

Stone Inscription of South Fujian Village Dispute

Michael Szonyi, Harvard University

Introduction

In an open square in the village of Dongpu, on the outskirts of the city of Shishi in southern Fujian, stands a stone inscription. Erected by the villagers in 1883, it explains how this small community resolved a dispute. In the grand scheme of history, the dispute was trivial; none of the participants were people of any renown and its consequences seem not to have extended much beyond the village itself. But precisely because the stone's subject is so local in scale it can shed light on the complex social and legal world of the traditional Chinese village and on the operation of law in premodern China.

The local term for the sort of dispute that led to the carving of the inscription is a feud (*xiedou*). Feuds between lineages, villages or temples were common in southern Fujian in Qing times; officials posted there frequently complained about the unruliness of the people. This particular dispute broke out not between people of different villages but among three branches (*fang*) or sub-divisions of a single lineage, the Qiu. The Qiu trace their ancestry to an individual who settled in the area in the fourteenth century. In the nineteenth century his descendants made up the overwhelming majority of the population of Dongpu, as they still do today. Until recently most of them made their living as fisherman.

The inscription tells us more about how the dispute was resolved than about what caused it. All we can say for sure is that two groups within the lineage came to blows, possibly over fishing rights. The issue was serious enough that Jinjiang Magistrate Qiu (not a member of the same family) came in person to the village to investigate. His visit became an opportunity for the community to settle several outstanding issues, not all of which were related to the original dispute, by creating a communal pact. At the request of a group of mediators, the magistrate endorsed this agreement when he closed his investigation. Though the magistrate and his superior the prefect are the ostensible authors of the text, and although the agreement is presented as a state pronouncement, most of the text was actually composed by the mediators. The inscription simultaneously publicizes the text of the agreement and certifies that the state has endorsed it.

Text of the inscription

欽加三品銜補用道泉州府正堂加十級記錄十次徐
欽加五品銜署理晉江縣正堂加十級記錄十次 邱

為出示曉諭事

本年十月初八日據公親職員梁如金蔡婆觀 監生邱汝蘭鄉耆洪區觀林岸淑等呈稱東埔鄉邱姓族房互閩一案蒙縣親臨到辦察悉海濱愚民罔知法紀致相互閩俯念該鄉係一本之親不忍嚴辦着令族紳約束開子自新之路

金等忝居泉南附近鄉閩不忍坐視仰體 憲心保赤愛民是以出為調處并請 城隍尊神駕臨鄉中是藉神道以設教寔仗 憲威而勸和幸該鄉族房人等深知愧悔均各听劝維是金等窃思該鄉旋處旋閩皆因一朝之忿忘身及親毗睚之怨報復相仇殊堪痛憫亟宜公議規約以杜後患非蒙 憲威曉諭示禁奚以儆鄉民而敦族睦理合取具二比遵依調處和息甘結二紙并抄粘公議條約一紙僉請如乞批銷並請示諭俾知各安生業均感切叩等情

據此查東埔鄉邱姓砌下引后兩房與五房挾仇互爭訟公親等悉心排解使各釋嫌悅服相安無事洵為善舉抄粘議約亦見防微杜漸俱屬可嘉之至除批示將案註銷外合行照抄議約出示曉諭為此示仰東埔鄉諸色人等知悉

爾等務須各照後抄議約逐一遵行永息爭端共獲相安之樂如敢故違一經訪聞或被告發定即嚴行拏辦决不寬財各宜凜遵毋違特示

計抄議約于後

一訂口角不准放火放船帶刀刺人

一訂挂网舟原議依前聯財

一訂海面網根先泊者當依次而行

一訂披網先到先披若有稅定石盤依舊听稅官掌

一訂焚燬厝屋起盖當依舊修築

一訂看籃須照舊

一訂拾魚若有偷取各房當自約束

一烟館不准聚集匪徒

一不准開賭場及娼間

一不准少年行路相侵

一凡事當問虛寔

一不准請炮師日習打青

一以後、若敢不遵禁約听房長及引東八房請官究办

一公親賠補槩清楚如有小忿先投引東八房一面報明臺郊公親不准急起禍端

一五房邱老芍厝屋听下五西五人等暫行寄居不准當止亦不得折毀木石

光 緒 玖 年 拾 月 廿 五 日 給

Translation

Xu, of third rank by imperial command, holding appointment as expectant Circuit Intendant and Prefect of Quanzhou, recipient of ten major commendations and ten minor mentions, and Qiu, of fifth rank by imperial command, holding appointment as acting Magistrate of Jinjiang, recipient of ten major commendations and ten minor mentions:

Proclaim [literally *In the matter of issuing a proclamation*]:

According to the report received on the eighth day of the tenth month of this year [1883] from the public-minded [mediators, consisting of] professionals Liang Rujin and Cai Poguan, student-by-purchase Qiu Rulan, and village elders Hong Quguan and Lin Anshu *et al*:

In the matter of the affray among the branches of the Qiu lineage of Dongpu, the magistrate went personally to inspect and deal with the situation. He observed that these foolish people living by the sea were ignorant of laws and rules to the point that they fought one another. Noting that everyone in the village was kin from a single origin, he could not bear to deal severely with the matter. He ordered the gentry members of the lineage to restrain [the rest] and give them a chance to correct their own mistakes.

[We], [Ru]jin *et al* live humbly in the vicinity in southern Quanzhou, and could not bear to sit by and simply watch. We are reminded of Your Excellency's will to protect and treasure the people, so we came forward to mediate. We invited the God of the City Wall to honour the village with a visit. This was to use the Way of the Gods to encourage order, but actually we rely on Your authority to persuade [the people] to be harmonious. The people of the lineage were all deeply ashamed and were each persuaded.

Therefore [we], [Ru]jin *et al*, reflected that the people in this village went from harmony to turmoil in a moment, for no reason besides a momentary grudge. They forgot themselves and their kin to the point that they glared furiously at one another, formed grudges and sought revenge. This is truly painful. A collective agreement to prevent future disasters would be highly beneficial.

Without a proclamation of prohibition by Your Excellency, how can the villagers be brought to harmony and the kin made peaceable? It is therefore appropriate to submit in duplicate the pledge by the two parties, willingly concluded, to respect mediation and be brought to peace, and also the terms of a collective agreement in a single copy, and request that the case be closed. We also request a public proclamation so that all will live harmoniously and mind their own affairs. We would be truly grateful [for this].

On the basis of this [report, We (the officials)] have learned that the Qiexia and Yinghou branches of the Qiu lineage of Dongpu had a grudge with the Fifth branch and brought lawsuits against one another. The mediators stepped in to negotiate. The parties became reconciled as if nothing had ever happened. This was indeed praiseworthy. Copying and posting their agreement would serve to prevent problems arising; this too is the height of praiseworthiness. Besides rendering a decision closing the case, it is right to copy the agreement and make a public proclamation.

In this matter, let the people of Dongpu know:

It is your responsibility to abide by the following agreement, one item after the other, so that there will be no fighting and people will enjoy peace forever. If anyone ever dares to violate [the terms] and the violation is discovered, or if they are reported and [the report is] confirmed, they will be severely punished without mercy and will not be permitted to redeem [the punishment by payment of a fine]

All must respect and not violate [the terms]

The agreed terms are recorded as follow:

- It is prohibited to set fires, damage boats, and carry knives to stab people [because of] verbal disagreements
- For net-casting vessels, the previous agreements on pooled capital should be respected
- The dropping of anchors for nets should proceed in sequence according to [which vessel] moors first
- When spreading nets, whoever arrives first may spread out their nets first. If there is tax due, as in the past [the fish] should be laid out on a flat stone to await the tax official [to assess the tax].
- Houses destroyed by fire should be rebuilt in the manner of the original
- The supervision of the basket [ie the assessment of the catch?] must follow the old practice
- If fish is stolen when it is being gathered, then each lineage branch should restrain [the thief] themselves [ie each branch is responsible for restraining its own members]
- It is not permitted for hoodlums to assemble in the opium den
- It is not permitted to open a gambling den or brothel

- Young people on the road may not behave aggressively to one another
- In all matters, truth and falsehood must be evaluated
- It is not permitted to hire a firearms instructor to train in martial arts (*daqing*)
- In the future, if anyone dares to disobey the prohibitions, then it is up to the heads of the lineage branches as well as the eight branches of Dongyin to request that officials resolve the matter.
- The compensation for the mediators has been determined. If anyone has a minor dissatisfaction, they should first submit this to the eight branches of Dongyin and also report it to the associations of merchants in the Taiwan trade (*taijiao*) The mediators are not allowed to be impatient and create problems.
- Xiawu and Xiwu are allowed to live temporarily in the house of Qiu Laoshao. It is not permitted to obstruct this, nor to tear down the wood and stones [i.e. damage the house]

Issued the 25th day of the 10th month of the 9th year of the Guangxu reign [1883]

Analysis

The role of the mediators is one of the most interesting aspects of the text. Composed of a group of local elites of different origins, they seem to have stepped in for the first time in the aftermath of the dispute. They present themselves as motivated by public-spiritedness, but the terms of the agreement make clear that they have been compensated for this same public spiritedness. They used resolution of the dispute both to assert local leadership and to extract fees for so doing. We might call them pettifoggers, but their role in local society was obviously more complex than this term of opprobrium suggests.

In the course of mediating the dispute, the mediators demonstrated a subtle understanding of the interaction of divine and temporal authority when they arranged to have the God of the City Wall from nearby Shishi tour the village. No doubt this procession was accompanied by a vow sworn in his temple by the participants that they would never again make trouble. But recognizing that supernatural sanction was not enough to keep the peace, and that the authority of the state was also needed, they had proposed the recording and ratification of the collective agreement as a follow-up measure.

The agreement, which makes up the second half of the text, tells us a lot about local life at the time. Perhaps most strikingly for us, the authors of the agreement shift back and forth between general prohibitions and highly specific resolutions, between matters

that seem trivial and matters that touch on the very basis for local order. Probably this has something to do with the specifics of the dispute that had led to the making of the agreement. Early clauses suggest that the dispute escalated out of a verbal disagreement and led eventually to destruction of property and physical violence. The very last clause, which almost seems added as an afterthought, suggests that the fighting left at least two people homeless. As part of the resolution of the dispute they were allowed to live in the house of a third man – perhaps the house was empty because, like many local people, the owner was living in Taiwan or Southeast Asia. But they are specifically commanded not to dismantle the house and use its timber and stone, which they might have been tempted to do in order to obtain materials to rebuild their own houses. In between are several clauses about protecting economic interests and promoting village morality, as well as establishing a mechanism for resolving future disputes. Future disagreements are to be handled first by the elders of the lineage, but transferred to the courts if they deem it necessary. The participants in the initial dispute had brought lawsuits against one another. But the agreement insists that, if problems arise in the future, locals should pursue mediation first, before resorting to litigation. Intriguingly, issues are also to be reported to the local association of merchants engaged in cross-straits trade, which presumably formed yet another form of local authority in nineteenth century Fujian (Such associations, technically ‘brokerage cartels’ have been the subject of recent studies by Lin Yu-ju).

In the last thirty years scholars of the Hua’nan or South China school (also sometimes labeled the historical anthropology school) centered on Xiamen University, Sun Yat-sen University and Chinese University of Hong Kong have pioneered the collection and analysis of local documents like this inscription for the study of Chinese history. Such texts raise many challenges. They contain local or highly technical phrases, such as the ones bearing on the fishing trade, which seem like a mystery to us but whose meaning probably would have been obvious to any local fisherman at the time. They make reference to ongoing problems which can only be linked to a single recorded event – the mediation – in the text itself. And they raise issues whose later development cannot be discerned from this single source alone. A full analysis of this small-scale feud using the methods of the Hua’nan school - something I do not attempt here - would include efforts to resolve these terminological questions by interviewing the descendants of the participants; to determine the relationships and social status of the participants by examining their genealogy; to explore if and how the dispute is remembered in oral history, and to look for signs of tension in village politics through the ritual practices of the local temples.

By the early twentieth-century, hundreds of thousands – perhaps millions – of steles like this one could be found in China’s villages. A tiny fraction of the total have been collected and published by contemporary scholars, and such efforts continue. Many consist simply of lists of names of contributors to local projects such as temples, ancestral halls, or bridges. But a significant portion are more detailed, consisting of collective agreements and contracts, records of legal disputes, or official proclamations.

As Li Ren-yuan has explored in his recent dissertation (“Making Texts in Villages: Textual Production in Rural China During the Ming-Qing Period,” Harvard 2014), stone inscriptions were costly endeavours. That ordinary people were willing to devote considerable resources to carve and erect a stone tells us that the subject of the stone was something that mattered to them. While not part of a formal legal archive, inscriptions like the one at Dongpu can provide invaluable insight into the operation of the legal system at the local level and into how law was perceived and used by ordinary people.

I happened upon this inscription completely by accident, when I visited Dongpu in search of information about the Qiu’s fourteenth-century ancestor. He was the patriarch of a military household (*junhu*) in the Ming, the subject of my current research. It was only after meeting with villagers and making a copy of their genealogy, unfortunately compiled before the events described here, that my colleagues and I found this stone. We were following the mantra of the Hua’nan school: “when in a village, look for a temple; when in a temple, look for a stele”. The genealogy turned out not to be very helpful for my studies of the Ming, but the interesting conversation with some local people, their very fine sweet potato liquor, and the unexpected opportunity to read this remarkable stone testify to the value, even for the historian of late imperial China, of occasionally getting out of the government archive and exploring the vast public archive that still remains in rural China.

Michael Szonyi is Professor of Chinese History in the Department of East Asian Languages and Civilizations, Harvard University. He is a social historian of late imperial and modern China. His research focuses on the local history of southeast China, especially in the Ming dynasty, using a combination of traditional textual sources and fieldwork. He also studies the history of Chinese popular religion and overseas Chinese history.