, “Old Preface” 古序 (1411), QXLS 1.11a–12a

320 QXLS 12a-18b.
prefaces from one another. For example, Yang Shiqi shared an affinity for the many Xiao 蕭 lineages after his ancestors took shelter in a Xiao household.321

In other cases, people took the surnames - and the ritual inheritance - of the houses that sheltered them. Most of these histories were probably suppressed, either immediately or in later compilations. Nonetheless, enough genealogists of the early Ming were honest about their uncertainties to give us windows onto this process. Yang Shiqi recorded the narrative of one man descended from a Kuang 况 lineage who took the surnames of his patrons in the Huang 黃 house:

Huang Zhong’s ancestors were of the Kuang 况 house. His father Shi was orphaned young. When the Yuan rebellions reached the village, he took refuge as a servant in the Huang house and subsequently took their surname. Zhong wants to make sure that his descendants are clear about their origins.

黃鍾伯律其先本況氏，其父以實幼孤遭元季之亂里，黃氏鞠之遂因其姓，伯律慮其後之人昧於所從出也322

In addition to crises-driven surname changes, there was a longer history of men taking their wives’ surnames (zhui 贊) to get official residence (ji 籍) - sometimes later reclaiming their natal surname, sometimes keeping their marital surname. Often a change of this nature was given as a reason for compiling genealogies - to ensure that descendants know their true origins. This occurred at various times, but seems to have been especially pronounced during periods of lots of migration, including the early Southern Song, early Yuan and early Ming.323 As Luo Qinshun 羅欽順 wrote in the mid-1500s:

321 Yang Shiqi 楊士奇, “Fenggang Xiao genealogy preface” 風岡蕭氏族譜序, Dongli xu ji 東里續集.
322 Yang Shiqi, “Kuang genealogy preface” 况氏族譜序, Dongli xu ji.
323 For examples, see Yang Shiqi, “Zou genealogy preface” 鄚氏族譜序, Dongli xu ji; Yang Shiqi, “Chen genealogy preface” 陳氏族譜序; Dongli wenji 東里文集; Li Shimian 李時勉, “Zou genealogy preface” 鄚氏族譜序, Gujian wenji 古賢文集 (same family as Yang’s); Hu Guang 胡廣,”Huang genealogy preface” 黃氏族譜序, Hu Wenmu gong wenji 胡文穆公文集; Wei Su 危素, “Yutian Liu genealogy preface” 玉田劉氏譜序, Wei xueshi quanjji 危學士全集; Wu Yubi 吳與弼, “Yuyao Yang genealogy preface” 遠姚楊氏族譜序, Kang zhai wenji 康齋文集; Liang Qian 梁潜, “Luling Qushan Xiao genealogy preface” 澄陵曲山蕭氏族譜序, Bo an ji 沐菴集; Luo Lun 羅倫, “Cengshan Guo genealogy preface” 層山郭氏族譜序, Yifeng ji 一峰集.
As for Xirong marrying into his wife’s house: as I see it, written materials may suffer vagaries of fortune. But despite the changing morality of the time, and though he was connected to others (i.e. joined to another lineage), [Xirong] never lost the key link [to his natal home]. During the Yuan rebellions, both high and low society fell apart: state histories have many omissions and house genealogies are incomplete. When the Ming restored peace, even though capable people did their utmost to collect remnants to fill gaps [in the record] they could not make it completely clear or complete.

Luo argues that public morality changed during a chaotic time - it became acceptable for even men of good families to marry into their wives’ surnames. Furthermore, the loss of records meant that many of these departures from orthodoxy were never resolved - that many men who took the surnames of their wives’ or masters’ families retained those surnames and their descendants subsequently forgot their true origins.

If two houses already shared a surname, the grafting of one to another is even less legible. Indeed, prior to the fifteenth century, even groups of the same surname and with common ancestors effectively functioned as separate lineages. The merging of two or more such lineages into a higher-order lineage organization was essentially a new phenomenon in the Ming. In some cases, this type of grafting was a formalization of longstanding ties: two or more lineages of known kinship decided to create an organization governing joint activities. In the early 1400s, Yang Shiqi received requests for genealogical help from four Yang houses in addition to his own. Two of these were well-known to him as distant kin from other parts of Ji’an; they effectively came to function as branches of a greater lineage. A third Yang lineage that apparently shared a

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Tang-era ancestor, a fact that they cited when asking for his assistance and approval, but did not have any long-term consequences for lineage formation. The fourth was the lineage of his friend and colleague Yang Zhongju 楊仲舉.

**Building the corporate lineage**

In the long-term, connections with kin, whether real or constructed, proved more important than the assistance of court scholars. The loss of records added a sense of urgency to the older trend of genealogical exchange between lineages that claimed shared ancestors. By the 1400s, many groups thought of themselves as branches of higher-level lineage organizations, rather than as separate lineages. They created clear hierarchies of worship that included the *branch ancestors* (zhizu 支祖) that first migrated to their current homes, as well as the *first-migrant or apial ancestors* (shiqian zu 始遷祖, bizu 鼻祖) worshiped as the founders of the broader lineage. By the 1500s lineage branches began to formalize their connections by creating *comprehensive genealogies* (tongpu 統譜／通譜, zongpu 總譜) that combined their branch records into master compilations. More than ever before they printed these genealogies, the better to distribute them to multiple branches. Printing also ensured duplicates in case of future loss of records. Finally, after 1500 many new lineage branches were created through division - that is the emigration of kin groups that *already conceived of themselves as branches*, in addition to the construction of branch lineages by merging formerly-separate groups.

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327 Yang Shiqi “Yang genealogy preface” 楊氏譜序, *Dongli xu ji*.


The outward-looking aspects of lineage organization never disappeared entirely, but from the fifteenth and sixteenth centuries on, lineages turned increasingly inward. These were not the same as the inward-looking lineages of the early Song; the expansion of lineage institutions in the late Song and Yuan, and the merging of lineage branches in the Ming meant that these were now large corporate lineages. Many of the activities that had occurred between lineages of different surnames in the era of gentry lineages now took place between branches of a single, higher-order lineage.

In many localities, the larger lineages of the Ming worked to exclude other surnames from their natal villages. They effectively took over much village-level governance from both the official organs of the state, and the less official institutions of the gentry community. By the 1500s, village headships were often controlled by lineage heads. Individual lineages dominated many Buddhist and Daoist temples and village shrines (she) that had previously served multi-surname communities: many groups built new lineage temples (zongmiao, jiamiao) that superseded the older institutions; others assumed de facto control of Buddhist or Daoist establishments by dominating the donor lists and the selection of monks; some even converted Buddhist temples into lineage temples. Schools, charity granaries, and defense organizations - formerly the provenance of interlineage gentry communities - increasingly became the exclusive provenance of individual lineages. These developments did not eliminate gentry institutions entirely; many schools, granaries, and temples still served multiple surname groups, and lineages continued to solicit marriages from their neighbors and genealogical essays from their peers. But


331 McDermott, New Rural Order, Chapter 3.
the lineage now joined the state, temples, and the gentry community as a fourth leg of the social order.

Integrated corporate lineages also functioned as important networks for fundraising, trade contacts, and exchange of information. Over the course of the Ming, many the largest and wealthiest lineages grew even larger and wealthier. Most lineage now managed ritual trusts on their own. These trusts grew larger than ever before, such that lineage branches became the largest individual landholders in many villages. Lineage graveyards grew large, and their rules for the useage of woodland came to dominate the hills surrounding lineage villages. Rights to bury were increasingly denied to outsiders, and even to poorer members of the lineage (see Chapter 6). Lineage temples were not just centers of ritual, but also spaces for other forms of social and economic activities. Because lineages had such large holdings of capital - including liquid assets as well as land - they became the main financial institutions in their villages, lending money, and investing in land improvements and trade. Indeed, lineage temples came to function much like banks, with their ritual trusts providing the backing for loans and investments. Lineage branches also worked together during lawsuits and violent conflicts with outsiders.332

In the early Ming, most of the labor for lineage activities came from within the lineage membership, its tenants, and its bondservants. But over time lineages became major employers of a wide range of non-kin professionals, including litigators, geomancers, teachers, printers, and foresters. Management was initially in the hands of a small number of lineage leaders, generally

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on the basis of their wealth and ability rather than their place in the lineage hierarchy. By the
mid-Ming, however, management was often divided among three overlapping leadership groups:
lineage and branch heads, determined by ritual hierarchy; lineage elders, determined by age; and
lineage members with degrees or titles granted by the state. Disagreements grew between these
three groups, or between the leaders of different branches. Some of these were resolved
internally, others by bringing lawsuits in state courts. Eventually, most large lineages came to be
dominated by one or two large or powerful branches, in much the same way that many villages
had come to be dominated by one or two large lineages. Often they hired professional managers
to avoid some of the issues that arose from within the lineage leadership.\textsuperscript{333}

The emergence of internal divisions and hierarchies marked the final stage of lineage
development, from small, loosely organized ritual groups, to large corporate bodies with diverse
interests in economics, politics, and local governance. Yet despite their movement into
landownership, trade, finance, litigation, political office and other areas, lineages remained
centered on the ancestor worship that had provided their initial foundation. Whenever lineages
expanded into new social realms, they did so from their ongoing position of strength and
ideological focus - family ritual. Trusts were maintained in the names of ancestors, and focused
on maintaining their ritual cults or the prosperity of their descendants. Graves became a way of
claiming land, but they were first and foremost burial places for the dead and sites of annual
rituals. Lineage temples were used as schools, banks, and meeting halls, but their primary

\textsuperscript{333} The internal differentiation between lineage segments creates what Zheng Zhenman terms this the “power-
subordination lineage,” where one or more branches dominate the rest of the organization. See Zheng, Family
Lineage Organization, 100-122. On the emergence of these inequalities, see also Hazleton, “Patrilineal and
the development of localized lineages,” Szonyi, Practicing Kinship, Chapter 4 and more generally; Watson, Rubie S.
purpose was to house ancestral tablets and gatherings for ritual events like cappings, marriages, and ancestor worship.

*From kin group collaboration to corporate lineage integration*

The system of *gentry lineages* revealed its strength through the reactions to the late Yuan crisis - by relying on information duplication by friends, neighbors and relatives, it was possible for a lineage to pass on its ritual inheritance despite losing members and records. Yet the processes of reconstructing lineage records also led to the eclipse of this system, and the rise of a new form of lineage more independent of the gentry community. The increased independence of lineages from their local peers was keyed by their increased *interdependence* with other lineages that claimed the same ancestry - lineages that now thought of themselves as branches of a greater descent-line structure. By linking up with non-local kin, lineages gained additional sources of political, legal, and financial support as they built their own ritual and economic institutions. But, as alluded to above, this interdependence began with an exchange not of money or personnel, but of records.

The Ouyangs of Ji’an began to aspire to a master genealogy documenting all the descendants of Ouyang Wan (seen above) in the 1370s and 1380s. By about 1400, they reconstructed most of the Song-era charts of six descent-groups, now referred to as “lineage branches.” The first “comprehensive genealogy” (*tongpu* 統譜) was produced in 1521, but only include three of the six branches of the newly extended lineage; the period of its compilation also saw the construction of the first free-standing lineage temples. Funding difficulties ultimately delayed the production of a complete set of “comprehensive genealogy” charts until 1601, during
which time the compilation committees grew substantially larger and came to include financial specialists.\textsuperscript{334}

The compilation history of the Qianxi Liu genealogy was fairly similar. Despite the loss of Song-era records, they reconstructed a set of charts by about 1403.\textsuperscript{335} By 1429, they were in touch with several other Liu lineages that were then compiling genealogies.\textsuperscript{336} Another edition of the Qianxi genealogy was compiled in 1460, by this point conceived of as a branch genealogy (\textit{zhipu} 支譜) of a larger project.\textsuperscript{337} Like many fifteenth century compilations, this one had errors and was delayed by the death of its single compiler, causing substantial delays.\textsuperscript{338}

The Lius also began constructing an independant ritual and financial basis around in the late 1400s. They had previously given a plot of land to a Daoist temple to provide for sacrifices for their ancestor. In the late Yuan, the temple had illicitly sold almost two-thirds of this land. In 1466, two descendants decided to remedy this. They redeemed the remaining land and restored the ritual trust, but this time placed it under the control of a family temple (\textit{citang} 祠堂), not the

\textsuperscript{334} See Chapter 4 for more details
\textsuperscript{335} Liu Keyun 劉恪允 Preface (1403), QXLS 1.18b-20a
\textsuperscript{336} Liu Dingzhi 劉定之 Preface (1429), QXLS 1.28b-30a.
\textsuperscript{337} Liu Xuan 劉宣 Preface (1460), QXLS 1.21b-23a.
\textsuperscript{338} Wang Yikui 王一夔 Preface (1479), 1.23a-24b.
Daoist one; they also bought more land and established another ritual trust.\textsuperscript{339} They also decided to build another ancestral temple around this time, although this was delayed.\textsuperscript{340}

After fits and starts, the Lius’ lineage-forming activities of the late fifteenth and early sixteenth centuries came together. After twenty years of careful planning, collecting and recollecting the household records of each branch (重取各房家状纂次成帙), and keeping records of the money for temple construction (聚财为祠堂籍记), the day finally came to “split into groups to choose wood to cut, stones to burn to make bricks and tiles, and other material labors” (分頭採木伐石烧造砖瓦料工作). Once the temple was completed in the tenth lunar month of 1538, the Lius sent a representative to Sichuan to have the genealogy carved to printing blocks (冬十月祠落成挟谱稿入蜀就梓). The head compiler wrote that “if revising a genealogy is hard, rebuilding a temple is even harder” (夫修谱固难，復祠尤难).\textsuperscript{341} As with the Ouyangs, the processes of compiling records, raising funds, and physically constructing temples and printing genealogies were inseparable from one another. All of these processes involved expanding groups of kin from multiple lineage branches. As with the Ouyangs, these collaborations began when earlier generations of genealogists visited one another to compare their work.

\textsuperscript{339} The evidence for this is somewhat circumstantial. The brief biography of Ruike 瑞可, the ancestor for whom the trust was established, notes that 30 baskets worth of rice land was given to the Yuxu Temple (原有祭田三十簏 付玉虚观), and that by the end of the Yuan the temple had illicitly sold more than half, leaving only 12 baskets (元末本观盗賣過半，止存十二簏). Finally that in 1466, the two brothers redeemed 18 baskets to restore the sacrifices (成化丙戌介祉介祉又赠十八簏以全祀事). Under the biographies of Jiazhi 介祉 and Jiaxi 介禧, they are both noted for "building family temples and compiling genealogies" (又修祠堂刊谱), and Jiaxi is further noted for the purchase of new land to set up another sacrificial trust (置祭田买古德橋頭架雨軒左崇譜外祖石灰壚火食茅山一所 计九（入十山）十八拨). The confluence of these snippets strongly suggests that the trusts were put under control of the new family temple, rather than returned to the Daoist one. QXLS 1b.15a-b, 77b-78b.

\textsuperscript{340} Liu Lunzheng 劉倫正 Preface (undated), QXLS 1.25a-26b. While this preface is undated, it is clear from the content that it is from around the same time as the Wang Yikui Preface cited above.

\textsuperscript{341} All Liu Zuo 劉佐 Preface (1539), QXLS 1.26b-28b.
The much larger genealogies compiled from the 1500s on required committees of genealogists and much more money than earlier projects. Unlike earlier editions, where kin groups compared their early charts to check for errors, comprehensive genealogies physically included all the charts of all known branches of the lineage. As Luo Qinshun wrote in the midst of these changes:

Ordinary people have genealogies and family trees to show former glories to later readers. Some describe their origins without completely documenting their later histories. Others are stored privately by a single individual and are not made public to the whole house. But often [compilers] search laterally and collect widely, compile magnificent volumes, print them to blocks, and make them public to their kin.

These mid- and late Ming compilers made ever-greater efforts to include their entire memberships. As Luo wrote in another forward:

The sixteen generations [since the earliest records] are divided into six branches. There are ever-more descendants, so each branch is given its own charts to make it easier to peruse. Even those who moved to other regions or married into other surnames all have their names recorded. It is called a “comprehensive genealogy.” When the genealogy was completed, it was reported to the temple and each person received a copy.

To give complete records to each lineage branch would have required a scriptural effort too great even for the large genealogy committees of the time; to reach all these branches, printing was a must. In addition, printing allowed greater division of labor among committee members, as some became dedicated copyists, fact-checkers and calligraphers.

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342 Luo Qinshun, “Dengtang Zhang revised genealogy preface.”

343 Luo Qinshun, “Yongxin Gan revised comprehensive genealogy preface” 永新甘氏重修通譜序, Zheng an cungao.
As we saw with the Ouyangs and Lius, the initial print-runs of comprehensive genealogies were enormously expensive. In many cases, it took dozens of years to pull together the financing - decades during which the lineage grew larger and the project more insurmountable. In the preface to his own genealogy Luo Qinshun noted at least five early manuscript editions before a master volume was printed. Qinshun reports that he himself contributed to the expense of cutting blocks (捐己資鋸諸梓), documentation of financial concerns that was rare in early genealogies.344 Once blocks were cut however, they greatly reduced the cost of future genealogies - these could simply print early generations using stored blocks, and cut a handful of new blocks to expand the charts for subsequent generations and branches grafted onto the lineage.345 In many cases, the first edition comprehensive genealogy took a much greater effort to print than subsequent editions, despite the fact that the first edition was typically a small fraction of their size. In addition, print technology became cheaper and lineages got better at financing it.

The expanded realm of printed text also made it far easier than ever before for arrivistes to invent and steal pedigrees. By the end of the Ming, there were dozens of guides to surname histories in circulation. The majority of genealogy forwards used in this chapter are from personal literary collections printed in the early and mid-Ming; they too were in circulation and

344 Luo Qinshun, “Taolin Luo revised genealogy preface”桃林羅氏重修族譜序, Zheng an cungao. Note that based on this preface, Luo Qinshun claimed descent from the same ancestor as the Pingxi Luos, but does not appear to have had a strong connection to that lineage.

345 The reuse of blocks is clearly evident from the AFLOY genealogy. The first volume of the 1750 genealogy is split into six sections; The first section contains prefaces written for the 1750 edition and one Yuan-era preface; the second section contains most of the pre-Ming materials, early Ming materials from one lineage branch, and the prefaces to the 1521 and 1541 edition comprehensive genealogies; the third section contains all other prefaces from before 1600; the fourth section contains six new essays written for the 1601 edition; the fifth section contains prefaces up to the late 1600 edition comprehensive genealogy; the sixth contains branch prefaces from the 1750 edition. Each section is separately titled and numbered, and is carved in a different style. Similar patterns can be seen in other genealogies as well.
could easily be copied. It was this development that allowed the Hualin Hus from Nanchang to take a forward written for the Hu house of Xiaocheng in Ji’an, and insert their own forerunner in place of the Xiaocheng’s ancestor, in order to lay claim to a descendant of the Ji’an house - the locally-famous Hu Quan discussed above. Dozens, if not hundreds of received genealogies boast forwards attributed to famous writers like Ouyang Xiu and Zhu Xi. These most likely date from the sixteenth century or later.

To further generalize beyond the well-documented examples of the Anfu Ouyangs and Qianxi Lius, I have made a survey of 645 genealogy prefaces in literary collections. The trends seen here are much in keeping with those described above: comprehensive genealogy was essentially unknown before the late 1400s, and as group compilations grew, so did other indications that lineage branches collaborated to finance lineage institutions like ancestral temples and ritual trusts.

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346 Luo Lun, “Xiangcheng Hu genealogy preface” 蕭城胡氏族譜序, Yifeng ji. the original, contains the line “公之先金陵人五季時公霸者刺史吉州霸子勝家郡南之蕭城公其後八世也.” In the version in the Hualin genealogy, this is replaced with the line “公為華林侍御八世孫.” (attributed to Luo Lun, “Preface to the newly revised Hualin Hu comprehensive genealogy” 重修華林胡氏總譜序, HLHS 70-71).

347 The Hualin Hu - notorious fakers - have a fake Zhu Xi preface in their genealogy (HLHS, 46-7). The Ouyangs - generally considered a much more reputable lineage - have a fake Zhu Xi preface too (“Shaxi genealogy prostface” 沙溪譜跋, AFLOY 1c.4a-b).
As Figure 3.1 shows, genealogies from the 1470s on mention new forms of *comprehensive genealogy* (tongpu 统谱／通譜, hepu 合譜, zongpu 總譜) and associated *branch genealogies* (zhipu 支譜, fangpu 房譜) that were almost never mentioned prior to the Ming Dynasty, and rare in the early Ming. They mention *trusts* (yitian 義田, yizhuang 義庄, jitian 祭田, etc.) more than four times as frequently as Song and Yuan genealogies, and nearly three times more often than early Ming genealogies. They mention *lineage temples* (miao 廟, ci 祠) nearly twice as often as earlier ones, and there is further reason to believe that they use these

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348 See appendix for the data used in this figure.

349 The earliest mention of a concept like *comprehensive genealogy* probably comes from Cheng Yi, who called for meetings between the agnates to assemble genealogies (see Ebrey, “Early Stages,” 38). The first clear reference I have found to an organized meeting between multiple descent-groups that began to think of themselves as branches of a single lineage comes from Ouyang Xuan’s preface to his own genealogy from 1333, see Chapter Four. The first use I have found of the term “comprehensive genealogy” (in this case, zongpu 總譜) is from around the same time: the “Preface to the 1317 new revised edition of the Hualin Hu comprehensive genealogy” 元延祐丁已歲重修華林胡氏總譜序, HLHS 53-4. The first reference to “comprehensive genealogy” (in this case, tongpu 通譜) in a document of more reliable provenance is in an undated preface presumed to be from the 1370s. See Song Ne 宋訥, “Shengshan Song genealogy preface” 嵩山宋氏族譜序, Xiying ji 西陰集.
terms to refer to differently constructed institutions dedicated strictly to the lineage rather than
the gentry community. Finally, there is reason to believe that substantially more genealogies were
printed from the mid-Ming onward, part of the general boom in print at that time, but also
product of the increased need to produce multiple copies to distribute to lineage branches.

The general trends line up with the specific cases of the Ouyangs, the Qianxi Lius, and
the several lineages for whom Luo Qinshun wrote prefaces: comprehensive genealogy, lineage
temple construction, and the development of high-level organizational and financial implements
all came together simultaneously. The earliest lineages to undergo this transition did so in the late
1400s; many more produced the textual, financial, and architectural indicators of corporate
lineage formation in the 1500s; after about 1600 the model was well-established. In any case, it
is clear that formal links between lineage branches began with genealogical collaboration. Once
inter-branch collaborations began, the production of large, printed genealogies, free-standing
ancestral temples, and the ramping-up of group financing and collective labor all emerged
together from one general push toward corporate integration.

Conclusion

The mid-Ming was not the endpoint of lineage development. As noted above, corporate
lineages continued to grow and elaborate their institutions and management styles for centuries.
Just as importantly, the paradigms developed by the lineages of the Old South - especially central
Jiangxi - spread throughout much of the rest of South China. First, literati from Jinhua and Ji’an
were dominant at court for the first century of the Ming. While there, they were very active in

350 See Bol, “Neo-Confucianism and Local Society;” Dardess, Confucianism and Autocracy; Dardess, John W. A
Ming Society: T’ai-Ho County, Kiangsi, Fourteenth to Seventeenth Centuries. Berkeley: University of California
Press, 1996; Ditmanson, “The Yongle Reign.”

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genealogy compilation - much of this was oriented toward their peers and patronage networks, but they also aided dozens of new lineages from other areas. This doubtless gave a huge push to the spread of their style of lineages. It has been suggested that when the purges of the early Jiajing Reign (circa 1507) sent many officials back to their natal homes, they may have brought with them the lineage paradigms they encountered at court. The expansion of Neo-Confucian academies outside of Jiangxi and Zhejiang may have also encouraged the promotion of this style of lineage to other parts of the empire, especially the far South.\footnote{Faure, \textit{Emperor and Ancestor}, esp. Chapters 8 and 10.} There was also a more gradual process of new lineages, or upwardly mobile lineages, copying aspects of the model of older elites. Much of this copying was superficial, and did little to affect the actual rituals and organization of these lineages.\footnote{See Szonyi, \textit{Practicing Kinship}, esp. Chapter 1.} Nonetheless, old lineages dictated the outward forms of lineage practice, and were certainly influential to the spread of corporate lineages and their forms of genealogy and temple-building.

Finally, most successful lineages old and new branched out through emigration to new areas. Lineages from Central Jiangxi sent sons to the mountainous peripheries of the South and West, and to Hunan and eventually Sichuan.\footnote{O, \textit{Mindai Shakai Keizaishi Kenkyū}, 128-50. Perdue, Peter C. \textit{Exhausting the Earth: State and Peasant in Hunan, 1500-1850}. Cambridge, Mass: Council on East Asian Studies, Harvard University, 1987, Chapter 4 surveys much of the Chinese literature on this migration as of the late 1980s.} Fujian sent a great number of lineage branches abroad to Taiwan and Southeast Asia, as well as other parts of the interior South. Guangdong lineages went North and West to Guangxi, or overseas like their neighbors in Fujian.\footnote{Miles, Steven B. “Imperial Discourse, Regional Elite, and Local Landscape on the South China Frontier, 1577-1722.” \textit{Journal of Early Modern History} 12, no. 2 (May 2008): 99–136.} It is also clear that specialists in lineage ritual, genealogy and other areas developed by the late Ming or...
early Qing, traveling the countryside and helping new lineages follow existing norms and formats. All these processes spread the fundamental concepts of fusing lineage branches, and the more concrete practices of genealogy compilation and trust- and temple-building throughout the South; they also spread the Neo-Confucian discourse in which these practices were discussed.

This narrative is not to suggest that all lineages followed this development path. Many lineages, especially in the North, never developed into corporate bodies; they remained small and overwhelmingly focused on ancestor worship. Many other lineages - especially in peripheral parts of the South - followed the rough outlines of this narrative, but started later and often proceeded more rapidly toward corporate structures. Many non-elite or peripheral lineages had very different understandings of Neo-Confucian ritual, or continued local practices with little-to-no resemblance to these orthodox norms.

Yet in the places and times where the corporate form of lineage organization emerged, it was very durable; once dominant lineages were in place in a village, they were very difficult to displace. Corporate lineages were able to use their organization and documentation of large kin groups to develop powerful networks of moneylenders, merchants, and even industrialists. They were generally well-connected to officials and sub-official functionaries in their natal homes, and used this political power to further their economic and legal interests. They were often the biggest single landholders in any given village, dominating the real estate holdings of even their own members.

Chapter 4 - 1000 years of Ouyangs: A Ji’an lineage over the *longue durée*
Chapter 3 explored lineage development through a cross-sectional look at a large corpus of sources. I suggested the outline of lineage development proceeded from small ritual groups in the ninth and tenth centuries, to more formalized organizations in the eleventh and twelfth, to an integrated gentry community in the thirteenth and fourteenth centuries. After the widespread loss of documentation in the 1350s and 60s, many lineages reformed along earlier lines, but quickly developed ambitions to integrate a larger and more extended kin group. This culminated after about 1500 in the formation of corporate lineages that combined multiple, branching descent-lines into a higher-order institutions with its own records and finances, and capable of deploying large numbers of people, substantial capital, and pulling on a diverse array of social and political networks.

Yet there is the hazard that the developments depicted in Chapter 3 described a multitude of different institutions developing at different times and under different circumstances. I have argued that this was not the case, that at least in certain river valleys of South China, there was substantial ritual continuity, and a somewhat lesser degree of organizational continuity between the lineages of the Song and Yuan and those of later periods. In other words, many of the Ming lineages that claimed descent from the great families of the Song were actually their ritual descendants - they maintained near-continuos lines of ancestor-worship stretching back to their nominal founders. To demonstrate this claim to continuity, it is necessary to go beyond a collection of anecdotes to trace one lineage through all of these developments. I have chosen one such lineage to follow through these thousand years: the Ouyang House of the Prefect of Anfu (安福縣令歐陽氏).
Documentary considerations

To follow the Ouyang house, I rely on three sets of sources: two received editions of Ouyang genealogies, a set of texts preserved in literary collections (*wenji* 文集), and interviews with descendants of the Ouyang house. The majority of the sources in this chapter are drawn from a single Ouyang genealogy printed in 1750, reprinted during the Republic of China period, and preserved in the Shanghai Library.358 This edition contains one-hundred and six genealogy prefaces dating from an 1055 essay on genealogy by Ouyang Xiu all the way through new prefaces added during the 1750 compilation. Many - but not all - of the prefatory materials in the 1750 genealogy are also present in a genealogy collected from Fangli Village, Fenyi County (分宜縣防里村) in Jiangxi in April 2014.359 Prefaces attributed to three outstanding members of the Ouyang house - Ouyang Xiu 歐陽修 (1007-1072), Ouyang Shoudao 歐陽守道 (1208-1273) and Ouyang Xuan 歐陽玄 (1283-1357) - are also extant in their literary collections; indeed, Ouyang Xiu’s genealogy preface is one of the best-attested genealogical documents in Chinese history. In addition, the Ouyang house and its leading members are widely referenced in essays by contemporaries and later figures. Some materials are also corroborated based on Kobayashi Yoshahiro’s essay “The Ouyang lineage of Song Dynasty Jizhou,” which uses two additional received genealogies.360 Finally, I conducted interviews with several members of the Ouyang house in Anfu and Fenyi Counties during April, 2014; I also visited the tomb of the house.

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358 *Xuxiu Anfu ling Ouyang gong tongpu* [Anfu Prefect Lord Ouyang Revised Comprehensive Genealogy] 遼修安福令歐陽公通譜, 1750, reprinted 1912-1949 (henceforth AFLOY). The bibliographic information is not more specific on the reprint date - given as “Minguo,” and hence sometime between 1912 and 1949. The reprint itself contains no new prefaces.

359 *Fangli shi pai Ouyang shi zupu* [Fangli Branch Ten Ouyang House Genealogy] 防里十派歐陽氏族譜, 1944 (henceforth FLSPOY).

founder Ouyang Wan 歐陽萬 in the Anfu county seat,\textsuperscript{361} and several lineage buildings in Fangli. Therefore, while I rely most heavily on a single source, I am often able to corroborate this with a variety of other textual and non-textual sources.

The Anfu Ouyangs were not a typical house by any measure: they claimed descent from Tang aristocrats; they were the house of Ouyang Xiu 歐陽修 - one of the greatest historians and literary talents in Chinese history; and their descent-group also included Ouyang Xun 歐陽珦 (1081-1127), Ouyang Shoudao 歐陽守道, and Ouyang Xuan 歐陽玄 - each a top scholar and famous in his own right. The fame of the Ouyang house means that we must be careful not to casually extend inferences based on this lineage to conclusions about broader lineage developments, but it makes it possible to follow the Ouyangs for nearly a millennium (about 600-1600 CE) and find independent verification of the claims made in their genealogies for its later half (1055-1600). The two very complete editions of Ouyang genealogies allow broad coverage of the entire period from the tenth through the seventeenth centuries, with retrospective essays reaching back even earlier. Genealogical sources predating the Ming are highly suspect, so it was also imperative to find a lineage with strong attestation of the pre-Ming history. Choosing a lineage with so many famous Song and Yuan figures makes it possible to find supporting details on the Ouyang house for nearly the entire period from the 1050s until the 1350s. Their fame persisted such that there are many additional genealogical materials on the Ouyang house preserved in the collections of Yuan and early Ming scholars and officials. Collectively, these extend the well-attested history of the Ouyang lineage across nearly the entire temporal coverage of this study.

\textsuperscript{361} Unfortunately this tomb was moved from its original site some time during the Qing, with only vague memory as to its original location.
A longitudinal study of a single lineage is useful to provide a relatively coherent narrative over the *longue durée*, to compliment the much larger cross-section of south China lineages addressed in Chapter 3. To my knowledge no other lineage has the same depth or breadth of documentation, and none of their claims can be confirmed in outside sources to the extent of the Ouyangs. Therefore, to give a clear and continuous longitudinal picture of lineage developments, I have chosen to dedicate an entire chapter to this remarkable house.

**Origins and developments**

It is difficult to know where exactly to begin the story of the Ouyang house of Anfu. The first available evidence dates to 1055 when Ouyang Xiu compiled his famous genealogy, but Xiu was principally concerned with history up to that point. Like his friend Su Xun 蘇洵, Xiu was well aware of his role as a thought leader and hoped that his genealogy would be used as a model for other lineages. But he was also interested in his work being used as a model and foundation for the more immediate genealogical practice of his lineage in Ji’an 吉安 (then called Jizhou 吉州), in central Jiangxi. Xiu’s genealogy is quite pedantic at points, as he puzzles out the specifics of his family’s pedigree while also pondering genealogical practice more generally. In his search for the origins of his lineage, Ouyang Xiu presents us with several possible starting-points: the origins of civilization with Yu 舜, the founder of the legendary Xia Dynasty in the third millennium BCE; the origins of his surname Ouyang in the third century BCE; the origins of the choronym Changsha 長沙 in the fourth century CE; the beginnings of his charts (*tu* 圖), probably in the late fifth century; the beginnings of his biographies - and of the local descent-

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362 For the sake of clarity, I will use Ming place-names - including Ji’an. Where this is anachronistic - largely for earlier periods - I will also provide the place name used at the time.
group in Ji’an, probably in the late seventh century; or to the descendants for whom he has
written records - the house of Anfu - probably starting in the late ninth or early tenth century.

The construction of the early history of the Ouyang house was an important way for Xiu
to connect his descent-line to the great dynasties of the past - and to Chinese civilization itself -
but it was largely derived from historical research rather than lineage tradition. The very early
history depends on a few core narratives, tracing his supposed ancestors the Kings of Yue (越王)
and later the Counts of the Ouyang Pavilion (欧阳亭侯). The Ouyangs of Changsha are better
documented; starting with Jingda 景達 around the fifth or sixth century, Xiu has enough names
to construct a descent-line in his charts. Yet the scattered nature of this information is likely an
indication that most of this material was taken from official sources, not from lineage records.
Cong 琮, Xiu’s first biography and the first Ouyang in Ji’an, is a tempting place to mark the roots
of a true lineage tradition. But while Xiu claims that Cong’s descendants are the current
residents of Jishui County 吉水, Jizhou (今為吉州吉水人也), he is unable to document the next
seven generations, writing that the charts are missing (谱亡).

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363 Jingda 景達 is noted elsewhere to have served the Qi - probably the Southern Qi circa 479-502. But Xiu writes
elsewhere “there is no supporting evidence of his service to the state of Qi” (仕于齊無所稱). “Ouyang House
Genealogy Charts and Preface” 欧陽氏譜圖序 (1055), Ouyang Xiu ji 欧陽修集 74.

364 Dating Cong 琮, the first biography, is somewhat controversial. Xiu wrote that Cong led local militia against
Huang Chao 黄巢, which would place him in the 890s. However, Ouyang Shoudao criticizes this based on the
generation count between Cong and a later descendant Chen 陈 who served the Southern Tang 南唐 circa 937-76.
Shoudao argues that 9 generations could not fit in the space of 40-80 years. Given that the details on Chen and
subsequent generations are strong, Shoudao surmises that Cong must have been an early Tang figure, and the detail
about the Huang Chao rebellion must be wrong. This places Cong in the late seventh or early eighth century. See
Ouyang Xiu “Ouyang House Genealogy Charts and Preface,” and Ouyang Shoudao “Yonghe genealogy preface” 永
和譜序 (1260), AFLOY 1.27b-28a.
This seven-generation break marks the point probably marks where Xiu switched his mode of genealogical research, from consulting state records to relying on local memory and house genealogies. For ten generations of charts, from about 500 until about 700, Xiu’s claimed ancestors were high-level officials of dynasties with good records. Indeed later writers noted, Ouyang Xiu was highly reliant on these dynastic histories for early records and had access to them as head compiler of the *New Tang History*. Why do the good records end around 650-700, just as the Tang Dynasty was on the rise? Paradoxically, this post-Cong gap probably

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365 Note the density of records from about 500-660, probably based on records of the Liang, Chen, Sui and Tang courts, and the subsequent scarcity of records after Cong, when the Ouyangs were posted to the provinces.

occurs for the same reason that Xiu wanted to make Cong the first biography - because he was the first Ouyang in Ji’an. After his posting in the provinces, Cong was no longer worthy of note at the Tang capital, so Xiu cannot find his descendants in the court records. Yet Cong lived so long ago that the local house had lost records or memory of his immediate descendants.

After skipping seven generations, Xiu arrives at Wan 萬, who was Magistrate of Anfu (安福縣令), another county in Ji’an and the more proximate source of Xiu’s line. Following Wan, Xiu is able to name more individuals - including less famous ones: “Wan begat He; He begat Ya; Ya begat Xiao; Xiao begat Tuo, Tuo begat my great-grandfather” (萬生和，和生雅，雅生效，效生託，託生). Xiu’s great-grandfather Chen is noted as the earliest ancestor to still receive sacrifices, based in the long-standing practice limiting veneration to five generations. But Xiu’s charts actually branch out two generations before Chen, showing Xiao’s brother Chu 楚, and the five brothers and cousins of Tuo. The ability to list multiple branches of the descent-line is a clear indication that Xiu had received genealogical records from this point on, and probably the broader kin group functioned as some form of ritual unit.

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367 While no Tang or pre-Tang genealogies are fully extant, indirect evidence suggests that they did not record non-officeholders. See Johnson, pp. 100-4.

368 In fact, not all records were lost: in the thirteenth century, Ouyang Shoudao was able to reconstruct the sequence of generations based on funerary inscriptions (muzhiming 墓誌銘) of two locally-prominent individuals. “Yonghe genealogy preface” AFLOY 1.27a-b.

369 “Ouyang house genealogy charts and preface”
We should therefore date Wan - the first Ouyang in Anfu, probably in the mid-to-late eighth century - as the beginnings of the lineage’s oral tradition. Somewhere in the three-generation interval of Xiao, Tuo or Chen - the mid-to-late ninth century - likely marks the beginning of Xiu’s written records. Chen was also the first Ouyang buried in Xiu’s natal village.\(^{371}\) This means that as of the 1050s, the best written records of the Ouyang house probably dated from the very late Tang, with earlier records either lost or never compiled. The warfare of the ninth and tenth

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370 Note the substantial branching of lineage records in the generations of Xiao, Tuo and Chen. Other indicators of lineage formation include generational characters and character components - 言 in Tuo’s generation, 人 among the 8 ancestors

371 “Ouyang house genealogy charts and preface”
centuries did not spell the universal demise of the old elite; in fact this may have been a period of substantial lineage formation.372

Xiu preface also presents an argument that typifies the literati lineage mindset. He argues that his family needs to produce more great officials, to continue the line of his ancestors and repay them for the virtues they transmitted to their descendants.373 Implicit in this is Xiu’s understanding that the lineage is likely to fail without members rising to prominence (xian 顯) through state service - with all the status, incomes and records that government position entailed. He ends the preface calling for later members of his house to continue to research and revise the genealogy:

These days, the eight ancestors’ descendants are incredibly numerous. If I preserve [records of] how they acquitted themselves in person and what they taught their children and students, there must be [descendants] to take up this (i.e. to continue to record the genealogy). Therefore, I have charted the generational sequences to pass on to their relatives, and also carved them in stone to await [such future compilers].

Xiu carved this information on a stone tablet in his family graveyard to make sure that the information was not lost to insects, rot or the fires of war, and to place it at the center of the lineage’s practice of grave-side worship.374 Finally, Xiu delimited the categories of information that he considered important: migration, marriage, office, feudal estates, names, titles and records

372 Clark, Portrait of a Community, pp. 262-75; Tackett, The Destruction of the Medieval Chinese Aristocracy pp. 231-4.

373 This is highly in keeping with earlier traditions that presented textual transmissions as the most important source of family traditions. See, for example, Yan Family Instructions, pp. 47, 57, 63, 77-8, 193-6, as cited in Lewis, China Between Empires, pp. 178-9.

374 “Ouyang house genealogy charts and preface”

375 Ebrey writes that it was “understandable that [both Su Xun and Ouyang Xiu] erected the genealogy at graves: this was where agnates gathered.” “Early Sages,” pp. 36-7, see also pp. 21-9.
of behavior. These too were in keeping with the information most important to *court lineages* and showed the highly transitional nature of his - and other - eleventh century genealogies.

In this genealogy, Ouyang Xiu laid the foundations for his house’s future compilations. His work tracing the origins of the lineage back to Yu the Great, the origins of the surname back to the Marquis of Ouyang Pavilion, and the origins of the Jizhou branch back to Governor Cong and Magistrate Wan established an origin story that later compilers would copy wholesale; frequently they simply cited the original and left out the details. Xiu published the genealogy in text as well as recording it in stone; both versions would ultimately be consulted regularly by later compilers. Other decisions he made were less persistent.

As we will see, his successors criticized both Xiu’s lack of breadth and his casual treatment of sources. They began to include more information in the genealogy, and to organize it in different ways. Xiu was still operating in an environment where he expected his house to produce prominent officials on a regular basis, leading him to focus on recording information related to patterns of office-holding and marriage alliances that had persisted from the aristocratic order into the service-oriented order of the early Song. Ouyang Xiu’s own generation was already filled with new men, and in short order the assumption of near-hereditary office would become less and less realistic over time, leading to changes in the organization of lineages and their genealogies. The issue of when to begin a genealogy - with the roots of civilization, the surname, the house, or the local descent-group - remained an issue of concern. But for many genealogists in his own lineage and in other lineages, the story starts in 1055 with Ouyang’s compilation of this genealogy.
The next known compiler of the house’s genealogy was Ouyang Xun - an official in the late Northern Song - who added an edition in 1121. Compiled two or three generations after Xiu’s genealogy, Xun’s edition largely relied on Xiu’s work, yet Xun had a claim to resolve. Descended from a relatively distant collateral relative, Xun asserted that he belonged to the same descent-group as Xiu, but to do so he had to find a common ancestor. Chen - Ouyang Xiu’s great-grandfather, and his chosen founding ancestor - was not an ancestor of Xun. Nor were Chen’s father Tuo, nor his grandfather Xiao. Skipping two generations of shared but unimportant ancestors, Xun arrived at Wan - the first Ouyang in Anfu. Xun designated Wan the lineage founder, a practice that all further genealogies appear to have followed, including those of Xiu’s descent-line. Nor should we overlook the incremental labor of compiling a genealogy adding
several more generations and a whole other branch of the lineage. In addition to fixing the founding ancestor, Xun’s compilation represented two important steps in lineage development: continuation and broadening of the documented kin group.

**Forwards and postfaces**

A mere three years after Ouyang Xun compiled his genealogy, the Song Dynasty lost a major defeat to the Jin; Xun himself was killed for refusing to surrender land to the invaders. Yet aside from this individual death, the Ouyangs - nestled safely in southern river valleys - suffered little from the Song’s loss of the North. Nor did Xun’s martyrdom do much to slow their growth or the revision of their genealogies. Following their kinsman’s famous death, as well as the continued fortunes of other lineage members, the Ouyangs of Yonghe added eight prefaces and postscripts to their genealogy, all written by prominent locals.  

As we saw in Chapter 3, the practice of genealogy forwards appears to date to the late 12th century; this was almost certainly when the Ouyangs of Yonghe got their first guest prefaces.

Hu Quan 胡銓 was the first and most prominent local to write a note to attach to the Ouyang genealogy. Hu was a high official famous for his opposition to the peace faction at court; he was also the most important Ji’an resident of his generation. In a short postscript, Hu described his familiarity with the Ouyang house and its pedigree, writing

> Having first [seen] Ouyang Xiu’s Generational Sequence Inscription and Ouyang Xun’s revised genealogy, I have since seen little from other surnames that can rival the depth and richness of their poetry and writing. My family has intermarried with Ouyang Xiu’s kin for generations. Could I not give them a few words as a postscript?”

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376 See “Biography of Lord Jiangcheng [Xun]” 監丞公傳 and “Record of the shrine to Lord Jiangcheng [Xun]” 監丞公祠堂記, AFLOY, 3.15a-18b. See also Chapter 3.

377 AFLOY, p. 1.13a-15b.
Hu Quan was requested to add a few words to the Ouyang genealogy, and felt that he would be remiss to decline them, due to his admiration for their literary work and his longstanding affinal ties with their house. Although Hu is not explicit that these connections are also what qualifies him to comment on the Ouyang lineage, this is somewhat implicit.

Yang Wanli, another Luling local famous for his literary talent, feels the need to be more explicit that he is checking the veracity of the Ouyangs’s claims as well as doing a favor to his friend. In his 1200 preface, Yang remarks, “My friend Ouyang Yi has lived in Yonghe Town for generations; he is now the head of his house. His humanist scholarship and ethical conduct are a model to the area. Today I saw his genealogy charts,” (友人歐陽彝...世居永和鎮，今為族長。儒學行義表表一鄉。今觀其譜系). Yang agrees to write a preface because he is friends with Ouyang Yi; but neither this friendship, nor Yi’s personal virtues, nor the charts themselves are enough to convince Yang of their truthfulness. Before writing his preface, Yang consults with another prominent local, Zhou Bida, who “wrote that the Ouyangs are a distinguished family from Luling, and those living in Yonghe Town are especially accomplished scholars; they have had examination success and prominent officials in every generation.” (敬書歐陽氏望族盧陵，而家於永和鎮者尤以儒稱，而登科顯仕者代不乏人). Only then does Yang conclude “having read what Mr. Zhou wrote, their genealogy is quite trustworthy” (今觀益國周公所書，其譜系昭然可考).380

378 “8 prefaces and postfaces to the Song Yonghe revised genealogy” 宋永和繕譜序跋八編, AFLOY, p. 1.13a. Note that this and many other documents refer to Ouyang Xiu by some of his other names, including his posthumous name Wenzhong 文忠, and his pen name Liuyi 六一; and to Ouyang Xun by the name of his office Jiancheng 監丞. For simplicity, I have translated these and other alternative names using given names.

379 Robert Hymes argues that matchmaking was a major function of genealogies in this period, see “Marriage, descent groups.”

380 Ibid, pp. 1.13a-b.
These forwards show the expansion and development of genealogical practice in the late twelfth and early thirteenth century, the emergence of what I call the *gentry lineage* paradigm. By this point many other lineages were also compiling genealogies as is obliquely referenced in Hu Quan’s postscript; Hu Quan, Yang Wanli and Zhou Bida’s lineages probably did so.\textsuperscript{381} According to Hu, most of these lineages’ genealogies paled in comparison to the Ouyangs; we can further infer that some of these lineages were making dubious claims. As friends, as affinal kin, and as peers in the Luling gentry, Hu and Yang felt obligated to write essays as part of the everyday practice of literati sociability. But these forwards were not just empty formalities; Yang is quite explicit about his desire to verify the genealogy’s truthfulness before giving it his imprimatur.

**“Descendants multiply”** 繁衍

At least two other Ouyang genealogy compilations are attested around the turn of the thirteenth century, as lineage branches began to consult with one another as well as their gentry peers of other surnames.\textsuperscript{382} It appears that many Ouyang groups in the Ji’an area were beginning to forge higher-order ties, and to expand through natural increase. We can quantify this expansion thanks to the work of another descendant writing sixty years later. Ouyang Shoudao was a member of the Yonghe Ouyangs - the best-documented descent-line through the twelfth and thirteenth centuries. Opening his preface by estimating the number of descendants in Jizhou, Shoudao gives a rare demographic figure to associate with a late Song lineage. He writes:

\textsuperscript{381} See Chapter Four.

\textsuperscript{382} See “Huangshi genealogy preface” 黃石譜序, 1.26b. Dated to 1200.
We Ouyangs have lived in Jizhou for generations, now more than five-hundred years distant from our founding ancestors, the hereditary governors of the mid-Tang. Their descendants live scattered in many places, some in service, some in reclusion. I could not possibly address them all, so provisionally considering those who live locally and have not moved away, they number at least one hundred households and one thousand individuals.

By Shoudao’s time, the kin group had grown massively. The reproduction of this many people is not surprising, given the geometric laws of natural increase; what is impressive is the expansion of the lineage - the individuals known or believed to share descent, and likely sharing sacrifices.

Shoudao, an exceedingly careful scholar, feels comfortable numbering his lineage kin at one thousand, which implies that the genealogy includes at least a large subset of them. This represents a huge expansion of the lineage institution from the days of Ouyang Xiu, an impression made clear in Shoudao’s complaint that despite its many virtues, Xiu’s genealogy “was not extensive and had many errors” (然公譜未廣又頗有誤).384

It is interesting that Shoudao is so critical of Xiu’s genealogy, even as he has nothing but praise for Xiu himself. Shoudao’s analysis of Xiu’s errors demonstrates a key shift in lineage mentality in the two centuries since his famous forerunner. The errors noted by Shoudao were mostly related the sequence of generations that Xiu had provided for the late Tang. As we saw above, this was probably the point where Xiu switched from a historical to a genealogical mode of research. Shoudao tells us that:

Ouyang Xiu traveled and served in the four corners of the empire and returned home for only a few days. When he compiled the genealogy, he did not have the chance to consult

383 “Yonghe genealogy preface” 永和譜序，1.27a. Note: Unlike the other Song and Yuan prefaces, which are in the second section of the 1750 genealogy’s first volume, Shoudao’s preface is printed in the third section. I believe the materials in this section were added in the late 16th century (as opposed to the second section, which dates to the early 16th century). The preface is also printed in his literary collection and referred to by numerous Yuan-era prefaces, which is sufficient attestation to its provenance include it here. This is discussed in more detail below.

384 Ibid. The errors to which Shoudao referred were primarily related to the generation sequences of the late Tang.
with his kinsmen, so he even forgot many recent matters on the direct descent-line. In the end, he could only ask Lü Xiaqing for documentation. As learned as Xiaqing was, how could he know the details of other people's genealogies? This reveals an interesting perspective: Shoudao implicitly argues that genealogies are more extensive and more trustworthy than the best historical materials available to a court historian. He suggests that in Xiu’s day, it would have been unthinkable for Lü Xiaqing to know the details of his friends genealogy, yet we have seen that by Shoudao’s time it was standard for members of the gentry to consult one another on matter genealogical.

Shoudao’s perspective reveals a key shift in genealogy, from emphasizing history and inheritance to a greater emphasis on documenting kinship to ensure proper performance of ancestral rites. This shift in attitude is almost certainly related to the Neo-Confucian attitudes toward proper ritual. An effort to revive true Confucian rituals began with eleventh-century philosophers like Cheng Yi, Sima Guang, and Ouyang Xiu himself, many of whom composed new liturgies adjusting these rituals for their age. However, by the end of the twelfth century, these rituals were restructured around a particular reading of the descent-line system (zongfa) - a reading derived principally from Cheng Yi, and distinct from Ouyang Xiu’s apparent understanding of ancestral rites. This was collected and organized in Zhu Xi’s Family Rituals, which became a foundational text for the Neo-Confucians of the

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386 Ibid.  
thirteenth century. Shoudao himself was a prominent member of this Neo-Confucian fellowship in his role as dean (yuanzhang 院長) of the White Egret Islet Academy (bailu zhou xueyuan 白鷺洲學院), and was doubtless familiar with these perspectives. His emphasis on both the quality and extent of lineage records must therefore be read as part of an impulse to ensure the performance of proper rites under the descent-line system - principally by making sure that people knew their place in the ritual hierarchy of the lineage.

By the mid-thirteenth century, the Ouyang genealogy had grown into something very different than it had been in the mid-eleventh. The charts were no longer based in living memory and court research but in the cumulative record-keeping of two centuries. This allowed them to grow to include many more people than they could otherwise have organized, and was driven by a desire to give kinsmen an understanding of their place in the ritual hierarchy. Without a central repository of genealogical knowledge, local and family records had begun to replace court historians as the most reliable sources of information, but the problems with these sources were becoming increasing apparent. As Shoudao concluded in his forward:

Recently, my kinsman Mingxian recorded [our descent-line] from the governor to today, covering two-thirds more time, with [the descent group] growing larger with each generation. Mingxian is of venerable age and still healthy and strong, using great effort to examine and correct the old records in great detail, proofreading so no doubts remain, and correcting the earlier errors. Is this not a great blessing for those to come? From start to finish, I have seen many genealogies from my surname. In Luling alone there are six or seven volumes, each in a huge cloth case and written in fine script. In all of the nearby areas - Qingjiang, Yichun (both in central Jiangxi) and Changsha (central Hunan) - there are Ouyangs with genealogies, and they frequently take them out to check their records of earlier generations against one another. In the end there are differences, and there is no master volume to record all their commonalities; this too is unclear. Would it be possible to gather together all these houses and connect them for a closely revised edition as Mingxian has done? For now, I will record this to await discussion at another time.

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Shoudao’s preface marks the point at which the lineage had grown through the regular revision of records as time marched ever forward, and had grown interested in closer inspection moving backwards into the past. In his day, the process of compilation was not one of consulting official histories so much as comparing the records of various branches - a process that took much of his and Mingxian’s time. As we will see, the events of the next century would put these tendencies on hold temporarily, but they would later reemerge: as lineages grew larger and better organized, their compilers almost inevitably looked both backward in time and laterally to their distant kin.

Shortly thereafter the concept of a comprehensive genealogy joining multiple branches - first mentioned in Shoudao’s preface - was put forth in a novel form: the “genealogy pavilion” (pu ting 譜亭). A distant kinsman of the early fourteenth century - Ouyang Qiweng 歐陽奇翁 - wanted to gather living representatives of the various descent-lines together at a single building, presumably to systematically compare their charts with one another. Unfortunately, Qiweng’s own genealogy is not extant, so we only know of this approach through an oblique reference from Ouyang Xuan 歐陽玄, who never actually went to the pavilion. Ultimately the pavilion failed to take shape. As Xuan writes “Qiweng's genealogy pavilion

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391 Arguably this concept was put forward by Cheng Yi in his 11th century notes on lineage meetings (宗會). See Cheng Yi 程頤 Henan Cheng shi yishu 河南成氏遺書 18:240-2, Ebrey “Early Stages, p. 38.

392 “Lord Wen of Chu [Xuan]’s preface” 楚國文公譜序, 1.11a-b
approach will have to wait for another date.”

The pavilion was explicitly presented as a solution to the growth and division of the lineage and the inconsistency of its many records. As Xuan notes “Shoudao expressed exasperation at the large number of successful scholars from our house, and the fact that the genealogies are often inconsistently transmitted.” But Xuan himself was not overly troubled by this trend. Unlike Shoudao - who emphasized the accuracy and consistency of records above all else - and unlike Qiweng - who wanted to create a comprehensive genealogy of the lineage - Xuan took a more casual and ethical approach. He writes:

What is so frustrating [about the failure to transmit records]? For men of old, it was enough for a genealogy to give weight to the moral order, to improve customs, and to inform descendants of their common origin.

If we need to be like people in the Tang, who wanted to make reliable claims all the way back to receiving the surname, then there will certainly be difficulties. But if we use Ouyang Xiu’s method, and make a tentative narrative of the recent past in Fangli, that is pretty close to what we are seeking.

To Xuan, the most important aspect of genealogy is not documentation of the past, but moral improvement in the present.

In the thirteenth and fourteenth centuries, with lineage growth continuing unabated and records becoming chaotic, compilers took different stances on what was most important in the

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393 Ibid.

394 Note is a paraphrase of lines included in both Cheng Yi and Zhang Zai’s notes on the descent-line system, and was widely quoted in Xuan’s time and thereafter. See Zhang Zai, Zhang Zai ji 張載 4:258, Ebrey “Early Stages,” p. 37.

395 The home village of Xuan’s branch. Detailed below. It is unclear whether he is advocating a return to the 5-generation limits on sacrifices.

396 “Lord Wen of Chu [Xuan]’s preface,” 1.11a-b
genealogy; we have seen three major positions emerge within the Ouyang lineage: Shoudao’s service to history and pedigree, Qiweng’s emphasis on institution-building, and Xuan’s focus on kinship and ritual.

To Shoudao, the accuracy of the genealogy’s records stands above all else; while his preface notes the growth of the lineage and comments on contemporary developments, his greatest efforts are put toward fixing the errors in Ouyang Xiu’s narrative of lineage history. We can say little definitively about Qiweng, as none of his own words remain; nonetheless, through his actions in trying to gather together the lineage branches at the genealogy pavilion he was implicitly promoting a picture of active lineage organization encompassing multiple branches and physical edifices. Xuan was most interested in the genealogy as a tool to reform the local, contemporary world. To him, shared descent is important as a means of transforming kinship relations, and does not imply a strong a burden to construct a true and complete descent-line. All three approaches shaped genealogy at that time, and would determine its future, albeit with shifts in emphasis.

“Fires of war” 兵燹

In the 1350s and 60s the Yuan Dynasty faced a crisis that ultimately spelled the end of its control of China and its retreat back into the steppes. The Red Turban Rebellion did not just shake the foundations of the dynasty, it caused great chaos throughout the countryside including the destruction of many Ouyang genealogies and the dispersion of their kin groups during the

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397 There is some hazard of a teleological reading of Qiweng’s position. Later compilers in the 1570s and 1590s wrote about him as a key precursor to the comprehensive genealogies they were then compiling (see below). But based on Xuan’s preface alone this is not entirely clear. Nonetheless, Xuan draws a clear distinction between Qiweng’s approach and his own that suggests that Qiweng was interested in some form of extensive, inclusive group compilation.
worst fighting in central Jiangxi and Hunan between 1352 and 1358. Even as fighting continued
to rage across the Yangzi region, members of the house worked to preserve or recreate their lost
records. Similar processes can be seen in three distinct groups descended from the old Ouyang
house. Yet it also appears that these “branches” may not have been related at all - that they used
the destruction of records to consolidate highly dubious claims to share descent with the two or
three most prominent Ouyang lineages - Ouyang Xiu’s descent-line, the Fangli branch of Ouyang
Xuan, and especially the powerful Yonghe Ouyangs that claimed Xun and Shoudao as
descendants.

Prior to the wars, in 1339, a member of the Diaoyuan 釣源 Ouyangs of Luling County
had obtained genealogical essays from some of the greatest scholars of the era - including Yu Ji
虞集, the head compiler of the Yuan Encyclopedia of Statecraft 經世大典. Among other things,
these forwards documented his branch’s preservation of a pair of edicts granting posthumous
ranks to their Song forerunners.398 These claims were highly dubious - the Diaoyuan descendant
was unable to match his place in the ritual hierarchy with another Ouyang present, and the edicts
he carried belonged to another branch of the Ouyang lineage entirely.399 Nonetheless, Yu Ji and
his contemporaries were active promoters of lineage formation as a way to transform society;400
apparently the ideal of kinship trumped more careful investigation of specific claims, and these

398 “Diaoyuan recompiled genealogy prefaces and postfaces”釣源續譜序跋, AFLOY, 1.16a-17b.

399 The Diaoyuan branch claimed descent from Hong, while the edicts were granted to ancestors of the Tuo branch.
These were rather distant relatives and probably did not live anywhere near each other. In other words, the edicts
shown in the 1330s were probably fakes, accepted by Yu Ji et al, and again by these early Ming writers.

400 Bol, Peter K. “Local History and Family in Past and Present.” pp. 327-337 describes the ascendance of the
concept of lineage as a site of social transformation in the Yuan. He includes many of Yu Ji’s contemporaries,
although not Yu himself. From my own reading, Yu’s extant genealogy forwards have much the same tenor as those
of other mid-Yuan figures like Lü Bu and Wei Su, quoted in Bol. See also Chapter Four.
leading scholars gave their imprimatur on the inclusion of the Diaoyuan Ouyangs in the greater family tree.

Unfortunately for the Diaoyuan descendants, their efforts to integrate with the leading Ouyang lines appeared to fail when many of these documents were destroyed in the fighting. But a lineage member named Ouyang Keji 歐陽可濟 acted quickly, requesting new forwards from his friends and neighbors to verify the existence of both the edicts and the essays documenting them. A note from 1361 further clarifies exactly what had been lost:

When Ouyang Xiu held power in 1065, [the emperor] offered sacrifices to heaven and earth and extended his blessings by granting posthumous titles [to two of his ancestors]. Only thanks to a virtuous descendent of Ougui Village named Keji were they able to carefully preserve these two edicts for several generations without loss. This can be seen in the rich records by Yu Ji and various other prominent scholars; I myself saw them in 1352. In 1358 they were lost to rebels. Keji then made a "Record of Preservation" to show to his descendants based on what he could find. He also asked contemporaries who are able to speak of [these documents] to elaborate further.

Only three of these essays remained - the one by Yu Ji was a notable loss. Twelve years later, Ouyang Keji produced these new forwards produced his “Record of Preservation” and the remaining essays to show another official who also wrote an essay attesting to their existence.402

The preservation of their claims to pedigree was very important to the Diaoyuan Ouyangs, and they were generally obliged by the literati of the day - who were perhaps too quick to follow the precedence laid down by previous literati. Despite - or perhaps because of - the massive loss of documents in the late Yuan, the Diaoyuan Ouyangs maintained substantial claims to inherit from

401 “Diaoyuan recompiled genealogy prefaces and postfaces”釈源續譜序跋, AFLOY, 1.17b-18a.

402 “Diaoyuan record of preserving edicts preface”釈源存錄封誥序, AFLOY, 1.18a-b. There are several discrepancies with this preface, which has this byline: 洪武癸丑孟秋。吏部主事林審實周敬書 - i.e. written in 1373.
their important house. The questionable nature of these claims was obscured by the more general loss of records.

Nor were the Diaoyuan group the only Ouyangs to press dubious claims to shared descent, taking advantage of the loss of records to integrate themselves into the older lineages. The powerful Yonghe Ouyangs had a rather more substantial assortment of documents preserved through the rebellions, but on close inspection it was a descendant of a previously unattributed descent-line that preserved the documents. Like their nearby kin, the Yonhe Ouyangs began reconstruction of their genealogy almost as soon as order was restored. But for the first time, their 1366 edition claims that there are actually two lines of Ouyangs in Yonghe. The reasons for this new claim are clear: a dubious interlocutor brought a broad array of documents that his family had saved; with their own records destroyed, the Yonghe branch was quick to accept any documentation of their pedigree. And this was substantial documentation, supposedly including “a Tang Dynasty edict approving the Ouyang genealogy, Ouyang Xiu’s ‘Generational Sequence Inscription,’ Ouyang Xun’s preface and charts, the funerary inscription composed by Zhou Bida for Ouyang Yuanding, and Yang Wanli and Hu Quan’s essays.”

403 “Yonghe genealogy preface”永和譜序, AFLOY, 1.29a-b
Ouyang Xing 歐陽性, this son of a line with a late and somewhat dubious connection to the Yonghe Ouyang lineage, produced the single-greatest cache of documentary evidence to survive the Red Turban Rebellions. How much of it was legitimate? This is the first mention we have seen of a Tang-era edict which was likely a fake. The inscriptions by Ouyang Xiu and Zhou Bida could easily have been copied from the stone stelae themselves or from published collections. The essays by Yang Wanli and Hu Quan, and Ouyang Xun’s preface and charts were most likely taken from the other branch of Ouyangs living in Yonghe. The rest of this foreword is broadly consistent with material that could easily have been copied from the documents listed above. Yet regardless of the truthfulness of Xing’s claim to descent from the Ouyang line, his genealogy probably represents the most important source of material for later compilations,
especially regarding the details of the Yonghe branch.\textsuperscript{404} The only fact that is highly questionable is the connection of Xing himself to the documents he carried.

The Fangli Ouyangs, from Yichun Prefecture in western Jiangxi, also claimed that they lost most of their records and relied on a questionable interloper to recover information about their roots. In 1352, they lost both the master copy of the genealogy (\textit{ben zhen} 本真), and the handwritten notes (\textit{chao} 抄) that it was based upon. In 1364, a descendant reconstructed the outlines of it from memory. But it was only in 1367\textsuperscript{405} after a chance encounter with an old man that they could verify these details:

For two years, the trustworthy gentleman Ouyang Chenqing had been a guest of the Haoyuan Xiao family.\textsuperscript{406} He practiced Daoist techniques and was then eighty years old. [Chenqing] claimed that his forerunners also came from Luling, and we saw that his preserved genealogy was exactly like what [our pre-war genealogy] had recorded, without even one or two differences across many years. It did have a few mistakes of the sort that occur when people copy by hand, so we proofread it, corrected these errors and added it to the genealogy.

This storied lineage - the house of the most famous Ouyang of the Yuan and home of the earliest recorded attempt to construct a comprehensive genealogy - relied on an old man of unclear ancestry living in another lineage’s compound to reconstruct their family tree. The three most prominent descent-lines of Ouyang house prior to the Red Turbans all lost the bulk of their records in the rebellion, and had to rely on outsiders to rebuild their storied histories.

\textsuperscript{404} The later commentary on this forward notes that the elders report this to have been the most detailed and clear genealogy, but that it was all lost except for this preface (父老相傳其譜最為詳明，今僅存此序)

\textsuperscript{405} The preface is dated 明丁未之秋九月, which I have taken to refer to 1367, the year before the Hongwu reign began, which was a 丁未歲, which is also in line with the other dates given in the preface: 壬辰 corresponds to the Red Turban Rebellion destroying Jizhou in 1352, and 甲辰 to 1364.

\textsuperscript{406} This is probably a euphemism for him taking refuge there during the rebellion.

\textsuperscript{407} “Fangli genealogy preface” (1367)防里譜序AFLOY 1.31a-b
At the same time that these three branches were recompiling their genealogies, two new groups of Ouyangs appear in the record for the first time - from Yili 義歷 and Jifu 積符. The Yili group - supposedly descended from Yue 戎, the third son of Chu⁴⁰⁸ - freely admitted that they copied much of their material from Diaoyuan after loosing their records in fighting in 1352 and again in 1355.⁴⁰⁹ But they claimed that they had earlier connections to Diaoyuan, and had maintained ambitions - first detailed by Xuan - of combining their records into a single volume. They even knew of genealogies by Ouyangs in more distant places: Ganzhou 福州 in the far south of Jiangxi, and Liuyang 瀆陽 to the west in Huguang.⁴¹⁰ The Jifu Ouyangs only made a loose claim to descent from Ouyang Xiu’s “Eight Ancestors” - information could be obtained from Ouyang Xiu’s stele. Of the two groups, the Yili Ouyangs appear more likely to have real, pre-Ming connections to the other Ouyang lineages; the Jifu group could easily be impostors grafting themselves onto the Ouyang tree. But in neither case is there sufficient information to test their claims.

Despite the questionable connections between Keji, Xing, Chenqing and the more famous Ouyang lines, the pre-Ming source materials claimed by the Diaoyuan, Fangli and Yonghe Ouyangs have at least some level of prior attestation. The Yili and Jifu lineages, on the other hand, are plausible in their generalities but offer no testable claims. It is clear that at least some individuals, households, even whole lineages took advantage of the loss of records to graft themselves onto more powerful or storied lineages. Yet this type of copying of pedigrees or merging of lineages had already been going on since at least the thirteenth century. Furthermore,

⁴⁰⁸ “Yili genealogy preface” (1369) 義歷譜序AFLOY 1.33a-b.
⁴⁰⁹ “Yili revised genealogy preface” (1366) 義歷續譜序AFLOY 1.12b-13a. “Yili genealogy preface” (1368) 義歷譜序AFLOY 1.32a-b.
⁴¹⁰ “Yili genealogy preface” (1368) 1.32a-b.
the Neo-Confucian movement’s emphasis on lineage-building - first visible in the late thirteenth century - continued to rise in the early Ming under the influence of figures like Song Lian 宋濂 and Fang Xiaoru 方孝儒. We have already seen that this ideology tended to emphasize the benefits of organizing kin, even at the expense careful documentation of real blood ties. In the chaotic environment of the post-war generation, it appears that the Ouyangs were quite willing to overlook questionable claims in the hopes of rebuilding the documentary and social basis of their lineage networks. They did so with a continued ambition to join the entire descent group.

“Shared ambitions” 同志

Some of the Ouyangs were not satisfied with merely saving records from the late Yuan destruction. Descendants of several lins spent the next several decades visiting one another, comparing notes and generally putting together a more comprehensive picture of the family tree. Gradually, over the course of more than a century, a master narrative of the Ouyang lineage developed and was disseminated among Ouyang lineages distributed across Jiangxi and eastern Hunan. To the extent that they were actually descended from the early Ouyang houses of Luling and Anfu Counties, these groups probably already thought of themselves as offshoots of a larger descent-group; in the process of meeting with their distant kin groups, this understanding of root and branch lineages was further reinforced - indeed the paradigmatic terms for branch ancestors (zhizu 支祖) and branch genealogies (zhipu 支譜) were probably established around this time. As they solidified their understandings of shared ancestry, these lineages nurtured ambitions toward unified kinship - to go beyond sharing documentations of pedigree and past achievements

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411 See Bol, “Local History and Family,” pp. 337-42.
412 See Chapter Three.
to acting as part of a larger social unit. The ambitions to unify the extended kin group were not new - we have seen them emerge around the turn of the fourteenth century - but in the fifteenth century they began to move from intent toward action.

The first evidence of actions and ambitions toward unifying the kin group are found in in the narrative of a Fangli descendant who calls himself the “Old Man of the East Garden” (東園老人). The “Old Man” had been involved in compiling the 1367 edition of his lineage’s genealogy and later traveled widely as an official. During his travels he asked all the Ouyangs he met them about their ancestors. In his telling, they all claimed to be from Ji’an, even those northerners who lacked any genealogical charts to prove this. He also collected a great deal of specific knowledge about the branches of his house.

When he returned home in 1380, the Old Man “took out [his] old writings and read them, and realized there were some things that were not entirely right.” Using his travel notes, the Old Man corrected and added to the old genealogy, creating an edition that now filled two volumes, one containing charts and biographies, and one a range of other writings including “obituaries, tomb inscriptions, prefaces, eulogies, poems and essays from previous dynasties through the present that were kept in the genealogy.”

This corrected and expanded genealogy probably looked a great deal like the best genealogies of the early fourteenth century, before the late Yuan rebellions. But it was also the beginnings of a larger shift - the increased reliance on other Ouyang descent groups, and decreased reliance on the local gentry community. The Old Man of the East Garden ended his preface with a note.
leaving the work of further correction to the future, writing “once [the genealogy] was finished, I stored it at home. Later men with the same ambitions as I should know its importance.”  

It was not long before “later men with the same ambition” emerged to continue compilations.

Right around the turn of the fifteenth century, descendants of the Huangshi and Diaoyuan lineages followed the Old Man’s example and visited distant Ouyang descent groups, developing a more comprehensive picture of the early branching of the greater lineage. By 1400, they possessed complete charts documenting the lines of all of the known fourth-generation descendants of Ouyang Wan - the Six Ancestors. Before compiling his lineage’s 1398 genealogy, Ouyang Wei 欧陽惟 of Huangshi visited Fangli, Diaoyuan and Yili to see his kin. He also knew of other descent groups in Yongjia, in Dongyuan 洞淵 and Hutou 湖頭, and “all over Ji’an and eastern Huguang,” some of which he may also have visited. Impressed by the volume of materials preserved at Yili and Fangli (see above), Wei comments that the Ouyangs have spread so widely and multiplied to such an extent that there must be more genealogies 不以地之遐僻族之蕃廣必僥菟達羅不敷譜). Based on his wanderings, Wei was able to present a comprehensive picture of three of the Six Ancestors - Mo, Tuo and Xuan 訤, and demonstrates some knowledge of two of the other three.

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413 “Fangli genealogy preface” (1383?) 防里譜序AFLOY 1.34a-35a

414 “Huangshi genealogy preface” (1398)黃石譜序AFLOY , 1.36a-b
Figure 4.5 - The *Six Ancestors* in the 1399 Diaoyuan Genealogy

The Diaoyuan genealogy demonstrated knowledge of the lines of all Six Ancestors. Written by the nephew of one branch, on behalf of a second branch, it completes the work done by the Huangshi and Fangli branches, updating Ouyang Xiu’s charts with the locations of the six major branches:

Cong was Governor of Jizhou; among his eighth-generation descendants was Anfu Magistrate Wan. His fourth-generation descendants were named Mou, Tuo, Xuan, Tang,

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415 Due to Xie Juzi’s error, it is not clear whether he was actually a descendant of the Yongfeng or Yonghe line. He probably did not have Ouyang Xun’s preface to consult, given the late Yuan chaos. It is most likely that Xie’s mother descended from Xun and the Yonghe line, and Xie mistook Yonghe for Yongfeng.

416 The preface is dated 洪武己卯中秋朔旦, which is a clear mistake in 1398, a 戊寅 year. The follow year, 1399, was a 己卯 year but would properly be dated 建文. 1399 is nonetheless the most plausible date for this preface.
Hong and Yue. Mou’s descendants split off to live in Dongyuan; Tuo’s descendants split off to live in Jishui, Yongfeng and Fangli, and Ouyang Xiu was his fifth-generation descendant; Xuan split off to live in Huangshi; Tang split off to live in Yonghe, Luling - this is Xun’s branch; Hong split off to live in Diaoyuan; Yue split off to live in Yili, Anfu. These six branches all came from Wan and originated in Anfu, spreading out to Dongyuan, Jishui, Yongfeng, Fangli, Huangshi, Yonghe, Diaoyuan and Yili.

The preface goes on to describe the famous descendants of each branch: “The eminent [descendants] of Yongfeng include Xun, and Xuan was another virtuous son of [the subbranch in] Fangli. Diaoyuan and Yili also had literary talents and examination successes following one upon the other.”

Over the first thirty years of the Ming Dynasty’s restored peace and order, a few driven individuals from the Huangshi, Yili and Diaoyuan branches travelled up and down the rivers of the south Chinese interior, praying at their ancestors’ graves, and visiting their distant kin. This laborious process allowed them to finally reconstruct their descent-lines. We may have some persistent doubts about the continuity of these lineages through the rebellions of the 1350s. It is almost certain that some branches used this as an opportunity to falsify documents - especially as the number of Tang and Song-era edicts seem to multiply every generation, at the same time that genealogy compilers complain about the loss of documents. It is even possible that unrelated lineages managed to graft themselves onto the Ouyang tree. From this point on, it would not particularly matter where these branches and documents came from; the structure of the family tree and the claims to provenance of pre-Ming documents were more or less fixed from this point.

417 “Diaoyuan revised genealogy preface” (1399?) 釣源續譜序AFLOY, 1.18b-19b.
on. Yet constructing a unified family tree was not the same thing as compiling a comprehensive genealogy.

What problem faced compilers in attempting to join there genealogies? Quite simply the growth of the lineage, which continued to branch. The fifteenth century, especially its second half, saw major expansion of the lineage. New branches at Yangshan Tangshibu 仰山唐石步, Guili 桂里, Chayuan 茶園, Zhushan 珠山 and Gangtou 岡頭 all compiled their first genealogies during this century; all of them were sub-branches of the six major lines. The text continued to grow with each expansion, with more branches and more descendants to record; at the same time, more copies were needed to distribute to all these branches. Copying details by hand became untenable, especially for a single editor. Some lineages began to print their genealogies in 1406, if not earlier, the better to distribute them to other branches.

The new branches in particular had difficulties catching up with all that had happened since they split off from the rest of the tree. The Gangtou compiler described the difficulties of the compilation process, which took his branch three generations to complete:

Seven generations [after splitting off from the Yonghe branch] we arrive at my great-grandfather Shoujian 守堅, who did a bit to start a genealogy, but he was too busy [to complete it]. Ancestors Yongzhe 永哲 and Yongshao 永韶 made some corrections but [also] did not finish. My late father Weiyue 維嶽 and late uncle Weikui 維蔚 thought a bit about appropriate language, and had many discussions with the Yonghe branch to fill in gaps, but both died around the same time. When I was young, I worked to memorize details about my ancestors, and after more than ten years I was fortunate to infer some additional names to add to the sequence, but was unable to realize even a small amount of this long-cherished ambition. Arriving at the present, [the genealogy] has developed like

418 “Yangshan Tangshibiu genealogy preface” (1444) 仰山唐石步譜序; “Yangshan Tangshibiu genealogy preface” (1452) 仰山唐石步譜序; “Guili genealogy preface” (1513) 桂里譜序; “Zhushan genealogy preface” (1445) 珠山譜序; “Gangtou genealogy preface” (undated, probably late 1400s) 岡頭譜序. All AFLOY 1.42a-46b.

419 Printing of an Ouyang genealogy is first mentioned in a forward by Xie Jin 解缙 “Jifu genealogy preface” (1406) 穎符譜序. AFLOY 1.40b-41a. It is also included in his literary collection Wenji ji 文穀集, as “Ouyang [Xiu] family genealogy preface” 欧陽文忠公家譜序. Others have noted printing of genealogies in the Song, but I think this was far less common than in the fifteenth and sixteenth centuries.
this. Greatly fearing that three generations of ambitions will never be made known, I have [decided] not to work with the Yonghe house, and to write this as the Gangtou Branch Genealogy.

The Guili branch faced a similar problem: waiting almost thirty years for the printing blocks to arrive from its parent branch in Fangli, before finally deciding to publish the genealogy without them. Nor were the main branches immune to these difficulties. A 1506 preface from Fangli, notes at least five editions of genealogy that were never printed, perhaps the reason they never sent their blocks to Guili. The unwritten reason for these difficulties is that the expense of compiling a genealogy - in time and treasure - had grown beyond what a single individual could afford. In the fifteenth century, lineage branches tried to continue revisions the way they always had - with one or two literati members heading the research and compilation. As their individual efforts could not meet the challenge, drafts were left for two or even three generations before publication.

In the thirteenth and fourteenth centuries, genealogies had expanded far beyond mere family trees, they “changed from being internal texts that served the administrative purposes of the descent group to being texts that viewed the lineage in a public context from the perspective of the literati community.” In the fourteenth and fifteenth centuries, the beginnings of another shift are clear. Genealogies remained public texts, but in addition to demonstrating the lineage’s

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420 “Gangtou genealogy preface,” 1.46a-b. Note this preface is not dated, but generation count places it in the late 1400s.

421 “Guili genealogy preface” (1513) 1.49b-50a

422 Fangli genealogy preface” (1506), AFLOY 1.48b-49a.

place in the broader literati community they also began to focus on documenting a branch’s place in the broader lineage. In the Song and Yuan, the literati or gentry community had been critical not only to the social status of a lineage, but also to ensuring its continuation. In the early Ming, lineages became more concerned with hashing out their place within their broader descent group.

This shift in emphasis can be seen in two ways - greater reliance on other lineage branches for support and documentation, and a philosophically-driven movement to favor kinship over other social relations. We have seen that lineage branches increasingly relied on one another - rather than their non-kin peers- for information and approval of their genealogies. This shift was not total; Ouyangs still sought out leading figures from their local communities - including Xie Jin, the head compiler of the Yongle Encyclopedia - for details on their family history and a stamp of official imprimatur. But increasingly they contacted other lineage branches first. The fifteenth century was also the first time the descent-line system (zongfa 宗法) was specifically cited in forwards written for the Ouyang house, showing an diffusion of Yuan and early Ming Neo-Confucian ideas about kinship.

In this formulation, which differed somewhat from the earlier Song doctrine, the ritual priority of ancestors (zhaomu 昭穆), of descendants (zunbei 尊卑), and even entire branches were given critical importance in the establishment of moral family institutions, which in turn were seen as the foundations of a moral society. These concepts of ritual precedence depended in turn on individuals’ places in the sequence of generations (shici 世次). To know one’s ritual

424 Xie Jin 解鏶 “Jifu genealogy preface” (1406). Many of the other prefaces cited above, including “Yangshan Tangshibu genealogy preface” (1444, 1452) and “Zhushan genealogy preface” (1445) were also compiled by non-Ouyang peers in the gentry.

425 See “Yangshan Tangshibu genealogy preface” (1444); “Yangshan Tangshibu genealogy preface” (1452); “Guili genealogy preface” (1513), AFLOY 1.42a-45b.
commitments therefore required documentation of this sequence. This was not generally information that outsiders could know, and further reinforced the idea - first seen in the writings of Ouyang Shoudao - that lineage texts are more reliable than the information of outsiders. Lineages did not necessarily turn away from their non-lineage peers, but they did turn toward their branch relative.

Shines and halls

Around the same time the lineages were finding compilation beyond the abilities of one or two descendants, they were learning how to combine their efforts for another type of project - building and rebuilding lineage shrines (ci 祠). With a few exceptions, pre-fifteenth century shrines were products of the gentry community: they were dedicated to prominent locals with formal rank, often including posthumous names (shihao 諡號) or aristocratic ranks granted by the state.426 In the Song, several Ji’an Ouyangs had been venerated at such shrines, including Ouyang Xiu and Ouyang Xun.427 Another set of shrines were generally dedicated to lineage founders, but these were almost always given over to Buddhist or Daoist temples to manage.428 From the late thirteenth century onward some lineages - including Ouyang lineages - may have begun to construct and manage their own freestanding shrines but the details of these efforts are

426 See Chapter 3.
427 See “Record of the shrine to Ouyang [Xun]” 監丞公祠堂記, AFLOY 3.17b-18b; Zhao Wenjing 趙文敬 preface (1296), AFLOY, 1.15b.
428 See Chapter 3; McDermott, The Making of a New Rural Order, Chapter 1; Clark, Portrait of a Community, Chapter 7.
largely lost. In the fifteenth century several branches of the lineage began to re-build shrines to their founding ancestors; unlike most Song and Yuan shrines, these were clearly free-standing halls (tang 堂) unaffiliated with Buddhist temples. The construction of shrine halls (citang 祠堂) focused on ancestors - also known as lineage temples (jiamiao 家廟, zongmiao 宗廟, zumiao 祖廟) - marked a critical step in the development of the corporate lineage, as lineage members took control of most of their own finances and ritual needs.

The construction of free-standing lineage temples is apparent from the very beginning of the fifteenth century; although it is clear that these temples took many forms, they differed from earlier shrines in that they were centrally controlled by the lineage. In 1398, a member of the Huangshi lineage noted that his kin in Fangli were then rebuilding a shine; he further expressed ambitions to “build a unified shrine to the entire lineage of the founding ancestor” (欲合祠吉州刺史安福府君為不祧之宗). For our first clear picture of what this shrine might have looked like, we must turn to a 1491 retrospective, when a member of the Yonghe branch recapped the last thirty years:

In this period we desired to gather group resources to build a shrine to house the souls of our ancestors, to establish ritual fields to supply grain enough to offer timely sacrifices to repay our roots and complete their way. I am also happy that the genealogy was completed and carved to blocks, [an effort which depended on] daily consideration of the

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429 A shine to Ouyang Xiu called “transmitting culture hall” is mentioned twice, in a 1296 essay by Zhao Wen 趙文, AFLOY, 1.15b; and a 1398 preface - “Huangshi genealogy preface” (1398). The second is probably a reference to the first, although the dates differ by one year. The exact nature of this shrine is unclear from these two passing mentions.

430 I am very much in agreement with Joseph McDermott in dating the emergence of lineage temples to the fifteenth century, if not earlier - at least in Huizhou (his work) and central Jiangxi (my own). See The Making of a New Rural Order, Chapter 3. This differs from much earlier scholarship that dates the transition in the form of lineage hall to the mid-sixteenth century. See Szonyi, Practicing Kinship, Chapter 4; Faure, Emperor and Ancestor; pp. 69, 218 and passim. Szonyi’s formulation of how lineage hall practice shifted - through the negotiation between Neo-Confucian norms and the economic and political needs of individual families - is flexible enough to accept the construction of earlier halls. I must respectfully disagree with Faure’s assertion that the Great Rites Controversy of 1524 was critical in encouraging the construction of ancestral halls, since the trend predates the Controversy by at least 50 years.

431 “Huangshi genealogy preface” (1398), AFLOY 1.36a-b
This short passage contains nearly all the hallmarks of the corporate lineage paradigm: a lineage temple as the site of ancestral sacrifice, ritual trusts to fund it, and a printed genealogy to organize the kin group. It explicitly suggests that the temple, trusts and genealogy are the three fundamentals of proper ritual performance, probably demonstrating acceptance of a version of Neo-Confucian ideology that mandated proper ritual hierarchy according to the descent-line system. From this, it appears that the construction of a shrine or hall under the auspices of lineage control was critical to the efflorescence of corporate lineages.

Lineage temples allowed new forms of ritual practice and organization within the kin group. By the turn of the sixteenth century, they probably replaced graves as the major site of ancestor-worship, and almost certainly became places for monthly meetings (yuehui 月會) where the kin group recited their house instructions, and larger meetings where the kin group gathered to distribute printed genealogies (聚族告祠銘梓). Learning well the lessons of their Song and Yuan forerunners, the Ouyangs made certain to create and control trusts provisioning their shrines. Zou Shouyi 鄒守益 wrote an essay documenting such a gift in 1544, including “twenty-four mu of rent-bearing fields to supply grain, and more than ten mu of flourishing pine forests to supply fuel” (捐租田二十四畝以供粢，盛松山十餘畝以供燎). Demonstrating the

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432 “Yonghe Fengyizhuang genealogy postface” 永和奉義莊譜跋 (1491), AFLOY 1.47b-48a.
433 “Guili genealogy preface” 桂里譜序 (1513), AFLOY 1.50a
434 Luo Hongxian 羅洪先 “Fangli genealogy forward ”防里譜引” (1561), AFLOY 1.52a-b. I observed one such gathering of the extended Qianxi Liu lineage 前溪劉氏 in Qianxi Village, Anfu County during the grave-sweeping festival (qingming jie 清明節) on April 5 2014. The Liu leadership presented the new genealogy to the ancestral alters, and distributed them to branches from as far afield as Hunan and Hubei.
view then ascendant, Zou argues that “a shrine without rituals is not a shrine; without fields [to supply them], rituals do not last.” (祠非祭猶無祠也，祭非田祀弗永也).\textsuperscript{435} The addition of trusts to be managed by the lineage, rather than by monks or officials marked a key transition from a gentry lineage to a corporate one. Lineages also began to enshrine more ancestors at their temples, shifting from the fifteenth century shrines that generally housed only one or two ancestors, to sixteenth century temples including the first-migrant ancestor (shiqianzu 始遷祖) through more recent ones. In 1544, one such temple reported that “all those coming from [this lineage] are collectively worshiped here” (凡所出者皆得合祀焉).\textsuperscript{436}

Some temples were new constructions, lineage-controlled from the outset; others were converted from older edifices built by the state or the gentry community. The different processes of temple construction therefore reveal a great deal about the struggles for local power in the fifteenth and sixteenth centuries, when the lineage displaced village associations and most Buddhist temples as the most important local institutions.\textsuperscript{437} But regardless of how exactly the formed, lineage temples now served as sites of group worship, group organization, and increasingly group financing. This in turn allowed a long-deferred ambition to come to fruition - the compilation of a unified lineage genealogy.

\textsuperscript{435} “Comprehensive genealogy afterword” 統宗世譜後序 (1544), 1.20a-b.

\textsuperscript{436} Ibid. This parallels a shift seen somewhat later in southern Fujian, see Szonyi, Practicing Kinship, Chapter 4.

\textsuperscript{437} This was certainly the case with a shrine to Xun, which had been built in the Song by the gentry community - with half the funding from the state - and was rebuilt in the 1539 with exclusively lineage capital. See Luo Hongxian 羅洪先, “Record of rebuilding the shrine to Lord [Xun]” 改建監丞公祠記 (1561), 3.18b-20a. See also McDermott, New Rural Order, Chapter 3, which details Huizhou lineages monopolizing control of former community shrines and shrines sited at Buddhist temples.
Comprehensive genealogy

By the end of the fifteenth century, the Ouyangs of Jiangxi and Hunan saw themselves as branches of a single greater lineage, yet even branch lineages had grown beyond the abilities of a single genealogist to manage. In the early sixteenth century, longstanding ambitions to build a greater lineage began to come together at the recently-constructed lineage halls. By then lineage branches had more than a hundred years experience working with one another, and the process of building lineage temples had given some of these branches greater internal cohesion as well. In short order these branches began to truly work together to construct a genealogy that reached the entire descent group.

In addition to the emergence of comprehensive genealogy, the late sixteenth century also marks the last major shift toward corporate lineage formation - collective financing. Even as genealogies and temples became more inclusive in the late fifteenth and early sixteenth centuries, most projects were still funded largely by individual donors. By the 1570s, lineages began to report multiple donors for genealogy compilation and temple construction projects. This was probably keyed by both the need for more money than a single benefactor could provide, and by the additional documentary and organizational capacity permitted by improved genealogies and ancestral temples. From the early sixteenth century onward, these three factors - finances (trusts
and donations), documentation (genealogies) and infrastructure (temples) - engaged one another in a virtuous cycle.438

The first branch to compile collectively was, unsurprisingly, Fangli - the first branch to write about comprehensive genealogy, and probably the first to build a lineage temple. This process started much like other fifteenth-century branch genealogies: in the late 1490s, when branch member Cheng 謙 returned home for his official post, he worried that genealogy was in decline, so he went back over the previous editions of his branch’s genealogy with a plan to revise them. Cheng spent nearly twenty years revising the text, and in 1516 was instructed to print the finished draft by an elder who insisted on seeing something in print before he died. Cheng eventually agreed and. He writes, “to be fully diligent, we gathered the various [lineage members] studying at the county school to the Genealogy Pavilion.” (明日先生崇酒賦詩奬，激勤懇復聚在庠諸少長於譜亭). Cheng names five cousins or brothers who proofread the drafts (同校), three more who wrote out the final version (楷書), and three nephews who checked the drafts against one another (參對). They then reported their work complete and had it carved to printing blocks.439 This seemingly insignificant step of proofreading marks the first clear mention of this many people working simultaneously on a genealogy. These thirteen kinsmen were able to work together in part because the “genealogy pavilion” (譜亭) offered a space for them to meet as a group.

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438 I again agree with McDermott in dating the transition to group financing earlier (circa 1550) than most previous scholars. Szonyi and Faure date the transition to group financing primarily to the seventeenth and eighteenth centuries. While this type of popular financing certainly spread much more widely in the seventeenth and eighteenth centuries, it probably surfaced as by as the turn of the sixteenth century - at least in Huizhou and Ji’an. However, I do not think that these practices diffused from the interior south to the coast, rather they reflected lineages undergoing similar phases of group formation at different times. Szonyi and Faure both recognize that a key contributor to group financing was the inclusion of a larger kin group in the ancestral temple, although both stress feelings of inclusiveness rather than organizational capacity. See McDermott, New Rural Order, Chapters 3 and 4; Faure, Emperor and Ancestor, pp. 218-19; Szonyi, Practicing Kinship, pp. 115-127.

439 “Fangli genealogy forward” 防里譜引 (1516), AFLOY 1.50a-52b
The first genealogy actually titled “comprehensive” (tong 綱) dates to 1521, but the extant forward does not contain sufficient details to determine which branches it brought together. A subsequent Comprehensive Descent-line Genealogy from 1544, was probably a continuation of this 1521 edition. This genealogy came from the combined work of three descent-lines, the Diaoyuan, Yili and Yonghe branches, all of which had long histories of individual compilations, were related through the ancestor Chu (father of three of the Six Ancestors), and were located close to one another. It was conceived and funded in large part by Jian - the same descendant of Yonghe to head the effort to rebuild Ouyang Xun’s shrine as a group shrine to his entire branch. The genealogy itself was written in multiple locations, presumably where its compilers were assigned as officials, and then sat unprinted for fifteen years. Finally, it was proofread and revised again. The postface notes that it is “especially detailed” on the three compiling branches, and contained moderate information about four other branches with close ties, but others were left out. The compilers noted “we must wait for later to have a big meeting to revise [a truly unified] genealogy. [For the time being] the blocks are cut and printed, and this careful narrative has been reported to our lineage kin.”

By the late sixteenth century, the extended lineage was taking advantage of all they had learned over the past century, combining efforts to build temples and compile master genealogies. In 1569, Fangli - largely omitted from the 1544 edition - made joint plans for a genealogy and lineage temple with their sub-branch at Zhushan 珠山. In short order the costs for

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440 “Comprehensive lineage genealogy preface” 統宗世譜序 (1521), AFLOY 1.11b-12a.
441 “Comprehensive descent-line genealogy postface” 統宗世譜後序 (1544), AFLOY 1.20a-b.
442 “Comprehensive descent-line genealogy descent-line narrative preface” 統宗世譜系述序 (1544), AFLOY 1.21a-b.
the Zhushan genealogy alone took half of the assembled funds, and the project stalled.\textsuperscript{443} We can see why the project was so expensive by looking at its sheer scale. Where previous editions were considered extensive at two volumes, this edition fills three volumes just for the Zhushan sub-branch.\textsuperscript{444} It included prefaces and charts from nine previous genealogies, including Ouyang Xiu’s original; the 1544 \textit{Comprehensive Genealogy}; an earlier branch genealogy for Zhushan; the 1506 edition from Fangli; a more recent draft edition from the same branch; and at least two others whose prefaces are no longer extant.\textsuperscript{445}

The massive printing costs caused major delays to the comprehensive genealogy, but they were not enough to stop progress on the main lineage temple, which was simply shifted to another location - probably a sign that another sub-branch now supplied most of the funding. In 1573, “the shrine was completed and the Six Descent-lines (i.e. the branch lineages of the Six Ancestors) worshiped together” (祀成，六宗合祭). But, as a lineage leader remarked on that occasion, “how can we have a joint shrine and not have a comprehensive genealogy?” (有總祠曷無通譜).\textsuperscript{446} Other branches continued to prepare their charts, but it would take another thirty years before this master edition was fully realized.

In 1570, as the expensive Zhushan compilation was under way, at least two other branches - Huangshi and Hutou 湖頭 - prepared to add their charts to the master edition of the other three branches. Each of these wrote a preface explaining their branch history in the context of the lineage history as a whole, with the intent to include it in the unified genealogy. Four of the five

\textsuperscript{443} “Introduction to earlier comprehensive genealogies” 前通譜引 (1569), AFLOY 1.74a-b
\textsuperscript{444} “Zhushan revised genealogy forward” 珠山績修譜引 (1569), AFLOY 1.61a-62a
\textsuperscript{445} “Introduction to earlier comprehensive genealogies”, 1.74a-b
\textsuperscript{446} “Introduction to earlier comprehensive genealogies”, 1.74b-75a
prefaces are remarkably consistent in their structure and language, likely an indication that they were written systematically by compilers in consultation with one another.\textsuperscript{447} The Huangshi branch also printed a revised branch genealogy in 1570, including the charts of these several sub-branches but explicitly positioning itself as a branch of the larger lineage.\textsuperscript{448} Given the simultaneity of these compilations it is likely that they were organized and financed somewhat independently of the rest of the project.

Other branches also prepared their contributions to the master genealogy, each revealing the participation of large numbers of members as both compilers and funders. The large Fangli line finished their branch genealogy in 1580; the preface lists more than a dozen lineage members who worked on the project.\textsuperscript{449} The Qianjiang branch from southern Hubei preaced their genealogy in 1587; it would be included in the next master printing despite rather dubious claims to shared ancestry.\textsuperscript{450} In 1597, the Gangtou sub-branch of the Yonghe line recompiled their genealogy. This project involved six major fundraisers (\textit{changyi lianfei} 倡義斂費), three leading compilers involved in collecting documents and organizing labor (\textit{laiwen zhuolao yu shi zhe} 來文擢勞於事者), and so many proofreaders that all but the most important are listed separately (\textit{kaoding runse...de lieming zuofang} 考訂潤色...得列名左方).\textsuperscript{451} By 1598, the head compilers in Zhusan - the grandchildren of the 1570s leaders - had added at least six more

\textsuperscript{447} “Revised comprehensive descent-line genealogy preface” 續統宗譜序 (1570), AFLOY 1.55a-59a.

\textsuperscript{448} “Huangshi revised branch genealogy reference” 黃石續修支譜考 (1570), AFLOY 1.59a-b

\textsuperscript{449} “Fangli revised genealogy preface” 防里續譜序 (1580), 1.62a-b

\textsuperscript{450} “Qianjiang genealogy preface” 潛江譜序 (1587), 1.63a-64b. The two prefaces from this branch both feature rhetoric very similar to one another, but very different than any other essay in this genealogy. They also contain next to no information on the earlier lineage history, aside from naming Ouyang Xiu.

\textsuperscript{451} “Yonghe revised branch genealogy preface” 永和續修支譜序 (1597), 1.64b-66a. Note that this separate list is no longer extant, but presumably included more than ten people otherwise listed in the body of the preface.
genealogies to the nine gathered nearly thirty years prior. For the first time, they explicitly included records of lineage properties, including farmland and shrines or graves (tianchan ruimai ji 田產瑞麥紀), probably an indication that these properties also boasted multiple donors or managers, and that the properties were growing more numerous.452

The drafts of the 1598 edition had been submitted were ready to be carved to blocks (出舉而命之梨未晚), when they faced another series of financial setbacks. The main shrine was damaged in a fire (東城祠罹祝融), they had to wait to raise more funds (待損費助成), they even switched head editors. Nonetheless the compilers pressed on, drafting an outline in twenty items to start the genealogy, which now filled nine volumes (乃錄譜例二十條引首九卷詮書). Finally, in 1601, a branch donated a surplus of one-hundred ingots stored in their shrine, and the printing of the extensive and expensive charts was completed (然具世系義梓費，以從派盈百丁...厥成譜編). The compiler then remarks that “from [these details] you can understand the difficulty of genealogy” (抑因是而悟譜學之難也); a rather extreme understatement.453

Yet the perseverance of the lineage through these difficulties demonstrated the resilience of the institutional structure. Lack of funding, death of an editor, or simple delays would have been enough to halt the compilation of the gentry lineage genealogies of earlier centuries. Now the lineage had sites to meet, collaborate and store their work; they had records of corporate properties that both encouraged donors (who knew their contributions would be recognized) and enabled managers; they had an esprit de corps nurtured through a philosophical emphasis on kinship, decades of of collective labor, and centuries of collective ritual. Ultimately, they were

452 Ruimai 瑞麥 literally translates as “lucky omens” 吉祥之兆, which I believe is being used as a metonymy for either tombs or shrines.

453 “Introduction to earlier comprehensive genealogies” 前通譜引 (1601), AFLOY 1.74a-75b
able to find the people, the records, and finally the funds to print the first Comprehensive Genealogy to include the lines of all Six Ancestors in 1601. Future revisions would follow the fundamental structures established by the compilers of the late sixteenth century.

Conclusion

On the early history of the Ouyang lineage, I will say little. Prior to Ouyang Jingda, who served the Liang Dynasty in the early 500s CE, the Ouyang genealogy is constructed from myths and stray details gleaned from the official histories. Between about 500 and 660, Ouyangs were in service to the court, a line of ranked aristocrats with pedigrees recorded by the state. From 660 until about 800, details of the descent-line are lost, probably because their posting to provincial Jizhou ended the close relationship with the court that kept their genealogical records. Around 900, the Ouyangs developed a local lineage organization - clearly demonstrated by the much-improved documentation of the family tree in an era when the dynastic courts were in chaos.

In the eleventh century, Ouyang Xiu developed the emergent lineage traditions of the tenth century into a formalized concept of lineage that differed from Tang models, but still aimed to supply officials to the state. While Ouyang Xiu deserves substantial credit for the systematization of genealogy and the development of specific formats for family tree charts, it is clear that he largely formalized existing records.

Gradually between 1055 and 1200, the Ouyang lineages of Ji’an developed their paradigm of descent, centered on the so-called Six Ancestors of the late ninth century. They ranked among the most important gentry lineages of the thirteenth and fourteenth centuries - a set of lineages dependent on the state, local gentry, and Buddhist and Daoist temples to help maintain the
material, ritual, and documentary bases of their ancestral rites. The formation of a set of Neo-Confucian rituals around this time was probably a key factor in driving the Ouyangs’ ambitions to unify their entire kin group. Nonetheless we should view the development of ideology and key practices in the eleventh through the thirteenth centuries as necessary, but not sufficient for the development of the type of *corporate lineages* seen later.

Indeed, following the key intellectual developments of the Song and Yuan, it took more than two centuries for the scattered Ouyang lineages to unify their organizations into a *corporate lineage* joining the descendants of all Six Ancestors. The mere ambition to unify the lineages was insufficient in practice; first the Ouyangs had to develop documentary, organizational, and material capacities that they lacked in the fourteenth century. They were further hampered by the warfare of the 1350s that scattered the lineages and destroyed many records. For two-hundred years, starting with the recovery of peace around 1360, Ouyang lineages reorganized, beginning a gradual shift from the *gentry lineage* to the *corporate lineage* paradigm.

First, between about 1360 and 1460, old lineages focused on reconstructing their lost *genealogies*, while new lineages worked to build up fundamental documentation of their kin groups. From 1460 until about 1560, lineage branches began constructing *lineage temples* that allowed them to collaborate more easily, and *lineage trusts* to ensure the long-term financing of their ritual and infrastructural needs. Note that it is also in this period that they began widespread *printing* of genealogies with *large numbers of compilers*. The final shift, beginning around 1570, was the emergence of *corporate financing* of lineage projects, with multiple benefactors contributing - and demanding input - for lineage functions. It was this last shift that enabled the
capstone of the *corporate lineage* - the compilation of a *comprehensive genealogy* in 1601 that documented the entire kin group.

By the late Ming, corporate lineages became the most dominant economic, social, political, and ritual forces in much of the South Chinese landscape. We have already seen some of the effects this had on the ability of state bureaucrats to collect taxes and oversee disputes. In the next section chapters, I will explore the effects the growth of lineages - and their displacement of other rural institutions - had on the control of woodland, the marketing of forest products, and the protection of forest landscapes.
Part III - Forests and Trees
The first two sections of this dissertation have painted the picture of two sets of institutions on very different trajectories. The local organs of the state reached the height of their power in the eleventh and twelfth centuries, and subsequently saw their reach and authority decline, especially during the fifteenth and sixteenth centuries. In the same interval, lineage institutions grew in power and independence. These are both relatively well-known trends; by looking at them in combination, I argue that the two are inextricably intertwined.

Leading families had long been employed as the agents of the state, effectively agreeing to employ their local power on behalf of the government in exchange for formal authority and institutional support. As families built lineages, and these lineages developed their own capacities to document and organize people and land, they became less reliant on the support of state institutions. In the eleventh and twelfth centuries, lineages typically failed to maintain records if they went more than a generation without members in government. In the fifteenth and sixteenth centuries this situation was essentially reversed: without the cooperation of powerful lineages, counties lost track of their subsidiary households within the space of a decade or two.

We should expect the management of woodland to follow the general course of developments: stronger state control in the Song; stronger lineage control in the Ming. As we will see, this was essentially the case: the greatest state interventions into local forestry came around the turn of the twelfth century, by the mid-1400s the state eliminated most of its forest programs, by the turn of the seventeenth century the state barely levied any forest taxes at all; conversely, lineages began investing heavily in production forests by the twelfth century,
extended their control over woodland through graves in the fifteenth and sixteenth centuries, and developed private “futures markets” in lumber by the end of the Ming.

The transition in forest management means that we must be careful to trace developments across both state and lineage institutions. In the Song, a high degree of state interest in and capacity for local control left relatively prodigious documentation; in the Ming, Southern forests are barely mentioned in state documents. Conversely, Ming lineages have left a huge body of forest contracts, detailing the growth of private forest industries; legal records from the Ming also show much greater lineage control of local environments. To follow broader trends in forest economies - and in broader woodland ecologies - we must use these two perspectives in combination. Keeping these considerations in mind, it is possible to identify several long-term trends in forest economies, and by extension woodland ecologies.

First, as Chapter 5 will detail, there were major shifts in state management of forested land. The drive to control and profit from the “wild lands” was probably at its peak around 1100, and state interventions declined thereafter. In the 1430s, much wild land was officially given over to the public, probably recognizing the de facto state of the countryside. Thereafter, private institutions, especially lineage-led institutions, dominated the production of woodland products. Throughout these transitions of institutional oversight, we can see another overarching shift - the rise of markets in woodland goods. There is evidence that these became larger, more widespread, and more specialized over time. Alongside the rise of lineage organization, market penetration was the other major factor driving the retreat of state institutions from direct governance of forests.
If the state was not managing the woods, at least not in South China, who was? I have suggested repeatedly that lineage organizations were the main groups controlling and profiting from wooded land from the mid-Ming on. As noted in Part I, state surveys of the countryside were then in decline, and lineages largely did not claim this land through the registration system; instead they claimed woodland through based on the ritual and geomantic needs of their graves. To trace the origins of grave-based claims on woodland, I will return to earlier periods to demonstrate longstanding customary protections for trees near tombs. I will then show how these informal protections were encoded in law and fengshui, and ultimately how the treatment fengshui in law was used to extend claims to land well beyond the legal limits of grave plots.
Chapter 5 - Forest Economies: Woodland and Wood Markets under State and Private Control
From the Tang through the Qing, the most important transition in South Chinese woodland was the gradual, piecemeal conversion of old-growth forest into farmland and managed forest. Existing scholarship provides substantial documentation of the first aspect of this development - clearing woodland for farming. But it overwhelmingly overlooks the second aspect\textsuperscript{454} - converting old-growth to managed forest. To see this second transition at play we must decompose forest economies into their constituent parts.

There are several ways of breaking down forest production. We can do this according the biological nature of the goods: into lumber which required cutting whole trees; fuel and other tree products that did not require total harvesting; products derived from non-woody plants; animal products; and minerals. Each of these categories has different characteristics - non-woody plants and some tree products (especially fruit and sap) can be harvested annually or on short multi-year cycles; fuelwood and poles regrow on longer cycles of five-to-ten years; whole trees regrow on multi-decade cycles; animal products have their own complex cycles of collection and regrowth; minerals can be collected at will until they run out entirely. These differing time-scales make it hard to replenish large timber and minerals; easier to replenish supplies of wood-derived fuel, fodder, fertilizer and fruit; and easiest to replenish supplies non-woody plants. An associated problem is the ease of domestication - plants and animals that respond well to human

\textsuperscript{454} The one major exception being the work of Nicholas Menzies in \textit{Forest and Land Management in Imperial China}, and Daniels, Christian, Joseph Needham, and Nicholas K. Menzies. \textit{Science and Civilisation in China: Volume 6, Biology and Biological Technology, Part 3, Agro-Industries and Forestry}. Cambridge University Press, 1996. Menzies’s work is in many ways ahead of its time; he asks the right questions (“Were there conditions under which forest management was practiced in a general context of deforestation?,” \textit{Forest and Land Management}, p. 2) but wrote at a time when “no continuous sources and records [had] yet been found which document one specific case of forest management.” (\textit{Ibid}, p. 4). The use of lineage documents, beginning largely in the 1990s, has totally transformed our ability to describe local worlds, including forestry.
inputs are easy to work with; those that are hard to domesticate are much more likely to be extirpated, even by well-meaning cultivators.

Seen this way, we can describe the movement of the resource frontiers for products depending on their rarity, which in turn depended on ease of cultivation and length of replenishment cycles. The hardest goods to obtain - including large lumber, minerals and some drugs - were of primary and continued relevance to state procurements. Other goods - generally with mid-length regrowth cycles - became the foci of regionally-specialized markets; while the state had some intervention into these, they were largely controlled by lineages. These included specialized production of dyes, drugs, oils, fruits, smaller lumber and paper products. Finally, whole classes of goods remained available in most locales - at least in the south, at least until the seventeenth or eighteenth century. These goods - including fuelwood; bamboo and poles; and forage and fertilizer - remained so common that they were not marketed over long distances; they only appear in the record through localized attempts to restrict over-harvesting or monopolize control for profit. Space does not permit treatment of all woodland products, so I will focus on three main categories: the largest lumber, known as “imperial lumber;” ordinary sized lumber and poles; and fuel.

Second, we can break down the market in wood by region. For most of this project I have focused on South China, especially Jiangxi Province and the surrounding region. For this chapter, it is useful to also look at other regions of imperial China to draw contrasts in how their wood supplies functioned. I will refer to three broad regions: the Old North, further broken into the Northwest (Shaanxi and Shanxi), and the North China Plain (Henan, Hebei, and Shandong); the Old South (Jiangxi, Zhejiang, Fujian, the Yangzi Region, and eastern Hubei and Hunan); and
the West (western Hunan, Sichuan, Guizhou). The Old North featured large population from an early date, early threats of deforestation, and a continuing presence of the state in managing woodland. The Old South was historically less populated and less developed; it saw a major influx of population and industry in the twelfth century, yet this led to a largely market-driven expansion of the production and use of wood products. Finally - with the significant exception of the core region of Sichuan - the West was not historically a major part of Chinese empires; it was a region of non-Han tribes and relatively virgin woodland. It was only after certain resources grew scarce in the older cores of Chinese settlement that large-scale expansion of the West began in earnest. These two migrations - one southward, one westward - marked important turning points in Chinese history, and in its woodland history in particular.

“Imperial lumber” 皇木

Obtaining the enormous trunks used to build the very largest palaces, temples and gates was a major task through the entire swath of history covered by this project, and became harder as time went on. There was no particular incentive for forest-owners to grow trees to the height and girth required for “imperial lumber” (huang mu 皇木) - the demand was irregular and the state tended to pay less than market prices - meaning that these massive timbers were almost inevitably logged from old-growth. Every time a major construction project came underway, a
special commission was dispatched to obtain trunks of *shan*杉, and (to lesser degrees) *nan*楠 and pine (*song*松) to make the huge pillars (*zhu*株) and beams (*liang*樑) needed.

These massive timbers were also enormously difficult to transport; there was a strong preference to obtain them as close to the building site as possible. The preference was always to obtain lumber close to major waterways to minimize the need to build slip-roads across difficult terrain. In the Tang and Song, river systems connecting to the Yellow River or Grand Canal were preferred because of their proximity to the northern capitals at Chang’an, Luoyang and Kaifeng. Already by the Tang, zones of old-growth forest in this catchment were limited to relatively remote areas of Shanxi and Shaanxi. By the Song, these areas were almost totally logged-out of large lumber, and the preference for straight-growing *shan* and *nan* pushed imperial logging into the Yangzi catchment, including parts of Hunan, Jiangxi, Huizhou and Zhejiang. Even when the capital moved back north to Beijing in the early Ming, lumber was principally obtained from the better-wooded South. Although much of the Yangzi was fairly accessible, floating lumber from the southwest was difficult. Tribal areas of Hunan and Guizhou were hard to access due to rapids; transporting lumber from Sichuan was enormously complex due to massive gorges. These southwestern areas were also further from the capitals, where construction took place. We can therefore assume that if imperial lumber was being harvested in Sichuan or Guizhou, trees of adequate size were largely unavailable in closer and better-linked areas.

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455 Principally *Cunninghamia lanceolata*, but almost certainly including other species such as *Cryptomeria japonica var. sinensis*. *Cunninghamia* is often called “China fir,” and *Cryptomeria* “Japanese cedar.” These terms are misleading - neither species is currently classified as *either* a fir or a cedar. Formerly, these and other species termed *shan*杉 in Chinese were grouped together in the family *Taxodiaceae*. In current taxonomies, all but one of the former *Taxodiaceae* species (i.e. *shan*) are grouped in subfamilies of greater cypress family (*Cupressaceae*). The *shan/Taxodiacea* species are only distantly related to the “true cypresses” (*bai*柏 in Chinese). I will continue to use the Chinese *shan* to avoid confusing the issue further.
The first insight into dwindling supplies of great timber comes from an account of the construction of the Shenlong Temple 神龍寺 in 793. Pei Yanling 裴延龄 (728-796), the Deputy Finance Minister (户部侍郎), claimed to have found the giant trees needed - “several thousand pines 80 chi high in a single valley in Tongzhou 同州,” a relatively nearby area of central Shaanxi (臣近于同州检得一谷，木数千条，长八十尺). The emperor replied that this must be nonsense, stating that “even in the [early 700s], trees fifty to sixty chi tall had been unavailable so nearby, and had to be obtained from markets in [Shanxi and Inner Mongolia]” (开元、天宝中，侧近求觅长五六十尺木，尚未易得，须于岚、胜州采市). 456 This shows that giant timber was already scarce in the capital region, but also that it was mostly requisitioned from timber markets.

In the Song, large timber was increasingly sought in the South. In the late 900s, when the Song Dynasty was established and built temples in Kaifeng, they employed shan 从 Jiangxi and Zhejiang - long-settled areas in the Old South. A record of the construction details that “their building materials included pine (song 松) from [southern Shaanxi]; cypress (bo 柏) from [southern Shanxi], shan (杉); pine, tung (tong 桐) and paper-mulberry (zhu 楂) from [eastern Hunan, southern Hubei and Ji’an]; and pine and shan from [Zhejiang, Huizhou and Nanchang]” (其所用木石，则有秦、陇、岐、同之松，岚州、汾阴之柏，潭、衡、道、永、鼎、吉之杉松、桐、楮，温、台、衢、婺之豫章，明、越之松杉). 457 While building materials came from forested areas around the empire, the biggest timbers now came overwhelmingly from the South.

456 Kong Pingzhong 息平仲, Xu Shishu 須世説 12. See also Jiu Tang Shu v. 135.

457 Li You 李攸, Songchao shishi 宋朝事實, v. 7.Historical place names replaced with modern province names for clarity.
These southern stands of timber also declined over time. Jiangxi and Zhejiang still had some stands of old-growth in the early Ming. When the Yongle Emperor built a new capital in Beijing between 1407 and 1420, he requisitioned lumber from Sichuan, Huguang (Hubei and Hunan), Jiangxi, Zhejiang and Shanxi provinces.\(^{458}\) It is unclear whether these were longstanding wild zones, or areas that had regrown somewhat during the late Yuan crises, but there were nonetheless patches of giant timber left near the major transport routes of the south - the Gan, Xiang, Yangzi and the rivers of Zhejaing. But this supply was essentially non-existent by the end of the Ming.

By the middle of the sixteenth century, lumber large enough for imperial construction was largely unavailable in accessible parts of the greater Yangzi river system, and officials had to push into more difficult terrain. When the gates of Xi’an burned and were rebuilt in 1557, they used large timber (\(damu\) 大木, probably \(shan\)) from Sichuan, Guizhou and Huguang. Shanxi and Zhending supplied pine (\(song\)); and Zhejiang and Huizhou provided smaller wood for framing (\(yingjia mu\) 鹰架木),\(^{459}\) but there was no imperial lumber provided by the easily-accessible parts of the interior south. The large timbers for later projects came almost exclusively from Sichuan and Guizhou.\(^ {460}\) Descriptions of the hazards traversed to get imperial lumber out of Sichuan

\(^{458}\) Ming huidian, v. 190

\(^{459}\) Ibid.

\(^{460}\) Wang Shixing 王士性, “The provinces of Jiangnan” 江南諸省, Guangzi yi 廣志譜, v. 4. from the late 1500s details the lumber business in Hunan and Sichuan. By this point, all the big lumber is coming not from Hunan and Sichuan proper, but from tribal areas. But these tribal areas have no officials, so the officials are based in Hunan and Sichuan.
suggest that even within the southwest the most accessible stands of ancient trees were logged-out by the late sixteenth century.\textsuperscript{461}

The rarity of huge lumber, lack of suitable substitutes, and difficulties transporting it meant that for the state to assure the materials it needed for palace construction, it had to intervene directly. While merchants were used to varying degrees as intermediaries, the state almost inevitably dispatched officials to oversee lumbering and shipment of imperial lumber in person. By the 1500s, the need was so great, and the availability so small that these essentially became permanent positions, rather than the ad-hoc dispatches they had previously been. Not only did officials oversee the process, they continued to employ corvee laborers to do the work itself well into the sixteenth century - a period when most non-essential corvees were being replaced by cash levies. A rare set of \textit{Essays on timber-felling in the western region} written by an official posted to oversee imperial lumber tells of the massive number of laborers dispatched to Sichuan, many of whom were drawn from those banished for military servitude. His and other accounts from the late Ming hold that accidents, disease and (perhaps apocryphally) tiger attacks decimated lumber crews, regularly killing half of their woodsmen, making this form of penal servitude little better than a death sentence.\textsuperscript{462}

From the late 700s onward, the most accessible parts of North China were cleared of their large lumber. As late as the 1400s, old-growth lumber was available in pockets of the the Old South, but by the mid-1500s these giant trees were confined to the far southwest - the most inaccessible parts of Hunan and Sichuan, and increasingly the Guizhou frontier. As the lumber

\textsuperscript{461} Ming History 226, Menzies, \textit{Forest and Land Management}. pp. 114, and generally 111-122. See also Gong Hui \textbf{騷揮}, \textit{Collected essays on timber-felling in the western region} 四楹彚草, Chinese Rare Book Collection, Library of Congress.

\textsuperscript{462} \textit{Ibid}.
became harder to access, state involvement increased. Especially during large building projects, direct oversight by commissioned officials largely replaced earlier patterns of requisitioning timber from the market. The dispatch of officials and corvee to obtain large lumber in the Ming is especially pronounced given that almost every other category of state procurement was then being transitioned away from corvee and direct oversight, and toward market-based procurements. The pattern is clear - the old-growth frontier retreated to progressively more distant regions of the south and southwest, necessitating direct state involvement to secure needed materials.

**Ordinary lumber and bamboo**

If the largest lumber was too difficult to manage, and too great a rarity to justify market-driven production, ordinary-sized lumber was a regular necessity for ordinary people. The species involved were largely the same - principally *shan* for pillars, *nan* and pine for smaller beams, and a variety of woods for other supports and finishing. But unlike imperial lumber, the sizes required for ordinary construction could generally be grown in twenty to thirty years. While these were long cycles, they were within the ability of foresters to manage, ensuring a relatively steady supply without cutting into the old growth. On the other side of the equation, the continued need for building products ranging in size from pillars and ridgepoles to smaller scaffolding and supports meant that these products could support regular demand-driven

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463 Ye Mengde 葉夢得, *Bishu lühua* 邴署錄話, cites a 30-year growth cycle for his plantations in Huzhou (western Zhejiang) including pine, *shan* and tung. According to Menzies, the most common production schedule for *shan*, varied from 20 to 30 years. During the first decade or so, other crops - principally indigo, help, maize or millet - would be planted alongside the trees. See Menzies, *Forest and Land Management*, 97-99. See also Xu Guangqi, *Nong zheng quanshu*, 37.36a.
markets. A decrease in supply or increase in demand would simply increase prices and the incentives for further production.

Nonetheless, rising demand and declining availability of good timber did create the potential for short-sighted over-harvesting. In the long term, this meant that more specialized institutions were needed to protect timber trees. Initially managed largely at the household level, lumber became valuable enough and hard enough to protect that specialized institutions emerged to manage production and sale over the long-term. In the eleventh and twelfth centuries the state became increasingly involved in governing both private production and its own timber monopolies. Later, these were displaced by organizations with better local knowledge than the state, and superior organizational capacity than the individual household - lineages. As long as these institutions could resist the logic of short-term gains, the market incentives were in place to encourage continued lumber production. At the same time, improved merchant networks looked to obtain timber from further abroad, helping decrease the pressures on the woods of the Old South.

The Tang and 10th Century

Prior to the Song small-scale lumbering was probably conducted largely on the household level, with some level of merchant specialization emerging by the tenth century. The *Tang Code* contains a law prohibiting *monopolization* of wild lands, a category that included woodland; yet it specifies that private people can still derive profits the wilds through their own labor:

The benefits from the produce of mountain [forests], marshes, shores, and lakes are shared by the community. If someone monopolizes them, the punishment is sixty blows
with the heavy stick. However, if a person has put labor into those places, he will not be pursued for what he obtains from them.  

In case this law is not entirely clear, the Code has another Article specifying that lumber becomes the property of whomever cut it. It reads, “improperly taking the produce of mountain [forests] and wilderness areas that has already been cut or gathered is punished as robbery,” with the sub-commentary specifying that this “produce” refers to “grain, trees, herbs, stones and the like.”

There is scattered evidence that occasional periods of wood scarcity may have arisen in the immediate vicinity of the Tang capita. One official even complained that the production of soot-based ink led to the deforestation of much of the pine in North China. Officials also cut the trees along capital roads to finance the military “when wood was dear and silk was cheap” (my emphasis). But these cases suggest rising prices for wood products rather than absolute scarcity. I tend to agree with the assessment of Edward Schaffer, the source of these two anecdotes, that despite occasional shortages “medieval forests must still have seemed inexhaustible.”

Evidence for the South is less forthcoming, although there are reasons to believe that local magnates and temples were monopolizing the best stands of timber as early as the fifth century CE. Indeed Mark Edward Lewis argues that pattern of estate control and estate forestry in the Tang actually spread from the South to the North - that is opposite to the North to South knowledge transfer generally assumed to have dominated medieval China. He quotes a


467 Elvin quotes an extended passage from Song shu 宋書 54:1536-7. See Elvin, Retreat of the Elephants, 55 and Elvin, “Three-thousand years,” 20-21. An abbreviated version can also be found in Ma Duanlin 馬端臨, “Reference on taxes and monopolies, part 6” 傳循考六, Wenxian tongkao 文獻統考 19.
record of Kong Lingfu’s property in modern Anhui from the early fifth century as prototypical of the late medieval style of aristocratic estate: “it was nine miles in circumference and about three hundred and seventy acres of water and land. It included two mountain [forests] and had nine fruit orchards.”468 Another Tang-era estate from near Suzhou, belonging to Liu Guimeng was divided into three specialized holdings - a farm, a timber forest, and a tea plantation.469

While early Tang woodlands may have still been managed through medieval patterns of usufruct claims and magnate and temple dominance, it is clear that active timber markets emerged by the eighth century. There is evidence from the mid-Tang of regional specialization in timber, paper and lacquer in addition to other goods.470 In 780, the state attempted to tax woodland production, putting “a ten-percent tax on all bamboo, timber, tea and lacquer in the empire, to be paid in normalized copper cash” (天下所出竹木茶漆。皆什一税之。充常平本钱).471 The levies on bulk lumber were almost certainly collected at specialized markets, like those noted in Tongzhou above. Because much of the North was poorly controlled by the state following the An Lushan Rebellion, most late Tang taxes were assessed most heavily on the South; this lumber tax was probably no exception, especially given that lacquer was largely a southern commodity. Specialized lumber markets certainly existed in the South as well. A “strange tale” from 928 tells of a man unable to find the wood he needed at the timber markets in Xinzhou 信州 (Northeastern Jiangxi), who was then shown four enormous shan trees in the mountains by a mysterious child-like figure. He sold these timbers in Jiangnan for one-hundred

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468 Lewis, Mark Edward. China's Cosmopolitan Empire: The Tang Dynasty. Cambridge, Mass: Belknap Press, 2009 pp. 25-6, quoting Pan, Son of Heaven and Heavenly Qaghan, p. 182. Block quotes are my modification to bring this in line with the rest of my language.

469 Elvin, Pattern of the Chinese Past, 80-82, Lewis, China’ Cosmopolitan Empire, 126.

470 Lewis, p 137

471 “Miscellaneous taxes” 雜稅, THY 84  See also New Tang History 52
thousand copper cash and returned for more, never to find the youth again.\textsuperscript{472} While the specifics of the story are certainly not worth trusting, it demonstrates that northern Jiangxi was then a source of timber sold for cash downstream by the tenth century.\textsuperscript{473}

\textit{Lumber markets in the Song}

A network of timber merchants was certainly well-established in South China by the Song. Throughout the dynasty, the principle way that the state obtained standard-size lumber ways by in-kind taxes on wood at key points in the river transport network - effectively outsourcing most of the oversight of forestry, lumbering and transport to private institutions.\textsuperscript{474} This was the principle way the state obtained the large amounts of lumber needed to construct grain transport ships,\textsuperscript{475} although by the 1200s most of the timber and bamboo levies were collected in cash rather than in kind.\textsuperscript{476} Even in extreme cases, the state preferred to use the market to supply needed wood products. In one case, when the capital burned down in 1140, the state excused wooden building materials from both cash and in-kind tolls and levies, hoping to encourage merchants to meet the need. While there was at least a temporary shortage, enterprising individuals took advantage of this circumstance to make huge profits.\textsuperscript{477} In other

\textsuperscript{472} Xu Hong 徐銘, “Xu Yancheng” 徐彥成, Ji shen lü 3. This story is reprinted in the Taiping guangji 太平廣記 354.

\textsuperscript{473} The story not only takes place in 923, it was also written in the late 10th century, meaning that the outlines of the non-”strange” aspects of these events would have been believable.

\textsuperscript{474} Song huiyao jigao 宋会要錄稿 zhiguan 職官 4.52 gives an instance when these taxes were forgiven. Henceforth SHY

\textsuperscript{475} SHY zhiguan 42.54

\textsuperscript{476} SHY zhiguan 48.24

\textsuperscript{477} Zhao Yushi 趙興時, Bin tui lü 賓退錄 9 cites two accounts of these events, one from Yijian wu zhi 夷堅戊志, and another from Fu xiu yuemu ji 浮休問日集.
words, there was never an absolute shortage of wood, and even in emergencies, market mechanisms were used to ensure supplies.

In addition to markets in the cities where timber was sold, there were clearly specialized lumber markets in the hinterlands where merchants bought logs from lumberer. A postmortem on the Fang La 方腊 rebellion (1120-1121) noted that the immediate hinterland of Hangzhou - where the rebellion originated - was “lush with lacquer, paper-mulberry, pine and shan trees, and frequented by merchants” (有漆楮松杉之饒，商賈輻輳).\(^{478}\) In 1195, three officials were impeached for improper interference in markets; their case shows it was common to sell Hui River salt to the Old South, use the profits to buy timber upriver in Sichuan, turn around and market the wood downstream in the Yangzi delta.\(^{479}\) Similar markets for buying timber were noted above in Xinzhou (modern Raozhou), and appear to have been almost universal throughout the hinterlands of Zhejiang, Jiangxi and Fujian.

Even if timber was widely marketed, it appears that individual households were still the primary producers through much of the early and mid-Song. Two accounts from western Zhejiang suggest that wood was a relatively common investment for wealthy landlords. Ye Mengde 葉蒙得 (1077-1148) spent his later years in Huzhou 湖州, where he wrote of his plans to grow large stands of pine, shan and tung trees on thirty-year cycles.\(^{480}\) In his well-known House Instructions, Quzhou 衢州 native Yuan Cai 袁采 (1140-1190) suggests planting ten-thousand shan trees when a daughter is born in preparation for her marriage expenses.\(^{481}\)

\(^{478}\) Fang Shao 方勳, Qingxi kou gui 青溪寇軌.

\(^{479}\) SHY zhiguan 73.61

\(^{480}\) Ye Mengde 葉夢得, Bi zhao lühuo 遊暑錄話 2.

allowing a somewhat shorter growth period of fifteen to twenty years. In any case, both men appear to have acted largely for the benefit of their immediate dependents and heirs, and not for larger corporate interests. Yet the Song also saw at least two larger institutions emerge to manage timber plantations - local state agencies, and lineages.

State forestry in the Song

The state’s intervention into county-level wood production stemmed largely through an extension of the roles given to assistant magistrates, and appears to have been rather abortive. The office of assistant magistrate was given new responsibilities under the New Policies (c 1069-1085), specifically to head the greater state intervention into local environments. It is unclear whether this post was responsible for timber forests in its original implementation, but it certainly was in the partial restoration of the Policies in the early 1100s. In 1103, after a period of opposition, Prime Minister Cai Jing 蔡京 kicked off the restoration of some programs, writing:

Policies to transform the landscape, methods to establish markets and trade, profits from use of wild land (shanze) were all large parts of Wang [Anshi's] policies of the late 1060s and early 1070s; it is worth continuing these benefits in the present.... as for wild lands (shanze): copper, lead, gold, silver, iron, tin and mercury mines and smelters and timber forests can be maintained, woodcutting can be restricted, wasteland can be planted [with trees?] and such. In each county, establish an assistant magistrate to manage these affairs. 

In addition to local agriculture and water conservancies, the assistant magistrate was made responsible for wild lands, literally “mountains and marshes,” and specifically for the management of mines and timber forests. A note from two years later indicates that this post was not universally implemented; transport and granary officials from Jiangxi wrote:

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482 SHY zhiguan 48.55.
[Jiangxi] has forty-eight counties. Twelve of these, including Nanchang have long had assistant magistrates. Nineteen, including Fenning County, Hongzhou have more than ten-thousand households, and the duties are numerous - there are forests, waters, mines and smelters [to oversee]; these [assistant magistrate] posts should be kept. There are seventeen counties, including Fengxin County, Hongzhou that - while they have more than ten-thousand households, do not have many duties - they don't have forests, waterways, mines and smelters [to manage]; and these [assistant magistrate] posts should be done away with.

In other words assistant magistrates were only set up in large counties with substantial mining, forestry or waterworks to manage. Nonetheless, in about three quarters of Jiangxi, both the supply - forests and mines - and demand - large populations - were such that the state saw an advantage in keeping local offices to oversee production. In 1123, an order was issued clarifying that each assistant magistrate was responsible for maintaining twenty-thousand timber trees - with provisions to punish those who kept fewer and reward those who kept more. Yet it appears that this system was short-lived. In 1125, the President of the Board of Works (gongbu shangshu) requested to also reward local officials for giving annual reports of the state of the local economy, including the number of trees in its forests (林木及曾經報奏之數), in addition to the more standard figures on population and farmland. This is the last we hear of direct state involvement in county-level forestry; it is likely that these programs became collateral damage of the loss of the North and flight of the Song court in 1127.

Outside of this brief era direct state interventions into forestry were generally on a regional basis and for well-defined strategic - rather than financial - goals. In some cases, the
state tried to impose clear boundaries on forests used for different activities, such as hunting and woodcutting. Other forested areas were placed off limits entirely, both to prevent illegal activities, and to promote reforestation. All three types of prohibitions were most common in the Old North, especially Shaanxi - areas that had been over-logged since at least the mid-Tang, but that had at least some forest coverage through the eleventh and twelfth centuries.

There are even signs that the state broadly attempted to impose ethnic boundaries on forests and market segments at the peripheral wood markets. In 1196, an order was issued prohibiting Han people (hanren 漢人) from entering the mountains in the present-day border areas between Hunan and Chongqing “with goods to trade, or to cut lumber themselves; they are to wait for the ‘barbarians’ (man 蠻) to bring planks and timber to the river, and to proceed to the waterways below Xuzhou 敘州 (now in western Hunan) to trade” (毋令漢人將物貨擅入蕃蠻界販賣，斫伐禁山林箐，須候蠻人賃帶板木出江，方得就叙州概下交易). Very similar policies to prevent Han encroachment on non-Han timberlands were common throughout the Ming and Qing as well. But for the most part, outside of a few decades in the early 1100s, the Song state relied primarily on the market to supply its needs, and on market-based interventions to manage the supply of timber.

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486 Parts of Shaanxi in 1108. SHY 兵 bing 12.63931, bing 21.31, fubian 417.1
487 Such as parts of the Sichuan/Shaanxi borderlands in 1136. SHY xingfa 2.149
488 In in Dingzhou 定州 in modern Hebei in 1049. SHY xingfa 2.29; in Huizhou 濟州 in modern Shanxi in 1080. SHY bing 4.9; in Yangzhou 洋州 in modern Shaanxi in 1189. SHY xingfa 2.123
489 This is one area where I disagree with both Robert Marks and Mark Elvin, who appear to assume that the forests of North China, once lost, were essentially never regrown. See esp. Marks, *China: Environment and History*, 106-111. This assumption is somewhat implicit in Elvin, *Retreat of the Elephants*, Chapters 3 and 4. It is fairly clear, even from the limited evidence presented here, that forest did regrow in the Old North of Shaanxi, Shanxi and Hebei, through some combination of state and local protections and afforestation and natural regrowth. These were probably never again the wood-rich areas they had been as late as the early 700s, except perhaps during the height of the Mongol-driven depopulation, but they were probably never as wood-poor as the flatter parts of the North China Plain.
490 SHY xingfa 2.127.
Early lineage forestry

Like many aspects of its activist program in the eleventh and early twelfth centuries, the state’s intervention into production forestry was relatively short-lived. The other major institutional shift of the Song - the rise of lineage organizations - had more lasting impact on lumber production. By the early 1200s - as documented in the well-known casebook Clear and Lucid Verdicts by Famous Judges - the courts were full of cases of households and lineages disputing control of forested land. These types of disputes almost certainly started earlier, but this casebook is the first real window onto the phenomenon. As will be explored in more detail in Chapter 6, many of these cases hinged on the presence of graves. From the twelfth or thirteenth century onward, ritual-based claims to graves and economic claims to timber trees become almost impossible to separate. For present purposes, I will focus on two other aspects of these cases - evidence for the formation of higher-level lineage organizations focused on economic (as well as ritual) activities; and the role of local courts and formal documentation in making claims to property. Indeed, as suggested in Chapter 2, the Song state’s more lasting impact on local land regimes was through the changes it made to the court system - especially the documentation of property ownership.

The majority of disputes over forest (shan 嶂) in Clear and Lucid Verdicts are fairly straightforward contestations of property ownership; their complexities largely derive from the types of evidence presented laying claim to the woodland. A case from Jianyang in northwestern Fujian from the early 1200s demonstrates the extent to which Song contract law penetrated into local society. The dispute between Zeng Zihui and Fan Seng hinges on a trio of deeds to a forest.
property. The magistrate notes that “while the forest is very small, the pine and shan timber planted there can bring great profits” (蓋宋家源之山，厥直甚微，而山上所植松杉之木，為利則甚伙). Zeng has the most recent deed, but it is not notarized and does not give the boundaries of the plot. Zeng also has an older deed from his father, Prefect Zeng, but it was not notarized either and therefore the date of sale cannot be established. The official is nonetheless inclined to believe Zeng's case, and therefore turns to a third source of evidence to determine the veracity of the evidence - a local practice of marking contracts of household division in a certain way (建陽鄉例，交易往往多批贓元分支書). He notes that an investigation into this practice will determine the winner in this case. At least one other case where the land was clearly used to grow timber trees was also resolved largely by looking at the documentary evidence, as were many others where the use of the forest is not clearly specified.

In the same collection, there are at least two cases where lineage-mates dispute timber trees to which various parties have claims. In the first case, Zheng Mao is engaged in an ongoing dispute with Leng Yangzhe. While the dispute bleeds over into other matters, it is centrally about Leng Yanzhe brokering the sale of wood cut from a lineage grave. Zheng Mao alleges that Zheng Wenli - the man who cut the wood - did not have the rights to do so, specifically stating that “Zheng Wenli and his brothers cut and sold timber planted on the embankments of our group ancestor’s grave” (郑文礼兄弟斫卖众祖坟畔木植). Zheng Wenli “claims this timber was from the [grave] forest of another subsidiary household belonging to Zheng Zhou, who was in fact an uncle of [Wenli’s] lineage branch” (稱系斫他挾戶鄭舟山內之木，然既曰親堂叔侄). Zheng

491 “In disputes over mountain [forests], determining truth and falsehood should depend on investigating the original evidence,” 為山各執是非常參旁證, QMJ 5.

492 “Landlord and tenant dispute grave land” 主佃爭墓地, QMJ 9

493 See Chapter 6 for more.
Mao responds to this claim with the argument that “it does not matter whether they belong to my ancestor or to your ancestor, none of the groves of trees on grave embankments should be cut” (吾翁即若翁，應塚畔林木，蓋均之不可剪伐). Leaving aside the question of graves for Chapter 6, this case makes clear that lineages owned forests collectively, this meant that lineage hierarchies and internal rules governed the sale of lumber.

A second similar case also involved two or more members of a lineage disputing the sale of wood grown on grave land. In this case the land was given over to a monk, who cut its wood; this resulted in a lawsuit brought by a junior member of the kin group. Although the monk is punished, the resolution makes clear that while elders can dispose of grave wood [however they please], junior kin are not allowed to sue over grave wood” (為尊者可捨墓木，為侄者不合訴 墓木，與法意大差矣), and the man who sued over the improper wood sale is also penalized. This effectively reified in law the principle that lineage elders have the exclusive right to dictate the use of their common property, including collective forests. By the thirteenth century, the Song state’s attempts at directly regulating production woodland had fallen by the wayside; in its place, lineage organizations became more and more interested in the financial gains they could derive from cultivating stands of timber.

*The Yuan*

Very little material on timber production has escaped the black hole of evidence that is the Yuan. From the limited evidence available, it appears that the trends seen emerging in the Song continued - parts of the North were directly administered and taxed for wood, and most of

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494 “Selling grave wood” 賣墓木, QMJ 9

495 Cai Jiuxuan 蔡久軒, “Giving wood to a monk” 捨木與僧, QMJ 9.
the South was left unmolested to develop its own forestry institutions. Yet across these regional distinctions, there was also a general trend towards more indirect, market-driven interventions. For the most part, the Yuan copied and extended the institutions of the states it conquered, looking for the most convenient ways to maximize tax production. Once trade was restored in conquered areas, this increasingly meant that the state taxed in cash, rather than in kind, and bought what it needed on the market.

For about half a century of Mongol control (from about the 1230s to the late 1260s) the North was parceled out into appanages for the imperial kin and grants to Buddhist temples; the South was still under Song control (see above). The Yuan began to centralize in the late 1260s, with implications for the taxation and control of timber production. Most generally, the 1270 organization of localities into *she* 社 and the promotion of agriculture and water conservancy included a program to reforest North China. the specifics of which are unclear. In the meantime, the conquest of the Song in the late 1270s brought little change to its socio-economic structure or taxation.496 Even under new land surveys in 1314, the Yuan had little success changing the institutions of land ownership in South China.497 Production forests probably remained largely under lineage control.

Lumber and several other forest products were in principle monopolized by the Yuan state, but the ways these monopolies functioned differed by time and place. The records on other wood taxes were unfortunately lost prior to the compilation of the *Yuan History*,498 but some sense can be reconstructed from the tax on bamboo. Bamboo was in principle a state monopoly


from early in the dynasty; the state either owned the production itself, or had a monopsony on buying it from producers; in any case, it sold bamboo to the public according to three categories with set prices. In 1267-8, the monopoly was reorganized as a system of licenses sold to private merchants; it was abolished entirely in 1285 - people were allowed to pay the tax as a cash rent on state-owned bamboo forests, and a cash tax on private ones. These developments were confined to North China, as they all took place before the completed conquest and reorganization of the South. Portions of the South were eventually taxed in wood products, however. In 1328 there were both quota and non-quota taxes on both lumber and bamboo in the capital region (Hebei), Henan, Jiangxi and Jiangzhe (i.e. Zhejiang). These figures reveal a hodge-podge of different policies: cash taxes prevailed except in Henan, which paid mostly in-kind; the remnants of quotas persisted in the North - speculatively on a by-county basis - with no quotas in the South; and in the Capital region, heavy quotas for wood but almost exclusively non-quota taxes on bamboo. While any conclusions from this evidence are highly speculative, it appears that some fairly direct interventions into wood production persisted in the North, but never reached the South. This was more or less a continuation of the pre-Yuan situation.

499 Ibid p. 162.
Table 5.1 - Wood and Bamboo Taxes, 1328 (in ding cash unless otherwise specified)

<table>
<thead>
<tr>
<th></th>
<th>Quota wood</th>
<th>Quota bamboo</th>
<th>Non-quota wood and bamboo</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital</td>
<td>676</td>
<td>2</td>
<td>9428 (73 wood, 9355 bamboo)</td>
</tr>
<tr>
<td>Henan</td>
<td>58,600 planks</td>
<td>269,695 poles</td>
<td>1748</td>
</tr>
<tr>
<td>Jiangzhe</td>
<td></td>
<td></td>
<td>9355</td>
</tr>
<tr>
<td>Jiangxi</td>
<td></td>
<td></td>
<td>590</td>
</tr>
</tbody>
</table>

Production forests and forest taxes in the Ming

Just as the Yuan essentially inherited the Song systems of taxing and governing forest, the Ming largely copied the Yuan system and then modified it as needs and circumstances change. However, evidence survives from the Ming that allows greater detail. As of the Ming, it is clear that taxes on timber worked in two ways: levies on the forests (shan ⼭) where wood was produced, which were generally collected in exchange currency (cash, silver or grain), and were relatively low; and levies on timber shipments, which were generally collected in-kind at transport hubs, and were relatively high. Both systems shifted over time with changing needs: initially following Yuan models; moving to direct, in-kind levies during the depression and currency famines of the 1420s and 1430s; and shifting gradually back toward market-driven supply and minimal intervention thereafter.

Between the Ming founding in 1368 and the Yongle reign (1402-1424), the systems governing and taxing production forests largely followed Yuan models. Land registration records were largely copied from Yuan-era cadasters, or recorded along similar lines.500 This included a division of registered land into four main categories - paddy fields (tian 田), dry fields (di 地),

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forests (sometimes translated “mountain fields,” *shan* 山), and ponds (*tang* 塘).*501 These almost certainly paralleled divisions dating back to the Southern Song, but these earlier categories were much more scattered. For example, in the early 1200s Fuzhou 撫州, Jiangxi had two main categories - “paddy fields” (*tian*), and “hill enclosures and dry land” (*shan yuan lüdi* 山園陸地), the latter of which would have included gardens, orchards, tea and lumber plantations as well as dry-cropped staples.*502 But it was the first decades of the Ming that fixed paddy-dry-forest-pond as the four standard categories.

Officials dutifully recorded landholdings, but very few known records split landholdings by category - most extant sources lump them into one big statistic on registered landholdings. The two Jiangxi prefectures for which late fourteenth-century statistics do survive give some sense of the distribution. In Raozhou, in the northeast of the province, forest - 99% of it private - made up about 38% of registered land in 1391; compare this to 43% paddy, 18% dry farms and about 1% ponds.*503 In Nan’an in the far south, forest made up only about 1% of registered land; the vast majority - 89% - was paddy.*504 Given what we know about these regions, the differences had more to do with the level of registration than the amount of forest - if anything, Nan’an was probably *more* forested than Raozhou. But Raozhou had a much longer history of state and market presence, dating back at least to the tenth century (see above), so its woodland was far

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*501 Note that in regions where land was reclaimed from marshes or the seashore, there were also a profusion of other land categories. These four (or more) categories were almost always further divided into private (*min* 民) landholdings, which paid a lower “tax;” and state (*guan* 官) lands that paid a somewhat higher “rent.” There were also subdivisions of all of these categories by productivity - generally into three (top, middle and lower) or nine (top-top, top-middle, etc.) grades, but sometimes into more than twenty grades, as in some counties in Nanchang Prefecture, Jiangxi (see JXFY).

*502 Based on figures in HZFZ

*503 Based on figures in ZDRZ

*504 Based on figures in JDNA
more likely to be surveyed and registered. Between 1391 and 1581, the decennial updates of the cadasters generally did not involve any major land surveys, meaning that for two centuries the registered forests on the tax books barely changed. In fact, the surveys of 1581 were not particularly successful at incorporating newly opened land into the cadasters either (See Chapter 1). Depending on how we assess the impact of the Ming surveys of 1391 and the Yuan surveys of 1314, some forest registration figures from as late as the nineteenth century may have reflected late Song use more closely than Yuan, Ming or Qing patterns!

Figure 5.1 Registered Acreage by Land Type, Jiangxi Province, 1611

How much of land was actually forested? Working from 1611 tax figures, I estimate that about 10% of the total land area of Jiangxi was registered as paddy, 2% was registered as dry farmland, 3% was registered as forest, and 0.3% as pond. Upwards of 80% of land in Jiangxi

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505 See Shurman, *Economic Structure of the Yuan*, 34
506 Developed from *Jiangxi sheng fuyi quanshu*, and modern figures for the area of the province. These may need to be adjusted by +/- 10% to account for minor changes in provincial boundaries since the Ming.
was unregistered.\textsuperscript{507} For a point of comparison, modern surveys suggest that Jiangxi is now about 23\% cropland, 64\% percent forest (primarily conifer), 10\% grassland or shrub, and 3\% non-vegetated areas (water and high mountains).\textsuperscript{508} This suggests that as much as 80\% of the province was wooded when the initial Ming surveys were made. Because the surveys were not well-updated we cannot know how much the woodland was cut to make room for more farms, but it is unlikely that the total wooded area fell below the modern figure of 64\% until at least the eighteenth century. In other words, the vast majority of Jiangxi was wooded, but only a small minority of this woodland was ever registered with the state.

While Ming officials had substantial problems registering new land over the course of the dynasty, the low level of forest registration was not only a result of lacking ability, it also continued a trend away from direct control of woodland, especially in the South. After a two- or three-decade interval of aggressive attempts at autarchy in the early 1400s, largely in response to currency famines (see Chapter One and below), official policy turned away from direct exploitation of non-agrarian resources. Two successive rulers, the Hongxi and Xuande Emperors, issued edicts giving wild lands over to the people. In 1425, Hongxi ordered that "wherever the government had placed prohibitions on the mountain work-sites, gardens [for tea etc.], the forests, the lakes, the wetlands, [sites for] kilns and foundries, fruit trees and bees, all was given to the common people."\textsuperscript{509} Further orders were issued under Xuande, giving essentially all un-


\textsuperscript{508} Lin, Xin, Guo Li, Monika Berzky et al. "Jiangxi Province, China. Part II." \textit{Carbon, biodiversity and ecosystem services: Exploring co-benefits}. Cambridge, UK: UNEP Word Conservation Monitoring Center, 2010

\textsuperscript{509} From the \textit{Ming History -Monograph on Commodities} 明史－食貨志, translated in Elvin, “Three thousand years,” 27. See also \textit{Ming huidian} 191.
registered woodland over to the common people, except for a few belts in the Northwest intended to slow Mongol cavalry,\textsuperscript{510} and restricted mountains (jin shan 禁山) along provincial boundaries (including the mountain chains on three sides of Jiangxi),\textsuperscript{511} and on imperial tombs and parks.\textsuperscript{512} Aside from a few all-out bans on forests to limit bandit activities,\textsuperscript{513} the freeing of wilds for common use in the 1420s and 30s marked the key precedent for the rest of the dynasty. Outside of limited contexts, the Ming Code adopted the precedents on common land dating back to the Tang and before. A subsection of the Article on “Stealing Produce of the Fields and Wilds” notes that taking “firewood, grass, wood, stone and the like, which had already been cut or gathered by the efforts of others” (若山野柴草木石之類、他人已用工力、斫伐積聚、而擅取者) should be treated as theft - a near-verbatim copy of the corresponding article in the Tang Code.\textsuperscript{514}

In addition to barely registering any new forest, and to officially freeing unregistered woodland for common use, the Ming barely collected any taxes on the forests it did have on the books. Non-agrarian, non-textile goods accounted for only 2% of the autumn tax, and essentially none of the summer tax in Jiangxi in 1611, the best available figures. Forests did pay some tax in

\textsuperscript{510} Elvin, “Three-thousand years,” 27. See also Hongzhi shilu 81.1533, 146.2557; Jiajing shilu 255.5119, 256.5131; Longqing shilu 16.427, 29.754; Wanli shilu 497.9359, 530.9963, 538.10205. Conversely in the Southwest, Ming commanders tended to complain that the dense woods made it hard for their cavalry to progress. See Hongwu shilu 242.3515; Yongle shilu 52.771; Zhengtong shilu 15.275, 72.1389, 88.1759; Hongzhi shilu 81.1533, 146.2557, Jiajing shilu 376.6689; Wanli shilu 579.10953; Tianqi shilu 23.1123, 60.2779.

\textsuperscript{511} O, Mindai shakai keizaishi kenkyū, 134-6.


\textsuperscript{513} For example, Xuanzog shilu 50.1199.

\textsuperscript{514} “Stealing Produce of the Fields and Wilds,” 盜田野穀麥, Ming Code, Article 294. Note that I differ from Jiang Yonglin in translating the title of the Article. See Jiang, Great Ming Code, 162.
cash or grain, but the tax rates on forest were quite small compared to those on farmland, and these did not represent major income streams for the government. The median tax rate on private forests was about 8% of that on private paddy farms, and about 17% of the rate on private dry farms. There were, however, major regional variations in the general pattern of little new registration and low forest taxes. Most of northern and central Jiangxi had very low tax rates on forest; this included most of Ruizhou, Linjiang and Nanchang Prefectures. The northeast of Raozhou and Guangxin had relatively large expanses of registered forest (noted above), with tax rates about average for the province. Parts of western Jiangxi paid high forest taxes: higher rates than on paddy land in Luling County in Ji’an, and over twice the rates on paddy in Fenyi and Pingxiang Counties in Yuanzhou. Parts of the far south paid exceptionally high taxes on forest: about seven times the paddy rate in Gan County, and more than twelve times the paddy rate in Ruijin.

Anecdotal evidence suggests that south and west Jiangxi were major timber-producing areas, perhaps explaining their high tax rates. For example, in Pingxiang County 萍鄉縣, Yuanzhou there was a stony marsh where lumberjacks “let the timber grow during dry years, cut it in preparation for the rains, and floated out the logs once the rains ended” (萍縣山, 有石潭，歲旱以長木，投之輒雨，雨止木浮起).\(^{515}\) As for Ganzhou, even in the late 1600s its southern neighbors in Guangdong envied its great stands of shan timber.\(^ {516}\) Ji’an was also a timber producing region - as it had been in the Song. John Dardess notes that Yang and Zeng lineages in Taihe County pioneered the local planting of shan trees in the fifteenth century. By

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\(^{515}\) Chen Quanzhi 陳全之, “Jiangxi”, Pengchuang rilü 蓬窗日錄 1.

that time a Guo lineage had “long established planting of pine, camphor and three species of oak used for fuel and building materials” and another local planted “several li of pine which successfully grew into a forest.” 517 The higher tax rates on forest in Luling may have also been an attempt to capture some of the profits from local drug and indigo plantations (see below). Some areas even paid woodland taxes largely in kind. For example, Lu Yi 陆釴 (1495-1534) noted that “Wuchang (modern Wuhan) has many mountain fields (tree plantations?) that pay a tax rate of five sheng per mu, with annual quotas of shan lumber and planks, five-hundred ox-hides, as well as lotus seeds, and fine tea as tribute” (武昌多山田，畝稅五升，歲辦杉木板、牛皮五百張及蓮肉、細茶，以充貢). 518 In other words, the Ming state did make some efforts at taxing the most productive, most valuable woodland on a regional basis. Nonetheless, this does not change the fact that the state largely ignored the greater expanses of woodland, both registered and unregistered.

Timber Trade in the Ming

In addition to the tax on woodland, the Ming taxed the movement of lumber and other wood products along the waterways - a practice noted as early as the Tang. Tax bureaus were established at key locations in the transport network - primarily along the Yangzi River and Grand Canal - to requisition a proportion (choufen 抽分) of wood shipments. Initially, two such bureaus were set up near Nanjing. They took one third of all shipments of reeds, grasses and straw (蘆柴, 茅草, 稻草, 茭蔴草, 蒻草); one thirtieth of shan timber, bamboo slats, palm fiber

517 All from Dardess, “A Ming Landscape,” 248-9. The meaning of li 里 is somewhat unclear in this context, but it certainly implies a substantial timber plantation.

518 Lu Yi 陆釴, Bing yi manji 病逸漫記.
and rattan (杉木, 軟簾, 棕毛, 黃籬, 白籬); and two tenths of most other categories of timber and bamboo (松木，杉板，杉箍，杉板，檀木，黃楊，梨木，雜木，簷柱，鋤頭柄，竹掃帚，茭苗苕帚，貓竹，水竹，雜竹...)。More of these bureaus were established throughout the fifteenth century, with varying quotas. They were intended to supply the large number of state offices and workshops that clustered along these main shipping routes, most importantly the official shipyards. But as with other taxes, reports of abuse began to multiply, and requisitions were reduced. One order sent to several such bureaus in 1433 is particularly clear - it states that “[officials] are only permitted to requisition large and mature timber. Smaller timber and boards are for the people to harvest and market as they see fit” (除成材大木，不許採取。其小木及檜檜之類、聽人採取貨賣)。As in so many other cases, silver taxes and requisition-by-purchase (maiban 賀辦) began to replace direct requisitions starting around 1500. In the second half of the sixteenth century, most bureaus were simply closed. The in-kind taxation of shipments was essentially an intermediary measure between direct control of production on the one hand, and cash taxes and requisition-by-purchase on the other. It fulfilled state needs during a critical period when markets were in recovery, from the 1420s through 1500.

Yet even in their decline, these taxes on wood shipments demonstrate the flourishing of lumber production and trade. By the mid-Ming “ordinary” lumber was under enough demand to both require and support specialized forestry, as evidenced by the large amounts of wood moving along the river networks. It is further clear that certain regions specialized in producing the large

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519 Ming huidian 204.
520 Ibid.
521 Ibid.
522 Ibid.
straight-trunked trees required for pillars and ridge-poles in the Chinese system of building, and preferred for most other uses. This principally included shan (probably including both *Cunninghamia* and *Cryptomeria*) and pine (largely *Pinus massoniana*). We have already seen this type of specialized forestry developed in mountainous areas of northern Jiangxi, western Zhejiang, northwestern Fujian and Huizhou by the end of the Song.

The timber trade certainly expanded over the course of the Ming - we have already seen that production in Huguang and Sichuan was shipped to meet demand downriver. By the turn of the seventeenth century, Hakkas from southwestern Fujian were noted to be “in Tingzhou and the various prefectures of Jiangxi growing shan, which they export by way of the Ben River mouth [in Jiujiang]; in Huizhou, growing shan which they export by way of the river mouth at Raozhou; in Zhangzhou growing shan which is shipped by sea to eastern Zhejiang.” It appears that - at least until the eighteenth century - these new sites largely supplemented existing areas of timber plantations. The expansion of production areas helped meet increased demand due to population growth and increased urban wealth, and may have helped make up marginal declines in timber production in the Old South areas of Jiangxi and Zhejiang.

Existing research focuses overwhelmingly on two regions - Huizhou (for the Ming and Qing) and eastern Guizhou (from the mid-Qing onward) - where troves of documents have

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allowed close analysis of forest management patterns.\textsuperscript{524} Without repeating all the findings here, three trends are worth pointing out. First, distinct groups of lineages, villages or merchant associations specialized in each of five aspects of wood production: ownership and management, forestry, lumbering and short-range shipment, brokerage, and long-distance shipment. These divides were almost always along local-non-local divides, with rural lineages controlling the forests, one or more distinct groups of specialists - especially Hakka migrants - doing most of the forestry and lumbering, local urbanites acting as brokers, and non-local traders - especially from Ji’an and Huizhou - controlling long-distance shipments. At the frontiers, these divides often mirrored ethnic lines, with “raw barbarians” controlling the first two stages, “cooked barbarians” the brokerage, and Han traders the long-distance trade.

Second, over the course of the 1500s, there emerged something like a futures market in lumber, with lineage members - and later non-members - buying and selling contracts on a portion of the expected lumber yield years in advance of harvest.\textsuperscript{525} This speaks to a substantial and relatively reliable export market for timber, and to highly-developed lineage institution related to finance and the control of woodland. It also suggests that both lumber and timberland were highly commodified into categories and grades, with expectations on the productivity of each.


\textsuperscript{525} McDermott, Chapter 6.
Third, the similarity of lumbering techniques between the two well-studied regions of Huizhou and Guizhou suggests knowledge transfer. In particular, it is likely that production and lumbering practices developed in the Old South - in places like Huizhou, northwestern Fujian and northern and central Jiangxi - were transferred to the frontiers when Jiangxi and Huizhou merchants expanded their supply networks beyond their natal communities. Other practices were almost certainly transferred by the movement of Hakka foresters out of southwestern Fujian to many parts of the South.

Putting this all together, there was clear evidence of continued development of timber plantations in the South, starting in northern and central Jiangxi and western Zhejiang in the Tang, and spreading outward over the course of the next eight centuries. During this period, it is clear that techniques and production schedules were improved. More importantly, a series of higher-level institutions took production over from the individual households and great estates. In the Song, the state made an abortive attempt to build its own forest monopoly. This was ultimately displaced by private foresters developed under the auspices of lineages. Lineages further developed specializations in both timber production and timber trade, spreading the feelers of the market through the southern countryside. Aside from a brief period of market collapse in the early Ming, this development continued more or less without stop until the end of the Ming and beyond.

**Fuel**

Despite being the single most widely used wood product, or perhaps because it is so common, firewood is very difficult to track through the historical record. In most localities, for
most of history, fuel was obtained locally, primarily from common woodland. Because most
firewood was gathered close to where it was used, by the people that used it, there are almost no
records. It is only from the late Ming onward that the combination of general fuel shortages and
improved records give more than anecdotal evidence of rural fuel consumption patterns.

Urban and industrial fuel consumption are another story. It is clear that cities and
manufacturing centers were fuel-importers from fairly early in Chinese imperial history, and
expanded both in total number and spatial extent. This expansion was not continuous, but rather
processed through somewhat cyclical interruptions. Especially in the North, warfare, market
disruptions and Yellow River flooding periodically damaged the industrial base; on other
occasions, production was moved specifically due to lack of fuel supplies. We should also mark a
rather pronounced break between the Northern and Southern Song, when both the capital and the
major industries moved south of the Yangzi. When the administrative centers returned to the
North in the Yuan and Ming, many of the biggest manufacturing centers remained in the South.
Thus, a divide emerged between distinctive northern and southern fuel regimes. In the North,
scarcity and high fuel prices526 posed a major problem for the capital, for resurgent industry and
probably for the rural populace as well. In the South, larger wood reserves and better transport
networks kept urban, industrial and rural consumers well supplied through an extended period of
growth.

526 See Warde, Paul. “Fear of Wood Shortage and the Reality of the Woodland in Europe, c.1450-1850.” History


**Fueling the Capitals**

Every major dynasty had one or more specialized bureaus to provide the fuel needed to heat its palaces and temples and cook its food. Indeed, provisions of fuel to state bureaucrats was such an important component of their income that the word for “fuel” is also used as the word for “salary” (xin 薪). By the early Song much of the capital fuel supply was directly requisitioned from in-kind levies on shipping (choufen 抽分). This shows that markets were delivering sufficient fuel to the cities. As of 1162 the in-kind tax on wood shipments was excused, and fuel was mostly purchased on the market alongside other wood products. It is likely that this move was partially enabled by the superiority of shipping lanes in the South (following the move of the capital in 1126), which meant that fuel could be obtained fairly cheaply on the open market. Nonetheless, the state continued to interfere with the fuel market - for example, with an 1165 order putting price controls on the purchase of charcoal used to manufacture coins.

The Yuan probably saw another cycle through the different modes of obtaining fuel - from direct requisition, to in-kind levies on wood shipments, to greater use of cash taxes to purchase firewood on the market. This would not only follow the trends of previous dynasties, but also paralleled the supply of other high bulk wood product. Unfortunately, as noted above, the records of wood supplies were missing when the *Yuan History* was compiled, so this must remain speculative.

If the Yuan pattern is in question, we know a great deal about fuel supplies to the Ming capitals. While the main capital was in Nanjing, in the Yangzi region, its fuel supplies were

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527 As seen in the a 1018 proposal from the heads of various capital storehouses (諸司庫務). SHY zhiguan 27.45.

528 SHY zhiguan 4.52.

529 SHY zhiguan 3.157.
derived from islets in the River, with two nearby counties to send an annual corvee of three-thousand laborers to cut wood and make charcoal. This appears to have remained the main supply for Nanjing when it became the secondary capital following the construction of Beijing, although indirect evidence suggests that these supplies were supplemented or replaced with in-kind levies on wood shipments, and after about 1500, with market purchase using revenues from tax surcharges.

With the move of the primary capital to the North in 1403, it became necessary to find local fuel supplies. Initially, wood appears to have been plentiful. It was provided by a mix of local woods in Shandong and Shanxi Provinces, and Shuntian, Baoding and Zhengding Prefectures (in modern Hebei, using a combination of 70% civilian corvee and 30% military levies. In 1429, a specialized charcoal kiln complex was built at Yizhou in Baoding specifically to supply the capital. Over the course of the late 1400s, the corvee burden for Yizhou was redistributed several times, but remained especially heavy on Shuntian and Baoding; as of 1506, it had a total annual quota of 19,925 corvee laborers that rotated among five prefectures; this probably did not include an additional 1,300 workers responsible for transporting the fuel to Beijing. The fuel needs for Beijing were both large and growing. By 1473, the forests around Yizhou were completely depleted, so portions of the corvee burden were converted into silver payments to be used to purchase fuel from elsewhere. These conversions were modified repeatedly over the next hundred years, suggesting that

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530 Liang Fangzhong Mingdai fuyi zhidu 96. He cites the Chenghua shilu 288. Ming huidian 205.
531 Ming huidaian 205.
532 Liang Fangzhong, Mingdai fuyi zhidu, 96-7. He cites the Hongzhi shilu 213, Zhengtong shilu 22.
firewood remained locally scarce and that fuel prices continued to increase. There were even repeated debates from the 1530s through the turn of the seventeenth century over the use of wood supplies from along the northwestern border - woods that had historically been maintained as a shield against Mongol cavalry. The combination of relatively poor wood reserves, and relatively difficult transport made the capital fuel supply an ongoing problem.

*Fueling the Kilns and Smelters*

Through the Tang, manufacturing largely clustered alongside administration in the Northern capitals; reports of fuel shortages - including a curious memorial attributing deforestation to the manufacture of ink-stones for the dynasty’s many clerks - overwhelmingly center on the corridor between Chang’an and Luoyang. Scattered evidence does indicate a ramping up of manufacturing under both state and private control in the second half of the dynasty. From the Song onward manufacturing expanded greatly, both in overall levels and spatial extent. During the first half of the Song the manufacturing base extending well beyond the capital itself to much of the North China Plain, and parts of the South as well. The famous porcelain center at Jingdezhen in Jiangxi takes its name from the Jingde Reign (1004-1007) when it was formally granted state sponsorship. As of 1103, an expansion of mining in much of the south - including the Huai River region, Hunan, Fujian and Guangdong - led the state to issue restrictions on the use of forests around mine-heads, reserving them as fuel supplies for

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534 *Jiajing shilu* 255, 256, *Lonqing shilu* 16, 19; *Wanli shilu* 497, 530, 538.

But through the eleventh century, industry remained concentrated in the Old North. Indeed, the expansion of urban centers and industry in the North China Plain caused such deforestation that foundries largely switched to the use of mineral coal. For more than a century, developments that look a lot like the industrial revolution in nineteenth century Europe took place in North China. This appears to have ended with a series of events that physically destroyed many of the manufacturing centers and led to large-scale southward migration: a massive shift in the course of the Yellow River in the mid-to-late 1000s, and the Jin conquest of the North in the 1120s decimated the porcelain, iron and textile manufacturing centers in the North.

As noted in the sections above, the move of the capital, and the majority of the population and manufacturing base to the South corresponded with a decline in state interventions into production, and a corresponding rise in market-based supply. These trends were pronounced in the supply of fuel and lumber to state projects, and almost certainly paralleled a correspondingly significant growth in private markets for these goods. For the time being, I do not have sufficient evidence to say for sure what happened to the supply of fuel to manufacturing in the Southern Song or Yuan, but other trends all suggest a growth in private markets for fuel. Although mineral coal was still used, the majority of this fuel was almost certainly charcoal - the destruction of

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536 SHY zhiguan 43.120.


Northern manufacturing in the mid-Song appears to have ended a two-century-long boom in the use of mineral coal.

Evidence from the Ming is far more forthcoming, and shows a highly developed market in multiple types of fuel. First, from the late fourteenth-century onward fuel was part of the the in-kind taxes on river shipments; this continued through most of the dynasty, suggesting strong and continued markets for fuel. As of 1393, reed fuel (luchai 蒲柴) was taxed at a rate of one third; and charcoal (mutan 木炭), mineral coal (meitan 煤炭) and fuel wood (muchai 木柴) at a rate of one fifth at stations on the Yangzi. In 1407, five stations were added along the Grand Canal; in 1413 tax rates set at one fifth on long firewood (chang chai 長柴), faggots (ba chai 把柴), assorted fuelwood pieces (za mukuai chai 雜木塊柴), small pieces of mineral coal (meizha 煤炸), charcoal (mutan 木炭), and “flat fuel” (pian chai 片柴); at one part in fifteen on blocks of mineral coal (shitan 石炭); and at one in thirty on other assorted fuel (za chai 雜柴). Other stations were later added along the Yellow River in Henan and Shaanxi. Changes were made to the staffing and management of this system through at least the mid-1500s; for example in 1521, and order was made to issue receipts for coal that had already been taxed, to ensure it was not taxed again.539 It is clear that fuel moved along active trade networks moving up and down all major river and canal networks of Central and North China, and that state projects outside the capital obtained their supplies of fuel from these networks. These taxes give a small window onto a much larger world of combustibles. In particular, the variety of types of fuel source - wood, reed, and mineral coal - and grades of each type of fuel - long firewood and faggots,
multiple sizes of mineral coal - suggest that private markets demanded fuel for a range of different purposes.

A second view onto industrial fuel supplies comes from the porcelain kilns at Jingdezhen, in northeastern Jiangxi. As noted above, these kilns had a long history preceding the Ming. However it was in the Ming that they became a huge industry employing ten-thousand people in the sixteenth century,\(^{540}\) and perhaps several hundred-thousand by the early seventeenth century.\(^{541}\) Including those not directly involved in porcelain production, one estimate holds that a million people lived in Jingdezhen in the early 1600s - an enormous figure for any city in the world at the time, let alone for a non-administrative center.\(^{542}\) In the early Ming, this was essentially a state-run industry, although over the course of the dynasty it - like so many areas of official control - was largely delegated to private intermediaries. The kilns consumed a massive amount of fuel and this supply chain had its own long history.

Fuel was originally provided by corvee; when this practice was dissolved it was replaced first with a poorly-regulated system of requisition-by-purchase, and then by more closely-supervised budget.\(^{543}\) Unfortunately the records do not specify the source of the fuel. If we extrapolate from the provision of labor under the early corvee practices it was mostly obtained from within the prefecture - especially Fuliang and Poyang Counties;\(^{544}\) however the later

\(^{540}\) O, Mindai shakai keizaishi kenkyū, 133, citing Shilu entry for Jiajing 19.8.戊子.

\(^{541}\) Ibid. citing Xiao Jingao 蕭近高 ““Long memorial on inspecting the interior” 參內監疏, [Kangxi] Jiangxi tongzhi, 江西通志 146.

\(^{542}\) Ibid. This appears to be O Kūm-sǒng’s own estimate.

\(^{543}\) JXDZ 7.27a-b.

\(^{544}\) Initially the seven counties of Raozhou and its garrison were all involved in sending workers and artisans (JXDZ 7.6b-9a) and supervising officials (7.9b-10b). The two counties Fuliang and Poyang provided most of the more specific needs (JXDZ 7.16a-b.)
involvement of officials from Linjiang, Ji’an, and Nanchang Prefectures suggests that these areas were involved in governing the kilns as well.\textsuperscript{545} Since they were not directly providing labor or clay, they were presumably interested at least in part because fuel was shipped from central and western Jiangxi. Except for the far frontiers, all of the province was well-connected by water routes during the summer, although these dried up in the winter making shipping fuel difficult and expensive.\textsuperscript{546} There is little to no indication that mineral coal was used at the kilns, so this was almost entirely wood. There is also no reason to believe that these substantial wood requirements proved difficult to supply from the southern river networks; unlike in the North, the fuel supply - even for such an enormous industry - continued to rest largely on the woodlands until at least the seventeenth century.

**Other Forest Products**

This chapter has focused on three major types of wood products - the extremely large tree-trunks known as “imperial lumber,” more ordinary-sized lumber and bamboo of various types, and fuel. As noted in the introduction, this does not represent anything like the full range of products obtained from the wooded landscape. To fully cover the woods we must also consider annual production of tress - including fruit, sap and leaves; the products of non-woody plants and fungi - including a wide range of food and drugs, and industrial crops like hemp and indigo; a range of animals and animal product; and finally minerals - including salt, metals, coal (which I have addressed briefly) and even clay. Without going into the details, I will claim here that the production of products for human use from this range of flora, fauna, fungi and minerals

\textsuperscript{545} JXDZ 7.6b, 10b and 11a, respectively

\textsuperscript{546} JXDZ 7.27b
followed much the same trends outlined above. I will look very briefly at four broad groupings of trends; three that roughly matched the three seen above, and a brief discussion of minerals.

First, there was a class of goods obtained from the wilds that were hard or impossible to replenish; these included many animal products, and rare drugs and foods. The pattern here was much like that seen with “imperial lumber,” albeit with some key differences. In most of these cases, we can identify a zone within which these products were unavailable; the frontiers of this zone expanded over time, the timing of which was roughly in keeping with the movement of the imperial lumber frontier. This suggests that certain plants and animals responded poorly to human inputs - they either required large expanses of unsettled territory, or replenished too slowly to keep up with human harvesting. Once the old-growth forests and marshes were cut and drained, they did not come back, and people had to look further and further afield to find them.

Second, there was a class of goods that replenished relatively quickly, but that were still of high value; this included many drugs and industrial crops. Like ordinary-size lumber, these products could be cultivated with human intervention; in many cases, they appear to have flourished under human intervention. As with lumber, the trend was away from direct state intervention in production; as a private market developed, the state moved increasingly to obtaining its supplies from the market. Some direct taxes on highly-needed goods persisted due to institutional continuities - in particular as certain offices were loathe to give up their supply - but for the most part, the trend led from direct, in-kind levies; to indirect in-kind levies; to cash
levies used for market purchase.\textsuperscript{547} The one major exception - on which many books have been written - was the tea monopoly, which became a major revenue source in the Song, and remained an important source of state revenue much later.

As with lumber, regional specializations developed in other woodland products; I will cite a few examples from greater Jiangxi. Ji’an and other parts of central Jiangxi became major indigo-producing centers by the mid-Ming.\textsuperscript{548} Yuanzhou appears to have specialized in oil production - including tea seed oil (\textit{chazi you 茶子油}), tallow-tree oil (\textit{wujiu 烏桕}) and tung oil production - and the local government even tried to tax oil presses.\textsuperscript{549} The papermakers of Guangxin in northeastern Jiangxi - another significant industrial center by the late Ming - obtained their supplies of wood products from a range of specialized regions: paper mulberry bark (\textit{goupi 構皮}) came from Huguang, one kind of bamboo strips (\textit{zhusi 竹絲}) came from Fujian and another kind (\textit{lian 簾}) from Huizhou and Zhejiang; these non-local supplies were brought to the region by merchants from Huizhou and Ji’an, while another kind of bark (\textit{baijie pi 百結皮}) was produced locally in Guangxin.\textsuperscript{550} Yongfeng County 永豐縣 in Ji’an was another producer of paper mulberry bark; its gazetteer from the mid-1500s notes that a market had only recently emerged, suggesting this may have been in response to increased demand.\textsuperscript{551}

Sophisticated markets developed; regional specialization came along with greater technical

\textsuperscript{547} This can be seen in the shifst in direct supply (\textit{shanggong 上供}) levies. These were greatly expanded in the early 1400s (see Liang Fangzhong \textit{Fuyi zhidu} pp. 63-4). Subsequently, they were regrouped under corvee, and monetized alongside most corvee labor in the 1500s. Some - especially the supplies of certain key goods to the military, and of others to the state’s manufacturing centers - remained partially in-kind into the 1600s. See \textit{Jiangxi fuyi quanshu} 1.


\textsuperscript{549} JYZ 2.5a-b.

\textsuperscript{550} “材料，按宿之所用，為構皮、為竹絲、為漿、為百結皮。其構皮出自湖廣，竹絲產於福建，漿產於徽州、浙江，自昔皆屬吉安、徽州二府商販裝運。本府地方貨寶其百結皮，玉山土產. JXDZ 8.4a

\textsuperscript{551} “Products” 物産, JJYF 3.
expertise, and supplies were maintained or even grew without pushing into new woodland frontiers.

Third, there was a class of goods that was easy to replenish, cheap and bulky; this category included leaf-litter, reeds and grasses, low-quality “assorted wood” (za mu 雜木) and a number of other incidental products of the wooded environment. These products were used for fuel, thatching, animal fodder and green fertilizer. Like fuelwood, these were essential for everyday life, but too common, cheap and bulky for much to move on the market. There are no widespread indications that fuel, fodder or fertilizer became widely scarce or expensive. Given their unheralded importance to the agrarian system, there surely would be some notice if they had become hard to obtain. All indications suggest that - until at least the eighteenth century - most localities supplied most of their own needs for these products locally. There were shipments of thatch, fascines (sao 掃／埽, bundles of wood and brush used for building dikes and embankments), and even hay moving along the river networks, but it is highly unlikely that anyone outside of the cities relied on traders for their regular supplies.

Finally something must be said about minerals, which had a very different production environment than any of these other goods, but were historically lumped together with them as “profits of the mountains and marshes” (shanze zhi li 山澤之利). Indeed, for the bulk of Chinese imperial history, minerals were the primary profit considered by the bureaus established to oversee wild-lands. In every major dynasty from the Han through the Song, an office was established to oversee the “mountains and marshes;” in every case this office became centrally concerned with mining; and in every case, it was transferred from the land administration to the

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552 Ming huidain 204.
revenue administration - and in particular, the office in charge of coinage. As with so many areas of taxation and state control, the mid-Ming represented a major shift. As noted above, unclaimed wild land was given over to popular control by a series of edicts in the 1420s and 1430s. Over the next hundred years, the state closed a number of long-operating mines in the Old South - probably because they were hard to mine profitably - and much mining shifted to the Southwest; later foreign supplies in Japan, Europe and the New World became the main source of China’s silver, even as copper drained out of the economy. In this same interim, illegal mining became a widespread problem at many of the older shafts in Fujian and Jiangxi. While salt remained an important state monopoly, the Ming government largely removed itself from direct control of precious metal extraction. Because mining - especially copper mining - had been such a significant part of previous state interventions in the “mountains and marshes,” it is likely that the decline of official interest in controlling mines was a large part of what drove declining state oversight of the wild lands more generally.

Conclusion

This overview of the trends in production and shipment of forest products allows three major sets of conclusions. First, there were mutually reinforcing trends toward regional specialization and long-distance trade. While there was certainly some level of specialization in the Tang, evidence is that most woodland products were both produced and used on the great estates of nobles and Buddhist temples; such long-distance trade as existed was mostly oriented

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553 This understanding is derived from essays on “wild lands and river crossings” (shanze jindu 山澤津渡) in the “Monopolies” (zhengquan 徵榷) section of the Wenxian tongkao 文獻統考, vol 19, as well as my broader reading in the Song huiyao jigao. Space and topicality do not permit more detailed consideration here.

554 See Von Glahn, Fountains of Fortune, Chapters 2 and 3.

555 O, Mindai shakai keizaishi kenkyū, 135-6.
toward supplying the major cities, and to high-value or scarce goods. Over the course of the next
eight to ten centuries, more and more bulk goods entered long-distance circulation. This was
supported by the expansions of population and markets into formerly peripheral areas - from the
North to the South, and from core areas of both North and South into the West. It was also
supported by expansion in the users and uses of wood products - in particular from a few largely
state-sponsored manufacturing centers to a much greater number of private workshops, kilns and
smelters. Finally, the expansion of wood markets - and of regional specialization - was connected
the the expansion of expertise. Newly emergent groups defined around lineages, regional
merchant associations and ethnic groups specialized in various stages of the primary and
secondary production and trade of wood products.

Second, the development of wood markets was both limited and driven by the differing
ecologies and economies of wood products. Some products - such as “imperial lumber,” and
certain other rare plant and animal products - were very difficult to obtain through production
forestry. The market for these products remained limited - both by erratic demand, and by
irregular supply - and the frontiers where they could be obtained pushed ever to the south and
west where stands of virgin forest remained.

Other products - including more ordinary lumber, and many food, drug and industrial
products of the sylvan environment - responded better to human control. Foresters were able to
maintain or increase yields of shan timbers, tung oil, indigo and dozens of other products by
building specialized plantations, interplanting compatible species, manuring and pruning, timing
the harvest and other technical improvements. Regional and institutional specializations
emerged in many parts of the Old South by the late fifteenth century, and spread outward through the regular circulation of merchants and the westward migration of forestry specialists.

Another class of products was and remained common in most rural locales throughout the millennium covered, even as the growth of cities and industry led to expansion of regional and long-distance trade in these bulk goods as well. Most farmers in the Tang obtained their fuel, fodder and fertilizer in local woodlands, as did most rural residents of the Ming. Yet the growth in the size and number of cities - in particular the appearance of industrial cities in the North in the early Song, and in the South by the mid-Ming - meant that large and growing amounts of firewood, thatch, fascines and hay were floated down the Yangzi and Yellow Rivers and up the Grand Canal.

Third, we should note the appearance of geographic differences in woodland management. As early as the eighth century we can begin to see a divergence between Northern and Southern forestry. In the Old North with its long history of dense populations and relatively limited zones of accessible forested uplands, policies moved in the direction of direct state intervention. Especially in Shaanxi, Shanxi and the western fringe of Hebei, the state became increasingly involved in regulating boundaries, placing certain woodlands temporarily or permanently off limits, and even overseeing production directly. In the Old South, with its larger swaths of woodland and superior riverine networks, policies moved in the direction of indirect, market-based control. As early as 780, taxation focused on wood already on the waterways, and direct interventions to restrict or promote production were limited. In the twelfth century, Song statesmen briefly attempt to make county-level production forestry part of the state’s economic and environmental program throughout the empire - including the South. But - whether due to
the loss of the North or factors unknown - this initiative stalled. From the Southern Song into the
Yuan and Ming, woodland in the Old South was taxed and governed indirectly, while woods in
the Old North were ongoing sites of state interventions. Northern forests were patrolled and
harvested by military farmers and corvee laborers in periods when these had become
anachronisms in the South. In the meantime, Southern lineages developed highly sophisticated
forestry that supplied wide networks of market-driven demand.

Through this transition, the West was in many ways the final frontier. This was the last
zone of wild land, complete with barbarian tribesman and stands of massive old-growth timber.
From the 1100s if not earlier, portions of the West from western Shaanxi through Sichuan to
western Hunan were placed off limits to merchants and loggers, and policies encouraged the
maintenance of an ethnic frontier. Even in the late 1700s, official policies continued to promote a
line dividing Han from Man, and the purchase of woodland products through intermediaries. Yet
the need for certain goods, principally large timber and minerals, drove the Ming state to
intervene more and more directly in the Southwest, including the importation of Han labor.
Ironically, where the Old North was the site of substantial state projects because it had so few
trees and so many people, the Young West was the site of government intervention because it had
so many trees and so few people.

Putting these three trends together, what can we say about the transformation of
woodland in imperial China between the seventh and seventeenth centuries? The expansion of
Chinese civilization did lead to widespread felling of virgin forest, with the old growth frontier
moving from Jiangxi to Hunan, and into Sichuan and Guizhou. Yet the destruction of old-growth
did not necessarily mean the total deforestation of these areas. Portions of the North did face
wood shortages from quite early - the Chang’an area was quite deforested in the mid-Tang, and most of the North China Plain was short of fuel the eleventh century. In addition, the heavier presence of state agencies - including military garrisons and farms, the Yellow River and Grand Canal conservancies, and the capital - meant that the burden on Northern woodlands was especially heavy. Over time, northerners increasingly turned to alternative fuels - including mineral coal and crop wastes - and it appears that lack of fuel may have been a brake on industry. Despite state efforts to protect remaining forest and periods of regrowth due to depopulation, core areas of the North had recurring periods of high prices and wood shortage that probably grew more frequent and more severe.

By contrast, in the South the removal of ancient woodlands generally did not lead to total deforestation. Instead, it was often followed by replanting stands of timber trees and fuelwood, often intermixed with staple and industrial crops. In other words, the transition was not old-growth to farmland, but old-growth to managed forest. In addition, the South had larger expanses of upland poorly suited for cropping and vastly superior riverine transport. This probably helped prevent local shortages of wood products from growing severe - as availability declined and prices rose, southerners could generally substitute imports. In particular, southern industry could simply replace rare or expensive supplies from one region with cheap and plentiful supplies from another. This at least potentially gave local forests a chance to recover from over-extraction, rather than leading to diminishing marginal returns as woodcutters turned to less desirable species and locales.

Finally, the settlement of the West was largely keyed by the need for increasingly scarce woodland products. For centuries, Han settlers in the West (and the far South) were relatively
content to farm and garrison river-bottoms, leaving the uplands to non-Han tribes. It was demand for goods that could only be obtained from old-growth that drove merchants and taxmen into the deep defiles of Sichuan and past the rapids of Guizhou. As conflicts emerged with locals, state military presence expanded, bringing more settlers and more problems. It was only after long periods of this push-pull expansion that large numbers of land-hungry Han farmers moved into these areas. Thus, the story of the West is largely a story of forest resources.

Returning to the South, I will argue that its pattern of systematic replanting and ongoing management of forests is not a trend to take for granted. Without institutions in place oversee these efforts, the woodland transition in South China could easily have gone another way - more like the state-led attempts to arrest rampant deforestation seen in the North, or the unregulated expansion of the western timber frontier. Unlike the North and the West the active presence of state agencies was at a minimum in the Old South. Unlike the North and the West, the South fared relatively well at preventing rampant cutting from destabilizing its wood supplies or causing social unrest. I have suggested that forests in the South was largely the provenance of lineages, so to understand its comparatively successful forestry programs, it is to lineages that we must turn. As I showed in Chapters Three and Four, lineages were undergoing major institutional growth and transition around the same time that they emerged as important stewards and managers of forests. The process by which they acquired and understood these functions is the topic of the next and final chapter of this project.
Chapter 6 - Grave groves and dragon veins: the ritual enclosure of woodland in South China
**Ritual enclosure and the environment**

There is a long and diverse history of rituals performed at sites of powerful environmental influences. In many cases, the special nature of these sites that leads to their selection as sites of ritual also leads to special protections for those sites. In setting these sites aside from other uses, three steps are typically taken to formalize them as a type of restricted commons: the establishment of boundaries, of rules governing usage within these boundaries, and of a governing body. It is therefore in ritual space that we see the origins of environmental protection: the earliest protected sites, the roots of environmental thought, and the sources of environmental governance.

In China, the first protected environments were the tombs and hunting preserves of the imperial house and high nobility, and more generally the “mountains and marshes” (shanze 山澤) - a generic term for the non-agrarian periphery. These were all sites with longstanding traditions of common use and customary protection; they came to be guarded - and monopolized - by the specific institutions of the imperial state in the last millenium BCE. For example, the worship of local spirits of the earth and of agriculture were longstanding grass-roots practices; by the end of the Han, they were so institutionalized within the state cult of the alatars of soil and grain (sheji 社稷) that the term was used as a metonym for the empire itself. This was the first wave of ritual enclosure.

The expansion of Buddhism and movement Daoism in the first millenium CE proliferated formalized sacred sites throughout the countryside. This too was a process of powerful

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institutions taking over and formalizing spaces, concepts, and rules that had been present in
custom prior to their arrival. This process produced the substantial literature on monks and
immortals “taming” the spirits of the wilds and rendering them subservient to the ritual hierarchy
of their respective churches. Here too we can see the process by which institutions enclosed and
governed common spaces through the formalization of pre-existing traditions - taking wild
demons worshipped through ideosyncratic local practices, and transforming them into cultured
spirits with designated places in the heirarchies of the Mahayana Buddhist or Daoist afterlife. 557
In the process, they claimed hegemony over the common resources governed by the informal
cults of these demigods. This was the second wave of ritual enclosure.

The trend detailed in this chapter is thus the third major wave of ritual enclosure; one
with roots in the late first millenium, but that largely took place in the second. The institutions
that led the first two waves of ritual enclosure persisted, and continued to claim new land for
their purposes. Yet in this period Buddhist and Daoist entrepreneurship and the rise of the market
led to the creation of a third group wealthy and powerful enough to exert their power - a third ritual estate. This third estate was the lineage - a group of descedants dedicated to the ritual
veneration of their shared ancestors. Lineages had a long history dating back to prehistory. Yet as
detailed in Chapters Three and Four, it was only in the second millenium - and especially after
1500 - that corporate lineages emerged. These boasted the type of ritual power - and economic,
political and legal power - that enabled them to perform their own ritual enclosure, in
competition with the state and temple cults that preceeded them.

557 See Lewis China Between Empires, pp. 216-220; Sterckx, The Animal and The Daemon, Ch 4; Kleeman, Great Perfection, pp 25-54; Kleeman "Mountain Deities," p. 234-237; Sen, Buddhism, Diplomacy and Trade; Von Glahn, The Sinister Way. For a critique of the bureaucratic model of divinity see Hymes, Way and Byway.
I will abstract two stages in the establishment of ritual power over the environment - the formalization of environmental thought, and the reification of environmental thought in rules and institutions. Ritual is embedded in multiple systems of knowledge and authority, including the timing of ritual, the specific forms of practice, and the individual spirit venerated. These all remained important throughout the transformations detailed in this chapter, but the key step was the formalization of a *specifically environmental forms of ritual thought*. In China, this is broadly known as *fengshui* 風水 - a diffuse set of ideas about how the natural environment functions, and how to place ritual edifices within it.

*Fengshui* incorporates aspects of *empirical, deductive reasoning* based in careful observation and extrapolation based on real environments; these are close to what we might produce with modern earth science. For example, *fengshui* is disinclined towards sites with erosive tendencies, displaying carefully accumulated observations of geology, hydrology and climate. It also incorporates aspects of *symbolic, inductive reasoning* far distant from anything we would consider scientific, and often at some distance from the environment itself. For example, a great deal is made of the correspondence between cosmological and terrestrial features. Finally, it has aspects integrating these forms of knowledge into the greater ritual system. For example, once burial sites were identified, they were often purchased and demarkated through the use of *spirit deeds* (*diquan* 地券). In many cases, the logic of ritual or symbolic intuition often came to dominate the logic of environmental observation. Nonetheless, I will argue that these three aspects - the *deductive*, the *inductive*, and the *ritual* are essentially inseparable from one another in the systems of *fengshui* that emerged. And regardless of our
valuation of these concepts, they were ideas about ritual ecology: that is, they identified sites understood to have special ecological value.

Once systems of thought emerged systematizing geographic and ecological understandings of ritual space, the governance of that space was also formalized. This occurred for three interrelated reasons: first, the sites set aside in ritual ecology were ecologically special - they were different environments than other sites, often more sensitive, often more beautiful - and were valued differently; second, they were socially special - they were sites of group ritual, and other forms of social gathering; third, they were economically special - they often included commonly-held resources like woodland, and often supported commonly-held financial instruments like trusts. Even if authorities did not accept the claims to ecological or metaphysical power, they had to accept that graves, houses and temples - and the surrounding landscapes - were used differently than other spaces.

Note on sources

The vagaries of textual transmission leave us with a rather curious pattern of evidence in this chapter. For two periods - pre-1200, and 1262-1500 - codes and collections of precedent allow us to track high-level legislation, but there are no systematic collections of legal judgements that would allow us to follow low-level developments, forcing a reliance on anecdote. By contrast the 13th and 16th-17th centuries have only limited information on centralized legislation, but collections of specific litigation and judgments allows a much more detailed snapshot of how law functioned in lower courts. Both official and anecdotal sources tend to note dates and locations; curiously, pre-Qing case collections almost all lack these specifics -
this despite their detailed examination of the cases themselves. This chapter therefore alternates between two different epistemic processes - attempts to intuit grass-roots processes from regulations and anecdotes in the Tang and early Song, and again in the Yuan and early Ming; and to generalize trends from specific cases collected from the late Song and the mid-to-late Ming. I have therefore divided this material into section on the pre-800 evidence, 800-1200, the thirteenth century, the fourteenth and fifteenth centuries, and post-1500 evidence. I believe these groupings hold even if we attempt to abstract underlying trends from the evidence.

I will claim that we can characterize four major eras in the emergence of the late imperial system of ancestor worship and the oversight of ritual space. Up to the 9th century (probably 300-800) the major trend was the gradual emergence of persistent ritual use of grave-sites. Between 800 and 1300 many of these taphological institutions were formalized. The period between 1300 and 1500 marked struggles between rival systems of ritual thought - *fengshui* and Neo-Confucian ethics - and between rival forms of institutional control - the Yuan and Ming courts, Buddhist and Daoist temples, and lineages. The post-1500 period saw the emergence of lineages as the hegemonic force in ancestor worship, and *fengshui* as the dominant local discourse of ritual space - even as Neo-Confucianism was enshrined at the highest levels of state orthodoxy. The pre-1200 and post-1600 periods are well-covered in existing research, I will largely rely on secondary scholarship to provide my pictures of these periods. I will focus instead on detailing the shifts between the thirteenth and seventeenth centuries.
Ancestor worship was one of the earliest and most longstanding sets of ritual practice in China. The general concepts of ancestor worship probably predate written history. By the middle of the first millennium BCE, standards were well-established: initial funerary ritual involved kin up to five generations distant, and continued worship beyond the mourning period was restricted to three generations for commoners and to five for aristocrats; only the emperor could sacrifice to more distant ancestors. By the Han (206 BCE - 220 CE), these practices coalesced around two ritual sites - funerary rituals during the mourning period were performed at graves, and regular rituals thereafter were performed in the home in front of tablets of the ancestors. The standards for both grave ritual and home ritual were modified throughout history; of the two, home ritual exhibited far greater continuities, while grave ritual changed markedly. Due to the relative continuity of home and shrine ritual, it will be treated only briefly in this section; grave ritual will be addressed in much greater detail.

Home Ritual

The worship of ancestral tablets in the residence changed relatively little over time; indeed home worship of ancestors arguably formed one of the great unifying features of Sinitic civilization through time and space. There were nonetheless some changes pertaining to the number of ancestors worshiped and the form of the ritual space. Zhou standards held that commoners kept the tablets of their fathers and grandfathers in the main chambers of their residences, while aristocrats were permitted up to five lineage altars (zongmiao 宗廟),

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558 The 5-generation restriction may have evolved as a way of preventing the excessive proliferation of ancestors consuming too many resources.
depending on their rank. These requirements remained the standards cited by essentially all later thinkers. Later debates on residence-based worship focused on how to interpret the terms for “enumerated nobility” (zhuhou 諸侯) and for “altar” (miao 廟) - over who was allowed specialized altars, and where they should be located.

In the Tang (618-907 CE), Zhou precedent was interpreted to allow altars attached to officials’ residence: officials of rank five and above were allowed three altars, officials of rank one were permitted four, and titled nobles were allowed five. At most this extended the number of generations they could worship to five - the full extent of traditional mourning circles - plus the originator of the noble title. The Song had similar legal restrictions - that altars be attached to the home, and allowed only to high officials. According to Zhu Xi’s *Family Rituals* - a late twelfth-century standardization of ritual thought of the preceding two hundred years - even those without formal position should be allowed offering halls (citang 祠堂) for ancestor worship, but in any case limited to five generations. By the tenth or eleventh century, there are indications that households began to violate precepts on both the location and type of worship - by building free-standing altars and by worshiping ancestors beyond the three- and five-generation

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559 The *Liji* notes that the son of heaven (tianzi 天子, i.e. king/emperor) was allowed seven altars, titled nobles (zhuhou 諸侯) were allowed five, lower nobles (daifu 大夫) three, and gentlemen (shi 士) one. *Liji 禮記* - *Wangzhi 王制* 26. While ostensibly a record of the Zhou, the *Liji* was probably compiled in the Han and probably is better viewed as a retrospective reconstruction of earlier practices based around Han-era norms. Nonetheless, later thinkers considered it a reflection of the Zhou, so for my purposes it will be treated as such.

560 See Ebrey, “Early Stages,” pp. 35-9, 51. Ebrey, *Confucianism and Family Rituals in Imperial China*. Kai-wing Chow, *The Rise of Confucian Ritualism in Late Imperial China*. Note that the form taken by the ancestral tablets (zhu 主) was also debated, but is not central to my investigation of ritual sites.


Yet free-standing shrines would only become a major issue of ritual governance after 1200. Until then - and even thereafter - the fundamental practice of ancestor worship in the home was never questioned; residences were always and everywhere the primary sites of veneration ritual.

**Grave Ritual**

Compared to the relatively continuous practice of residential veneration, grave rituals underwent major changes during the pre-1200 period. Graves were always important sites, but until the fall of the Han their importance was confined to a limited mourning period. The powers of graves were functions of the people interred in them and the proper performance of burial ritual. “Tales of the Strange” (zhiguai 志怪) from the early empires focus on the personality of the deceased. Fengshui texts focused on geomantic concerns - that is on divining the proper timing of burial and orientation of graves (buzang 卜葬). The state primarily regulated the size and decoration of aristocratic tombs in accordance with the ranks of the deceased, and worked to ensure that all subjects were properly buried. But after the immediate burial and mourning period, graves appear to have been largely ignored outside of the immediate line of heirs.

In the period of division (220-580) and the second empires (581-907) following the Han, graves began to function as sites of ritual that continued beyond the classical mourning period and encompassed a broader kin group. The regular gathering of extended kin for ancestor worship almost certainly led to a major shift in social practices - the emergence of organized

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564 Ebrey, “Early Stages.” These are almost certainly popular practices that 11th and 12th century thinkers felt the need to comment on and theorize.
It also coincided with a sea change in environmental thought and the practice of land management. During this period, we can see an increased focus on the environments surrounding graves, and on the graves themselves. Strange tales increasingly reported phenomena as a function of the siting of burial rather than the personality of the deceased. *Fengshui* expanded to include concepts of *spiritual geography* - a focus on the topography of grave environments - in addition to a continuation of divinatory practices. Specialized institutions called “merit cloisters” (*gongde yuan* 功德院) arose to maintain graves and perform regular rituals for the deceased. Many of these trends can be attributed to the emergence and growth of a specifically Sintic form of Buddhism adapted to meet a demand for lay funerary services provided by neither the classical ancestor cult nor the older Indic and Central Asian forms of monastic Buddhism. Through all of these shifts, *burial* continued to be an important *ritual event*, but now ongoing ritual transformed graves into key *ritual sites*.

From the late Tang onwards, there were few major shifts in the performance of grave ritual; there were, however, marked changes in its institutional governance. Between about 800 and 1200, Buddhist-influenced practices of grave ritual and merit cloisters spread to much of South China; *fengshui* also spread to the South, and developed into localized southern practice between the late Tang and the mid-Song. This was when the regular ritual use of graves showed up in statutes protecting them as ritual spaces, and when the loose body of pre-Tang *fengshui* was collected and codified into clear schools. Most importantly, from the late ninth century onward, Buddhist dominance of graves and veneration ritual was challenged from three fronts: repeated state crackdowns on Buddhist establishments, philosophical opposition to Buddhist thought and...
ritual, and the entrance of lineages into their own grave management. These three trends - the spread of grave ritual, its institutionalization in law and fengshui, and the contestation of graves as ritual sites - form the major themes of the rest of this chapter; they can be observed in inchoate forms until about 1200, and more markedly thereafter.

Regulating Graves in the Early Empires

We know that the tombs of early aristocrats were massive structures, that filial sons went to great lengths to transport home the coffins of their fathers, and that both mourning-period rituals and later sacrifices were conducted at tomb sites. Tombs were regulated by early precedent as well: the Rites of Zhou lists an office called the Grand Master of Tombs (mu dafu 墓大夫) responsible for recording (tu 圖) and regulating (ling 令) all the graves of commoners (min 民) and the organized kin groups (zu 族) of aristocrats in the feudal territories (bang 邦), and for resolving disputes (ting qi yusong 聽其獄訟). But evidence suggests that tombs were most important during the initial mourning period: this was the only time when the extended kin group gathered; continued grave ritual was limited in generational depth because grave-sites were generally passed to one son rather than remaining property of all descendants.

Based on the Tang Code - our best indication of the legal standards of the third to seventh centuries, and perhaps those of the Han - graves primarily needed regulation during the burial


567 Zhouli - Chunguan 3. Note that the Rites of Zhou were probably compiled in the Han, and therefore reflect a Han imagining of earlier practices.

568 Ebrey, “Early Stages,” p. 19, citing Wei History 魏書 57:5b, Monthly Ordinances for the Four Categories of People 四民月令 74.

569 Compiled between 624 and 653 CE, the Tang Code was based in part on the codes of the Northern Zhou (564 CE), the Western Jin (268 CE) and the Cao Wei (mid-3rd century CE), which were in turn based on the Han Code. None of these earlier codes are extant. Jacques Gernet, A History of Chinese Civilization, pp. 244-5.
and mourning period; otherwise they were treated much as other landholdings. Aristocratic tombs were regulated and protected by sumptuary law - the same statutes that regulated ancestral altars. This statute seems primarily concerned with ensuring that aristocrats' tombs reflected the proper rank - that they did not arrogate by building outsize tombs, but that they were afforded the proper degree of respect. The Code includes more general statutes on "Destruction of a Corpse" (canhai sishi 殘害死屍), and "Digging in the Earth and Finding a Corpse" (chuandi de siren 穿地得死人), but neither of these seems particularly targeted at protecting graves.

“Destruction of a Corpse” is mostly focused on cases of improper burial - either burning the body (i.e. cremation) or leaving it to the elements (probably a reference to the secondary burial practices of the southeaset). Curiously "Digging in the Earth and Finding a Corpse" seems more concerned with people setting fires while trying to smoke out foxes (xun huli 燃狐狸) than with grave robbery, which is not specifically mentioned. Otherwise tombs are treated the same as other individual property, down to the fact that damage to tombs is in the same statute as damage to fields. These remaied the legal standards for grave-sites until at least the tenth century.

570 "Buildings, Carts, Clothing, Utensils, and Articles" (shezhai che fu qiwu yuanling 舍宅车服器物達令) and "Destruction of Other Persons' Grave Pillars, Tablets, and Stone Animals" (hui ren beiji shishou 興人碑碣石兽); TLSY Art 403 and 443, respectively; translated in Johson The T'ang Code, Volume II, 468 and 503-4

571. TLSY Art. 266. See also Johnson, tras. The T’ang Code, Voume II, 271-2. Note that the prohibitions on burning corpses were somewhat modified in the course of the eighth, ninth and tenth centuries as cremation became both more common and more accepted. See additional precedents in SXT 18.

572. TLSY Art 267. Johnson notes that the hatred of foxes in Chinese culture is “not simply rational.” See The T’ang Code, Volume II, 272, note 33. and more generally 272-4 for the translation of this Article.


574 See Song xingtong 宋刑統 13, 18, 26, 27. The Song xingtong was an update of the Tang Code published in the opening decades of the Song with essentially the same statutes and new precedents from the 8th-10th centuries.
Yet these continuities in law belie major shifts in the use of graves after the fall of the Han. No longer were graves mere monuments to aristocratic power, largely abandoned after the mourning period. After the fall of the Han, more lineages began to keep common graveyards; this probably included aristocratic clans in both north and south China.\textsuperscript{575} It is unclear whether these group graveyards had much ritual significance in the third, fourth and fifth centuries; their appearance coincided with the period when kin groups lived in compounds for self-defense purposes, so lineages may have been buried together simply because they lived together. But by the Tang it was clear that a larger transformation of grave-site practice was underway, largely under Buddhist influence.

\textit{The Buddhist Transformation of Grave Ritual}

Buddhism entered China in the Han, but remained a largely foreign religion until the fifth century, when several distinctly Chinese forms of Mahayana Buddhism emerged. Mahayana made Buddhist concepts of salvation with lay practice compatible with the ancestor cult - largely by allowing believers to pray for better lives for their deceased parents without becoming monks. It is clear that Buddhists were successful in attracting worshipers in large part through their roles as funerary entrepreneurs: they found new markets for mourning, in particular among women and wealthy commoners who were inadequately served by the existing ancestral sacrifices, but within the paradigm of ancestor worship. Transformations were clear by the Tang. In the mid-seventh century, some kin groups had begun to make annual ritual visits to graves during Clear and Bright (\textit{qingming} 淸明) - a lunar period in the mid-Spring. By the mid-eighth century Clear

\textsuperscript{575} Wu, \textit{Wu Liang Shrine} pp. 33-7; Wu, \textit{Monumentality} Ch. 4, Hua "The Eastern Jin Tombs," pp. 292-3
and Bright grave rites involving an extended kin group were common among all classes. It also became common to visit graves during the Ghost and Stove-Lighting Festivals of the seventh and tenth lunar months - both festivals with clear Buddhist influence. Like the Clear and Bright Festival, these were also introduced during the period of division, grew in importance during the Tang and were widespread by the twelfth century.

These annual grave rituals represented several major shifts in the practice of ancestor-worship. First, they extended the performance of grave-site worship beyond the traditional mourning period. Second, they extended veneration beyond five generations of ancestor. And third, they typically involved a large kin group - potentially all the descendants of the ancestor whose tomb was visited. Together, these three shifts represented the origins of later lineage developments - regular gatherings of a large kin group for deep ancestor worship - with major implications for institution development (see Chapters Three and Four). They also represented an epochal shift in the importance of graves as spaces. Where the ritual use of graves had previously been confined to the mourning period and their oversight had been limited to a single household, graves were now sites of annual rituals involving multiple households. Graves joined residences as primary ritual sites. Unlike residences, however, they involved multiple households - a feature that caused major problems for the older practices of land management.

Buddhist establishments offered a solution to the needs of joint property management and continuing ritual veneration - the merit cloister - which emerged by 711 if not earlier. Instead

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576 Ebrey, "Early Stages," pp. 20-2, Holzman "Cold Food Festival." Ebrey cites a quote from Liu Zongyuan 柳宗元, who complained that everyone could visit their ancestors but him, because he was in exile. Given that his exile was in modern Hunan, this may describe a spread of the practice to the South.

577 Teiser, Ghost Festival; Ebrey, “Early Stages,” pp. 22.

of individual heirs inheriting ancestral graves - and associated rights and responsibilities - graves were given to the Buddhists to manage. Buddhist temples had long-standing expertise in managing corporate property, including donations of land intended to finance temples themselves, and by lay believers who wanted to become monks. Monks were especially adept at using the rents from their property to finance land improvement, workshops, markets and moneylending.\footnote{See Gernet, Buddhism in Chinese Society.} The institution of merit cloisters merged these developments - they entailed donations to fund ongoing prayer for the souls of the dead, either by placing graves or tablets of ancestors in existing Buddhist temples. The regular profits from property - landed or otherwise - theoretically ensured funding for monks to pray for posthumous merit (gongde 功徳) in perpetuity. Importantly, the cloisters and land attached to them were exempt from taxes.\footnote{McDermott, p. 87. Gernet, Buddhisms in China, Chikusa, Chuugoku Bukkyou shakaishi 111-143, Takao Soudai Bukkyou shi 71-3, Huang Songdai fojiao, 305-313.} A smaller extension of the merit cloister paradigm was the free-standing chapel (an 阿 also written 阿) - also attested from the eighth century on - where the family paid for a handful of resident monks to perform regular rituals on their behalf. by extension chapels also provided caretaker-guardians for remote graves.\footnote{Huang Minzhi, Songdai fojiao, 243. Egawa Shikibu, “Toudai no joubo girei,” Touhou gaku 120 (July 2010), pp. 34-50. Chikusa Masaaki, “Sou Gen bukkyou ni okeri ioridou” Touyouushi kenkyuu 46.1, (June 1987)1-28. Miyamoto Noriyuki, “So gen jidai ni okeru fu’n’an to sosen saishi,” Bukkyou shigaku kenkyuu” 35.2 (Nov. 1992), 112-34. Op cit. McDermott, New Rural Order, pp. 87-8.} These proved highly successful solutions to the interrelated problems of grave maintenance and ongoing veneration prompted by the rise of annual grave ritual, and were widely copied by non-Buddhist institutions as well.
From Burial to Grave, From Person to Place

The growth of continued grave site ritual during the second empires (Sui and Tang) can be seen in shifting understandings of grave metaphysics. During the first empires, the power of graves was seen as a product of the person interred and the burial ritual itself; this can be seen in four ways. First, “tales of the strange” (zhiguai 志怪) detailing paranormal phenomena involving graves shifted from a focus on the influences of the individuals buried in them, to increased focus on the graves themselves. Second, the fengshui of graves broadened from an emphasis the timing and direction of burial to incorporate deeper understandings of grave site topography. Third, private institutions developed to meet the special needs of maintaining and protecting graves as shared ritual sites. Finally, law and moral philosophy responded to the emergence of grave ritual as a major site of institution formation.

“Records of the strange” (zhiguai 志怪) long collected transmission about the special importance of grave sites. I will use the Extensive Records of the Taiping Era (Taiping guangji 太平廣記) - a 978 compilation manuscripts largely dating from the Tang, with some as early as the late Han582 - as a rough index of the metaphysical repertoire of graves, as seen retrospectively from the tenth century. Many of apparently earliest stories describe grave sites - and particularly grave trees - that were powerful because of the people interred there. Li Zheng 李正 was a Daoist adept whose tomb trees made people "clever and good at literature" (congming wenzhang sheng 聰明文章盛) merely by looking at its flowers.583 The trees on the tomb of Wu Rui 吳芮 the first Prince of Changsha, were cut to build a temple to Sun Jian 孫堅 the first Emperor of Wu.

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582. Kurz, Johannes L. “The Compilation and Publication of the Taiping Yulan and the Cefu Yuangui.” Extrême-Orient Extrême-Occident, January 1, 2007, 41-43 notes that the texts in these compilations came largely from the remnants of the Tang library as well as those purchased from private collectors.


584. It is coincidence that the name of the state is the same as this individual's surname.
- presumably as a transfer of power and authority from the former monarch to the latter.\textsuperscript{585} Other
tales demonstrate ideas that even commoners could express their will from beyond the grave:
"the lovers' yearning tree" (\textit{xiangsi mu} 相思木), tells of a wife who dies waiting for her husband;
a tree later grows on her grave with leaves that tilt in his direction.\textsuperscript{586} All of these records were
ostensibly of the period before the second empires, and arguably show a emphasis on the powers
of individual people or spirits during this period.

Other, later stories show the emergence of a system of belief in the powers of the land
itself. The story of Yuan An 袁安 describes him being aided by a spiritual personage (\textit{shenren} 神人) in divining a tomb site for his deceased father. After burying his father there, Yuan rose to the
rank of Minister of Education (\textit{situ} 司徒) and his descendants prospered, with five nobles in four
generations (\textit{zisun changsheng, si shi wu gong} 子孫昌盛，四世五公).\textsuperscript{587} Several other stories
tell of good or bad fortunes related either to the process of divination or the place of burial.\textsuperscript{588}
These stories - all dated to the Sui and Tang - give a sense that the practice of geomancy and
broader beliefs in \textit{fengshui} were widespread and fairly uniform by that point, but probably not
earlier.

Other evidence supports this sense that a diffuse repertoire of grave metaphysics was
codified around particularly geographic and geomantic paradigms around the time of the second
empires. There are records of specialized \textit{fengshui} texts from the Han or perhaps earlier, but
indirect evidence suggests that they were \textit{geomantic} in nature - primarily concerned with

\textsuperscript{585} "Wu Gang," \textit{Taiping guangji}, vol 389.

\textsuperscript{586} "枝叶皆向夫所在而倾，因谓之相思木." \textit{Xiangsi mu} 相思木 \textit{Taiping guangji} vol. 389.

\textsuperscript{587} "Yuan An"袁安, \textit{Taiping guangji}, vol 389.

divination of the proper timing and placement of burial (buzang 卜葬).\textsuperscript{589} By the Tang, in-situ evidence appears to confirm the prevalence of fairly uniform standards for burial divination that continued until at least the Ming.\textsuperscript{590} Materials of more geographic concern - that is a focus on landform that would later be characterized as the “form school” of fengshui - probably dated to the late Han or Jin, but do not appear to have gained much currency until at least the Tang.\textsuperscript{591} A naive survey of extant fengshui texts lists: one attributed to early history (the Huangdi zhaijing 皇帝宅經, more likely a product of the late Han); two to the Han (206 BCE -220 CE), both attributed to a “Master Dark Blue” 青烏子; three to the period of division, attributed to the “two fathers of fengshui” Guan Lu 管辂 (209 - 256) and Guo Pu 郭璞 (276-324); ten to the Tang, eight of which are attributed to Yang Yi 楊益 (834-904), the semi-legendary founder of the form school; and eighteen to the Five Dynasties Period (907-960) or Song, with a wider group of authors.\textsuperscript{592} Even taking these rediculous attributions at face-value it is clear that the growth of an organized corpus of fengshui was essentially a late Tang and post-Tang phenomenon, with roots in a less coherent body of pre-Tang work. In other words, we should probably interpret the emergence of organized fengshui as another outgrowth of the newfound importance of graves as sites of ongoing ritual.

\textsuperscript{589} Paton, \textit{Five Classics}, pp. 11-15.
\textsuperscript{590} Claire Yi Yang, "Burial Date Divination and Death Ritual Integration in Tang China (618- 907)," Paper presented at Conference on Middle Period China 800-1400, and personal communication, June 6, 2014.
\textsuperscript{591} On the dating and attribution of the two key texts on landform - the Burial Classic of Qing Wu and Book of Burial, see Paton, Michael John. \textit{Five Classics of Fengshui : Chinese Spiritual Geography in Historical and Environmental Perspective}. Boston: Brill, 2013, pp. 5-7, 12-15.
\textsuperscript{592} Based on Miao, Mo. \textit{Zhongguo Fengshui shu [Methods of Chinese fengshui]}. Beijing: Zhongguo wenlian chuban gongsi, 1993, pp. 21-29. Almost none of these early attributions can be taken at face value, but is is like that the texts attributed to Han, Wei and Jin figures pre-dated the Tang, and those attributed to Tang figures pre-dated the Song. See Paton, \textit{Five Classics of Fengshui}, pp. 11-15
Trends 800-1200

Grave Ritual Moves South

While the exact timing of the spread is hard to pin down, it is clear that the basket of grave ritual practices observed in the min-Tang heartland of North China spread to the mid-late Song heartland in South China during the southward migrations of the tenth and twelfth centuries. Liu Zongyuan 柳宗元 (773-819) mentioned grave worship on Clear and Bright during his exile in Hunan, but it is unclear whether this was observation of southern practices or recollection of northern ones. Certainly by 1200, Clear and Bright worship was common in Fuzhou, Jiangxi and probably throughout the Southern Song heartland.\(^{593}\) Merit cloisters, chapels and other ritual trusts supporting graves are attested in Fujian, Jiangxi and Huizhou by the eleventh century and probably earlier.\(^{594}\)

Received tradition holds that the Tang-Song transition was also when the two major fengshui traditions were established - the form school associated with Jiangxi and the interior south, and the facing school associated with Fujian and the coasts. In-situ evidence supports the southward spread of fengshui concepts in this period: key burial practices, including tomb-facing, the four cardinal spirit-animals, and the practice of contracting tomb land from the spirit world (diquan 地券) clearly reached central Jiangxi and coastal Fujian by the late Tang, and had developed local variants by the mid-Song.\(^{595}\) Clashes between Sinitic funerary orthodoxy and

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\(^{593}\) Ebrey, "Early Stages," pp. 20-2. Ebrey cites a quote from Liu Zongyuan 柳宗元, who complained that everyone could visit their ancestors but him, because he was in exile. Given that his exile was in modern Hunan, this may describe a spread of the practice to the South.

\(^{594}\) Ibid, and McDermott New Rural Order, Chapters 1-2; Hugh Clark Portrait of a Community

both Buddhist and Southern burial practices are also attested indirectly in the law by appearance
of formal precedents against cremation (associated with both Buddhism and parts of the interior
South), and probably against delayed or secondary burial (associated with Fujian and
Guangdong). 596

Formalization of Graves as Ritual Sites

Starting in the Song, there is much more specific evidence for the institutionalization of
grave worship and preservation in the interior south. In a genealogical investigation from 1227,
Ji'an resident Luo Yi 羅沂 relates the story of an old tomb arguably dating to the mid-Tang:

There is now a place in Tongjiang called "Taoyin pond," where many trees surround a
tomb. Although it is now buried, the elders say that according to tradition it is called the
"Luo family tomb," and no-one dares cut the trees. 597

He argues based on documentary evidence that this tomb at least plausibly belong to his ancestor,
who migrated to the area in 712. 598 Whether this tomb was actually five-hundred years old, or
had been covered over in half that time, it had been protected by local custom for a long time.

By the eleventh century, the Luo lineage was no longer content leave the fate of their
graves to the benevolence of their neighbors - they created institutions to provide for their
upkeep and continued worship. The Luos were one of many lineages that endowed landed trusts
to pay for grave upkeep and ritual - a practice they probably based on Buddhist merit cloisters.

596 SXT 18 on improper burial has additional precedents against burning corpses and delaying burial, which I think
should be interpreted in light of cremation and secondary burial. Compare TLSY18.266.

597. 《原始考》, 黑田羅氏九修族譜, 1.5a. Note that this genealogy was mislabeled as 平溪羅氏四修族譜 in the
Shanghai Library as of March 2014, although it may have since been corrected.

598. Ibid, 1.4b-8a. Luo Yi dates his ancestor's migration to 712 based on a contract dated to that year. That ancestor's
date of burial is unknown, but presumably no more than fifty years later. Note that some of his kin were doubtful
about the details of Luo Yin's investigations. See, for example, Luo Tianjue's postscript, 1.3b.
When ancestor Luo Zun 羅遵 died during the Tiansheng Reign (1023-32), his sons set aside a large quantity of fields (三百六十把)⁵⁹⁹ which “they took turns plowing, with the yield to fund the annual sacrifice and grave-sweeping [during Clear and Bright]” (子孫輪流耕穫以為遂年拜掃之資). After 1129, this trust apparently experienced several turns of fortune before being revived in 1166.⁶⁰⁰ This trust was probably managed by the lineage itself, rather than given to a Buddhist temple; its ups and downs paralleled the fortunes of the Luo lineage - like most Song lineages, a fairly fragile, inchoate institution.

Many Song lineages still preferred to give their graves to Buddhist management - in large part because the Buddhists were seen to have greater institutional continuity than lineages.⁶⁰¹ A legal case from Chongren County (崇仁縣) in central Jiangxi describes the descendants of a tenth-century official giving land to three different Buddhist temples to maintain the tomb and perform rituals. The case emerged in court in the thirteenth century largely because descendants were not including these landholdings in their corvee calculations;⁶⁰² it shows that this grave and its trusts were also preserved and enlarged over the course of two centuries - the Buddhists indeed excelled at financial management. These types of sacrificial trusts - both temple-managed and independant - were increasingly widespread throughout the core regions of South China,

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⁵⁹⁹ The exact meaning of 把 is unclear. It was probably a local measurement, perhaps related to the length of a hoe handle.

⁶⁰⁰ 黑田羅氏九修族譜, 1.3b

⁶⁰¹ Joseph P. McDermott The Making of a New Rural Order in South China, p. 63.

⁶⁰² 諸坟田無免役之例. QMJ 3.
including Ji’an and Fuzhou 撫州 in Jiangxi; Fuzhou 福州 and Quanzhou in Fujian; and Huizhou in modern Anhui. 603

The spread of merit cloisters, Buddhist and otherwise, is further attested in the Song and resulted in state attempts to regulate them. Sixty-two officially-sanctioned merit cloisters were established between 1021 and 1137, with another 187 established in the Southern Song. 604 Larger temples probably paid land tax in the Song, and after 1071 they were also responsible for corvee, but these requirements may not have extended to merit cloisters. Over the course of the eleventh and twelfth centuries, the state repeatedly banned the transfer of land from large temples to merit cloisters, probably a sign that many temples were doing just this to avoid corvee. 605 By the late twelfth century, it also banned the transfer of high officials’ tax-exempt fields (xiantian 限田) to funerary trusts, presumably to prevent the smaller chapels from being used as tax havens. 606

The Song legislation of graves as ritual spaces also formalized many earlier protections. In earlier periods, nobles and officials had been granted restricted zones (jin 禁) surrounding their graves, with very limited grants to commoners, but the law was relatively unclear on what restrictions these zones entailed. The Song expanded these zones to include much larger land


605 Such bans were issued in 1110, 1137 and 1195. Ibid, and You Biao, Songdai siyuan jingji shi gao, pp. 153-68.

606 High officials were granted tax-free land, but it was not passed tax-free to their heirs. Generally half of the land was required to pay tax after the first generation, and more subsequently. See "Requesting corvee exemption on 'restricted fields'" 購限田免役, QMJ 3. "Fields donated to graves are not included in the precedent on corvee exemption" 墓葬田无免役之例, QMJ 3. Note these two cases are from the early 13th century, but this one specifically refers back to fields donated in previous centuries. This case is addressed in more detail below.
around the graves - including those of commoners - and clearly specified special protections for these areas that distinguished them from other land. The restricted zone was probably given special protection in pre-Song legal practice, but the earliest clear precedent specifying these protections comes from a 1144 case. It clarifies that any pre-existing features in the restricted area surrounding a grave are left as-is, but outlaws subsequent modifications to the landform.  

A 1202 regulation against plowing or gathering firewood on the tombs of any former rulers or ministers of any dynasty is in keeping with much earlier laws, but again is the first clear mention of how these areas were protected. The 1202 *Caselaw Encyclopedia* also contains a high-level regulation against damaging the graves of ordinary people - including cutting or damaging trees, earth or stones. All these shifts show laws clarified to protect against specific behaviors: the modification of soil or cutting of trees. The special powers attributed to landform and vegetation on grave land were clear in strange tales and *fengshui* texts from much earlier, but this formalization in law is new.

From the ninth century on, grave worship spread across time, space and social groups - becoming more frequent and persistent; spreading from North to South China; and extending from aristocrats to commoners, and from immediate to extended kin. From the eleventh century on, the expansion of grave worship led to three shifts: lineages created institutions to manage the logistical needs of their expanded ancester-worship (see also Chapters Three and Four); scholars collected ritual and geographic necrology into the emerging Neo-Confucian and *fengshui* cannons; and Song statemen both formalized and restricted the customary protections for

607. Literally no excavation or mounding [of earth] is allowed within the paced area. 不许于步内取掘填垒. *Ibid.*

608. QYTF 80.606-1

609. *Ibid.*諸以墓地及林木土石非毁伐者
gravesites. The grass-roots grave rituals developed in the medieval period were reified in multiple institutional forms; each emphasized its own set of standards. Neo-Confucians focused on interpreting classical precents for ritual propriety; *fengshui* thinkers on metaphysical geography and symbolic correspondences. Lineages and lawmakers were caught between these two normative programs and their own needs - lineages for kin-group unity, the state for order and taxes. Recall that in the classical period and early empires, a grave primarily reflected the status of the deceased, and its ritual importance largely ended with the three-year mourning period; by the mid-Song, there were multiple standards for grave ritual, and multiple forms of institutional oversight, but *none of them resembled the classical program*. From this point on, graves - and other sites of ancestor worship - would the conflicts between these ritual programs and competitions between these forms of institutional oversight. The period 800-1200 whitnessed a huge change in the geography of ancestor worship, and largely defined the ritual vocabulary for the rest of the imperial era.610

**Disputing graves in the thirteenth century**

By the thirteenth century, there were several well-defined ritual programs competing to set the normative standards for grave locations: Neo-Confucian orthodoxy, and at least two fairly distinct schools of *fengshui*. There were also multiple groups competing to control and profit from graves, including Buddhist and Daoist temples, lineages, and the state. Much of the evidence from the next two or three centuries demonstrates the conflicts between these institutions to control sites of increasing ritual and economic significance. From the thirteenth

610 The one major exception, as noted by Ebrey “Early Stages” was the free-standing shrine or ancestral hall, which was not seen until about 1400. This will be addressed below.
century on, there are increased signs that grave sites became important as protected land. Regardless of which standards were deployed - legal, Neo-Confucian, fengshui - graves were reified as special sites. Interneccine and intergroup conflicts demonstrate a tendency endemic to protected spaces: once the special character of these spaces is defined in formal discourse, that discourse is used to contest and often monopolize those spaces. Yet this period consisted of more than just competition in the political economy of ritual.

The definition of formal standards for graves as sites also enabled the instrumental use of graves to control land - a strategy increasingly used as a loophole in land regulation. Graves became important as claims to official residence in a locality and as claims to ownership or usage rights to specific land. The specification of graves as special sites further reflected and reinforced important environmental differences between graveyards and unprotected land. Graves had old trees and good soil. As population grew and land grew scarce, grave sites became especially valuable as untapped soils and reserves of lumber and fuel, especially since they were in close proximity to settlements. The special rights accorded to graves made ritual a way to claim land; the special protections on graves ensured that the land they occupied was especially valuable. The axis between ritual ethics and law defined the types of claims that could be made, and the types of protections that were enforceable. The axis between the economic and ritual value of the land determined how these claims were deployed. Ultimately it was the interface between these two axes of contestation that defined the relations between human groups and the land itself.

In the thirteenth century, a collection of legal judgements gives a more comprehensive look into the uses - and abuses - of grave-sites. This window onto everyday local society is
thanks largely to the publication of the *Collection of Clear and Lucid Verdict by Famous Judges* - a casebook dating no later than 1261 that deals primarily with the first half of the thirteenth century.\footnote{611} This casebook, has been the subject of substantial study - especially the section on inheritance.\footnote{612} There is also some debate on the functions this text was intended to serve - an administrative guidebook, a set of commentaries on legal and ethical issues, or a handbook on a legal style of writing.\footnote{613} Regardless of its precise audience and purpose, the cases in *Clear and Lucid Verdicts* focus on the most important social and legal issues of the day - including a whole section dedicated to graves. Because they date from the Southern Song - after the loss of the North - these cases all come from the southern heartland that forms the regional focus of this study, although the exact location of most cases cannot be determined. I should also note that all the trends seen here almost certainly predate the thirteenth century, perhaps by hundreds of years. The vagaries of textual preservation simply do not allow us to see these in any detailed or comprehensive way before *Clear and Lucid Verdicts*. It is thus an invaluable resource for tracking the shifting uses of graves and grave land.

\footnote{611} Minggong shupan qingming ji 名公書判清明集, henceforth QMJ. This exists in two major editions, a Song edition containing only a small subset of the cases all pertaining to households and marriage (*huhun* 戶婚), and a Ming edition containing other categories of materials, but organized differently. The edition I use from Guoxue baodian is a digitization of a 1983 reconstruction by Wang Zengyu 王曾瑜, Chen Zhichao 陈智超, and Wu Tai 吴泰 wherein they compared two Ming editions to a Song edition. See QMJ, *tiyao*.

\footnote{612} Bettine Birge, *Women, Property and Confucian Reaction in Song and Yuan China*; Birge, "Women and Confucianism from Song to Ming" in Smith and Von Glahn ed. *The Song-Yuan-Ming Transition*; Niida Noboru 仁井田隆, "Research on households and marriage in the *Qingming Collection*" 《清明集戶婚的研究》; Shiga Shuzou 滝賀秀三 "Principles of Chinese kinship law" 《中國家族法之原理》.

\footnote{613} “Minggong shupan qingming ji 名公書判清明集,” *LSC/Legalizing Space in China*, online at http://lsc.chineselegalculture.org, which lists it as extracted from Pierre-Etienne Will and collaborators *Official Handbooks and Anthologies of Imperial China: A Descriptive and Critical Bibliography* (Leiden: Brill, forthcoming); Christian De Pee, "Cases of the New Terrace," pp. 28-29. Will appears to view it primarily as an administrative handbook, De Pee as a collection of model writings, while Birge views it as quite reflective of the moral undertones of the period (see above citations).
Graves as a claim on space

The first trend seen in the thirteenth-century cases is the appearance of graves as a way of laying claim to space. I suggested above that continued ritual use of graves for ritual marked a sea change in their spatial footprint. When the use of graves was limited to the period immediately before and after burial, and to the immediate kin group, graveyards were essentially treated like any other landholdings outside of these specific contexts. Once graves were sites of ongoing ritual of the larger kin group, they demanded special treatment as ritual sites. This special treatment in turn made it possible to claim space through grave ritual. By the thirteenth century, burial, use and maintenance of graves was a way to claim land outside the cadastral-contractual regime.

Normally, legal claims to land depended on formal documentation - either documents registering the land in state cadasters, or state-approved deeds transferring registered land from one party to another. The special nature of grave-sites allowed those without legitimate ownership under the household registration system (i.e. those who were not listed as owners in the cadastral registers), or through approved transfers of registered land (i.e. those who lacked notarized deeds of purchase) to claim land on which their ancestors had been buried. These claims were supported in court. Yet we have seen that the Song state was already attempting to regulate these claims: by specifying the special protections on grave land, by limiting these protections to restricted zones (jin 禁) - one hundred and eighteen-pace areas surrounding graves, and by restricting the transfer of special tax exemptions (such as granted to official land grants or certain temples) to restricted zones. As we will see below, judgements also used the ritual nature of graves to limit their instrumental use. Failure to demonstrate the maintenance and
continued use of graves for ritual was grounds for dismissing grave-based land claims. Conversely a well-maintained - and tax-paying - grave gave its family certain claims to the restricted zone around it: they could legally prevent others from using this area for any purpose, even if they did not own the land containing it.

Let us turn first to the dispute over forest that Fan Yuanzhi 範元之 sold to the Zeng 曾 family, that his brother later attempted to reclaim on the basis of graves. Yuanzhi and his two brothers Chengzhi 賁之 and Seng 僧 divided their father's property in 1207, a fact confirmed by Seng's registration documents from the same year. The following year, Yuanzhi sold a plot of forest on the slopes of Jilong Mountain to the Zeng house; he died without heir in 1211. Some thirty years later, Fan Seng attempted to recover the Jilong Mountain plot. To support his claim to the land, Seng produced a deed dated 1207; he further claimed his brother Yuanzhi and his mother A-Huang 阿黃 were both buried on that plot. Interviews with the village head (baozheng 保正) and a neighbor reveal this plot in fact contains the graves of Prefect Zeng, his wife Madame Lu 盧 and his mother Madame Jiang 江, as well as an old Wang family grave, but not the graves of Fan Yuanzhi or A-Huang - confirming claims made by the Zengs and contradicting Fan Seng. Vitally, the official notes that Fan Seng did not register his claims in a timely fashion. The official writes:

Fan Seng did not dispute [a grave's ownership] when the Zeng house made the burial; he only disputed it after the Zeng house laid out their claims [in this lawsuit]. I find that there is no basis to Fan Seng's claims to graves on the mountain; conversely the Zeng house has been managing a grave there for many years. In accordance with their deed, the plot is returned to the Zeng house to manage, although they are not permitted to dig up any preexisting graves.
Fan Seng made two claims to the plot - one based on a legal document (the 1207 deed), and the
other based on graves. Fan’s 1207 deed is superceded by the Zengs’ 1208 deed. Fan attempted
to circumvent this by claiming graves on the plot, a claim that - if true - would have made the
Zeng subsequent burials illegal, even though the plot had been sold. Not only were these false
claims, they were made thirty years after the burials occurred and had no legal standing.

The second case involves land claimed by both Xu Keming 徐克明, and Zheng Zongli 鄭
宗立, again on the basis of both graves and contracts. It again demonstrates the importance of
having proper documents, as well as the types of behaviors allowed on tomb plots and on the
surrounding land. In this case, both Xu and Zheng present deeds documenting their purchase of
the same plot of mountain land. Zheng's is from 1213, and Xu's from 1220. In this case, the
judge surmises that one deed must be fake - probably the earlier one - so the later deed cannot
take precedence. However, Xu also reveals that his grandmother's tomb is on the property, a
burial that predates either sale and gives him a different type of claim to the land. Zheng
subsequently buried his wife there as well. The magistrate writes:

Although the investigation of deeds reveals that Xu Keming bought the property later
[and therefore has no rights to it], his burial on the land was earlier...although Zheng
Zongli could purchase the mountain land, he cannot violate the restricted zone of the old
grave.

In other words, Xu's earlier burial gives him the exclusive claim to the gravesite, but Zheng's
subsequent, legitimate purchase gives him the exclusive claim to the rest of the land. The judge

614. “A lawsuit brought twenty years after unfair [conditional] sales should not be heard for judgment” 經二十年而
訴典買不平不得受理, QMJ 5.
615. Weng Huatang 翁浩堂, “Disputing a forest and grave restricted zone” 爭山及墳禁, QMJ 9.
ruled that if Zheng's wife's grave is within the restricted zone, it has to be moved; otherwise the burial was well within his prerogative as owner of the property.616

The final case on tomb land involves another type of conflict that would become increasingly common in the Song and post-Song world - tenants attempting to possess their landlords' land. In this case, Xie Wuyi 謝五乙 and his brother made an illicit burial (daozang 盜葬) on land they cultivated, but that belonged to a distant landlord. The brothers Xie argued that their landlord lived too far away to manage the land, and that they were therefore justified in this burial. Investigation revealed that this was far from their first attempt to claim the land: they had previously faked a deed and bribed their village head to notarize it, and only turned to illicit burial when this earlier plot failed. Based on the two earlier cases, this plan might have worked if they had been able to maintain the tomb for long enough for their ownership to be established in custom.

These cases establishes three patterns that we will see repeatedly in centuries to come. First, the earliest [legitimate] burials were given precedence over any subsequent ones in delimiting control of restricted zones, while the latest [legitimate] sales had precedence for any land and resources not within a grave zone. Second, documentation was required to establish both contractual and ritual claims to land; proof in writing was critical for contracts, while testimony of use was generally used to establish ritual claims. In keeping with the trends seen earlier, regular ritual was the strongest proof of gravesite ownership. Finally, graves were often used to make claims to land as a loophole in other forms of legal and contractual oversight. Officials were well-aware that graves were often used instrumentally; by this period there was an

616. 如郑宗立所葬别坟犯墓禁内，则合监举移。如在禁外，两无相干，则听仍旧. Ibid.
established precedent that grave disputes had to be brought promptly - that is shortly after the burial - in order to have legal force. But why did families go through such lengths to claim tomb land in the first place? If grave-based land claims were truly restricted to one-hundred and eighteen paces square, this hardly seems worth the effort.

*Graves as special environments*

The prevalence and intensity of grave disputes is a clear indication that these plots’ small size belied their outsize significance. Burial places were special in three interrelated ways: they were chosen as sites of great natural beauty; they were places where kin gathered and recorded their histories; and they radiated great symbolic and mystical power. The ecological, social and mystical value of graves reinforced one another. *Fengshui* was used to select beautiful, protected places for burial; these were, by extension, healthy and sustainable environments featuring good soil and old trees. After burial, graves became the site of ancestor worship - the physical locale where lineage principles were made physically manifest through the performance of sacrifice and through the inscriptions marking the graves. As the nexus where the metaphysical geographic power joined the auspicious influences of the ancestors through the performance of ritual, graves were seen to radiate mystical power. This power was reflected in thriving flora. The beauty and value of grave groves was therefore overdetermined: by the *selection* of healthy forest for burial sites, the *protection* of these sites, and - at least in the eyes of lineages - the *production* of power through ritual. Yet, as we will see, the trees near graves also had great value outside of the ritual-ecological nexus. In the context of increasing wood scarcity, old trees -
especially the symbolically eternal pines and *shan* trees - were highly valued in *lumber markets* as well.

I will begin considering the special importance of tomb land with a case that - like the three cases above - began as a dispute over land ownership, although it quickly became something else. This dispute features the Zhuo 卓 family - formerly wealthy and prominent but since fallen on hard times - and the Wu 吳 family - former tenants of the Zhuos, since grown wealthy and powerful. In 1197, while tenants of the Zhuos, the Wus requested and were given a small plot of land for burial. Fifty years later, following the now-familiar pattern, the Wus used a combination of falsified deeds and claims to non-existent graves to attempt to dominate the wooded mountain. These claims were found to be false, and the land returned to the Zhuo house. But as with many gravesite conflicts, this came to the court as something other than a contractual dispute: it entered into physical destruction of the special features of grave land - trees and stelae.

As with most disputes, the destruction of the gravesite led the two sides to make exaggerated claims. The Wus claimed to have cultivated a large and flourishing grove of trees sheltering their graveyard; they stated in their lawsuit that the Zhuos had cut down their trees, dug up earth, and filled in their ancestral tombs. The Zhuos counterclaimed that the Wus had attacked mourners at a funeral and destroyed a stele. Apparently, the Wus attacked a Zhuo funeral in an attempt to stop them from placing another grave on the land; they also broke the Zhuos' stele - perhaps in the intent of destroying records of the Zhuos' more prominent past and erase their earlier claims to the land. The Wu lawsuit may have an attempt to further obscure the
situation by claiming Zhou damage to Wu tombs and implying this to be the origins of the dispute.617

In the Song - as in earlier periods - officials like the Zhuo ancestors merited large and showy tombs with stelae and statuary; these markers were proof of pedigree in both aspects of the word - they functioned as status symbols and as genealogical records.618 Yet as we have seen, the critical documentary functions played by stelae were beginning to be subsumed within genealogies and even state household records. It is particularly telling that a distinct practice of stone-inscribed genealogies developed in the war-torn North,619 while in the peaceful South tomb epitaphs began to be included in paper genealogies. Another aspect of the advent of commoner lineages - near-universal grave ritual - had diluted the significance of sumptuary laws. At the same time, the sheer violence of the incident speaks to a lack of premeditation. It seems that the Wus were motivated to show their dominance over their former masters at an important ritual occasion and the site of a valued monument. Despite the rising importance of the land and location of tombs, the status and history of their inhabitants continued to matter. This is the only case where a tomb site was targeted as a status marker and record of the past; many other cases were related to the destruction of trees.

Based on earlier periods, we may suppose that graveyard groves were themselves valuable as status symbols and signs of flourishing ritual - not least power projected by a luxurient grove of five-hundred-year-old sentinels. Yet I have asserted that demographic pressures also increased the value of large timber and untapped land. A case from Clear and

618 See above and Chapters Three and Four
Lucid Verdicts demonstrates that these two interests were often juxtaposed against one another. The dispute began when Hu Xiaoqi 胡小七 bought a plot of farmland that he later realized was shaded by the neighboring Yu 余 family graveyard grove. The official judging the case argued that while it was good that "the tomb forest is flourishing, it would still be preferable if it did not shade the field" (墓林茂盛，寧免嵐蔽田地). The facts of the case do not allow us to conclusively determine whether ritual or economic value was given precedence; like the Wu-Zhuo dispute, this broke out into violence that superceded the finer points of land claims.

Infuriated by the damage caused to his crops by the tree-shadow, Hu Xiaoqi sent servants and tenants to cut down the wood on the border of the Yu family grave. They did far more than cut the offending trees that actually shaded the field, "clearing the forest down to the red-brown earth" (啾啾直將田畝余家墓木恣行斫伐，幾於赭山). When the Yus heard that this destruction was underway, they hurried to protect their grave trees. They arrived too late to halt the destruction, but ended up in a confrontation with Wei Yingyi 威辛一, a tenant of Hu. Wei attacked two Yu brothers; they fought back with knife and staff, mortally wounding Wei. Despite the Yus having caused Wei's death, the magistrate decided in their favor, reducing their sentences. In the meantime, the wood Wu's servants cut was taken to a conspirator and sold. This would appear to be the ultimate case pitting economic use against symbolic and ritual importance, with both sides willing to deploy lethal force in support of their interests: the Yus in defense of the trees on their grave, Hu insisting on the value of his shaded farmland - but more

621. Ibid.
622. Ibid. Although one had already died in prison. Ibid.
623. Ibid.
likely used this excuse to profit from logging the ancient trees. It is therefore clear that trees came under assault for their economic value, even as they were protected as sources of symbolic or mystical power.

Cases of trees shading fields were apparently common, as were cases where they were cut purely for the value of the timber. Unfortunately, there is little way to judge this value in the Song. As explored in Chapter Five, there may have been localized lumber shortages, but it appears that there was still a great deal of wilderness during this period. The trees on grave plots were certainly valuable, but they were more likely cut because they were available. Graves would have been most numerous in areas that had been highly populated for long periods of time. Their trees would therefore have been especially coveted because they were to biggest and most accessible stands of timber in the immediate hinterland of large settlements, avoiding much of the difficulty and expense of shipping logs from further afield. Of course their relative proximity to villages also meant that graveyard trees were typically watched over - either by the families of the deceased themselves, or by specialized institutions. It is to these that we now turn.

The struggle over ritual institutions

As this project has shown, lineage organizations emerged as early as the late Tang, but it was the thirteenth century when they first began to flourish. At the same time, other local institutions - most notably Buddhist temples - continued to have a strong presence in managing graves - and the rent-bearing lands that supported them - well into the Ming. Despite these continuities, the thirteenth centuries marks the beginning of a centuries-long contestation

624. As noted by the judge of this case. Ibid.
between lineages, temples and other local groups for ritual power; these broader struggles can be seen clearly in conflicts over the management of graveyard forests. In addition to conflicts between ritual institutions, the thirteenth century also marks the advent of increasing conflicts within them - especially struggles among the rival factions that emerged as lineages grew in size and complexity.

The two known cases involving monks are very brief, but nonetheless informative. One case involves a cloister monk cutting the tomb wood of an old family, probably the wood that his cloister was established to maintain. The judgement is especially interesting because it begins with another strange tale: Xu Zi 許孜 planted pines on an old tomb; a deer came and violated (fan) the pines (probably eating the saplings), and Xu cried; the next day the deer died below the trees. The judge remarks that if this innocent beast was punished by spirits for violating the tomb wood, how could intelligent men be allowed any leeway? (默犯不謹，幽而鬼神，猶將聳其冤而誅殛之。矧靈而為人者，豈三尺所能容哉). 625 In addition to showing the continued use of monks as tomb guardians, this case clearly demonstrates that customs encoded in legends could become sources of legal precedence.

The second case involves a lineage member giving tomb wood to a monk to manage. The monk then cuts it down, presumably for sale; he too is punished. However, this short case is more interesting, for what it says about lineages - not only is the monk punished, but so too is the lineage member who put the wood into his care. To some degree, this may have been related the Neo-Confucian rejection of Buddhism and attempts to take over funerary practices - the judgement does say that "descendants that abandon wood in a tomb zone to a monk are

unfilial" (捨墳之木以與僧，不孝之子孫也). However, it is much clearer on the importance of lineage precedence, stating "yet while seniors are allowed to do away with tomb trees, younger descendants (zhi 侄) should not sue over this matter; under the law there is a great difference [between the two]!" (是為尊者可捨墓木，為侄者不合訴墓木，與法意大差矣).

Regardless of how we read the particulars of monk management, this shows that some lineages were growing larger and better-organized in the thirteenth century, with principles of seniority defined in ritual ethics.

The rise of internecine disputes within complex lineages is suggested even more strongly by the dispute over tomb wood between Zheng Mao 鄭茂 and Leng Yangzhe 冷彦哲. This case involves a huge slew of litigation including an unrelated dispute over farmland; it centers on the question of who of the Zheng lineage was allowed to manage the Zhengs' tomb wood. Zheng Mao claims that his lineage relative Zheng Wenil 鄭文禮 and his brothers cut wood on a shared ancestral tomb (zhong zufen 祖坟) and sold it using Leng as a broker. Wenli counterclaims that the wood actually belongs to the household of Zheng Chuan, exclusively owned (xia 握) by him or his lineage branch. The magistrate proceeded with the standard thirteenth-century investigation of neighbors, village head, deeds and forest plot diagrams (shan tu 山圖), which revealed that the tomb plot actually should be controlled by lineage superior Zheng Rong. The lumbering was therefore theft, implicating not only Zheng Wenli but also Leng, who under Song law could be punished for purchasing timber known to come from grave land (知情而買木，亦當與之同坐).

627. Ibid.
These three cases further demonstrate the development of special legal protections for tomb trees, reflecting both longstanding traditions marking these groves as spiritually significant and more recent trends that may have inflated the value of accessible timber. They also hint at a shift in the institutions granted governance of these forests - under custom, and increasingly under law. Since at least the late Tang, most important graves and their forests had been placed under Buddhist oversight, including tombs sited within large, general-purpose temples and small cloisters established at individual gravesides. In the late Song, monks' near-monopoly on matters taphological began to be challenged, perhaps due to the rise of the Neo-Confucian movement with its own ritual prescriptions and its rejection of all things Buddhist, perhaps as part of the rising capacity of lineage organizations to manage their own ritual affairs. Yet lineage challenges to the Buddhist funerary monopoly were not terribly successful until the fifteenth century. As we have seen in earlier chapters, few thirteenth-century lineages possessed the size or resources to challenge wealthy temples. Furthermore lineages were hampered by fairly strict household registration laws.

The cases in *Clear and Lucid Verdicts* give two indications of the power the household registration system held over families, limiting their ability to build lineage institutions: the legal significance of proper documentation, and the importance of formal status. First, the tomb cases cited above further demonstrate the importance of proper, government-notarized documents. On the one hand, Fan Seng's claims to tomb land were rejected as false because he had not received documentation in a timely fashion; the official specifically noted that although Fan Seng's brother Yuanzhi had been dead for a long time "there is no documentation to consult [on his date of decease or place of burial]." (蔑元之已身故，無憑喚對。經二十年而訴典買不平不得受理).
On the other hand, the Zhuos were able to defend their fifty-year-old claim to tomb land because they preserved proof. The judge in that case writes that "if the Zhuo house had not had the foresight to go to the government and obtain certificates as evidence [fifty years ago], then hundreds of explanations would not be enough to resolve the situation today" (若使卓氏無先見之明，不有經官執牘可據，則及今言之，縱百喙，何辨哉). These two cases provide the clearest contrast, but are far from the only examples; proper documentation was at issue in nearly every land dispute in the collection.

The insistence on officially-certified documentation kept the land well under state oversight, and state oversight meant taxation. Some families were certainly granted tax exemptions, for reasons ranging from hardship to meritorious service. There were even tax breaks aimed at promoting large communal families. Joseph McDermott argues that these exceptions could go a long way toward maintaining collective institutions. Even so it was all too easy for family members to squabble over dividing the profits of their shared properties, or for descendants to grow beyond the limits of what a trust could provide. Taxes could only hasten these processes by making the pie a little smaller. As we have seen, Song magistrates were quite strict in their insistence on collecting all the taxes owed - making sure that exemptions expired, and that non-exempt properties were not combined with exempt ones. This was an area where commoners could not easily compete with Buddhists; despite repeated revocations and crackdowns on their tax breaks, Buddhist establishments probably retained stronger privileges than private households through the Song and beyond.

629. “A lasuit brought twenty years after,” QMJ 5.
Only official households could potentially challenge Buddhist dominance of tomb-site management; they had the status, connections, wealth and privileges to grow and organize. Government bureaucrats were given corvee exemptions on some of the landholding, half of which extended to their descendants; in some cases their sons were also allowed to request sinecures without taking the competitive examinations; they were also generally on close terms with local magistrates. Indeed, official titles are common in the tomb dispute cases even when the officials themselves are not involved. In the Zhuo-Wu case, the living Zhuo Qingfu is barely mentioned by name, while his ancestor Magistrate Zhuo is cited numerous times and called a scholar (ru 儒) and a benevolent gentleman (renren junzi 仁人君子), qualifications that seem to have some impact on the case.632 In the Fan-Zeng dispute, the decased Prefect Zeng, Madame Lu and Madame Jiang are all addressed by their formal titles, as is the tangentially-involved Prefectural Scholar Xia.633 In another case, the main plaintiff is introduced as "the new wife of the grandson of Taishi Wu."634 Although none of these cases explicitly say so, it appears that the graves of officials were more important than those of commoners. Officials' families also may have been more likely to develop large and complex structures leading to internal disputes. Nonetheless gentry lineages rarely maintained their dominance for more than a few generations - a trend seen clearly the Zhuo case, and more obliquely in the Zeng case - in part because their privileges decreased unless they produced another official. Aware of these inevitabilities, many elite lineages preferred to give their graves and trees over to monks, even at risk of the monks cutting the trees for personal profits and despite the rising tide of anti-Buddhist sentiment.

632. "Landlord and tenant dispute tomb land"
633. 曾知府、盧安人、江翥人、夏秀才. “A lawsuit brought twenty years after.”
These thirteenth-century cases provide our best glimpse into the complex governance of graves and trees in the Song. Despite the absence of similar judgements from earlier periods, we can also begin to see three major trends. First, although tombs were still important as status symbols and especially as sites of commemoration, graves were increasingly enshrined in systems that valued them as sites of ritual and defined specific protections related to this ritual use. Second, graveyard trees were now clearly valuable objects; they were not just mystically significant, but also commercially profitable - features that began to arouse conflict. The apparent growth in demand for timber made grave forests coveted properties; it was now vital to establish guardians for the trees, but there was an ever-present hazard that the trees would be cut by the guards themselves. This may have played into the third trend, the beginnings of lineage rejection of Buddhist institutions and attempts to develop their own internal governance of shared properties. All three of these trends would continue in subsequent periods, but in ways that were neither simple nor linear.

The Yuan

Fengshui for sale

Continuing the trend from the Song, a significant proportion of litigation involving graves was related to the special value of grave sites. Graves were tempting targets for both lineage members and for rival families, but for the first time many of these cases related to the perceived luck of the gravesite, above other considerations. The Yuan dianzhang contains several cases, all originating from Jiangxi, that demonstrate this impact. First, let us compare two cases showing how burial spots were coveted by both kin and neighbors. In 1296, a case
emerged from Xinyu Sub-prefecture 新餘州，Linjiang Circuit 臨江路 in the center of the province. Zhang Nengding 章能定 sued Hu Wenyu 胡文玉 for coercing Zhang to move his mother's grave and sell the grave location to Hu, which Hu then used to bury his own grandmother.635 Seven years later in 1303, Prefect Cao Fengshun 曹奉訓 of Xingan Sub-prefecture 新淦州, also in Linjiang, reported that "many descendants open their ancestor's tombs and remove the coffins in order to sell the land and grave" (子孫多有發掘出父祖 墳墓棺屍將地穴出賣等事).636 Darughachi (Mongol governor) Zhahurdai confirmed this report, adding that locals "often trust rustic geomancers (ye shi 野師) and vulgar mediums (su wu 俗巫), and are deluded into believing in fengshui,"(往往聽信野師俗巫，妄以風水誘惑).637 The fundamental conflicts over graveland land - both within lineages and between them - continued earlier trends. Yet these are the first clear mentions of graves contested as gravesites, as opposed to contests over claims to land and lumber. The 1303 case is the first known mention of fengshui in legal precedent.

The emergence of fengshui in legal discourse did not represent a complete shift - most cases still hinged on either conflicts over economic resources or the status projected by tombs. In fact, fengshui itself combined these two consideration in a single system of thought. As noted in the introduction, the power of a grave was thought to be a combination of the spiritual influence of its inhabitant and the geomantic influence of its location. In earlier periods, the metaphysical power of the entombed individual was clearly the more important of the two. We can detect the beginnings of a shift around the Song, with the power of landscape on the rise. Starting around

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635. “Monopolizing burial and [forced] reclocation of a tomb” 占葬墳墓遷移. YDZ 1087.
636 “Prohibition on descendants uncovering graves” 禁治子孫發塟. YDZ 1717.
637 “Prohibition on descendants uncovering graves,” YDZ 1717-8.
the turn of the fourteenth century, it is clear - in most cases the grave location was convincingly more important in determining the blessings it produced.

We can see the power attributed to grave sites - independant of the influences of those buried - in the trend to sell particuliarly lucky burial locations. The pair of Jiangxi officials summarized the ideas promoted by fengshui masters as follows:

When a man's descendants do not commit to hard work and thrift, lose all their property and are reduced to indigence, they do not blame their own faults. Instead they claim [their situation] was caused by the unprofitable fengshui of their forerunners' graves. They trust the deceptions of geomancers and mediums, or are lured by promises of profit from local magnates; and open their ancestors' graves, move the remains, and sell the grave land for a high price.

They say 'a certain mountain is powerful so a certain branch is wealthy, and a certain watercourse is weak so a certain branch is poor;' or say 'if a mountain does not resemble a tripod, how could it yield first-rank nobility, if a mountain does not resemble a storehouse how could it produce thousand-tael riches?'

In brief, certain landforms were seen as particularly efficacious in aiding the descendants of those buried there. This understanding seemed to trump more pragmatic considerations: the already-rich would buy the "lucky" tomb sites of those fallen on hard times, who would sell them as their only remaining possession of value. In other words, burial land developed value - economic value measured in real money - that had little to do with the productive value of the land itself. This valuation had passing relation to the status of the person entombed: the graves of high officials, and especially the graves of the ancestors of high officials, were considered to produce luck for their descendants. But this value depended on qualities of the land itself, not on the character of the deceased individual; it could be transferred to other family by simply

638. Ibid.
removing one corpse and replacing it with another. The success of an ancestor or his or her
descendants did not create the value of the gravesite, it demonstrated its quality.

Yet fengshui was not the only reason that grave land was especially valued; as in earlier
periods, grave trees were also especially coveted. The dual aspects of grave valuation are clearly
demonstrated by a 1313 edict, again sent to Jiangxi. This laid out - or more likely reiterated - a
restriction against dependents either exhuming ancestors to sell their grave locations, or cutting
down grave groves.639 The persistence of both usage value and mystical value is likewise
demonstrated by the two forms provided in relation to mountain forests (shanlin 山林) in a set of
Essentials for Public and Private Use (gongsi biyong 公司必用). It includes a "form for
adjudicating mountain wood" (pan shanmu bangshi 判山木榜式) for use in the sale of stands of
pine and shan. In this standardized document, the seller clearly specifies that "the lumber on this
mountain is my own inherited property and [this sale] is not an obfuscation of seniority or a
private sale of wood sheltering lineage graves."640 Conversely, a second "form for [suing over]
grave forest occupation" (zhan mushan bangshi 占墓山榜式) contains the now-standard
accusation that the accused party "blatantly intruded on my [ancestral grave mountain] and
brazenly cut [its flourishing timber]; doing great damage to its fengshui."641 Between them, these
forms address the same problems seen in several thirteenth-century cases: assessing whether or
not wood was sold from grave land in violation of customary protections and lineage hierarchies.
Yet in the fourteenth century these determinations involved the additional element of fengshui.

639. 禁子賣祖宗塚塚樹木. YDZ 1720.
640. 本山雜木的係梯已承分物業, 即非曖昧長幼私下判賣祖宗塚塚所芘蔭林 木. 判山木榜式, 公私必用, 元代
法律資料輯存, p. 242.
641. 自挾入山公然盜斫, 深為狼藉風水. The tomb is elsewhere referred to as "my house's ancestral tomb
mountain" 本宅有祖墓山, with "its grove of trees flourishing" 林木茂盛. 占墓山榜式, 公私必用, 元代法律資料
輯存, p. 242.
In early fourteenth-century Jiangxi, it was not possible to disentangle the value of grave
trees as timber from their value in protecting graves. Nor should we consider the latter function
entirely devoid of economic value: flourishing trees were a demonstration of the geomantic
power of a grave site and might well contribute to the price of the land should it be sold for
burial, rather than for logging. Perhaps most important aspect of the emergence of *fengshui* is not
that geomantic value dominated other forms of value, but that geomantic discourse began to
dominate other forms of discourse. Whether officials were discussing the movement of bodies or
the cutting of trees, they referenced *fengshui*. Yet despite their diatribes against *fengshui* and its
practitioners, officials clearly respected claims to *fengshui* damage as a grounds for lawsuit. This
paradox would lead to centuries of legal confusion.

*Neo-Confucianism enshrined*

If *fengshui* was given uneven treatment under the law, another new discourse was given a
much clearer legal mandate: Neo-Confucian ideology. I have suggested that some aspects of
Neo-Confucian ideology were apparent in early thirteenth-century cases; they were certainly
present in the early fourteenth-century court dialogues on ritual prescriptions. As many other
early-fourteenth century mortuary issues, this emerged from official concerns over the behavior
of southern lineages. Central Jiangxi appears again and again in the records as a locus of
*fengshui* development, and increasingly as a hotbed of heterodoxy. The professionalization of
geomancy gave Neo-Confucians yet another rival institution looking to set the grounds for grave
rituals. Increasingly, Jiangxi lineages followed the dictates of *fengshui* - practices opposed by the
Neo-Confucian movement, and now by the Yuan state.
This clash between fengshui and Neo-Confucian orthodoxy is first apparent in the 1303 case from Linjiang cited above. As we saw, the two Jiangxi officials opened by complaining about fengshui beliefs that led people to exhume the dead and sell their valuable burial locations. Why were these men so concerned about the sale of grave sites? Because it led descendants to exhume their ancestors’ corpses. The exhumation of bodies without proper ritual was a violation of both ritual ethics and ritual law. More importantly, the sale of a grave could end the line of ritual inheritance, if descendants ceased to offer sacrifices to their ancestors. This cessation of ritual was the main concern of the court. When this case was referred to the Board of Punishments, they ruled that anyone illicitly selling a burial location should be considered a grave robber (jiemü zei 劫墓賊) under the statute on “uncovering graves” (fazhong 发塚). But they note that “anyone discarding the corpse and ceasing veneration ritual should be judged as a case of ‘contumacy’”(移棄屍骸不為祭祀者，合同惡逆結案). Note that “contumacy” (e’ni 惡逆) was one of the “Ten Abominations” (shi’e 十惡) in Chinese law; it applied to particularly egregious cases of children disobeying or killing their parents, and usually carried the death penalty. In other words, violations of the norms of ancestor worship were now legally considered among the worst crimes a descendant could commit.

Selling graves was not the only way Jiangxi families were violating ritual orthodoxies. In 1308, attention was drawn to reports from Yuanzhou circuit in western Jiangxi of "lavish burials" (hou zang 厚葬). It stated that southerners like to "use big coffins, thick clothes and broad tombs; they waste money on statues of men, horses and carriages, and even bury cash with

642 “Prohibition on descendants uncovering graves.”
643 The Ten Abominations were universal to pre-modern Codes in China, and included several forms of treason against the state, as well as major violations of the social order. They were not crimes in-and-of themselves, but were special categories into which many crimes could fit - perhaps paralleling modern American law on “hate crimes.” See Jiang Yonglin, The Great Ming Code, lxvi, 18-19.
the corpse," (凡有喪葬大其棺椁，厚其衣衾廣其宅兆，備存珍寶偶人馬車之器物，亦有將寶鈔藉尸斂葬.) In responding to these excesses, the officials quote a passage attributed to Confucius to support their argument that burial should be frugal. Three years later, another case from Yuanzhou reported on a resident inscribing the words huang bi 皇妣 - literally "imperial deceased-mother" - on a tablet used for worship in a cloister. Another case from Jiangxi reported the use of the words huang kao 皇考 - "imperial deceased-father" on a similar tablet. The emperor responded that on matters of ethics (lixue 理學, a specific reference to Neo-Confucianism), he generally consulted the Book of Rites (liji 禮記) and Zhu Xi's Family Rituals (Jia li 家禮), but he was uncertain that either had anything to say on this specific issue. He referred these cases to the Confucian Education and Exams Bureau (ruxue tiju si 儒學提舉司) - as well as the Hanzlin Academy and the Board of Punishments - to determine the proper precedents in the Classics.

These three incidents show the clear trend to consult the reinterpreted Classics, and new Neo-Confucian texts like Zhu Xi's Family Rituals, on matters of ritual propriety. This is further demonstrated by the consultation with Board of Punishments and the Confucian Education Bureau, marking this as both a legal and ethical matter. The three incidents were not seen as violations of the specific rights accorded by status, but as more general violations of ethical proscriptions that should apply to everyone.

We can see the spread of Neo-Confucian practice outside the law codes as well. Patricia Ebrey notes that zhaomu 昭穆 graveyards clearly emerged in the 14th century. Zhaomu was a

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644. 禁約厚葬. YDZ 1087.

classical standard for the arrangement of aristocratic tombs, with the originator of the title in the central place of honor, even-generation title-holders on the left, and odd-generation title-holders on the right. By the Yuan, this was reinterpreted to place the apical or first-migrant ancestor (bizu 鼻祖，shizu 始祖, shiqianzu 始遷祖) in the center, and then followed the alternation of even and odd generations on either side. Yet as seen in the cases above, Neo-Confucian ideas were in competition with other standards for graves, including the state’s sumptuary regulations, and fengshui concepts. One way to follow this trend is through the ways that graves are listed in genealogies; from this point on they almost always include burial location. Here, were can see evidence of a mixing of Neo-Confucian concepts and multiple schools of fengshui. These records almost always include either the facing of the grave or an identifiable landform. The former is in keeping with longstanding practice, and perhaps associated with the “orientation school;” the latter practice was also in evidence from at least as early as the late Tang, and is often associated with the “form school.” Genealogies generally also noted the stem-branch date of burial - also a longstanding geomantic practice regularized by the Tang. The practice of including spirit deeds (diquan 地券) as grave inscriptions also continued.

Yet we also see that sons were often buried next to their parents: many genealogies distinguish between the burial of wives or descendants next to existing graves with the term fu 袋, as opposed to the standard term for burial - zang 葬; sometimes the records clearly specify zhaomu 昭穆 arrangement in accordance with the dictates of Neo-Confucian orthodoxy. Most lineages did not cleave to a particular organized practice, but were content to mix-and-match principles from multiple schools. For example, we find grave facings noted in the same

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genealogies that note grave forms, and sons buried next to fathers or in free-standing graves. Indeed, as we will see below, burial sites were often determined by financial rather than ritual constraints. In many cases, we should take a free-standing grave as evidence that its inhabitant had sufficient wealth to buy new land and hire a geomancer; conversely, lineage graveyards are likely evidence of less-fortunate descendants being buried on existing land. Indeed, wealthy lineage members often bought large, collective grave plots as an act of charity for less fortunate members of the linaege. Lineages did their best to honor their understanding of ritual principles, while being flexible on which principles they followed.

The Early Ming

“Uncovering Graves”

Let us return momentarily to the law for evidence of the sea change in control of ritual land underway in the fourteenth and fifteenth century, specifically the article on “Uncovering Graves.” In the Ming Code, our first fully-extant, comprehensive code since the Tang, “Uncovering Graves” encompasses almost all grave law not related to the specific issues of sumptuary regulation and burial orthodoxy. Recall that in earlier law, sumptuary regulation and burial orthodoxy were the main concerns of grave law. Therefore the growth in the legal ground covered by “Uncovering Graves” from the Tang to the Ming is a good proxy for the importance of graves as sites of non-mourning-period, non-artistocratic rituals, and the emergence of institutions to manage them. It is informative to trace the lines of precedent for the items contained within “Uncovering Graves,” as a way of looking back at the changes since the Tang, and look forward to the subsequent changes in the mid-Ming and beyond.
The *Tang Code*, ostensibly the most important referent for the *Ming Code*, has articles on "Destruction of a Corpse," "Digging in the Earth and Finding a Corpse," and "Illicit Use of Others' Graves or Fields." Each of these effectively became a single clause subsumed under the Ming's master statute on tombs: the third clause of "Uncovering Graves" addressed destruction of corpses, including the *Tang Code*’s coverage of improper burial by burning the body or exposing it to water; its fourth clause covered accidental discovery or damage to corpses, including the *Tang Code*’s curious mention of smoking out foxes; the fifth clause in the Ming law covered both the leveling of graves for fields and illicit burial in others' grave land - essentially a rephrased version of the *Tang Code* on "Illicit Use of Others' Tombs or Fields." Later amendments to the *Tang Code* made clear that village heads (lizheng) were responsible for keeping track of deaths and burials, a pattern that continued through the Song and Yuan, and enshrined in the penalties for village heads (now called lizhang 里長) who did not report deaths in the Ming. In the Tang, graves were largely treated as other land - misuse was punished, and the village head was responsible. The special character of graves was almost entirely confined to the bodies they contained; the *Tang Code*’s only real references to graves as something distinct form other landholdings relates to damage to corpses or improper burial.

Illicit sale of grave land was the next major addition to the law on graves. It was clearly punished in the Song, although it is unclear exactly how and when that regulation came about. We can probably trace the addition of this punishment to the Yuan, when the 1303 case of illicit burial referenced above was referred to the Board of Punishments. The Board remarked that this type of case was becoming quite common, but rather than producing a new law they determined that descendants disinterring an ancestor in order to sell their grave should be considered under
the law for “Uncovering Graves.” Yuan law also made clear that buyers of grave land should be punished if they were aware of the circumstances of the illicit sale. All of these specific points added to Yuan law in 1303 were echoed in the Ming version. Finally, the Yuan included grave robbery under the statute on "Uncovering Graves," a crime that was apparently unclear in existing jurisprudence. Yuan law codified the notion that graves were subject to two additional crimes - profit-seeking sale of grave locations, and grave robbery - that had not been part of earlier precedents. This suggests that some time around the thirteenth or fourteenth century, the fengshui valuation of graves was sufficinetly ascendant to require additional jurisprudence.

Surveying the article point-for-point, it is apparent that the Ming Code's version of "Uncovering Graves" was essentially combination of the three main Tang statutes on the matter and the addition of subsequent laws, a process that was essentially complete by the early fourteenth century if not before. In other words, the main Ming law on grave and corpse violations was essentially a copy of Yuan law on the matter. Of course the Ming Code was a product of the late fourteenth century, separated from the major Yuan legislation of the 1310s by a rather chaotic eighty years of administrative decline, epidemics and warfare, and the challenges of building a new dynasty; it is unsurprising that the Ming borrowed heavily from its predecessor. In any case, the Ming Code enshrined this precedent in statute, giving it firmer legal basis than the collected precedents of earlier periods.

The Ming’s expanded and formalized article on “Uncovering Graves” was nonetheless insufficient to stem the growing tide of grave-related conflicts. Scattered evidence from the mid-fifteenth century indicates a continuation of fourteenth-century trends, albeit with a major

647. YDZ 1717-8. And see above.
interruption around the dynastic transition. As before, central Jiangxi appears to have been the
epicenter of taphological issues, and illicit burials and destruction of grave were rampant in the
contestations between lineages. The wealthy and powerful could be on either side of these
disputes. When the high official Yang Shiqi 楊士奇 took a month-long tour of his ancestral
tombs in Taihe County, Ji’an in mid-century, he found one grave encroached on by a home and
more than thirty cases of illicit burial on his family’s land.648 By contrast, a 1450 case against
Chen Xun 陳循 - another native of Taihe, accused the board president of "brutally destroying the
grade forest" (其凡本网暴虐貧寒) of another family in his hometown.649 Nor were grave cases
limited to land disputes; a precedent on grave robbing from the early sixteenth century states that
"digging up graves is an age-old problem in Jiangxi" (发掘墳塚，委係江西積弊).650

In the late fifteenth century, it appears that many types of conflict were on the rise, grave-
related crimes were certainly no exception. Various aspects of the statute on "Uncovering
Graves" were further elaborated in key precedents from the 1460s and 70s, noting theft of bricks
from tombs, robbing nobles' tombs for grave goods, and strengthening the punishments for
opening coffins.651 As in the Southern Song, graves were also included in more general
precedents on land occupation: seizure of graves appeared alongside occupation of farmland in
high-level case in 1468,652 and repeatedly thereafter. In 1499, a grave dispute between two

648. Yang Shiqi Dongli quanji 東里全集 B50.1a-8a, "record of tomb visits" zhen mu lu 展墓錄; B53.4b-5b,
650. “Uncovering graves,” DMLS, p. 350. This case also appears in the Jiajing xinli 嘉靖新例 414. This dates to
1524, so it is unclear how far to carry the retrospective.
uncovering graves in Shaanxi” 陝西發塚事, “Those formerly sent for enal servitude for uncovering [graves] and
seeing the corpse are now transported for military service” 發掘見屍為徒者充軍 HMTF, 7.416-420.
652. 江西地方小民，多被勢要土豪大戶占種田地，侵奪墳塚，謀騙產業殺傷人命. Title missing, HMTF 5.931.
commoners involved such levels of litigiousness, bribery and official intervention that made its way all the way up through the court hierarchy to the emperor's desk.\textsuperscript{653} While this apparent rise in grave disputes may be partially due to the high quality of documentation from this period, it appears to be a true inflection point. As noted in Chapters One and Two, the Ming state had increasing difficulties stemming the tide of “magnates” in the countryside. This is probably a reflection of the growth of lineage power and organization. Nowhere was this reflected more clearly than the conflict over ritual space.

\textit{Funerary ritual and funerary institutions}

A Ming statute on "Funerals" continued the practice of state-mandated funerary orthodoxy present since at least the Tang. It contained the familiar prohibition on cremating corpses or disposing of them in water, a provision that was probably present in every code since the Tang, albeit one whose restrictions on cremation were adjusted depending on the prevailing attitude toward Buddhism.\textsuperscript{654} More interesting is the first clause, which states "in all cases where there is a death in a household, it is essential that the dead be buried in accordance with the \textit{Book of Rites}."\textsuperscript{655} In keeping with Yuan trends, the \textit{Ming Code} specifically refers to the ritual classics in interpreting funerary matters. The court's interpretation of the classic specifically disallowed

\textsuperscript{653} Brook opens \textit{The Chinese state in Ming society} with this vignette, pp. 1-5.

\textsuperscript{654} DML 12.200.2. Compare to TLSY18.266; SXT 18. Buddhism was often viewed as the main reason for cremation, although traditions promoting cremation, water burial and secondary burial may have predated the introduction of Buddhism to China. Precedents Song xingtong apparently reflected a relaxed attitude toward cremation in the ninth and tenth centuries probably related to the rise of certain sects of Buddhism. See also note 19 above.

\textsuperscript{655} DML 12.200.1 . Jiang, \textit{The Great Ming Code}, p. 119. The original text reads 依禮, which could be interpreted as "according to [proper] ritual." I follow Jiang in interpreting this as a specific reference to the \textit{Liji} 禮記, which I have previously rendered "Book of Rites" (Jiang uses "Rituals"). The translation is modified to be consistent with my earlier usage.
keeping remains unburied for long periods of time, a practice it associated with "fear aroused by fengshui."\textsuperscript{656} In other words, the Ming court followed the Yuan in integrating Neo-Confucianism as orthodoxy, and in labeling geomancy as heterodoxy. The two discourses apparently rose in parallel over the course of the thirteenth and fourteenth centuries, but were subject to divergent interpretations by the state's legal apparatus.

The final clause in the statute on funerals was also a reaction to funerary institutions, but one that diverged from Yuan precedent; it specifically forbid Buddhist-associated fasting and Daoist-associated altars.\textsuperscript{657} Joseph McDermott has wondered whether the Ming's crackdown on Buddhism, and to a lesser degree Daoism, was a causal factor in the rise of independent lineage institutions.\textsuperscript{658} Indeed, in addition to the clause on funerals, Ming law provided a number of restrictions against Buddhist and Daoist institutions: restrictions against "Profaning the Spirits" included "[Buddhist] fasting altars \textit{xiuzhai} or [Daoist] sacrificial altars \textit{shejiao},"\textsuperscript{659} and the article "Prohibiting Sorcery" included certain Buddhist sects as heterodox.\textsuperscript{660} However, the funerary restrictions could also be interpreted to prohibit many lineage practices characterized as "men and women indiscriminately gather[ing] together" to "drink wine or eat meat."\textsuperscript{661} How did the restrictions on funerals function in practice? They appear to have been relatively ineffective. Late in the fifteenth century, the proscriptions on cremation, improper disposal of bodies,

\textsuperscript{656} \textit{Ibid.}

\textsuperscript{657} Ming Code Art. 200.3. Jiang, \textit{The Great Ming Code}, p. 119

\textsuperscript{658} McDermott, Chapter 3. But note that he is dubious about whether this could be the single cause.

\textsuperscript{659} \textit{Xiedu shenming} 襲濟神明. Jiang, \textit{The Great Ming Code}, p. 112. Ming Code Art. 180.1

\textsuperscript{660} Including "Buddha Maitreya [Mile Fu], the White Lotus Society [Bailian She], the Light-Honoring Sect [Mingzun Jiao], or the White Cloud School [Baiyun Zong]." \textit{Jinzhi shiwu xieshu} 禁止師巫邪術. Jiang, \textit{The Great Ming Code}, p. 112. DML 11.181

\textsuperscript{661} Jiang, \textit{The Great Ming Code}, p. 119. Ming Code Article 200.3.
Buddhist and Daoist funerals, and males and females celebrating rites together were all reiterated, apparent demonstration of the ineffectiveness of formal law in regulating local practice.\textsuperscript{662}

There are also signs of a broader lineage takeover of grave-guarding institutions in the fifteenth century, a trend that would fundamentally change the nature of tomb law. Until 1393, the state provided tomb-watchers for high officials.\textsuperscript{663} This practice was probably based in the awarding of shrines to officials and local worthies in the Song; the rapidity with which this policy ended speaks to its expense. More generally, we have seen that families often gave land to temples or established specialized cloisters to guard their tombs. In the fifteenth century, there are signs of lineages battling Buddhist and Daoist temples to control the graves themselves.\textsuperscript{664} In mid-century, Yang Shiqi named eighteen tomb-watchers from among his family's bondservants, obviating the need to employ monks in that capacity. He issued the watchers certificates allowing them to harvest brush, and also established rules for junior lineage members to take turns cutting fuel from the tomb land, but prohibiting both groups from cutting larger trees unless they grew thick enough to harbor snakes. If the trees were cut, Yang ruled that the timber was to be divided evenly among the lineage branches.\textsuperscript{665} More broadly, organization and funding for the upkeep of founders' graves was one of the major reasons for the construction of lineage temples, a trend that grew over the course of the fifteenth and sixteenth centuries.\textsuperscript{666}

\textsuperscript{662} HMTF 4.991-7.
\textsuperscript{663} Ming huidian 23.
\textsuperscript{664} McDermott, Chapter 3. QXLS 1b.15a-b
\textsuperscript{665} Yang Shiqi, Dongli quanji B50.1a-8a; B53.4b-5b, 14b-15b. Cited in Dardess, "A Ming Landscape," p. 347.
\textsuperscript{666} See Chapters 3 and 4.
These scattered examples show lineages working to establish their own management of graves, independent of temples, and largely separate from the ineffective legal protections offered by the court. In the fifteenth century, these institutional shifts had not fully matured, and except for a few increased punishments the law was still essentially the same as in the Yuan. Yet this period showed signs of substantial decline of the state’s legal capacity to police land, graves and most importantly grave land. As lineages controlled more land, more graves, and more temples - and as they increased their organizational basis - they looked for ways to control their property independent of the state. Increasingly, they did so through fengshui.

The Late Ming and Beyond

In a series of cases from the sixteenth century and beyond, lineages we can observe lineage success in redefining the control of graves and the surrounding woodland through the paradigm of fengshui. In doing so, they displaced state- and Neo-Confucian-mandated ways of demarcating the ritual landscape, and substituted new ways of dictating the use of grave sites and woodland more generally. First, we see familiar grave conflicts redefined in terms of fengshui; this included disputes over grave boundaries, over the use of grave wood, and over the ownership of grave land claimed by both tenants and their landlords. Second, we can observe further clarification of the types of behaviors forbidden on grave-sites. In addition to earlier attempts to prohibit cutting shade trees, digging soil, or erecting new residences or graves, there were now lawsuits over pasturing pigs and cows, farming, and burning away the underbrush. Third, lineages extended fengshui claims beyond graves: to other ritually-powerful sites like residences and lineage temples, and to the woods well outside of the legal limits of grave plots.
They even used graves to claim woodland for economic purposes, including for use as timber plantations that were theoretically forbidden under the limitations on cutting grave wood. Finally, it is clear that many more of the conflicts over wood use on grave-sites that had previously occurred between families now occurred within lineages.

**Redefining grave protections**

Many of the conflicts seen in cases from the sixteenth century and beyond were familiar contexts: boundary disputes, disputes over the relative age of graves. But even in apparently familiar circumstances, the rise of fengshui discourse and lineage institutions is readily apparent. Let us examine this transition by looking at two cases from the *Erbi kenqing* ("Inserting the pen into the critical point"), a litigators’ manual that probably dates to between 1500 and 1569. In one case, a lineage member sold rights to bury in a lineage graveyard; in the other a buyer bribed a lineage descendant to sell trees from his lineage’s grave forest. The plaint (gao 告) in the wood-sale case is quite explicit that the sale of lumber would violate a group agreement, probably a written contract (zhong li hetong 署立合同). In commentaries on the two cases, the anonymous author of the collection lays out the the specific legal ramifications of graves. He writes “grave forests are different than other forests, one man cannot sell them in private," (此塚山與別山不同，一人不能私賣), and notes that "once [a grave case] has been judged in

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667 *Er bi kenqing* 耳筆肯槃, henceforth EBKQ. In Sun Jiahong 孫家紅, Gong Rufu 聶汝富 ed., *Lidai zhenxi sifa wenxian* [Rare historical materials on law] collection 11 - *Ming Qing songshi miben ba zhong huikan* [Collected reprints of 8 secret manuals for litigation masters], vol. 1. On dating see editors' forward vol. 1 p. 1.

668. “In a matter of abondoning ancestors and giving in to magnates” 棄祖向豪事, “In a matter of local villains’ illicit burials” 地悪盗葬事, both EBKQ 11.

669. “Abandoning ancestors and givning in to magnates”

670. “Local villains’ illicit burials”
court, the seller must allow the buyer to reclaim his property, and the buyer is not allowed to refuse" (一經官，賣者不得不贖，買者亦不得捐). The principles that graves are shared property, that they cannot be sold in violation of lineage rules, and that they must be redeemed were all clearly established by the thirteenth or fourteenth centuries.

Yet the legal arguments in these two cases were different than those seen in the Song or Yuan: both documents claim the sales were illegal not only because they violated contracts or perverted lineage hierarchies, but because they violated fengshui. The burial rights plaint is quite succinct on this point; it argues that the sale was not just a violation of lineage rules, it also “disturbed the lines of fate of the ancestral grave (zufen mingmai 祖墳命脈).” The grave trees case is even less restrained in its use of fengshui logic. It reads:

Consider that the ancestral grave dug in this forest involves the lines of fate of the entire lineage. How could a contomacious [descendant] be allowed to sell it illicitly; further how could a magnate be allowed to purchase it, cut its trees and damage the grave. What will preserve us now?

Again, this plaintiff argues that damage to the gravesite affects lines of fate (mingmai 命脈) that supply the entire lineage (yizu 一族). But he goes beyond that; by accusing the seller of contumacy (e’ni 惡逆) the plaint uses the specific legal term for betraying one’s elder kin. As we saw above, the law on contumacy was specifically applied to behaviors that ended the veneration of ancestors by a 1303 precedent. This argument is asking for damage to the fengshui of a

671. “Abandoning ancestors and giving in to magnates”
672. “Local villains’ illicit burials”
673. “Abandoning ancestors and giving in to magnates”
674. This law on contumacy was used specifically for damage or illicit sale of kin’s graves by 1303, a precedent followed in the Ming. See YDZ 41. The Ming Code includes the same “Ten Vicious Crimes” (shi e 十惡, DML article 2) as the Yuan. While the language of contumacy (e’ni 惡逆) does not specifically list damage to graves, it appears that the Ming followed Yuan precedent on this (and many other matters).
grave to be considered legally equivalent to ending ancestor-worship, which was previously ruled to be equivalent to cases of physically assaulting or killing an elder. We do not know the resolution of either case, but given the apparent legal expertise of the writer, it must have been at least plausible for these arguments to be accepted in court.

Extending fengshui claims beyond the grave

The legal use of fengshui concepts like lines of fate (mingmai 命脈) did more than reframe existing protections for graves. We have seen that fengshui shifted the emphasis from the person in the grave, to the landscape surrounding the grave. In the case above, a clever litigator further argued that protections for grave ritual should extend to grave environments. Litigators were further able to use the spatial logic of fengshui to extend claims along lines of fate, transcending the square grave plots specified in the legal code. Fengshui principles also applied to other types of ritual sites, including temples and even ordinary residences. By the mid-Ming, legal arguments claimed the same protections for the environments around houses and temples that were given to grave plots. In these contexts as well, claims were extended along the ridgelines and rivercourses that fengshui construed as lines of fate or dragon veins (longmai 龍脈).

The earliest known case where fengshui was used to make claims on land outside of property boundaries comes from the Erbi kenqing and thus dates to the early-to-mid 1500s. It involved a grave and a house competing over the same lines of fate. The house was probably built first and the grave only later, but the grave-owner took the initiative by suing first, claiming
that the house damaged the fengshui of his preexisting grave.\textsuperscript{675} The homeowner responded with an argument that the house was built first, further accusing the plaintiff of allowing his ancestor's coffin to sit unburied for three years (\textit{cuo sanzai} 厝三載) before attempting to claim this fengshui location. He continues:

My building's 'arriving dragon' is an important nexus of lines of fate. Local magnate [X] instigated a corrupt investigation into the auspicious influences emanating from the dragon behind my residence, and led many men to excavate the earth and build a grave there, damaging this 'dragon vein.'

Thus the grave-owner sued the homeowner over a building on a site that he did not necessarily own, but that blocked his fengshui, and the homeowner countersued on similar grounds. In his commentary, the author of the \textit{Erbi kenqing} writes that the language used in this case "perfectly expresses the concept of ‘protecting dragons and protecting fate,’" (保龍保命之意卻好).\textsuperscript{677} In other words, fengshui lines were something that the law should protect, and that potentially implicated other people's property.

If we have some doubt over the ownership status of the outside land in this case, a somewhat later dispute shows clearly that fengshui discourse did apply to land outside the grave-owner's control. In this dispute, two grave-owners both claimed that their forest boundaries included a hill that formed an “ox lying prone” (\textit{niu min} 牛眠) - another particularly efficacious

\textsuperscript{675} The actually text of his plaint is not provided, but this can be inferred.

\textsuperscript{676} EBKQ 62. Note the fengshui terminology used. "Dragon" (\textit{long} 龍) refers to mountain formations resembling a dragon, which were considered to reflect lines of fate (\textit{mingmai} 命脈, aka "dragon veins" \textit{longmai} 龍脈) coursing through the land; an "arriving dragon" (\textit{lailong} 來龍) refers to the center of a group of mountains, a particular nexus of geomantic power. \textit{Shi} 力 refers generically to "force" or "power," but may refer specifically to metaphysical geographic influences, especially in compounds like "lucky forces" \textit{jishi} 吉勢. Note that no names are provided in this collection; instead parties are all redacted as \textit{si} 士, which I have rendered as [X].

\textsuperscript{677} Ibid.
geomantic form. Chen cut the trees on this hill and buried another coffin there; Li argued that Chen had broken into his ancestor's tomb. The judgement for this case makes clear that “Li’s forest plot shares a boundary with Chen’s forest plot; outside both forests is another small hill, which is the ‘ox lying prone’” (李山一段，與陳山界毗連，兩家山界外，另一小阜，牛眠之地). The magistrate found “both Chen and Li are guilty of ‘inappropriateness;’ the new grave must be removed; the pine and plum trees are to be split equally,” (各擬不應，新塚須捄，松梅均分) Despite the fact that the hill fell outside of either plot, their graves gave both Chen and Li claims to certain rights on the hill: they were allowed to collect wood, but not to dig new graves. These casebooks are full of arguments over grave boundaries, a trend that is not a major departure from the state of affairs in the thirteenth century. Yet it is clear that increasingly these boundaries were determined at least in part by fengshui claims, and no longer exclusively on the basis of contractual ownership or state-mandated grave plots.

All of these cases make use of the highly metaphorical language of fengshui, but what does the geomantic invasion of legal discourse tell us about changes in the conflicts underlying these lawsuits? To some degree, it appears that fengshui was used simply as a source of persuasive power that could unbalance a contest. If one party could use "sleeping cows" or "dragon veins" to claim higher value for his property, he might win a case against someone who

678. The “ox lies prone” was particularly associated with wealth. See Paton’s translation of the Book of Burial (Paton, Five Classics of Fengshui, p. 130). It may have also been a more generic reference to any auspicious burial location. See the “Biography of Zhou Guang” 周光傳, Jin History 晉書: "陶侃撫時，丁艱，將葬，家中忽失牛而不知所在。遇一老夫，謂曰：’前岡見一牛眠山㣴中，其地若葬，位極人臣矣。’”近義詞：牛眠吉地，牛眠龍纍. From the definition of 牛眠 given in the Handian 漢典, online at zdic.net.

679. “Bringing suit over grave destruction” FBJTL 342. Note that this is a Qing collection, and this case may date to as late as the eighteenth century. Given its consistency with the trend seen elsewhere, and its clarity, I have included it here with this explanation.

680. Ibid.

681. “Begging investigation into a matter involving ancestral remains” 乞究祖敬事EBKQ 61.”Bringing suit against a county student” 告生員. MYL 424.
merely had contracts or market price to demonstrate the significance of his case. Nonetheless, it is clear that *fengshui* conveyed real and usable understandings of the environmental impact of human behavior. Certain behaviors - cutting trees, digging, mounding or flattening earth - were considered especially damaging; others - cutting grass or branches - less so.

*Fengshui and exclusive use*

As explored in Chapter Five, villagers long assumed rights to gather firewood and wild foods and to pasture their animals in most woodlands that were not explicitly managed for other purposes. These uses were limited or prohibited from grave sites by longstanding customs and laws. In the late Song, graveyards were seen to be the exclusive property of the lineage, with only descendants claiming rights to gather fuel or dig new graves, and even descendants’ rights to cut wood heavily constrained. As we saw above, in the mid-Ming and thereafter, *fengshui* was used to extend claims beyond graves, to houses, temples, and to the slopes behind them. Increasingly, lineages tried to prevent their neighbors from using these extended swaths of woodland. They restricted longstanding usufruct rights to cut trees, grow or gather food, and pasture animals. Lineages were especially concerned with excluding swidden cultivators, due to their use of fire.

Yet while *fengshui* arguments were made in the name of protecting the environments surrounding graves and other edifices, it is clear that they were used to claim land for exclusive, economic uses as well. By eliminating their neighbors’ claims to the woods, a single group of claimants could dictate their own uses. While graves and houses were trumpeted as the reasons to restrict these forests, in many cases it is clear that the real incentive was to use them as timber.
plantations. Pasturage, coppacing firewood, and especially swidden tended to promote low forest with a mix of tree species and a substantial understory of grass and woody shrubs. By restricting these uses, the exclusive claimants could promote high forest of valuable, tall conifers, or other forms of specialized tree plantations. Fengshui was used to argue against older, overlapping patterns of use, and to claim woodland for new, specialized forestry.

The Fajia tou danhan (“Legal experts tell terrifying secrets”), a litigators’ manual dating from the late Ming, is the best source of arguments against farming, woodcutting and other excluded behaviors. It makes clear that the very fundamental act of farming - digging the soil - was considered a violation of fengshui when it altered areas with dragon veins. In one plaint, a lineage argued at length that by "cutting trees and digging the earth, bad influences (guaiqi 乖氣) have been exposed, and the whole kin group brought bad luck," (伐木掘土，固乖氣所以致暴，合族之晦). The countersuit reveals very different circumstances; the respondent characterized his farming practices as both ordinary and longstanding:

For many years I have plowed the two flanks of the “arriving dragon,” sowing and paying taxes in spring, summer and fall. Indeed, in the past the plaintiff himself bent over a hoe, yet now he wants to turn this behavior around to cheat me. Claiming that our diligent sowing of beans and millet has dug up a dragon vein, he turns back to sue me. In past years when he alone dug, it did no damage to the dragon, but now when many people hoe, he fabricates this accusation against me.

For reasons that are not apparent, one party in this case decided to stop plowing and make an exclusive claim to the slope, perhaps to set it aside for other purposes.

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682. [Xin xiu] fajia tou danhan 新镌法家透臆寒, henceforth Fajia tou danhan (FJTDH). This text is assumed to date to the late Ming, but this is not entirely conclusive. On dating see editors’ forward p. 2. The title specifies a "new print edition," suggesting a Qing-era print edition of a text that previous circulated in manuscript form.

683. “Bringing suit over exposing a dragon and damaging a lineage” 剝龍傷族告 FJTDH 148.

684. Ibid
The *Fajia tou danhan* contains several other cases that clarify other restrictions on the use of geomantically-powerful space. Once case involved the rights to pasture livestock. At root the case was a *fengshui* conflict between a house and a grave. The homeowner claimed that his house preceeded the grave, and that the burial was a bald-faced attempt to claim the “arriving dragon” (*lailong* 來龍) and cut off the 'descending vein' (*luomai* 落脈)" that supplied the house with positive influences (不顧亘古之居...陡於某夜扛棺劈葬，來龍遷穴，斬草落脈).\(^6\)\(^8\) In the counterplaint (*su* 訴), the respondant claimed that he had long controlled a gravesite behind the house, but that it had been trampled by the homeowners cows and pigs to the point that it was no longer recognizable. He had therefore decided to build a new grave on the site - the cause of the lawsuit - and erect a stele marking the site of the two graves to prevent future damage.\(^6\)\(^8\) By posting a stele, the grave-site owner claimed the right to prevent others from pasturing animals on his grave, in case that protection had previously been unclear.

In some contexts, it appears that *fengshui* arguments were legitimately used to protect the environment, in particular to prevent the collapse of sensitive slopes. Two cases in the *Fajia tou danhan* make this fairly clear. One involved a large residence housing several generations of a lineage. According to the plaint, the house was damaged by shifting cultivation of beans and millet. In their argument, the residents use terms that appear mystical to the modern reader:

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\(^6\)\(^8\) 685. “Bring suit over the dead doing damage to a living residence” 死害生居告 FJTDH 148. Note that both "arriving dragon" and "descending vein" are particularly powerful topological formation in geomantic thought. Both involve mountains descending toward the position of the house/tomb. In Paton’s translation of the *Book of Burial* a “descending dragon” “significes the degree of nobility of Three Dukes.” (i.e. the highest degree of nobility below the emperor in the Later Han). See Paton, *Five Classics of Fengshui*, p. 129.

\(^6\)\(^8\) 686. This is actually not made clear in the language of the countersuit itself, but is explained in a summary of the suit provided by the compiler of the *Fajia tou danhan*: “The graveyard had been used for burial before the [claim of] damage to the house; the recent event [precipitating this suit] was the burial of an additional coffin beside the ancestor. The resident repeatedly allowed pigs and cows to trample [the area], doing great damage to the old graveyard. [The grave-owners] discussed combining the two graves - one old and one new - into a single graveyard and erecting a stone maker to prevent future damage by trampling.” 墳葬災害之先，今復傍祖葬棺。其住人廡以賊牛蹂踏，古壟壞極，相商新舊兩堵共立一塚，用石維堅，便不患躇. *Ibid* 149.
The earth produces energy from its veins, and takes form from its dragons; if these dragon veins are damaged, the fate of the kin group cannot be protected. Plants are the hair of mountains, earth is their flesh, if the plants and earth are dug up, the dragon's body is damaged.

地以脈為氣，龍為形，龍脈損則族命不保；山以草為毛，土為肉，草土挖則龍身受刑。687

A second case makes this logic even more concrete. It involves two houses, one below an embankment and the other above it. The resident of the upper house cuts the trees sheltering the lower one. While this case lacks the language of fengshui, it contains a phrase that combines similar metaphors with more explicit logic: "people defend their bodies with hands and feet; cut off a hand or foot and a person is disabled. The earth protects this house with plants and trees; chop down trees and the earth collapses" (人以手足衛體，斬手足則人殘；地以樹木護房，伐樹木則地敗)。688 In these two cases, the logic behind the prohibitions is made quite clear: damage to trees or soil could lead to the collapse of houses or tombs.

Far more than pigs, hoes, or axes, the biggest threat to the woodland around graves and houses was fire. In one case from the Fajia tou danhan, the accused perpetrator "set fire to the mountainside, and the dragon supplying [the plaintiff's] residence was burned down to the red earth" (惡火焚山，身等住龍，炙煙赤地). Employing familiar fengshui language, the aggrieved party commented that "every twig and every leaf on the dragon ridge is intimately to [my] fate," (切龍岡之一枝一葉，性命攸關)。689 The countersuit reveals that the damage was caused when a swidden fire got out of control. As the respondent explained, "I am poor and cultivate the mountainsides, using fire to burn the ground. An uneven wind caused the blaze to grow, its power raging out of control like a prairie fire and burning the wood on the dragon ridge. I have

687. “Exposing a dragon and damaging a lineage”
688. Ibid
689. “Suing over burning a dragon and damaging a vein” 焚龍傷脈告 FJTDH 146.
been falsely accused of setting the fire on purpose," (身貧種山，舉火焚地，不一風施火蔓，勢若燎原，以致木灼龍岡，冤讎故火). Slash and burn cultivators at the edges of ritual properties used fire at substantial risk of damaging their woods and being prosecuted for major crimes.

Even if fengshui was framed in ways that protected graves and houses from damage by erosion or fire, it is clear that these prohibitions also served as a way of claiming woodland for other uses. Consider a second case involving a conflict between a swidden cultivator and a large landowner. The plaintiff, Wang Yi, controlled a large property that he termed a “grave forest” (fenshan 墳山). In this case, however, it is eminently clear that the grave was being used to lay claim to woodland for economic purposes: the owner noted that he had it “planted with more than a thousand shan and pine trees, at personal expense,” (費本栽插杉松千餘). In violation of the landowner’s desire to cultivate this highly valuable timber, he claims that his neighbor Qiu Wu repeatedly stole wood, and then set a fire to cover up his crimes. The countersuit shows that this was not just a matter of rivalry between neighbors - the two parties were engaged in entirely different uses for the land. Qiu explained, "I am in incredible poverty and rely on farming to survive. I met with disaster one day when I took my eight-year-old son to set fires to clear a slope; he lost control of the fire, which spread to thirteen graves of four surnames," (身極貧難，力田營活。禍因某日著八歲兒舉火燒塝，失火延及四姓十三主).

In other words, this was a poor swidden cultivator who probably intended to set fire to the underbrush to clear it for farming millet or tubers; the wood he stole from the plaintiff’s plot

690. Ibid.

691. "Burning a grave hill"火燒墳山 XCYB 537.

692. Ibid.
was probably firewood, not lumber. To demonstrate just how impoverished his situation was, this poor man "tried to sell his wife and children, but no master would take them; everyone he knows is destitute," (餘鬻妻孥，無主收受，所識窮乏，誰肯代措). Contrasted with the substantial wealth of the plaintiff, the respondent was not only destitute, but had no acquaintences who were not in similar straits. This strongly suggests that the two men came from very different social milieu: one was a wealthy landlord, the other a swidden cultivator. The judge ordered the cultivator to pay recompense through the only avenue available to him - his labor - by replanting the hillsides the following spring. While Wang did not recieve financial restitution for the damage to his grave and timber, the magistrate upheld Wang’s use of the land as a conifer plantation, and not Qiu’s claims to use it for farming and fuelwood.

The reasoning behind prohibitions fundamentally related to understandings of environmental risk. Digging earth, cutting trees, or pasturing animals, could all cause erosion, especially on the hills where most forests were located; fire was an even more obvious hazard. *Fengshui* encoded many of these understandings in a system that connected the “fates” of inhabitants and descendants to the environments of their houses and ancestral graves. Yet it is equally clear that once *fengshui* acquired force in legal arguments, it was used instrumentally to make claims to woodland that extended beyond the proximate surroundings of graves and buildings; it was used to prohibit behaviors that exposed these sites to risk, but also to monopolize woods for profit. Many of the overlapping usage patterns that typified common woodland - firewood cutting, shifting agriculture, pasturing animals - were characterized as


694. *Ibid.* Note a version of the countersuit also appears in FBJTL 343 as “Reporting an accidental, uncontroled fire” 報誤失火. Although the language is different, the details are so similar that it can only be a copy of the same case.
environmental risks, but also promoted the growth of *low forest*. By restricting these behaviors, lineages promoted exclusive claims to woodland, and the growth of *high forest* of specialized, commercial trees, especially high-value conifers.

**Conclusion**

This chapter has documented a sea change in the use of graves and control of gravesites. During the first empires, graves were the personal property of individual descendants, focused on the cults of great individuals; their use was largely constrained to the mourning period. Graves transitioned to the shared property of descent groups, focused on *corporate worship* of shared ancestors; their use continued through annual rituals well beyond the mourning period. New institutions emerged to manage graves, focused on their new functions as shared *ritual space*. Initially, Buddhist temples were the hegemons of funerary ritual. Gradually, through the Song, Yuan and Ming temples were displaced by lineages - institutions that emerged from the practice of group grave-worship itself. New ideas about taphology emerged as well; the middle period produced Neo-Confucian ritual ethics based on an idealized interpretation of antiquity, and several schools of *fengshui* that systematized older ideas about the influences of the natural environment on ritual systems. In the fourteenth and fifteenth centuries, these new ideas and institutions were reified in law, some through the top-down action of ideological leaders, many through the bottom-up processes of resolving novel legal challenges. All of these individual changes reflected a broader shift: early imperial graves were largely *symbolic monuments*; late imperial graves were *ritual sites*, and increasingly *protected environments*. 351
The shift in understandings and uses of graves led to changes in grave regulation as well. The type of *status regulations* that governed graves in the early empires persisted throughout imperial history; even the Ming and Qing had formal standards for the size of noble tombs and the types of statuary they were granted, but their importance declined progressively after the collapse of the aristocracy in the ninth and tenth centuries. With the rise of Neo-Confucian ritual norms in the thirteenth, fourteenth, and fifteenth centuries, the *ritual propriety* of burials, grave placement, and ancestor veneration became substantially more important in formal law as well. The ritual importance of graves was reflected in rules that limited protections to graves with ongoing ancestor worship, that returned improperly-sold graves to the ritual community, and that governed excessive status display by reference to the classics. Yet around the same time, *fengshui* schools promoted a different understanding of graves that emphasized the *physical environment* of the site over either ritual or status hierarchies. Burial sites were bought and sold as valuable sources of geomantic influences, and the special protections for graves were reinterpreted in the language of *fengshui* and extended to surrounding landforms.

To some degree, graves were still treated like other landforms - they could be bought and sold, should be registered, could be inherited. Yet by the mid-Ming, they were grouped with temples and residences as spaces governed by more than just the laws of property. Ritual sites - and the trees surrounding them - were given special protections; these protections could be accessed through the language of *fengshui*. Graves also became a way of making exclusive claims to woodland, and specifying the ways that woodland could legitimately be used. This in turn opened up the wooded landscape to a form of land claim outside the state’s formal registration system.
As we saw in Chapter One, the state’s ability to regulate land expanded in the Song but was greatly curtailed in the Ming. Song cadasters were kept up-to-date and Song courts did not accept claims without officially-endorsed documentation; while later Ming surveys had trouble tracking changes in cultivated land, and Ming courts heard suits involving unofficial “white deeds.” The Ming fiscal administration did maintain the ability to tax and oversee most land. Yet it was only through substantial innovation on the part of its officials that the Ming cadasters kept track of transfers of existing plots of registered land; most newly-opened land fell outside their abilities to register and tax. Any land uncultivated in the opening decades of the dynasty largely fell outside the purview of the Board of Revenue. Yet as I demonstrate in Chapter Two, land disputes in the Ming continued to be heard in official courts. Indeed, I argue that much of the state’s functional oversight shifted from the fiscal to the legal administration, and that the legal administration itself was overrun with “private matters” with little bearing on the public order that formed the basis of its Code and precedents. Even disputes over unregistered land were heard in Ming courts. In other words, if we want to find the frontier in the Ming, we should look to lawsuits rather than land records.

It is in the legal corpus that graves make an outsize appearance, leading me to the conclusion that graves were a key frontier in the Ming and Qing. Population pressures continued to expand in the late empires, and much new land was brought under the plow. Scholars have been able to track this at the external frontiers, yet the lacunae in the cadastral records have largely stymied attempts to quantify expansion in the interior. A huge amount of land remained outside of official registration - probably well over 50% of the land area in the South. Yet even if

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695 Recall that the major tax and oversight problems in the Ming centered on corvee.

696 There were exceptions: land reclaimed from lakes and river-banks was generally registered. See Chapter One.
new land was not registered, previously uncultivated land was certainly opened to intensive use. As I have shown above, graves and fengshui became a major way of claiming this land; they also became an important way of governing the ways this land could be used.

In the introduction, I called the second millennium the *third period of ritual enclosure*, and argued that this process of enclosure was led by lineages in South China. Here we have seen the tools used by lineages to enclose this land: fengshui survey, burial of ancestors, maintenance of the grave, regular performance of veneration ritual, and use of the courts to contest any rival claims. Through the overlapping systems of lineage control and financing, geomantic survey, and court oversight established by the sixteenth century, lineages were able to set aside fairly substantial areas of forest. Many of these “grave groves” were protected well into the twentieth century.
General Conclusion
In the preceding six chapters, I described two great shifts in Chinese forestry: the last great florescence of premodern state forestry, and the rise of lineage forestry. I argued that these trends are inseparable from the broader course of institutional history. State forestry in the Northern Song was part of a general push toward greater state involvement in village-level governance. Thereafter the gradual decline of government influence in Southern woodlands was part and parcel with the devolution of official authority from the village to the county seat, and from the tax and survey apparatus to the court system. Simultaneously, the growth in lineage influence over woodland was inseparable from their growing power in all aspects of local economy, politics, and ritual.

This project is first and last about institutional claims on woodland, but it has touched on major transitions in those institutions themselves. With respect to the Chinese state in the Song, Yuan, and Ming Dynasties, I argue that we must understand the appearance of weak government in the context of strong lineages. When the “fiscal state” was at its strongest in the Song, and continuing into the Yuan and early Ming, lineage organization was relatively weak, and depended on the state for incomes, records, status, and dispute resolution. The apparent decline of state reach thereafter was partially the result of institutional path-dependency - the unforeseen outcomes of choices made under particular administrations, especially the Ming founder. The reduced capacity of the state to survey and tax, in particular, was related to problems with the money supply - inflation, currency famine, and the use of unminted silver.

But to a large degree, the devolution of state power from the villages of South China had to do with the growth of lineage power in those same villages. With improved records, finances, and large memberships, Ming lineages interposed themselves between the formal state, and the
land and populace. They made themselves necessary as tax intermediaries, effectively governing
the formation of households and villages that the state had dominated in the Song. Not only did
lineages force local officials to recognize their power in the villages, they also use the county
courts as a forum for their private claims and conflicts. The decline of state influence in the
villages was neither willful, nor for lack of ideas; it was a retreat in the face of an institution with
superior local capacities.

Lineages, for their part, started as small, short-lived groups of kin gathered for grave
ritual. From their beginnings in the late Tang, it was essentially inconceivable that they emerge
as the large, corporate bodies of the Ming and Qing. Gradually, lineages adapted to the increased
competitiveness of government staffing, the penetration of the market, and the localization of
Chinese elite society by integrating as a component of the Song gentry community. Many of the
hallmarks of later lineages were visible by this point in time, yet the lineages of the twelfth and
thirteenth centuries were still highly dependent on links to outside institutions. In some areas of
the South, notably Ji’an and Jinhua, this changed with the crisis of the 1350s. Widespread
destruction of records and dispersion of kin groups drove reformed lineages to find the means to
internally reinforce their organizational structures. By the mid-Ming, many lineages conceived of
themselves as branches of higher-level lineage organizations that transcended localities. These,
corporate lineages constructed an independent base of power, giving greater persistence to their
interventions into local economies and politics.

These two interrelated trends were intimately tied to the two cycles of forest governance
with which I started: the rise and fall of state forestry, and the growth of lineage governance of
woodland. In many ways, these two great shifts look like earlier cycles, when state forest
institutions grew with state power, and estate-based control of woodlands rose in eras of state decline. Yet lineage forest institutions were different than noble or monastic ones: they penetrated further into local society, essentially eliminating common-use claims to woodland; and were more linked to non-local society, engaging in production and long-distance trade of woodland commodities. In other words, the rise of the corporate lineage was intimately tied to the enclosure of the commons and the rise of the market. Corporate lineages, and their links to these two trends, proved remarkably durable, persisting until the next cycle of state intervention on behalf of the people in the twentieth century.

Indeed, sixteenth-century, lineage-led woodland enclosure under the auspices of *fengshui* produced the conditions for twentieth century, state-led woodland enclosure under the auspices of communism and scientific forestry. When the Nationalist government reformed the forest administration in Nanchang Prefecture in the 1930s, the majority was lineage forest - none of which had been registered under the Qing. In one county in Zhejiang, lineages controlled almost 100% of woodland when it was collectivized during land reform in the 1950s. When local governments in Fujian established forest administrations in the early communist era, they did little more than change the names of longstanding *fengshui* groves (*fengshui* lin 風水林, and related terms) to *protected ecology forests* (*shengtai baohu* lin 生態保護林). At least in Fujian, the majority of large, healthy woodlands in the mid-twentieth century were *fengshui* groves in the neighborhoods of graves, houses, and sensitive slopes.

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In other ways, the patterns of state and lineage forestry seen in China parallel similar developments in other parts of the early modern world. In some contexts, states intervened directly into forests to secure supplies of scarce or strategically critical wood resources, often through the argument that the state was a more rational administrator than village groups.\footnote{See, for example, Totman, Conrad D. *The Green Archipelago: Forestry in Preindustrial Japan*. Berkeley: University of California Press, 1989. Scott, James C. *Seeing like a State: How Certain Schemes to Improve the Human Condition Have Failed*. New Haven: Yale University Press, 1998, Chapter 1.} This looks a great deal like the contexts in North China, and to some degree Southwest China after about 1500. State-driven interventions have often been assumed to be the norm, but in other cases it is clear that forest regulations emerged from local rules formalized through processes of negotiation and litigation.\footnote{See especially, Warde, Paul. *Ecology, Economy and State Formation in Early Modern Germany*. Cambridge: Cambridge University Press, 2006. See also Radkau, *Wood: A History*, Chapter 2, for examples.} This looks much more like the context in South China. Yet local forestry in South China differed in several key ways from other emergent forms of local forestry. First, it was tied to the rise of a fundamentally new form of social organization - the corporate lineage - that effectively came to dominate village communities at around the same time it developed a set of forest institutions. Second, it lineage forestry was both nominally and functionally a ritual order; while lineages engaged in economic activities, they were not formed around desires to organize production for the market.

Whether top-down or bottom-up, there has been some question of whether the novel woodland interventions of the early modern era were driven by actual resource scarcity, by the perception of resource scarcity, or by changing conditions of supply and demand for different wood products.\footnote{Historically, scarcity claims were generally taken as real. The work of questioning these claims, and reinterpreting them as evidence of changes in the prices and markets for forest products comes largely from the scholarship of Joachim Radkau (see *Wood: A History*, Introduction) and Paul Warde, (see “Fear and Reality of Wood Shortage”).} Here, the evidence from China suggests that the rise of the market was key:
with the possible exception of parts of North China, wood never became absolutely scarce; however, under many circumstances it did become more sensible to substitute imports or other products for expensive of inferior local wood. Rather than total deforestation, the key trend was change in the type and management of forests.

Whether driven by state or lineage, large, wealthy institutions tended to favor investments in goods with high trade value. As in much of the early modern world, lumber became the most valuable forest product and the overwhelming focus of active forestry. This tended to promote conifers - especially pine and shan trees - at the expense of broadleaf, and favor high forest at the expense of low. These patterns pushed aside other uses of woodland, particularly the combination of pasture, hunting, swidden farming, and food and fertilizer gathering favored by both sedentary lowland farmers and shifting upland cultivators.

I have described lineage-led, market-driven forestry up to the beginning of the seventeenth century, a period when its rise was largely unabated. By the mid-seventeenth century however, a new form of conflict began to stem the advance of lineage governance. As lineages laid exclusive claims to much of the woodland in South China, they effectively dispossessed other groups with competing claims. Poor farmers of both the uplands and lowlands saw their historic rights to fuel, pasture, and other woodland products curtailed by lineage foresters. Even the poorer members of powerful lineages had to struggle to claim wood, land, and burial locations.

For a century or two, these various groups responded largely by moving elsewhere: further up the hills, into the cities, or to the frontiers. Some of them were quite successful at

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703 Here I must disagree with Marks, (see China: Its Environment and History, Chapters 4 and 5); Elvin, (see “A Thousand Years of Unsustainable Growth,” Retreat of the Elephants, Chapters 3 and 4).
reinventing themselves within the emerging markets for woodland commodities: upland peoples
specialized as foresters and papermakers based on their woodland expertise; poor sons moved to
the cities as peddlers and laborers, some later rising to become rich merchants and reconnect
with their natal lineages. Yet large and growing numbers of the landless found no such
opportunities. Many farmed the forests illicitly, taking advantage of new crops like sweet
potatoes and maize that could grow in the uplands. Other resorted to banditry and smuggling. For
much of the Ming, these were small and peripheral problems, but there are indications that in the
seventeenth and eighteenth centuries they began to reach a critical mass. Upland areas began to
suffer acute overuse, leading to downstream problems. Environmental degradation and economic
exploitation fed waves of unrest. Many Qing rebellions stemmed from the impoverishment of
peripheral regions through overlapping trends that brought waves of poor immigrants, and that
degraded the land through overuse.

The rise of forest economies and enclosure of woodland were general trends in much of
the wold between the fourteenth and seventeenth centuries, but the eclipse of state forestry and
the rise of lineage forestry were particular to the specific social and environmental context of
South China. These developments help us better understand the broader institutional transitions
in late imperial China, and give new perspective on shifts in resource governance in the early
modern world. Yet this project has uncovered more questions than it has answered. I hope that
future research will enable us to better understand these transitions, and their roles in forming the
environments we now inhabit.
Appendix: Assessing Lineage Claims to Continuity
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Works Cited
Gazetteers

All gazetteers are from Jiangxi Province except as noted in parentheses. Except as starred (*), all are from the first two series of reprints of Ming Dynasty Gazetteers Preserved at Tianyi Ge:

*Tianyige cang Mingdai fangzhi xuankan* 天一閣藏明代方志選刊, Shanghai: Shanghai guji shudian, 1982-3.
*Tianyige cang Mingdai fangzhi xuankan xubian* 天一閣藏明代方志選刊續編, Shanghai: Shanghai shudian, 1990.

Gazetteers from the Collected Reprints of Rare Chinese Gazetteers Preserved in Japan are indicated by RBCDFZ:


Other collections are indicated individually.

**Ming Dynasty**

**Hongzhi** 弘治 (1488－1505)

HZFZ - *Fuzhou Prefectural Gazetteer* 弘治撫州府志
HZYE - *Yuezhou (Hunan) Prefectural Gazetteer* 弘治岳州府志

**Zhengde** 正德 (1506-1521)

ZDRA - *Zhengde Raozhou Prefectural Gazetteer* 正德饒州府志
ZDRU - *Zhengde Ruizhou Prefectural Gazetteer* 正德瑞州府志
ZDJC - *Zhengde Jianchang Prefectural Gazetteer* 正德建昌府志
ZDNK - *Zhengde Nankang Prefectural Gazetteer* 正德南康府志

**Jiajing** 嘉靖 (1522-1566)

JLCD - *Changde (Hunan) Prefectural Gazetteer* 嘉靖常德府志
JJCL - *Chaling (Hunan) Sub-prefectural Gazetteer* 嘉靖茶陵州志
JJGX - *Guangxin Prefectural Gazetteer* 嘉靖廣信府志
JJGZ - *Ganzhou Prefectural Gazetteer* 嘉靖贛州府志
JHZ - *Hengzhou (Hunan) Prefectural Gazetteer* 嘉靖衡州府志
JJHN - *Jianning (Fujian) Prefectural Gazetteer* 嘉靖建寧府志
JJLJ - *Linjiang Prefectural Gazetteer* 嘉靖臨江府志
Legal Compilations

Law codes and institutional compilations rely largely on digital editions from the Guoxue baodian and Hanji dianzi wenxian databases (see below). Other legal sources are from two printed collections:


Volume 2:

DMLS Ming Code With Commentary, [Appended Precedents with Continued Rulings and References, and New Rulings], 大明律疏附例所載續例附考及新例

WXTL - [Ming Code with Directly Appended] Criminal Investigations and Caselaw [and Associated Articles] 大明律直引所附間刑條例和比附律條
Volumes 4-6 (volume indicated with page number in footnotes):

HMTF - *Classified Precedents of the August Ming* 皇明條法事類纂


Volume 4:


Volume 11:

EBKQ *Erbi kening* [Inserting the pen into the critical point] 畽筆肯綮
FJTDH *Fajia tou danhan* [Legal masters reveal terrifying injustice] 新鑒法家透膽
FBJTL *Fabi jing tianlei* [The legal pen startles thunder from heaven] 新刻法筆驚天雷
XCLBD *Fajia Xiao Cao liangzao xue'an liangbian dao* [Famous legal masters present both sides of the suit, wiping away cases with the double-edged sword of law] 新刻法家蕭曹兩造雪案兩便刃律

Genealogies

In the Shanghai Library Genealogy Collection


HLHS - *Hualin Hu shi xuxiu zongpu* [Continued revision of the Hualin Hu house genealogy] 華林胡氏續修宗譜, 1928

PXLS - *Pingxi Luo shi sixiu zupu* [Fourth revision of the Pingxi Luo genealogy] 平溪羅氏四修族譜 1.3b-4b. Note that as of May 2014, this genealogy was mis-labeled in the Shanghai archive as 黑田羅氏九修族譜.


In Private Collections

*Fangli shipai Ouyang shi zupu* [10 branches of Fangli Ouyang genealogy] 防里十派歐陽氏族譜, 1944.
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- GXCD - *Guoxue cidian guoxue jichu wenku* 国学词典 国学基础文库
- JMZGGJ - *Jianming zhongguo guji cidian* 简明中国古籍辞典
- JXLRW - *Jiangxi lidai renwu cidian* 江西历代人物辞典
- LDSXJZ - *Zhongguo lidai sixiangjia zhuangji huiquan* 中国历代思想家传记汇诠
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TLSY - Tang Code With Commentary 唐律疏议
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QYTF - Qingyuan tiaofa shilei 慶元條法事類
YDZ - Yuan dianzhang 元典章
ZYZL - Zhiyuan zaling 至元雜令
DYZT - Da Yuan tongzhi 大元通制
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