

# OCCUPANCY OF DESERTED FARMING PLOTS BY *KE-HU* UNDER THE TANG DYNASTY

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## I

It was in the middle of the Tang dynasty that the conceptual and institutional distinction in state censuses or registrations was made for the first time in Chinese history, between *du-hu* 土戸 or *chu-hu* 主戸 which lived in their permanent domiciles and *ke-hu* 客戶. The latter, having left their original domiciles to live in other places, was permitted and registered in their temporary residences. The distinction became clearer in the Song dynasty. Achievements of socio-economic studies in Japan with this distinction as a clue or in search of the meaning of it, can be summarized as follows:

First, Mr. Shigeru Kato asserted that the *du-hu* or *chu-hu* in the Tang and Song dynasties was a landlord and that the *ke-hu* was a "tenant" in a manor, from around the 1930's to the first half of the 50's. Later, this theory was critically inherited by Mr. Yoshiyuki Sudo and Ms. Setsuko Yanagida to extend the concept of *ke-hu*, especially of the Song period, to be inclusive of an "employee," and it was discovered that there were such people as "households with farming plots but without taxes," in the latter half of the 50's. Lately, Mr. Yasushi Kusano clarified that both of *du-hu* or *chu-hu* and *ke-hu* were the registered households occupying the land to be taxed *liang-shui* 兩稅 and corvees, and that the distinction was made on whether a household had been in its permanent domicile or in a temporary residence.

Understanding of *ke-hu* in Tang, with an exception of the study by Mr. Sudo mentioned above, which pointed out the existence of "tenants" and "employees" in manors, has not been advanced much about concrete images of them, since the days before W.W. II.

Reflecting on the causes that prevented a clearer understanding of the history in these doctrines, I reached the conclusion that we had to distinguish the political volition of the Tang State in their effort to admit and systematize the *ke-hu* from the actual conditions of *ke-hu* which should have assumed various forms. From this viewpoint, I started out to pursue the change in the methods of execution of the registration policy in Tang. The outcome was the following findings. While forcing the deserters to return home as the returned deserters, the principle of balancing also accommodated these deserters with registration at their temporary residences as the newly incorporated *ke-hu*. This heralded the principle of the levying on the actual residence in *liang-shui fa* 兩稅法. It was put into practice for the first time in *Yu Wen-rong's* 宇文融 registration policy and opened the way to discern *ke-hu*

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from *du-hu* or *chu-hu* in the state censuses and registrations. This systematization of the *ke-hu* through the principle of balancing represented the emergence of the *liang-shui fa* order, which replaced the *jun-tian fa* 均田法 and *zu-yong-diao fa* 租庸調法 order. Land occupancy, which constituted the basis of taxation under *liang-shui fa*, was facilitated through the procedure of letting *ke-hu* undertake and eventually occupy the deserted plots of land. I outlined this change along the intention of the state.

In this paper, I will investigate more deeply the change in the measures to be taken concerning the deserted plots vis-a-vis the degrees of *ke-hu*'s systematization. Thus, I want to clarify the existence of *ke-hu* that acquired their own land holding as registered households, and to throw light on social restrictions on *ke-hu* in preparation of the approach toward the concrete images of *ke-hu*.

## II

A *ke-hu* became an institutional *ke-hu* through conversion of its unregistered status into reincorporated status by the state, as was described, "There are many people who evaded the taxes living in villages. If county authorities reregister their names, they come to be called *ke-hu*."<sup>1</sup> As the land for them to farm, the plots of already deserted households which had been laid waste were provided for in the expressions like, "the farming plots of the already deserted households," "the deserters' occupancies," "the deserters' estates," "the estates of deserted or extinct households," "the deserted farming plots," "the land and residences of deserted households," "the wasted land of deserted households," "the mulberry fields of deserted households," and "the industries of deserted households" (hereafter referred to as the deserted (farming) plots).

Originally, the rule dealing with the deserted farming plots was to put them in the custody of the authorities before the reign of Xuan-zong. This rule was gradually undermined, and the deserted plots came to be occupied by the undertakers under the reign of Dai-zong 代宗 and after. With systematization of *ke-hu* going on through the reign of Xuan-zong 玄宗, *ke-hu* emerged as such undertakers.

Let's start off with investigation of the deserted plots under the reign of Wu Ze-tian 武則天. The Directions on Deserted Households from Sha-zhou 沙州 to Gan, Liang, Gua and Su 甘涼瓜肅, says:

... The farming plots of the already deserted households should be put into the hand of the designated undertaker with seed being provided from the official granaries. The harvested crops should be appropriated as the taxes. If there will be any surplus of crops, this can be taken by the undertakers.... The farming plots of the households deserted within the year, too, should be undertaken by the designated households with officially provided seed. If the deserters return and there are crops being grown, the taxes on these households should be exempted and the growing crops should be harvested by the returned deserters...<sup>2</sup>

As can be from the passage above, in the case of the deserted plots for more than a year, the undertakers were designated to grow crops to be paid as the taxes, the surplus

<sup>1</sup> Liu Fang 柳芳, *Shi-hua lun* 食貨論, vol. CCCLXXII of *Quan Tang Wen* 全唐文.

<sup>2</sup> No. 2835 of the Otani Archives.

being taken by the undertakers. While in the case of the farming plots which had been deserted in the year, again the undertakers were designated to grow crops with seed from the official granaries, but, if the deserters should return within that year, they had been privileged with exemption of the taxes for the year and a full grant of the harvest which had been grown by the undertakers. Through these directions, we can see that the institutional intention of the state that lay behind the principle of state custody of the deserted plots was to facilitate the return of the deserters. This is merely an example in the frontier Western Regions in the third year of Zhang An 長安. However, an edict with similar intent concerning the Imperial domain and China as a whole was issued a few years later.

No. 1344 of Stein's Dun-huang 敦煌 Archives, which was introduced to us by the late Dr. Noboru Niida as *Hu-bu ke Duan-jian* 戶部格斷簡 in the Years of Kai-yuan 開元 includes following orders.

The first one:

On March 20, the second year of Jing-long 景龍, His Majesty issued an edict stating that the estates of the deserted or extinct households in the Imperial domain could not be undertaken by the Imperial Kin, peers, thousand officials and others, or residents of the provinces out of the domain.

The occupancy of the deserted estates in this case was prohibited from being transferred to the Imperial Kin and so on, with the intention of preserving the deserted estates. It is not difficult to infer that, actually, there were many cases of acquisition of the deserted estates by the members of the Court and the residents of the provinces out of the Imperial domain without the formal petition or allowance. The fact that a specific reference was made to prohibit the petition by "the residents of the provinces out of the domain," deserves attention. In a sense, it is quite understandable as this edict was issued in the second year of Jing-long (708 A.D.) when there were *ke-hu* living in alien places without legally permitted to do so. Seen from the viewpoint of the registration policy, it implies penetration of the "benefaction-oriented" principle of registration in the permanent domicile.

The second one:

On July 17, the primary year of Tang, His Majesty issued an edict stating: "The farming plots and houses of the deserters may not be sold. The field must be put into the custody of a proxy, and the taxes levied. In case there should be any surplus, it must be preserved in the official granaries. If a deserter should return within three years, he should receive the surplus in the granary. As to the taxes levied on the deserted households which had lost their fields and houses, and did not return within three years, they may not be levied on the deserters' neighborhoods, *lin-bao* 隣保."

The primary year of Tang in this context, must be the primary year of Tang-long 唐隆 (710 A.D.) under the reign of Zhong-zong 中宗. For, as Dr. Niida has already pointed out, the Edict to Enforce Discipline, vol. CX of *Tang Da Zhao Lin Ji* 唐大詔令集 had almost an identical content with this one, and was dated July 19, the primary year of Tang-long. According to this edict, the deserted plots could not be sold, were farmed by tax-collectors(?), the taxes accrued from farming were appropriated for the taxes and corvees levied on the deserted households, and any surplus was preserved in the official granaries. The statement that, if a deserter should have returned, the surplus had been given to that returned deserter indicates the facts that the deserted plots were put into the custody of counties or provinces, not undertakers, and that the state had aimed at the facilitation of the return of the deserted

households.

Thus, for the duration from the era of Empress Wu to the reign of Zhong-zong, sales of the deserted plots had been, at least institutionally, prohibited. The plots had been put into custody of the authorities of provinces or counties, who designated the proxies to undertake the farming to secure the taxes and corvees from the land, the surplus in the harvest being preserved in the official granaries as far as possible to be paid back to the returned deserters. The main objective of the procedure was to encourage the return of the deserters. Because of this, however, the interests of the undertakers tended to be slighted or neglected. In other words, every possible privilege concerning the farming plots and the burden of *zu-yong-diao* was endowed to the deserters to facilitate their return, as a vital link in the benefaction-oriented registration policy, in order to maintain the *jun-tian* system of agricultural production. This was accomplished, however, at the expence of the undertakers who were exposed to the pressure to compensate the loss of *zu-yong-diao* revenue by the overtaxation on them. Those undertakers who were forced to work in a condition which was not far removed from compulsory corvee, were called at the times, "the helpers" or "the leaseholders." There are reasons to assume that they were designated from the households which belonged to the deserters' *lin-bao*. First, the same Edict of July 17, the primary year of Tang-long was recorded in *Tang Da Zhao Lin Ji* as the Edict to Enforce Discipline with a passage, "the taxes should not be borne by the *leaseholders*," and in *Hu-bu ke Duan-jian* in the years of Kai-yuan as "the taxes should not be borne by *lin-bao*." In short, the words "leaseholders" and "*lin-bao*" were interchangeable. Secondly, the fact that the households of *lin-bao* had deeply related to the undertaking of the deserted farming plots in and after the reign of Dai-zong (which will be mentioned in due course) will be beyond comprehension, if we do not grasp the too severe burden on the leaseholders before and during the reign of Xuan-zong, which portended the bane of overtaxation on *lin-bao* to be especially intensified in and after the reign of Xuan-zong.

Because it was widely and persistently practiced to make the leaseholders of *lin-bao* bear the burden of the arrears and corvees on the deserters for such a long duration as three years, the order to prohibit this practice was issued in the primary year of Tang-long, apparently to no avail. In the early years of Kai-yuan, it was observed that, tax collectors "strove to be severe, with misguided notion of resourcefulness, that the authorities of provinces and counties applied the directions too rigidly to levy the taxes in fear of default, and that the taxes on the deserted households were borne by *lin-bao* who in turn ran away as they were unable to stand the burden." The eighth year of Tian-bao saw the following order:

If there are several cases of desertion, (the officials) negligently retain these households in their registers, as they are ashamed of confessing the decline of the tax revenue, and, when they collect the taxes they make the kinsfolk and the neighbors bear them . . . . The taxes on all the households that had been deserted for years which have been levied on the kinsfolk or the neighbors with the assumption of existence of these households should be suspended from now on, and the households should be deleted from the registers.<sup>3</sup>

It should be clear from these quotations that the tax arrears of the deserted households

<sup>3</sup> The January Order of the Eighth Year of Tian-bao 天宝, Deserted Households, vol. LXXXV of *Tang Hui-yao* 唐会要.

had been persistently levied on the households related to or neighboring the deserters because of the undeleted registration of the deserted households. Yu Wen-rong's systematization of *ke-hu* was an attempt to ameliorate the situation by incorporating the deserters in the registers of their domiciles in exile and delating their registration in their original abodes. The reregistration of the deserters as *ke-hu* was far from exhaustive, though. Furthermore, achievements of the local officials of provinces and counties were judged by the increase or decrease of the number of the households under their command. So, even after the inclusion of *ke-hu* into the institution, there were the "households on assumption" causing the bane of overtaxation on the kinsfolk and the households in *lin-bao* of the deserters as the Edict of the Eighth Year of Tian-bao shows. The problem remained to be solved.

We can cite the attempt to legally permit the undertakers to occupy the deserted farming plots in and after the reign of Dai-zong as a step toward the solution of this problem. The principle of official custody of the deserted plots had become unstable because of the overburden on the undertakers in *Lin-bao* who had been forced to act as the custodians by the reigns of Zhong-zong and Xuan-tsung. Under the following reigns of Su-zong 肅宗 and Dai-zong, instead of forcing undertakers to farm the deserted plots as labor which verged on corvee, the deserted plots came to be "leased" to undertakers, or they were reallocated to the farmers who had sold out their own plots, according to the size of their families.

*Dei-en Qi-ze Zhao* 推恩析沢詔 says:

Among the households, there are a few which had relocated out of official cognizance. The Governors of Provinces and Counties are ordered to reinvestigate the registers, attach tags, and collect taxes according to the present number of the households. Those who had already deserted should be encouraged to return home with special regulations . . . . Those who had deserted but could return home should be exempted from their corvee (and taxes) for three years, by the annual allowance of their petitions (in person). Those who have occupied deserted plots or residences and who are capable of paying the taxes should be allowed to lease their present occupancy through the appropriate authorities.<sup>4</sup>

In this edict of the second year of Qian-yuan 乾元 under the reign of Su-zong, taxation on the present households was ordered, prohibiting the practice of taxation on the deserted households on assumption, and the three-year exemption of the taxes on the deserted households was allowed, in an effort to facilitate the return of the deserters. At the same time, the approach of leasing the plots and houses of the deserted households through petty officials and collecting the revenue from the lease as the taxes was adopted in this edict.

Similarly, the Edict of April, the Third Year of Qian-yuan, proclaimed:

Owing to taxation through the registers, the taxes on the deserted households caused many evils as sales of the estates, taxation on the neighbors, and transference of the taxes. Hereafter, all the plots and houses of the deserters should be leased through the official hands, the revenue accrued thereby being collected as the taxes. In case the deserters should return, their plots and houses must be restored to them immediately. The appropriate authorities should be especially careful not to levy the taxes on these plots and houses with the excuse of making up for the default in the tax revenue.<sup>5</sup>

The main purpose of the official custody of the deserted plots and houses seems to have

<sup>4</sup> Vol. XLII of *Quan Tang Wen* 全唐文.

<sup>5</sup> Deserted Households, *op. cit.*, vol. LXXXV of *Tang Hui-yao*.

changed to the lease with which the revenue equivalent to the taxes was accrued, and the restitution to the returned deserters seems to have been continued reluctantly, in this context. Still later, in the primary year of Da-li 大曆 under the reign of Dai-zong, it was stated:

The deserters who had returned and resumed their occupation should be allowed a two-year exemption from the taxes. Tax collectors should not be sent to their holdings within this period. If there should be deserters who had sold out their plots and houses, the provinces or counties of their permanent registration should provide them with an appropriate amount of deserted plots and houses according to the size of their families.<sup>6</sup>

It became gradually evident that, in these years of preparation for *liang-shui fa* to come, an effort was made to let the actual farmers occupy farming land that was the main resource of the tax revenue, through a policy of putting the deserted plots into official custody, and reallocating them to farmers without farming land according to the size of their families. In this procedure, it became more difficult for the returned deserters to restore their own deserted plots and houses, perhaps because, the return of deserters had become rarer, and because, from the viewpoint of the tax revenue of the state, the expectation of the tax increase by the returned deserters had become less and less reliable. However, as it was not that the return of deserters had ceased altogether, the occupancy of farming land by the returned deserters was still pursued through requisition and reallocation of the farming plots attached to the government posts (excepting for those in the Imperial Manors), reclaimed fields, and the manors of the Imperial Kin, peers, and wealthy families in excess of the legally prescribed limits, opening up the "present farming plots laid waste," and the deserted plots which had belong to other deserters, to the returned deserters, from the years of Kai-yuan. Based upon this insurance of farming land to the returned deserters, spasmodic as it may have been, it was decided that the deserted plots which had belonged to the deserted or extinct households without any hope of return should be put into the official custody, and reallocated to the farmers without any farming plot or house, in the primary year of Da-li. Among these landless farmers were the *ke-hu* who had been already included in the institution, and they emerged, in a sense, as the central figures that received the benefit of the reallocation of the deserted plots which had been put into the official custody.

First, there is a record as follows:

In April of the second year of Guang-de 廣德, an edict was issued: "If there are temporary residents who petition to be incorporated in the registers and to be allowed to occupy the plots and houses of the deserters, a prompt action must be taken to allot them with farming plots according to the size of their families through due procedure. Those who have farmed two years or more and who are sustaining their living after this reallocation need not return their farming plots, even if the original holders of the land should return. These original holders should be receiving new allotments of land through another procedure."<sup>7</sup>

As can be seen, among the temporary residents who wanted to occupy the deserted plots, only those who applied for the inclusion into the registers received the allotments according to the size of their families as the Tang Code had prescribed. If there would

<sup>6</sup> Vol. CDXCV of *Ce-fu Yuan-gui* 冊府元龜, and the Order of the Primary Year of Da-li in Deserted Households, *op. cit.*, vol. LXXXV of Tang Hui-yao.

<sup>7</sup> Vol. CDXCV of *Ce-fu Yuan-gui*, *op. cit.*, and Deserted Households, *op. cit.*, vol. LXXXV of Tang Hui-yao

have emerged, after this procedure, farmers who had farmed their newly allotted plots for two years or more and who could sustain their living, they were released from the obligation to return the plots, even if the deserters who had originally occupied them should have returned. These returned deserters, in turn, should have been reallocated new plots of farming land, probably through the various measures taken to facilitate the occupancy of the returned deserters which were listed above. In other words, efforts were made to assist the self-support of the temporary residents as the newly incorporated *ke-hu*, and at the same time, to secure the sustenance of the deserters who had originally occupied the plots reallocated to *ke-hu*, in case they should return, by allotting them new plots of land.

Secondly, it is stated:

On the first day of January, the primary year of Yong-tai 永太 under the reign of Dai-zong, a general amnesty was issued proclaiming:

"Agriculture is the foundation of the polity. Victuals are the nature of men. All the subjects are reminded of the importance of the spring crops at the outset of the year. Except for the emergency of raising fund for military operations, the extra taxation should be suspended. The deserters who had returned and wish to resume their occupation, and the temporary residents who petition to be incorporated into the registers should be treated as they wish, by the Governors of the Provinces or the Counties in person. Especially, those who could not pay off the taxes and corvees levied on them should be mercifully loaned seed, and every effort should be made to let them settle at ease."<sup>8</sup>

The Tang government appealed to public not to desert their plots as seed for spring crops would be leased for those who had not paid off their taxes or corvees, in order to secure the resumption of the deserters and registration of temporary residents, and to re seize the drifters or temporary residents as either returned deserters or newly incorporated *ke-hu*.

The policies held in common through treatment of temporary residents under the reign of Dai-zong can be extracted from the two historical materials cited above. First, creation and increase of newly incorporated *ke-hu* were sought after, through neither compulsion on the undertakers in *lin-bao*, nor lease by the authorities of the jurisdiction of the deserted plots, but through reallocation of the land to the temporary residents who had applied for the registration, by letting them farm, and eventually occupy it. Secondly, it was striven, at least in intention, to motivate the return of the deserters through the reallocation of new land, tax exemption of limited duration, and lease of seed for the returned deserters. However, a two-year exemption was again proclaimed for the returned deserters in the very next year, implying the difficulty of the actualization of this line of policy.

Seen from the viewpoint of the change in the methods of execution of the registration policy, this is the period when the emphasis was removed from the return of the deserters and laid on the increase of the newly incorporated *ke-hu*. Later, the status of *ke-hu* was secured with the establishment of *liang-shui fa*, and the undertakers of the deserted plots, inclusive of these *ke-hu* would come to be ensured of their occupancy of the land through bestowal of *gong-yen* 公驗 or official licences.

The Directions of January, the Primary Year of Hui-chang 会昌 under the reign of Wu-zong 武宗, says:

<sup>8</sup> Vol. LXX of *Ce-fu Yuan-gui*.

... There sometimes occur violations of the estates of the deserters by local governors who appropriate for the taxes. Thus, the livelihood of the deserters had been lost, they were deprived of the means to return home, the taxes on the present households were made heavier year after year, and the deserters have grown in their number. Hereafter, the farming fields and residences of all the provinces and counties which had been actually surveyed at the village level by the competent officials sent by the inspectors and local governors in or before the fifth year of Kai-cheng 開成, should be reexamined through orders to the heads of local communities, should be leased to people, and should not be laid waste. The harvest should be appropriated for the regular taxes on the households which had occupied the land, and any surplus should be preserved in the official granaries for future restitution in case the deserters should return. If the harvest should turn out insufficient for the regular taxes, collect only the available amount. Do not levy the deficiency on the deserters after they had returned. If the ex-occupants of farming land and houses should not return after the interval of a year from now, the land and houses should be reallocated to designated persons through consultation with county officials, and eventually should be licenced as permanent holdings.<sup>9</sup>

To summarize, the order will be broken down thus: The tax resources like paddies, mulberry orchards, and houses which had been surveyed in or before the previous year should be reexamined. If there are deserted plots, they should be leased to people. The harvest should be appropriated for the regular taxes. Any surplus should be preserved in the official granaries in preparation for restitution for the returned deserters. If the deserters do not return within the two-year duration, undertakers, as likely as not inclusive of *ke-hu*, should be recruited to take care of the deserted plots. These undertakers would have to receive licences from the appropriate authorities to make the deserted plots they had undertaken permanent holdings.

Compared with the leaseholders in *lin-bao* by the reign of Zhong-zong, who had been forced to work on the deserted plots in the same *bao* 保 almost as corvée, the undertakers of the deserted plots inclusive of newly incorporated *ke-hu*, after the reign of Hsuan-tsung, especially in the period from the reigns of Su-zong and Dai-zong to the establishment of *liang-shui fa*, strengthened their right to occupy land to the extent to be allowed permanent occupancy. Seen from the viewpoint of the state, however, this was a measure taken to reinforce the tax revenue. Seen from the undertakers among common people, it was an expression of their intensified longing for their own holdings, and of their strengthened social status through the resistance in the form of desertion. Next, we are going to investigate the social relationship through which the undertaking of the deserted plots was executed.

### III

The January Order of the Second Year of Da-zhong 大中 (848 A.D.) under the reign of Xuan-zong 宣宗, says:

The present farming plots and residences of the deserted households in country, although the occupants of which may have taken refuge somewhere else, suffer, without

<sup>9</sup> Deserted Households, *op. cit.*, vol. LXXXV of *Tang Hui-yao*.



an exception, violations of scheming neighbors and petty officials with an excuse that they are bearing the taxes for the deserters. If the deserters should want to return, to desolation. Hereafter, this tendency should be held in check, and the deserted plots and houses should be placed in custody of the neighbors and landless people to be farmed for taxes, under the direction of the elders of the villages, the appropriate authorities, and the neighbors to reexamine the land, make the certification papers, and notify the county offices. If the deserter should not return within the duration of five years, the undertaker should be promoted to occupant. This rule does not apply to the deserters. Even if the farming plots and houses of deserters have been undertaken, they may not be spoilt until the five-year limit expires. In case of any violation, the culprit should be punished according to the duration of the illegal occupancy, and the authorities in charge of the land should bear the blame of neglect of supervision.<sup>10</sup>

The description of the present farming plots and residences of the deserted households in the country, "suffering, without an exception, violations," means these deserted estates were sold off to pay the the unpaid *liang-shui* taxes on the deserted households, as the following quotations suggest. Han Yu 韓愈's report to the Court asserts: "This year, the counties in the Imperial domain suffered a drought in summer, early frosts in autumn, and less than one seeded plot in ten could produce any harvest . . . . Although the benefaction of His Majesty is extended widely, still the common people suffered intensely, seeking after their own living by abandoning children and divorcing wives. Even the cases of splitting their houses and felling trees in their premises to pay the taxes are not heard of."<sup>11</sup> An edict drafted by Lu Zhi 陸贄 says: "Among the farmers harried by famine are those who abandoned all their holdings. The paddies, houses, furniture, trees, and barley fields of theirs must be clarified concerning who are the appropriate county authorities; which are the appropriate land ledgers; examined with attendance of the appropriate authorities and the neighbors; and may not be sold off to pay the taxes on them."<sup>12</sup>

The main culprits of the deed are named as "the neighbors and petty officials" in the January Order of the second year of Da-zhong. The said order and the above-mentioned edict drafted by Lu Chih inhibited them from committing such misconducts, and ordered them to guard against these violations. In spite of this, the petty officials connived at and even indulged in such violations as was recorded in the primary year of Qian-fu 乾符 (874 A.D.) under the reign of Xi-zong 僖宗:

At present, all the countrysides are starved with no place to take refuge . . . . However, the authorities of provinces and counties tend to extort too severe taxes with an excuse that there must be various sorts to dedicate to higher offices. Farmers pull down their houses, fell their trees, let their wives earn wages, and sell their children only to provide for the expenses for wine and victuals consumed by the petty officials, without reaching the state depository.<sup>13</sup>

As it was aptly stated, "It is a grave vice in politics for petty officials to enter rural villages.

<sup>10</sup> Included in vol. LXII of *Quan Tang Wen*, and Deserted Households, *op. cit.*, vol. LXXXV of *Tang Hui Yao*.

<sup>11</sup> *Yushidai shang lun tian han jen ji zhuang* 御史台上論天旱人饑狀, which was written in the years of Yuan-ho 元和, under the reign of Xian-zong 憲宗 by Han Yu, vol. DXLIX of *Quan Tang Wen*.

<sup>12</sup> *Youxu jinai baixin bing chu shi xian lin zhao* 優恤饑內百姓並除十畝令詔 by Lu Chih, vol. CDLXIII of *Quan Tang Wen*.

<sup>13</sup> *Qi juan zu zhengei shu* 乞蠲租賑給疏 by Lu Xun 盧攜, vol. DCCXCIII of *Quan Tang Wen*.

The arrival of a petty official in front of a house forces a hundred households to pay money."<sup>14</sup> Yi-zong 懿宗 had to issue an order demanding: "The petty officials of provinces and counties should not enter villages or disturb the farmers without good reason,"<sup>15</sup> as there were so many cases of "petty officials' exploitation of local officialdom encroaching villages to importune the farmers to entertain them, and imposing many unreasonable demands if the booty turned out less than they had expected."<sup>16</sup> The petty officials of provinces and counties penetrated and rooted in the rural villages so deeply that an Imperial ban had to be issued on this problem.

If we look again into the January Order of the Second Year of Da-zhong, we realize that the research and management of the deserted farming plots were entrusted upon "the elders of the villages, petty officials, and the neighbors," because there was no other choice for the state to permeate her rule into the rural villages. It is also apparent that the behavior of the petty officials in this setting was judged by the state as, "encroaching on villages and disturbing the farmers without good reason," and troublesome from the people's point of view as "forcing the expenses for wine and victuals," and "impotuning entertainment."

The next problem is who the elders of the villages and the neighbors actually were, with whom the petty officials were closely connected. "The elders of the villages" must have been those who had been endowed with autonomous leadership, and who could have participated in the front line of the local administration in the rural villages, which were natural hamlets organized into artificial boundaries of *xiang* 鄉, as can be seen from the description:

Five hamlets should make a *xiang*. One venerable elder should be chosen for each *xiang*. They should be assisted by younger persons (officials?) sent from the county authorities.<sup>17</sup>

The "neighbors" must have been the households which were neighboring or related to the deserted households, inclusive of the "higher status households," and they, too, might have been in the leading class in the rural villages, as the quotations below suggest. An edict which was issued on the nineteenth of May, the primary year of Pao-yin 宝应 under the reign of Dai-zong stated:

Taxation on the deserted households, the occupants of which have not returned, should be suspended. It should not be transferred to the "neighboring higher status households," either.<sup>18</sup>

The Pardon of January, The Primary Year of Zhang-qing says:

Many farmers from all the regions deserted their original abodes or became extinct due to inundations, droughts, or devastations by wars. Their present estates, if there are no undertakers among "their kinsfolk", should be put into the custody of the inspectors of the region, and leased to those with working hands but without land, among the people in care of the inspectors, according to the size of their families, and eventually issuing licences to make the undertakers permanent holders.<sup>19</sup>

<sup>14</sup> The Entry of March, The Second Year of Zhang-qing 長慶 (822 A.D.) under the Reign of Mu-zong 穆宗, Book 1 of vol. CDXCIII of *Ce-fu Yuan-gui*.

<sup>15</sup> *Ping Chu-zhon dui-en zhi* 平除州推恩制 by Yi-zong, vol. LXXXIII of *Quan Tang Wen*.

<sup>16</sup> *Lun bian yan-fa shi-yi zhuang* 論麥塩法事宜狀, by Han Yu, vol. DL of *Quan Tang Wen*.

<sup>17</sup> Book 15 of *Zhi-guan* 職官, vol. XXXIII of *Tong-dian* 通典, and Book 6 of *Zhi-guan*, vol. LVI of *通志*.

<sup>18</sup> *Bang-ji-bu tian zhi* 邦計部田制, *op. cit.*, vol. CDXCIV of *Ce-fu Yuan-gui*, and *Deserted Households*, *op. cit.*, vol. LXXXV of *Tang Hui-yao*.

<sup>19</sup> *Deserted Households*, *op. cit.*, vol. LXXXV of *Tang Hui-yao*.

In short, petty officials who were sent from offices of provinces and counties to rural villages and the elders of villages who constituted the leading class of the rural communities and the neighboring households inclusive of the higher status ones combined to manage undertaking of the deserted farming plots.

Then, who actually were the undertakers? The January Order of the Second Year of Da-zhong says that:

The “neighbors” and “landless people” should be designated to farm (the deserted plots, and if the deserters who had been the occupants of the land did not return within the five-year period), these undertakers should be promoted to occupants.

Twenty-two years later, the Edict of the Nineteenth of July, the Eleventh Year of Xian-tong 咸通 (870 A.D.) under the reign of Yi-zong proclaimed:

The farmers of all the regions, provinces, and cities who have undertaken the deserted farming plots, and have farmed them for five years should be promoted to the permanent occupants, as described in the general pardon issued earlier.<sup>20</sup>

“Farmers” in general were permitted to undertake the deserted plots and eventually to occupy them permanently in all the regions, provinces, and cities of the Empire. It is also evident that *ke-hu* were included in the so-called farmers from the following historical sources. The September Order of the Primary Year of Pao-yin (762 A.D.) under the reign of Dai-zong stated:

These *ke-hu* who have settled down for a year or more and who purchased farming land and occupy their estates . . . should be incorporated into registered farmers without exception.<sup>21</sup>

Furthermore, in the definition of *liang-shui fa*, *du-hu* (or *chu-hu*) and *ke-hu* were included in the registered households without distinction. There is no doubt that these *ke-hu* included those who had been referred as “the landless people”, for example, in the January Order of the Second Year of Da-zhong, before the inclusion of *ke-hu* into the institution.

Intention of the state lay in facilitating the landless temporary residents with the occupancy of deserted farming plots, thus promoting them to the institutional *ke-hu* who were capable of bearing the burden of *liang-shui* taxes.

However, neither all the *ke-hu* were landless, nor all the landless people were *ke-hu*. The Order of the Primary Year of Da-li, mentioned before, says:

If there are farmers who had sold off their farming plots and houses, they should ask the provinces or counties of their permanent residences to reallocate the farming plots and houses which had belonged to the deserted or extinct households, according to the size of their families.<sup>22</sup>

Evidently, regular farmers who had sold off their estates, too, were included in the concept of the landless people. Then, such landless people could have been the “neighbors” at the same time. So, the concept of the “neighbor” could embrace from landless people to the “neighboring higher status households”, the latter, as the native influential families, being the very opposite of the former. In other words, the influential “higher status households” among the “neighborhood” or the “neighbors” could function as the supervisors of

<sup>20</sup> *Ibid.*

<sup>21</sup> *Bang-ji bu hu-ji* 邦計部戶籍, vol. CDLXXXVI of *Ce-fu Yuan-gui*.

<sup>22</sup> *Bang-ji-bu tian-zhi*, *op. cit.*, vol. CDXCV of *Ce-fu Yuan-gui*, and *Deserted Households*, *op. cit.*, vol. LXXXV of *Tang Hui-yao*.

undertaking of the deserted plots and as the undertakers themselves.

Thinking along this line, it is highly likely that management of undertaking of the deserted plots by petty officials and the leading class of the villages such as the elders and higher status households was contrived to their own advantage. As they could be the undertakers by themselves, undertaking by the landless people inclusive of *ke-hu* and neighboring poor farmers might have been rarely achieved at all, and even in the case of its achievement, they would have suffered intense social pressure from petty officials and the leading class in the villages. We can corroborate this speculation with the cases of lease of the farming plots attached to the governmental positions through a study by Mr. Michio Tanigawa.<sup>23</sup>

Most of the farming plots in the Imperial domain attached to the positions in the Court had lost their original entity by the encroachment of petty officials of the provinces and counties and influential households, after the ninth century. These intruders, in exchange of their spoils, distributed "barren, sterile farming land," for "temporary residents to live on,"<sup>24</sup> and "suppressed them to live on slender means."<sup>25</sup> Petty officials and influential households, or "cunning officials and shrewd ones" to borrow the expression of *Jia-zun-hao she-wen* 加尊号敕文 by Wu-zong, vol. LXXVIII of *Quan Tang Wen*, forced the temporary residents and poor households to lease barren farming plots, which might have included or duplicated deserted farming plots. It can be reasoned that among the deserted plots, fertile ones were obtained by petty or cunning officials and the leading class or the shrewd households in the villages, and that only the barren ones were allocated to *ke-hu* and poor households in exchange of the fertile plots such as those which had been attached to the Court positions. This is a subject that must be explored in association with the fact that, in the Song dynasty, there were many *ke-hu* living on the farming plots attached to the governmental (inclusive of the Court) positions. What was ascertained here, is the fact that temporary residents were mobilized for lease of the farming plots attached to the Court positions in the late Tang, although in a distorted fashion as to receive barren plots which were released by petty officials in exchange of the fertile ones. In other words, it was not solely the deserted plots which *ke-hu* undertook.

However, as the farming plots attached to the governmental positions were immune from the taxes, to secure or increase the tax revenue under *liang-shui fa*, it was necessary to make the farmers undertake and hold the deserted plots and similar land laid waste, not to lease the governmental position plots. So, mobilization of *ke-hu* into lease of the governmental position plots must have restricted the utilization of *ke-hu* labor within the framework of *liang-shui fa*.

Even in the cases of *ke-hu* who had achieved the permanent occupancy of land taxable under *liang-shui fa*, in spite of these restrictions, their economic independence based on the occupancy of deserted farming plots must have been a precarious one. They could not sustain their husbandry or their everyday life unless they submitted themselves to social

<sup>23</sup> Michio Tanigawa, *Tōdai no Shokudenseito sono kokufuku* 唐代の職田制とその克服, *Tōyōshi Kenkyū*, vol. XII, no. 5, 1953.

<sup>24</sup> Vol. LXXVIII of *Quan Tang Wen*.

<sup>25</sup> *Ce zun-hao she* 冊尊号敕 of the Primary Year of Zhang-qing, Yuan Zhen 元稹, vol DCL of *Quan Tang Wen*; Feng Lu 俸祿, vol. DVII of *Ce-fu Yuan-gui*; Feng Lu, *Nai Wai Guan Zhi Tian* 内外官職田, vol. XCII of *Tang Hui-yao*; and *Ling kan-hui Qing-ji zhi-tian zhi* 令勘会京畿職田制 by Mu-zong 穆宗, vol. LXIV of *Quan Tang Wen*.

regulations and supervision of petty officials of the provinces or counties and the "elders" and "neighboring higher status households" or the "shrewd ones" who constituted the leading class in the villages.

There remain questions concerning the power to regulate the society that derived from the association of petty officials and the shrewd ones, "What are the historical characteristics of it?" and "In what sense should it be understood as a typical phenomenon in the Chinese socio-economic history?", only to name a few. To answer these questions, many steps may be needed, as structural reexamination of these social strata.

For the time being, I can say this much:

Farming land deserted by the deserters, i.e., the deserted plots, had been farmed by the helpers or leaseholders who had been forced to the task from the households in *lin-bao* of the deserted households by the offices of the provinces or counties. Due to the grave bane of overtaxation, the attempt to make undertakers out of the *ke-hu* who had been included into the institution became more and more evident by the reigns of Su-zong and Dai-zong. Because of this, the principle of official custody of the deserted plots was impaired. Instead, the undertakers came to be admitted as the rightful occupants.

A part of the *ke-hu* who emerged as such undertakers were promoted into people of registered households as the bearers of the *liang-shui* taxes through the acquisition of permanent occupancy of the deserted plots which they had undertaken. However, the opportunities for the *ke-hu* as a whole to undertake such land were strictly limited by the petty officials of the provinces and counties and the leading class in the villages or the shrewd ones. Even if they had succeeded in undertaking the deserted plots, the chances were that the plots were barren ones.

As they had to stand the social regulations by the petty officials and the "shrewd" class, the socio-economic independence of *ke-hu* based on their newly acquired holdings was precarious at best.

So, the subject boils down to this: To clarify the historical limitation of the socio-economic "independence" of the institutional *ke-hu* based on the occupancy of the deserted farming plots, i) through investigation into the nature of the power of social regulation upon them which was exerted by the petty officials and the shrewd ones; and ii) through structural reexamination of their social relationships in the setting of the order in productive activities in rural communities.

This paper threw light merely on the whereabouts of the problem. At least, however, I must have made it clear that the *ke-hu* as people of registered households were created with the establishment of *liang-shui fa*.

I expect that the effort to investigate the nature or *ke-hu's* independence in the light of socio-economic history would eventually lead to an elucidation on the actual conditions of *ke-hu* in their various forms of existence and in different settings of locality through the development under the Song dynasty.