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# Ritual and property: Theorizing a Chinese case

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**Abstract:** This paper introduces the concept of 'ritual' for analysing the interaction between informal and formal institutions, taking land property rights in South China as an empirical case. By ritual, we refer to public actions that involve artefacts and create common knowledge about behavioural patterns in a population. This theoretical notion of ritual (suggested by Michael Chwe) matches with indigenous Chinese notions (li zhi), both in terms of scholarly work and popular usages. Based on own fieldwork, we investigate into the representative case of an 'urban village' in Shenzhen where traditional lineage practices have shaped the institutional and physical transformation of this dynamic metropolis. We claim that the current management of land rights stays in continuity with the 'ritual economy' of traditional China.

**Keywords:** ritual, informal institutions, Shenzhen, Chinese lineages, land property rights, shareholding cooperatives, popular religion
**JEL Classification:** K0, P3, Z1

## 1 Introduction: Triangulating institutional theory

Since the publication of D. C. North's (1990) seminal work, the role of informal institutions in shaping economic behaviour and economic performance is widely recognized in the economic literature. However, the conceptual boundaries between notions such as 'social norms', 'values', 'culture' or 'institutions' remain ill-defined and need to be clearly determined by every single contributor to the debate, following her or his own methodological precepts. In this paper, we want to contribute to this literature in introducing a new concept, namely 'ritual', and we wish to relate it to core concepts in institutional economics, property rights and the firm, that is, concepts central to the Coasean tradition. We ground this term on a methodological triangulation: That means firstly, we build a bridge between general theory and 'medium range' theorizing about an

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Angemeldet | cahepil@online.de Autorenexemplar
Heruntergeladen am | 03.04.17 04:42

empirical case (tying up with methodological positions in the social sciences such as grounded theory), and secondly, we combine general theory with 'indigenous theorizing'.[1]

Our empirical case is taken from China. We look at the evolution of land property rights in Guangdong province, based on our own field study from Shenzhen city and several similar cases reported by other researchers. The major question is how kinship structures influence the evolution of property rights: Clearly, we can treat the former as 'informal institutions' and the latter as 'formal' as far as the prevailing legal constructs are concerned.[2] The medium range theoretical concept is kinship as a 'ritual'. This use corresponds with indigenous notions of 'ritual' 'li' 礼 which is one of the oldest core notions of Chinese civilization. It has been elevated to an indigenous theoretical term in the work of the eminent Chinese sociologist and anthropologist Fei Xiaotong (1947). Fei argued that Western notions of social order fall into the trap of a misplaced dualism between 'rule of law' and 'rule by men', and that Chinese civilization was built on a third alternative, 'rule of ritual' 'li zhi' 礼制.[3]

Fei's original use of the term clearly corresponds to the notion of 'informal institution', because he referred the concept mainly to rural society, emphasizing mutual learning and enforcement by social sanctions without formal instruments. So, he thought that even for the case of China, during urbanization and modernization the rule of law will become the dominant principle of social order. However, this view presents a distorted picture of ritual in Imperial China. Ritual was a formal institution with strong backing by the Imperial state, and all ingredients of formal institutions were present.[4] Extended kinship

**1** In his seminal work on the philosophy of science, Little (1992) has systematically explored the role of 'medium range theorizing' in Chinese studies. We follow his reasoning. For a more detailed discussion of these methodological issues, see Herrmann-Pillath (2017: 22ff).

**2** The relation between kinship and economic transactions has been seminally theorized by Landa (1994) who concentrates on exchange, especially trading networks involving middlemen, and argues that networks can be a functional substitute for formal contract law (for a related approach, see Greif 1994). Our argument expands the perspective on the establishment and enforcement of property rights.

**3** Fei was one of the first Chinese sociologists and anthropologists who received the PhD degree from the London School of Economics and Political Science, working under the supervision of renowned anthropologists such as Malinowski. His research was first published in English and became very influential village studies shaping the Western picture of Chinese rural society (e. g. Fei 1939). The 1947 book was translated into English in 1988. Although it was also received by Western scholars, its major impact was on the Chinese debate after 1978, when Fei was rehabilitated, after suffering repression during the Cultural Revolution.

**4** Indeed, in his authoritative work on this topic, Faure (2007) even speaks of the role of lineages in establishing an incipient form of 'national citizenship' in Imperial China.

Angemeldet | cahepil@online.de Autorenexemplar
Heruntergeladen am | 03.04.17 04:42

was often formalized in terms of lineage organizations, lineage customary law was partly reflected also by Imperial law, such as in accounting for kinship relations in the penal code, and ritual also included many social structures beyond kinship, such as native place associations of sojourning merchants. Students of urban life in Late Imperial China have pointed at the remarkable degree of self-organization without direct government interference, mediated by the ritual order (Rowe 1989). This is a phenomenon well-known also from the 'China towns' across the world, where often host countries' governments allowed for a high degree of autonomous social organization of Chinese immigrants.

Therefore, if we want to receive 'ritual' as an indigenous theoretical term, we need to heed attention to the special status of ritual practice, somehow standing in-between informal and formal institutions. In fact, Fei also shows that probably this conceptual fuzziness originates in a 'Western' bias of understanding formal institutions. He distinguishes between two types of conceptualizing social relations, one the Western type that emphasises abstract categorizations of groups following the same principles of behaviour defining membership in the group, and the other being the Chinese type focusing on 'circles' of manifest social interactions between Ego and Alter, and therefore emphasizing social distances and relative status. Ritual is the institution that governs this formation of circles, working together with the principle of social reciprocity (epitomized in the indigenous term of 'li shang wanglai' 礼尚往来, compare Chang 2010).

In our attempt at triangulation, we receive Fei's contribution and refer it to the game-theoretic concept of ritual as a mechanism that creates common knowledge in society, as it has been elaborated by Michael Chwe (2001). This use allows to build bridges to the economics of institutions. Ritual has previously played a central role in Goffman's symbolic interactionism, where it mostly appears as an emergent property of human social interaction and communication. In comparison, Chwe's use of 'ritual' is closer to the notion of institution, as it refers explicitly to population-level phenomena, such as the use of universally recognized artefacts and the public nature of actions in larger communities such as audiences at public places.[5]

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5 We are aware of the vast literature on ritual in anthropology, religious studies and sociology, aptly overviewed by Stephenson (2015). In the spatial limits of this paper, we refrain from exploring these connections. Chwe's contribution is one that comes closest to economics in relying on game theory as a frame of reference. However, we think that the broader perspectives are necessary for a deeper understanding of the social mechanisms of ritual. In economics, proper, these phenomena are rarely paid attention to, one exception is McCloskey's (2006) analysis of the role of virtues in the rise of the modern economy. For example, Victorian bourgeois society can be analysed in terms of rituals governing individual behaviour.

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Heruntergeladen am | 03.04.17 04:42

Our paper proceeds as follows. In Section 1, we outline our concept of ritual. Section 2 sketches the historical background of the relationship between lineage and property, including the period of collectivization after 1949. Section 3 presents our case study. Section 4 concludes with an analytical resume.

## 2 The concept of ritual

'Ritual' is a term introduced by Chwe (2001) to refer to all social practices that create common knowledge in strategic interactions in a population of actors. These practices essentially involve external representations, that is symbolic media. This is important if we compare with developments in game theory such as epistemic game theory (Pacuit and Roy 2016): There, as in game theory in general, epistemic states are always equated with individual mental states. Coordination within a population happens because all actors are assumed to be rational and reach similar conclusions, based on certain sets of information. With the notion of ritual this basic principle is not questioned, but the mechanisms are made explicit. For these mechanisms, external representation is essential, combined with certain actions involving these representations and which are public, hence observable by everybody.[6] For example, conducting a religious ritual publicly mutually confirms the beliefs that believers hold for being shared in the community. Similarly, conducting a court procedure publicly, involving symbolic representations of the law such as the judge and the law book, reinstates shared beliefs about the function of the law in a society. Ritual serves the important function to create the basic condition for common knowledge in society, that is, actors do not only know what other actors know, but they also know that these actors know that they know it, and so forth.[7]

This is not the place to dig deeper into the theoretical conception of ritual, which is a term that has received much, but also controversial attention in anthropology, sociology and religious studies in particular. Referring to our case study, we need to emphasize that many of these aspects are relevant in connecting Chwe's notion of ritual with our empirical data, because the rituals

**6** We are aware that there is a close connection to the analysis of 'salience' in game theoretic research on conventions, see Sugden (2011).

**7** We cannot explore this further, but wish to point that this transcends common views in epistemic game theory in introducing the notion of distributed cognition (sometimes also dubbed 'extended mind' in analytical philosophy, see Clark and Chalmers 1998). In institutional economics, this has also been suggested by North (2005), referring to Hutchins' (1995) seminal work.

Angemeldet | cahepil@online.de Autorenexemplar
Heruntergeladen am | 03.04.17 04:42

in question also include religious dimensions of kinship, expressions of status in social structure and so forth. However, we wish to emphasize two specific ideas that have emerged in cross-disciplinary research on ritual:

– One is that ritual induces a reversion of the roles of agency and doing in understanding action (Stephenson 2015). In rituals, doing the ritual overwhelms individual agency in the sense that the doing is no longer determined by individual choice and decision. This implies that performing ritual in the public creates the necessary condition for common knowledge to hold with certainty. Since individual agency is just a reflection of the doing, observing the doing breaks the potential paradoxes of infinite recursion in establishing common knowledge (Brandenburger 2007; Vanderschraf and Sillari 2014).[8]
– The other idea is that the relationship between external artefacts and actions is an interpretive one. To a certain extent, that reinstates the role of agency, but less in relationship to doing the action. The point is that the doing involves artefacts, and that it triggers certain interpretive stances in the population of agents conducting ritual, and that even modifications of artefacts may therefore not fundamentally change the interpretive patterns. The fundamental reason of this is that interpretation is a linguistic act in the broadest sense, and that meanings cannot be created just by individual fiat, they must be shared in a population of actors.[9] Therefore, all ritual is a conjunction of doing and sense-making. Necessarily sharing meanings in a population further strengthens the priority of public doing relative to individual agency.

That being said, all ritual involves reflexivity. That means, the primacy of doing does not imply that people just mechanistically follow ritual. Ritual as a clearly demarcated pattern of action can be subject to reflection, such as reflecting upon the meaning or efficacy of ritual. This also implies that people might use ritual strategically, pursuing their own individual aims, such as when rulers exploit ritual in creating loyalty of subjects, or companies create advertising rituals in creating brand loyalty. But such instrumental uses of ritual deliberately rely on the specific mechanisms of ritual, so only confirm our

**8** So, we can refer this to the distinction between the two systems of rational-conscious decision-making and habitual-automatic behaviour in behavioural economics and neuroeconomics, see Camerer, Loewenstein, and Prelec (2005). This establishes another connection to general studies of ritual which have recently also included biological and neuroscience dimensions.

**9** This reasoning has been well-established in the philosophy of language since Wittgenstein's (1958) demolition of the representational theory of meaning.

Angemeldet | cahepil@online.de Autorenexemplar
Heruntergeladen am | 03.04.17 04:42

previous observations. Just because the role of agency and doing is reversed, the instrumental use of ritual is made possible.

There are several theoretical concerns why we think that the new concept might help to clarify certain difficulties in dealing with informal institutions.

- Firstly, in the semantic field covering terms such as 'institutions', 'conventions', 'social norms' etc. it is relatively straightforward so single out formal institutions, which refer to textual representation (such as law books) and formal enforcers, with government being the by far most important one. In comparison, for example, conventions may be stabilized by phenomena such as saliency, so appear to be self-enforcing equilibria. An informal institution, however, may be seen as an institution that is enforced by social interactions, such as threat of ostracism in social networks. Rituals bridge all these concepts in highlighting particular mechanisms of action, in which those different phenomena interact in producing a certain behaviour.
- Secondly, this helps to resolve the severe conceptual problems in relating these terms to the notion of 'culture', which in economic research often boils down to the notion of 'values transmitted across generations'.[10] We argue that culture is generated by rituals, hence essentially depends on actions in the present. This implies that there is no direct causal force connecting past and present: We need to identify concrete actions that create culture in the present, and only then we might ask for resemblances between present and past practice.
- Thirdly, rituals are complex mechanisms, so that we avoid cultural essentialism, but try to understand the multi-level causal interdependencies that connect individual and aggregate phenomena in generating behavioural patterns in a population.[11] Whereas current economic research often violates its own presumption of methodological individualism in introducing culture as an exogenous determinant of behaviour, analysis of actions involves the individual explicitly.
- Fourthly, given the reflexive nature of ritual, we can make the instrumental uses of ritual explicit. In the context of economics, this opens the perspective on political economy, and allows for considering the role of individual interests or social conflict in ritual action.

**10** Beugelsdjik and Maseland (2010) review recent economic research on culture and pinpoint the tension between most economic conceptions of culture and the anthropological ones.
**11** Methodologically, we think that research on rituals should follow the recent developments in analytical sociology that concentrate on the empirical identification of multi-level mechanisms that generate social phenomena, for overviews see e. g. Demeulenaere (2011).

Angemeldet | cahepil@online.de Autorenexemplar
Heruntergeladen am | 03.04.17 04:42

Given these methodological principles, a natural empirical approach to ritual is the analysis of cases which allow the identification of complex multi-level interactions and temporal trajectories of behavioural patterns in a population. This allows for the identification of causal interdependencies in social and economic change. Let us turn to our case study on ritual and property in China.

## 3 Lineage and property in traditional kinship and changes before 1978

In this section, we outline aspects of traditional kinship and property that are relevant for understanding our case study, so our sketch remains selective and incomplete (for more detail, see Herrmann-Pillath 2017: 108ff). As has been emphasized in classical studies of property in traditional China, property rights on land were received as relative rights, not absolute rights in the Western sense (Kroker 1959). This means, although an individual owner holds formal claims on property which cannot be infringed by others, he (indeed, male) only acts as a steward for the family line. Property is managed on behalf of the family, is inherited from the previous generations and handed over to the next. This implies that there were certain constraints how individuals could exert their property rights, especially selling and mortgaging land. There were rights of pre-emption by the extended family, and if land was sold in redeeming a loan, there was the right to buy back at later times. So, even if individually possessed, the land was perceived to be part of a stock of wealth that belonged to the family.[12]

Apart from this fundamental legal understanding, in many regions of China, especially South-eastern China, extended kinship groups (jiazu) also established formal organizations that embodied the ritual unity of the group (zongzu).[13] At the centre of this stood the ancestral hall in which the genealogy of the group was exhibited and in which the appropriate religious rituals of ancestor worship were held according to the lunar calendar. These rituals were clearly separate from other forms of popular religion (Clart 2012). For maintaining this temple, and also funding other lineage-based activities such as schools or the expenses

**12** On more details about these complex phenomena, see the contributions in Zelin, Ocko, and Gardella (2004).

**13** Even though in modern Chinese usage the terms ‘clan’ ‘zongzu’ and ‘lineage’ ‘jiazu’ are often confused, they are clearly different phenomenologically, both historically and today. For the historical conditions, see Ebrey and Watson (1985) and for the modern situation, see Cohen (1990).

Angemeldet | cahepil@online.de Autorenexemplar
Heruntergeladen am | 03.04.17 04:42

of festivals, lineages set up lineage trusts that owned land collectively and rented this land out to individual tenants. In case of larger lineages, in Qing dynasty China, the model of the trust was also applied to create various forms of organizing economic projects, such as setting up a local market or organizing a business venture. These organizations typically involved a group of shareholders, rotating leadership, often hired managers, and an annual distribution of profits.[14]

Research in economic history has discovered these economic functions of lineages only in the past three decades, and now recognizes that lineage trusts are functional equivalents to forms of corporate business organization in Europe, except for limited liability that spread as an institutional innovation in the second half of the 19th century in Europe (Zelin 2009). For this equivalence, the term 'ritual economy' has been coined, meaning that the ritual institutions of kinship were appropriated and modified for the purposes of business organization (Faure 2006). This observation on the micro-level matches with the macro-structural pattern of the symbiosis of market organization and social structure, observable in the fusion of religious and economic functions of central places, such as market towns. For example, temple festivals were also temple fairs.[15]

When the CCP enforced the institutions of the planned economy on the traditional society and implemented collectivization, all these institutional features were destroyed. With the suppression of the distributional function of market towns, the economic role of temples became obsolete, while at the same time popular religion was suppressed as 'feudal superstition'. In the context of family and kinship, organized lineages were annihilated, too, including the physical destruction or alternative use of ancestral halls, especially during the Cultural Revolution. Collectivization deprived extended kinship groups of their economic foundation. Kin related rituals were substituted by political rituals of Maoism, and if at all, retreated to the domestic domain. Further, the power of lineages was undermined by the formal establishment of gender equality and the creation of a modern marriage law.

If we look at these changes in terms of our theoretical notions, we can say, firstly, the transition to socialism was a radical change of all formal institutions

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**14** For the case of salt merchants, see Zelin (2004). The business functions of lineages have been seminally identified by Faure (1996); other important contributions include Siu (1989). For a recent overview, see Zelin (2009). This literature is important to recognize family resemblances with modern organizations in China that implicitly build on kinship.

**15** Skinner (William 1964/65). This intermingling of religion and commerce, mediated by the physical infrastructure of the regional market systems, was classically described by Eastman (1988).

Angemeldet | cahepil@online.de Autorenexemplar
Heruntergeladen am | 03.04.17 04:42

governing society and economy, such as the almost universal imposition of collective property rights in the rural areas, assigned to production brigades and People's Communes, and secondly, that this change was deliberately undergirded by the creation and imposition of new forms of ritual, such as rituals of collective action or rituals of punishing class-enemies.[16]

As we know today, this social transformation of society remained very incomplete. All over China, we observe the revival of traditional forms of social organization and popular religion, especially if we consider that the government still sees this revival of 'feudal customs' in a critical light and often imposes sanctions. One fascinating example is the revival of lineages and lineage property in South-Eastern China, which we explore in our case study.

This revival happened against the background of the resilience of ritual in the context of the new formal institutions of collective property. This fact has been noticed in the early literature about the ethnography of collectivization, and we meet a paradox here which can only be resolved in terms of ritual. This paradox is that in parts of China, collectivization actually reinforced lineage-based property rights.[17]

The precondition for this phenomenon was the maintenance of traditional settlement patterns during collectivization. That means, the formal institutions of collectivization were just imposed on the existing hamlets, villages and townships, without resettling farmers. In South-Eastern China, this meant that often collective units became identical with previous single-lineage villages or villages with a dominant lineage. Class struggle implied that the old stratification of lineage members, lineage branches or majority vs. minority lineages was destroyed and often turned upside down, with formerly poor farmers becoming village cadres (for a classical case study, see Chan, Madsen, Unger 2009). Yet, the fundamental assignment between collective property and the kinship group was not eroded. In fact, one could even offer a radical re-interpretation: Under these specific settlement patterns, collectivization simply meant to create a comprehensive village trust owning the entire land of a village community.

Interestingly, in the initial stages of collectivization we can even observe more detailed correspondences between traditional lineage property and formal collective institutions. For example, when turning fruit orchards into collectively-owned property, individual households initially obtained shares. Indeed, one can argue that the vacillations between collective and individual land

**16** Many observers have noticed the quasi-religious nature of Maoism, see Goossaert and Palmer (2011: 187ff).

**17** This was recognized as early as in the classical work by Parish and Whyte (1978: 304f). An extensive case study was presented by Potter and Potter (1990: 261ff, 334).

Angemeldet | cahepil@online.de Autorenexemplar
Heruntergeladen am | 03.04.17 04:42

management reflect traditional notions of property that distinguish between surface rights and rights of the subsoil. Surface rights can be rented out, even establishing almost complete private property rights, yet subsoil rights may belong to the original owner or, in the current context, the lineage trust, possibly re-instituted via the socialist collective.[18]

We know from seminal case studies of village life under collectivization, that the political conflicts were often cast as moral conflicts in traditional society (Madsen 1984). A former poor farmer turned village cadre may raise strong moral claims as representing the interest of the collective aka village, whereas another village cadre, formerly belonging to a more powerful lineage branch, may tend to reinstate old patterns of stratification, such as via assigning farming tasks or land to particular groups in the village, thus allocating privileges. Yet, these moral conflicts may not question the identification between the lineage and the village vis á vis outsiders. Indeed, the notion of 'cellularization' looms large here, which explicitly refers to the traditional fusion between market system and social structure: In disrupting the market system, villages qua lineages became even more inward-looking, for example, because marriage networks shrank and village endogamy became more prevalent.[19]

So, this special pattern of change offers important insights on the relation between ritual and formal institutions. Ritual conceptions of kinship survived in China because deviant meaning was imposed on collectivist formal institutions, if only as reflected in 'doing' those institutions (Maoist political rituals enforced tight constraints on uses of traditional symbols and words reflecting this doing). The new socialist rituals failed to crowd out these traditional interpretive practices because these were embodied in existing settlements patterns and resilient forms of social interaction. Thus, when these rituals retreated, the proper relationship between 'names and things' was restored.

## 4 Case study: The Wen lineage in Shenzhen and Hong Kong

Before turning to our specific case, we give some general information which applies for our case as well as for related cases reported in the literature. Until today, land in the rural areas is collectively owned according to the Chinese

**18** On these distinctions, see Kroker (1959). Tan (2010: 171, 234) reports that the terminology survives until today, referring to the distinction between collective property and land use rights.
**19** Shue (1988); on this 'shrinkage', see also Wu (2014).

Angemeldet | cahepil@online.de Autorenexemplar
Heruntergeladen am | 03.04.17 04:42

Constitution. However, the meaning of 'collective' is fuzzy and can refer to different levels of local government (Ho 2001). Here, the village level is of special interest because in the past three decades, the Chinese government went ahead with holding village elections as a form of grassroots level democracy, with a wide variety of actual practices and outcomes, reaching from truly electoral regimes over mere rubberstamp elections of local party rule to usurpation by local bullies and even criminal groups (O'Brien and Han 2009).

Rural economic reforms did not abolish collective ownership but introduced contractual transfer of land-use rights to farming households. These use-rights have been extended gradually, and today are becoming further formalized via land-registers. Although this approaches the status of private property rights, certain limitations remain regarding the redistribution of property rights under demographic change and the sale of the underlying collective property to outsiders (Ho 2013; Prosterman 2013).

The latter issue is virulent in the context of urbanization. When village land becomes part of expanding urban settlements, a standard procedure is conversion. Conversion means that collective land is transformed into urban land. Urban land is state-owned according to the constitution. This conversion process has been accompanied by many and serious conflicts between villagers and government throughout the past two decades.[20] The reason is that compensation normally follows the rule of setting the price according to lost future revenue from agriculture use, and not the current value on the urban land market. Therefore, conversion creates huge rents for the government, and, eventually, for the private developers who often receive the land use rights on state-owned land. In the villages and townships, decisions about conversion are mostly taken by cadres who might reap personal gain from agreeing with conversion, often involving outright corruption. The farmers are rarely consulted, and in extreme cases may be evicted on short notice. This triggers public protests and even violent actions in many cases.

Now, there is an important exception to this pattern. This is when villages have strong extended kinship groups. Although this is a pattern that is especially visible in Guangdong, there is statistical evidence that is also working in other parts of China (Zhang and Zhao 2014). This matches with related research on the provision of public goods on the village level showing that strong lineages and religious organizations enhance the capacity for producing public goods, probably via the creation of social capital and the strengthening of

**20** See World Bank (2014: 206f), roughly ten percent of land was converted illegally in 2011. In 2013, 60 percent of about 100.000 cases of local unrest were triggered by perceived injustice in handling land property rights.

Angemeldet | cahepil@online.de Autorenexemplar
Heruntergeladen am | 03.04.17 04:42

informal channels of accountability (Tsai 2002, 2007). But this would just mean that villages with strong lineages can resist land grabs by government cadres and private urban business entities.[21]

Therefore, we need to include another development, which is the formalization of collective ownership in the context of separate corporate forms, the so-called 'shareholding co-operatives' (Trappel 2011). This was a policy that emerged from reform debates in the early 1990s and was formalized only on the local level, though with national co-ordination in terms of strategic policy documents, and which reflected the general interest in shareholding structures as a means of reforming both collective and state ownership. The model combines the notion of the cooperative with the notion of shares, implying certain constraints on the use of individual shares, in particular, not allowing for selling shares to non-members of a cooperative. It is important emphasizing that it is not formalized in modern company law which only distinguishes between limited liability companies and public companies. However, it remains a valid formal institution in terms of precedent and local regulations.

This model was often used to set up special land management companies in the first place, but also could be extended to other forms of village-based communal enterprises. Typically, with the decline of TVEs in the late 1990s, these different forms may be integrated into 'development corporations' or other more contemporary outfits which can be also found in many countries of the world as a form of business activity by local communities (for a pertinent case, see Saich and Hu 2012). Our case is typical for many other cases in South China where villages created shareholding cooperatives to which the collective land property rights were formally transferred. The central point is that this transfer separates the management of land from the village administration, thus carving the collective property right out of the administrative hierarchy of government. This is especially important when via urban administrative restructuring villages are transformed into urban districts. When a land management company has been created, the original collective property rights would not be directly affected by the administrative act, and the land continues to be owned by the original members of the village.

We have already mentioned that the fusion between collectives and lineages was a legacy of collectivization that was noticed very early in ethnographic research. Yet, this phenomenon was later neglected and only attracts attention

21 The most salient event of this kind was the Wukang incident in Guangdong, thoroughly analysed by He and Xie (2014) which also attracted the attention of the international press. Collective resistance was based on the organization of lineage groups, although this village is not a single-lineage village.

Angemeldet | cahepil@online.de Autorenexemplar
Heruntergeladen am | 03.04.17 04:42

recently. Today, we have several detailed field studies in Guangdong province, especially Shenzhen, which converge on the same picture: The land management shareholding cooperatives are in fact modern equivalents to lineage trusts.[22] So, whereas in studies on the Qing dynasty economy the economic functions of ritual organizations have been discovered, we now learn about the ritual functions of modern economic organization, resulting in many family resemblances between past and present.

The recent interest in the phenomenon was mostly triggered by the emergence and growth of so-called 'villages within the cities' (for a national comparison, see Tang 2015). In the location of our field site, Shenzhen, in the mid-2000s an estimated 4.5 million people lived in these settlements. They are clearly recognizable in the urban context because they have a very distinct infrastructure, architectural appearance, and visible differences in social organization. So, for example, urban villages may have their own security organizations, with weak presence of government police. The infrastructure is messy, with open, criss-crossing electric lines and pipes, and no coordinated layout of buildings. This reflects their spontaneous growth. During urban expansion, villages could start to use their collective land, for example, for offering sites to foreign direct investment, often originating in Hong Kong, and sometimes, as in our case, even from relatives living there. At the same time, another legacy of collective arrangements, villagers also owned their private land, that is the land of their home and a small adjacent plot for growing vegetables. This land was often used for housing construction, offering cheap accommodation for inflowing migrant workers who worked in the factories set up on the collective land. Gradually, these buildings expanded, literally in adding floors step by step, resulting into the messy architecture of urban villages.

Clearly, urban villages create big headache for urban planning, but also were an obstacle for realizing business interests of urban elites. In many urban places across China, urban villages were therefore often demolished, and the original residents resettled, mostly with low compensation for their lost claims on land. In Shenzhen and other areas of Guangdong province, urban villages proved to be more resilient.[23] Urban reconstruction required long negotiations

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**22** Research that comes closest to ours is Trémon (2015), who also studies a case from Shenzhen. For comparisons among different similar cases, see Chung and Unger (2013) and Cheng (2014). The most detailed book-length case study is a Chinese one, Zhou (2014) which also includes historical developments.

**23** However, as Wong (2015) shows, one cannot claim that these developments are typical. In many cases, resistance was bought off by urban authorities, and with the advantage of hindsight villagers realized that these were bad deals. However, in some cases even the urban authorities may not have predicted the later explosion of land values.

Angemeldet | cahepil@online.de Autorenexemplar
Heruntergeladen am | 03.04.17 04:42

with villages, resulting in much more adequate compensation schemes. In this case, villagers might end up as millionaires overnight. This also happened in our case, where negotiations lasted a decade. Yet, and most interestingly, the villagers kept some land for maintaining their original identity, even though almost all of them now live in the adjacent business district and its high-rise buildings (Figure 1). Let us turn to our case in some more detail.

Our case is Wen lineage in Shenzhen and Hong Kong. It is remarkable because Wen lineage was also studied by the Watsons in the 1960s in Hong Kong (Watson 2003, Cantonese is 'Man' lineage). Their work is one of the most influential ones in shaping the views on Chinese lineages in modern anthropology. So, we observe a parallelism between the evolution of lineages in a modern urban context, yet with a time difference of 50 years. In this paper, we do not include more detail on the Hong Kong Wen, which we will do in future work.

In Imperial China, the Wen were a so-called 'elite lineage' which traces its origins back to Wen Tianxiang (文天祥; June 6, 1236 – January 9, 1283 AD), a scholar-general in the last years of the Southern Song Dynasty. He was chased by the Mongol invaders and fled to what is today the Shenzhen area, where his family members were protected by his younger brother, Wen Bi. Wen Bi's grandson, Wen Yinglin was married to seven women who all gave birth to male successors. According to the lineage genealogy maintained until today,

**Figure 1:** The remains of Gang Xia village in Shenzhen, 2016.

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Heruntergeladen am | 03.04.17 04:42

these seven lines of descent established the seven branches of Wen lineage which are reflected in seven settlements until the present.[24] During the Yuan Dynasty, the Wen did not show their identity publicly. Only in Ming times, they gradually reinstated their lineage identity publicly by building lineage temples. The site of our case study, Gangxia village, was founded in 1321. Today, the village is located in the central area of the southeast of Shenzhen Futian District.

So, we notice a remarkable continuity between past and present. The lineage identity is embodied in the settlement pattern, which operates as an anchor of the reproduction of lineage identity. This settlement pattern had not been changed by collectivization. However, one strong impact of collectivization was that the Gangxia Wen maintained close hidden channels of communication with the Hong Kong branch, so being always aware of the divergent economic conditions between Hong Kong and Mainland China. This created the conditions for a strong illegal migration from Gangxia to Hong Kong, especially beginning with the famine of the Great Leap Forward. One important consequence is that the continuity of lineage organization in Hong Kong also served as model for the revival of lineage traditions after the launch of the reforms and opening-up in 1978.[25] Hong Kong Wen actively supported the revival of lineage rituals in the settlements of other branches of Wen lineage, both materially and ideationally. When the ancestral temple of Gangxia was demolished in the 1980s, the Shenzhen Wen took the opportunity of more open borders to Hong Kong to conduct lineage rites together with the Hong Kong Wen.

Gangxia village set up a land management shareholding cooperative in 1992. This company closely observed lineage ritual in allocating the shares, after determining certain boundaries of legitimate claims. Most importantly, it was decided that individuals who left the village before 1966 would not have any claims on collective land aka lineage property. For the resident members of Wen village, shares were allocated discriminating according to seniority (with elder members obtaining more shares) and gender. This means, that women who marry outside the village would lose any claims on land. Similarly, inmarrying non-Wen women would not enjoy the right to inherit shares of the company. This clearly replicates traditional notions of relational property,

**24** Songgang, Baomei village(松岗报美村); 2. Fuyong Fenghuang village (福永凤凰村 ); 3. Hongkong Xintian Taiheng village ( 香港新田泰亨村 ); 4. Songgang Tantou village ( 松岗潭头村 ); 5. Futian Gangxia Village (深圳岗厦村 ); 6. Songgang Baowei village (松岗抱尾村); 7. Dongguan Yongtou village (东莞涌头村)。As we will refer to later, recently the Wen discovered that some Wen also settled in Hainan.

**25** This role of Overseas Chinese and emigrants in the revival of lineage traditions is often documented in the literature, see e. g. Woon (1989) and Kuah (1999).

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Heruntergeladen am | 03.04.17 04:42

protecting the transgenerational claim of the descent line on the land. These customary rules stay in clear conflict with the provisions of Chinese civil and family law.[26] However, women would not dare to challenge these arrangements and observe ritual. This also applies for the voting rule. Although women over 16 years old obtain shares, voting is by household, represented by the male head.[27] The company has a board of directors, a supervisory board and a shareholder assembly, with the latter electing the two boards.

Following custom, and endorsed by the seemingly modern regulations on shareholding cooperatives, there are different types of shares. Apart from the individual shares, there are shares owned by the cooperative. Further, individuals might contribute additional investment and obtain shares. The distribution of profits follows the distribution of shares. This means that the shares of the cooperative allow for the funding of public services that benefit all members of the lineage. Indeed, we observe the same pattern as in similar cases: The land management company is major source of funding for public services which are only accessible to lineage members.

This creates the typical pattern of social stratification in Chinese cities with strong urban villages. Before the larger part of its land was converted into urban land, the population of resident villagers was 486, with family members nearly 900 people, but the temporary population had exploded to about 45 thousand. The land area has 151 thousand square meters and 600 houses, the total construction area is 514 thousand square meters. After the conversion, it increased to about 700 thousand square meters, and the population decreased to 7000 people because of the relocation of migrant workers.

In 1986, Gangxia village committee raised about 2 million Yuan from villagers and built 4 factory houses. To support industry, workers' dormitories were built later. Slowly, joint venture and private companies located in the village, an electronics factory, garment factory, toy factory, printing factory, handbag factory and other enterprises came to the village. In 1992 some villagers asked for permission whether they can rent their houses to migrant workers by themselves. A Gangxia village house had four floors, and the rent income of each family could amount to about three thousand or four thousand yuan a month, with the village family living in the top floor, so easily monitoring the tenants. As these buildings were gradually expanded up to 7 floors and even 9 floors, the rental income had been slowly increasing. In 2014, some villagers in Gangxia

**26** On the tensions between customary moral views and modern marriage law in general, see Huang (2011).

**27** This centrality of the household even in the context of radical Maoism was emphasized early by feminist China scholars, see Stacey (1983).

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Heruntergeladen am | 03.04.17 04:42

earned a monthly rent income as high as one hundred thousand yuan, the profit is very lucrative.

There are schools, hospitals and other facilities which are not accessible to migrants, or which might charge high discriminatory fees for non-Wen. However, it also needs emphasis that for many migrant workers, alternative dwellings are not affordable in the regular city districts, unless they commute over large distances. This is an important factor that makes urban villages sustainable in economic terms, and even creates some interest on maintaining them on part of the municipal administration.

Although the land management company is separate from administration, Wen family remains the overarching link across the different institutions of urban governance. Even with conversion and transformation to urban status, the pertinent organisations are all controlled by Wen family members, that is the company (gongsi 公司) , the grassroots level self-administration unit (jiedaoban 街道办) and the branch of municipal administration (paichusuo 派出所). Reflecting the traditional gender roles, most Wen males are working in the company, most female Wen work normally in *jiedaoban* and the *paichusuo*.

Turning to more specific aspects of ritual, an important use of the profit share of the company is to fund ritual activities, especially the ancestral temple. Indeed, in the year when the shareholding cooperative was established, the Gangxia Wen family clan association was also founded, the Gangxia Wenshi zongqinhui 岗厦文氏宗亲会. In this context, it is important to notice the joint activities of Wen lineage. In particular, Gangxia does no longer maintain its own graveyard, but all Wen are buried in a common graveyard located at Wanning, Hainan.[28] There, the Wen clan has also jointly established an ancestral temple. Therefore, on Qingming, all Wen join for conducting the ritual of 'sweeping the graves'. In recognizing the artefacts that relate to lineage activities, observers need to pay attention to appropriations of modernist labels. Because of the historical depth of Wen family history, it is easy to get approval for designating certain places as 'legacy sites', and indeed, in Gangxia village there are artefacts that originate in Qing dynasty or even earlier, such as the main gate. Another way to express ritualistic concerns is the construction of a museum of family history which

**28** We mentioned in footnote 23 that the Wen had also identified Wen settlements in Hainan. Because of the limited space in Shenzhen, and the extremely high value of land, the Wen therefore approached Hainan government and moved their joint graveyard to Hainan. This demonstrates again the fusion of business and ritual, as the Wen also received government support for launching new business activities in this context. At Qingming, male groups from all 7 villages visit this new ritual centre.

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Heruntergeladen am | 03.04.17 04:42

is open to the public, and which enjoys legitimacy because of the status of the founding father as a national hero in Chinese history.

There are many details of ritual practice that show how the company is simultaneously a ritual organization. For example, on occasion of certain holidays, pork is distributed only to the male members, and in sacrificial ceremonies, only males are allowed to attend. The distribution of pork is of special significance, as it happens against the background of very high affluence among the villagers. Before 1949, the festive distribution of pork was one important mechanism of redistribution from rich to poor lineage members. Traditionally, and often still to be observed in contemporary less developed villages, villagers form groups which raise pigs together. The income generated from the pigs or the meat is distributed per share. This 'nurturing' activity (yang 养) is also projected on the modern shareholding cooperative.[29]

After the final conversion of their land, the "Gangxia old village renovation" created many billionaires in 1/5 of the original villagers, 2/5 have become super rich, the other 2/5 relying on rent will live a prosperous life. Gangxia shareholding cooperative's total assets amount to about 3 billion and is expected to have share dividends per year up to 8–100 thousand yuan per person. After thirty-five years of reform and opening up, the Gangxia Wen ascended from "farm" to "real estate"; from "who fled to Hong Kong" to "Millionaire"; from "sweet potato field" to "center of Futian District in Shenzhen"; from "filthy" village into complex of hotels, shopping malls with finance, culture and entertainment.

# 5 Analytical resume and conclusion

Our case sheds light on the interaction between informal and formal institutions mediated by ritual. In Chinese tradition, kinship is a ritual notion, having also religious dimensions. Therefore, kinship is a very strong interpretive force. During collectivization, this resulted in the resilience of lineage structures in the shape of collectivist institutions. Indeed, we can even say that the formal institutions of socialism enhanced certain crucial elements of traditional kinship emphasizing the transgenerational unity of the descent group. Hence, it was straightforward to 'retranslate' collectivist institutions into the symbolic media of lineage identity after reforms, such as rebuilding lineage halls.

**29** On this strong symbolic role of pork, see also Zhou (2014) who reports that the villagers explicitly use formulae such as 'dividing the pork' when referring to the dividends of the company. On the notion of *yang* and its contemporary relevance, see Stafford (2000).

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Heruntergeladen am | 03.04.17 04:42

Yet, we also need to pinpoint the clear role of economic interests in mobilizing the language of kinship. In the struggle over the control of land, strong lineages enable collective action that not only comes to the benefit of the group, but also the individual. Following Barry Barnes (1995), nevertheless we should not fall into the trap of rational choice reductionism here, since the symbolic media of kinship need to be accepted as representing a social ontology that transcends the individual for becoming effective. For this, as emphasized in the recent material turn in sociology, embodiments of lineage identity play an essential causal role. In the first place, this is the stability of settlement patterns, but also the preservation of artefacts that incite memories of lineage history and demarcate territories. Here, the analysis of political economy should be well informed about the anthropology of Chinese religion (Lagerwey 2010; Clart 2012): The location of Chinese villages, their graveyards, their temples and lineage halls have been governed over centuries by feng shui geomancy and other religious beliefs, which are still present in modern Chinese life, especially in the business context. Indeed, the resilience of popular religion in Taiwan and Hong Kong gives important hints at understanding related developments in Mainland China.

Thus, we argue that the ritual of property in the context of extended kinship directly shaped the evolution of formal institutions, even when these were imposed exogenously by political fiat. In turn, once institutional leeway was increasing, we observe cultural creativity in appropriating formal institutions for the reinstatement of ritual. The intermediate and possibly transitory form of the shareholding cooperative was used to re-create a lineage trust in modern shape. This implies that we cannot simply interpret the land management company in terms of economic determinants such as transaction costs or individual interests. The company is the embodiment of lineage identity and therefore obtains a quasi-religious function which is clearly visible in the unquestioned use of part of its profit for funding the ancestral hall.

That being said, we should not overlook the tension between individual and collective interest in the context of traditional ritual. We could even argue that traditional ritual often served the function of reconciling social conflicts between diverging individual interests and these and collective interests. Traditional ritual explicitly recognized diverging interests of brothers, for example. The core unit of the extended kinship group is the nuclear family, i. e. the husband and wife dyad, plus their children, thus extending to grandparents, so long as they live. This is also visible in our case study where the voting rights are factually allocated to the households, and not to the individuals. This arrangement matched with the symbiosis of market and social structure in traditional China.

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Therefore, we posit that our case study is an instance of the 'ritual economy' in modern shape, which might be seen as a Chinese social type of organizing economic action (Yang 2007). This does not mean that current arrangements would just replicate traditional institutions. For example, recently young lineage members argue that the company might set up a venture capital fund for lineage members. Yet, such a modernist arrangement would not fundamentally change the underlying property rights structure.

Whether the arrangements of the ritual economy will survive into the future, will depend on their adaptive efficiency and the local political economy of urbanization. Economists are well advised to refrain from analysing property rights regimes from the Nirvana point of market theory. There are not only issues of allocative or even dynamic efficiency, but also distributional issues and issues of legitimacy (Kennedy 2013). The case of land is of prime importance here, and we might argue, falling in line with earlier theorizing by David Li (1996), that the complex regimes of negotiating property rights in China, resulting into ambiguous and apparently insecure rights, might be the more efficient institutional choices in a process of market transition involving a huge and complicated economy as the Chinese one (see also Ho 2013). Of course, this is partly determined by the institutional and political context. In a socialist state, the current constitutional arrangements on land property rights will not change in a foreseeable future. However, the case of land owned by the Crown in the British colony Hong Kong demonstrated that this would not even put constraints on capitalist development.

Yet, the argument on adaptive efficiency during transition may still fall into the Nirvana trap. The ritual economy of China's past was deeply integrated with free and highly efficient markets, aptly dubbed as a 'Smithian economy' (Arrighi 2007). Therefore, we should carefully distinguish between the process of marketization and the evolution of the property rights system. The Chinese anthropologist Zhang Xiaojun (2014: 183ff) argues that the standard reasoning about 'privatization' fails to distinguish neatly between 'private (私)' and 'individual (个人) property rights' on the one hand, and on the other hand 'public (公) property rights' (or 'state owned') and 'commons (共)' or 'shared property rights'. He believes that traditional lineage trusts are examples of common property rights on land and assets in a market environment and interprets new institutional arrangements in development finance, the World Bank supported 'Community Development Funds' as similar arrangements (Zhang 2016). As the seminal work by Ostrom (1990) has shown, commons can be stable and efficient arrangements, if adequate governance institutions emerge. As our case study has shown, Chinese ritual is a case in point in the context of land ownership. This raises the question how far and in which way 'modern rituals' can

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obtain functionally equivalent powers of governance, which may not be anchored in strong commitments such as religious beliefs. The relationship between ritual and property is a research issue that reaches far beyond the Chinese case.

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