

# DOCUMENTS ON CLAN ADMINISTRATION : I

## THE RULES OF ADMINISTRATION OF THE CHARITABLE ESTATE OF THE FAN CLAN

Annotated translation of the *I-chuang kwei-chü* 義莊規矩

by D. C. TWITCHETT

In a recent symposium volume I have given an historical account of the Charitable Estate (*I-chuang*) founded by Fan Chung-yen 范仲淹 at Suchou in 1050, which provided the model for the trust estates of many later clans.<sup>1</sup> The original draft of this paper<sup>2</sup> contained a full translation of the Rules of Administration, but owing to considerations of space these had to be omitted from the final published version.

Since the *I-chuang kwei-chü* is a document of great value in the study of the exploitation and management of estates in Sung times, besides being a pattern for many later series of rules, it has seemed worthwhile to publish this translation with a more extensive apparatus of notes than was possible in the earlier draft. These notes are essentially designed to illuminate rural conditions in Sung China and to develop the significance of the rules as a social document, rather than to fit it into the framework of the clan's own history.

The *I-chuang kwei-chü* is printed as an appendix to the collected works of Fan Chung-yen, the founder of the Charitable Estate,<sup>3</sup> but is not entirely from his hand. The document which we possess comprises not only the original rules as laid down by Fan Chung-yen in 1050, but also a great many subsequent additional rules and emendations appended by later heads of the clan, the latest of which are dated 1210.<sup>4</sup> This fact is of considerable importance, for the document gives us a picture of the way in which the rules were brought into line with contemporary needs. Other series of clan

<sup>1</sup> David S. Nivison and Arthur F. Wright edit. *Confucianism in Action*, Stanford, 1959. pp.97-133, *The Fan Clan's Charitable Estate 1050-1760*.

<sup>2</sup> Prepared for a conference of the Committee on Chinese Thought of the Association of Asian Studies held at Aspen, Colorado, in September 1958.

<sup>3</sup> In *ts'ê 9* of the Ssu-pu ts'ung-k'an edition, the original of which was itself produced under the auspices of the Charitable Estate.

<sup>4</sup> In their present form, however, there is an anachronism in the mention of the Accountants (*chu-chi*), see Art.48 below; Since these were first appointed in 1276, the rules must have been amended at some time subsequent to this date.

regulations from the 13th and 14th centuries give us even more detailed pictures of everyday management,<sup>5</sup> but in no other case is it possible to trace the gradual development of the family rules.<sup>6</sup> This aspect of the problem I have already dealt with in some detail in my previous study.

The Charitable Estate, as founded by Fan Chung-yen, was an endowment of inalienable landed property to be held in the name of the clan to which he belonged, and the income from which was to provide for the support of indigent clan members and for insurance against unexpected financial burdens. The establishment was celebrated in a well known inscription composed by Ch'ien Kung-fu 錢公輔, the *I-t'ien chi* 義田記 which is perhaps worth quoting in full.<sup>7</sup>

#### *The Record of the Charitable Lands*

Fan Wen-cheng was a man of Su-chou.<sup>8</sup> All his life he loved giving charity. He chose those of his close relatives who were poor, and those of his distant relatives who were worthy and made charitable gifts to all of them. At the time when he was famous and held high position he bought a thousand *mou* of land near the city walls of his native place which bore regular harvests which he called the *I-t'ien* (Charity land). These were to give support to the members of his clan, that they should be fed from day to day, and clothed from year to year, and should have sufficient in every case for weddings and funerals. He chose a senior and worthy member of the clan to take over its management, and to collect the rents and make payments at the appropriate seasons, each individual receiving one *sheng* of rice for his daily food, and one length of double-woven silk (*chien* 縑) for his year's clothing. Those marrying off daughters received 30,000 cash, those taking a wife received 20,000. Where a daughter was being married off for a second time [the father received] 15,000 cash. For burials the grant was the same as for the re-marriage of a daughter, or in the case of a young person 10,000 cash. The whole clan totalled ninety individuals, while the income of the Estate was eight hundred bushels (*hu*) of rice annually. When what was due had been paid out from the income which they received, there remained a plentiful surplus, and there was no scarcity. Those who had

<sup>5</sup> For example the *Yüan-shih shih-fan* 袁氏世範 of Yüan Ts'ai 袁采 first printed in 1189, the *Cheng-shih kwei-fan* 鄭氏規範 of Cheng Wen-jung 鄭文融 of 1378, and the *Chia-hsün pi-lu* 家訓筆錄 of Chao Ting 趙鼎 dated 1144. I hope subsequently to deal with each of these documents which contain much important material.

<sup>6</sup> In the case of the *Cheng-shih kwei-fan* the preface tells us that it too is the product of a long series of amendments and additional rules made in the period 1127-1378, but it is impossible from the present text to assign the individual clauses to their particular date as it is in the case of the *I-chuang kwei-chü*.

<sup>7</sup> See *Prose works* 8, p. 107-8.

<sup>8</sup> Wen-cheng kung 文正公 was Fan Chung-yen's posthumous title.

entered upon an official career but who resided at home (awaiting office) were provided for. Those who were employed in office had their grants suspended. Such was the broad outline of the scheme. From the beginning, before he rose to exalted rank, [Fan Wen-cheng] had set his mind on this plan, but for twenty years his means were unable to accomplish his ambition. However, when he had been Generalissimo in the West, and succeeded in becoming Grand Councillor, he accumulated the rewards and emoluments which he received, and in the end achieved his goal.

Since Wen-cheng's death, his descendants in later generations have continued to cultivate this task, and have taken over his plan as if he were still alive.<sup>9</sup> Although Wen-cheng's position was all-powerful, and the salaries he received liberal, he lived out his life in frugality. On the day of his death there was no money to prepare his own body for burial, and nothing from which his children might pay for their mourning. All that he left to his sons was the ideal of charity towards the worthy and of providing a living for the members of their clan.

In ancient times Yen P'ing-chung came to court in a worn-out chariot drawn by broken down horses. Ch'ên Huan-tzū pledged him and said "You have the dignity of a Great Minister, and your salary is a million [bushels], yet you ride in a worn-out chariot drawn by broken-down hacks. Thus you conceal the gifts which have been granted you by your prince." Master Yen replied "Since I rose to noble position there is not one in my father's clan who does not ride in his carriage, none in my mother's clan who does not have sufficient food and clothing, and no one in my wife's clan who is hungry or cold. Of the officers of the state of Ch'i, there are more than three hundred men who depend upon me for their whole support. Is such conduct as this concealing the rewards bestowed on me by my prince, or making them manifest [to all the world]?" Upon this the marquis of Ch'i pledged Huan-tzū with Yen-tzū's goblet. I loved Yen-tzū's liking to be charitable, the marquis of Ch'i's understanding him to be a sage, and Huan-tzū's submitting to his righteous example. I also love Yen-tzū's having preserved due order and precedence in his benevolence, and order in his speech. First he put his father's clan, then his mother's clan, and then his wife's clan, and afterwards the worthy among his distant relatives. *Mêng-tzū* says "Treat kindly your kin and be loving to the people. Be loving to the people and then love all living beings."<sup>10</sup> Yen-tzū came near to this ideal.

<sup>9</sup> This is reflected in the *Rules* which refer consistently to the ritual head of the clan community as "Wen-cheng's representative", Wen-cheng wei 文正位.

<sup>10</sup> See *Yen-tzū ch'un-ch'iu* and *Mêng-tzū*.

If we now look at the righteousness of Wen-cheng, it is equal in quality with that of Yen-tzü. But Yen-tzü's benevolence ceased with his death, while Wen-cheng's righteousness survived even after his own death, and his pattern was adopted far and wide. I doubt whether any surpass him.

Alas, those holding the positions of the "Three Dukes" at the present enjoy incomes of 10,000 *ch'ung*. But the splendour of their residences, the magnificence of their equipages and horses, their extravagance in indulging their carnal lusts, the luxury with which they surround their wives and concubines, stops short at themselves. Is it rare for their kinsmen even to be refused entry at their gate? And how much less do they give charity to the worthy! Those beneath them who become ministers, grand officers and officials are provided with stipends which are sufficient to provide for themselves. Yet are those of their kin who carry a beggars gourd and die of starvation in ditches so few? Much less do they make any provision for other men! All these are offenders against the example of Wen-cheng. His loyalty and righteousness pervaded the whole court. His successes embraced the frontiers. His achievements and fame filled the whole Empire. In later times there must come a good historian to write about him. I cannot write such an account, but have simply recorded the Charitable Lands so as to astonish the world.

His taboo name was such and such; his style was Hsi-wen.<sup>11</sup>

I have already dealt in my previous study with the motives which led to Fan Chung-yen's establishment of his Charitable Estate, and with the possibility that the institution was modelled on the inalienable landed properties of Buddhist communities. There is no doubt, however, that simple family piety was deeply implanted in Chung-yen, and making allowances for the panegyric tone of Ch'ien Kung-fu's inscription, this was the light in which his contemporaries saw him. His own remarks when it was suggested that he should buy an estate near the capital for his retirement are eloquent:

"If a man takes pleasure in virtuous conduct and righteousness, he can put aside all concern over his physical body. How much less need he be concerned over where he lives! Now I have passed sixty, and have but little longer to live. Were I to establish a residence with gardens and grounds, what pleasure could I look forward to in living there? My concern is not that I shall retire and have no place to live,

<sup>11</sup> Ch'ien Kung-fu (1023-1074) came of a prominent Su-chou clan which had been closely connected with the Fans since Wu-tai times. A postscript to the above inscription was added in 1139 by Fan Chih-fang 范直方 which related the sorry plight of the clan after the Kitan invasion. For a translation, see Twitchett, *op.cit.*, pp.114-15.

but that my rank is high and it will prove difficult to retire. At Loyang the estates of grand officials look out the one over the other. Those who own them can never go on enjoying them for ever—should I alone be able to do so? And should I be able to enjoy such a life and feel happy about it afterwards? No, my surplus salary and rewards should go to support my clan. If you respect my words, do not give any more thought to this matter."<sup>12</sup>

Fan Chung-yen himself drew up the first rules of administration for the clan property he had founded. These are quoted as articles 1-13 in the *I-chuang kuei-chü*, but are preceded by the text of the special Edict obtained by his son Fan Shun-jen in 1064 to give official recognition to the estate and official backing to its rules. The original rules are then followed by supplementary rules and amendments added between 1073 and 1115 (articles 14-41) during the years of the clan's prosperity prior to the fall of the Northern Sung. This first part of the document follows the text of the rules inscribed on a stele at the clan temple by the manager of the Charitable Estate in 1117. The second half of the document was added in the 13th century, when the family had refounded its fortunes after the disaster of the Kitan invasions.<sup>13</sup> In 1210 Fan Chih-jou 范之柔, who had risen to high office, took the opportunity to obtain confirmation of the Edict of 1064 which had recognized the rules officially, and had this recognition extended to a long and complicated series of Additional rules (articles 42-53). These too are preceded by the Edict giving them recognition.

The text which I have used for the following translation is that printed in the *Fan-shih chia-sheng* 范氏家乘, the Fan clan's family history as compiled in 1745.<sup>14</sup> The texts of the rules included in the various editions of Fan Chung-yen's collected works also probably derive from earlier recensions of the family history,<sup>15</sup> but the edition of 1745 was produced by a large editorial board under Fan An-yao 范安瑤, whose work was performed with close attention to textual detail. Very full cross-references and critical notes recording variants in quoted texts, alternative traditions, and

<sup>12</sup> See *Prose works* 6, p.85.

<sup>13</sup> See Twitchett, *op.cit.*, p.114-17. The revival of the estate dates from 1195.

<sup>14</sup> On this work see Makino Tatsumi, *Kinsei Chügoku shüzoku kenkyü* 收野鬘: 近世中國宗族研究 (Tokyo, 1950) pp.121-34, which reprints with a few minor corrections an article which originally appeared in *Hattori sensei koki shutsuga kinen rom-bunshü* (Tokyo, 1936). Although the copy in the Töyö bunka kenkyüjo, which Makino describes, and a microfilm of which has been the basic source for my study of the Charitable Estate, is dated 1745, extra blocks have been added at several subsequent dates, the latest in 1760. This extra material merely served to bring the Family Record up to date, and made no change in the basic compilation of 1740-5.

<sup>15</sup> The two basic editions of Fan Chung-yen's collected works, the Ming copy of a Yüan edition reproduced in the Ssu-pu ts'ung-k'an, and the edition with the prefaces of Ts'ai Tseng-yü and Mao I-lu dated 1622 were both prepared by members of the clan. See Twitchett, *op.cit.*, p.343-4.

critical notes on errors in older family records are given, and there is no doubt that the edition is a very conscientious piece of scholarship. Since in almost all cases the text it cites is superior to the variants in other sources, it seemed better to employ it in spite of its relatively late date, since the compilers presumably had original documentation which allowed them to correct the earlier printed texts.<sup>16</sup>

*The rules of administration of the Charitable Estate*<sup>17</sup>

*The rules as first laid down by Wen-cheng kung*

*Memorial of Chung-hsüan kung*

I, Fan Shun-jen, Magistrate of Hsiang-i County in K'ai-feng fu, submit that I humbly bear in mind that my father Fan Chung-yen, at the time when he was formerly employed as Academician of the Tzu-cheng Hall, established lands of more than ten *ch'ing* in the two counties of Wu-hsien and Chang-ch'ou<sup>18</sup> in Su-chou. The rents obtained from these were to provide food and clothing and the necessary expenses for marriage, mourning, and burial for all members considered to belong to any of the branches of the clan descended from our distant ancestor. These lands were called the Charitable Estate. He looked among the branches of the clan and selected a junior member to manage the Estate, and subsequently set up rules of administration which he caused the various branches to obey implicitly.

At present, however, among the junior members of the various branches there are some persons who do not obey these rules. The local

<sup>16</sup> A glance at the *fan-li* (pp. 1a-9a) of the *Fan-shih chia-sheng* should dispel forever the myth that *chia-p'u* 家譜 and similar works were mechanical compilations interpreting only the most obvious sources in the rosy light of filial piety. Not only are the rules for compilation consistent with the best standards of contemporary *k'ao-cheng* scholarship, but rules are laid down for regular revision and checking. As an example of the meticulous care with which the work was done, all statistics which could be checked (ex. global totals following itemized lists of figures) have been checked and any discrepancies noted.

<sup>17</sup> Some portions are translated in Hu Hsien-chin, *The Common descent group in China and its functions* (New York, 1948). But, like all the translated passages in this book, those from the Fan rules are wild paraphrases rather than translations, and are in several instances misleading. I am by no means entirely confident about some passages in the following translation. The last set of rules, in particular, are written in a very odd style with many semi-colloquial expressions. I am indebted to Professor Yang Lien-sheng and Mrs. Hui-chen Wang Liu for their suggestions on some difficult points.

<sup>18</sup> The *Fan-shih chia-sheng* 14, pp. 22a ff gives an extremely detailed list of the "original lands donated by Wen-cheng kung" still in the family's possession. The date of this list is not clear. According to Wu K'uan, *Pao-weng chia-ts'ang chi* 52 (See Twitchett, *op.cit.*, p. 348-9) the clan retained none of the original lands in the late fifteenth century.

The holdings listed show that the estate was made up of a very large number of tiny fragments of land, many of them mere fragments of a *mou*. All of them are reclaimed *yü-t'ien* land.

Prefect and Magistrate have never received yet a detailed Edict (covering the question), and the clan have thus had difficulty in asserting their rights. For five or seven years the administration has by degrees fallen into decay, so as to cause those descendants who are hungry and cold to lack means of support.

It is my humble hope that the Court will specially send down a directive to Su-chou that, if there are any among the junior members of the various branches related to us who offend against the rules of administration, it is permitted to have the officials attend to the matter.

I humbly await an Edict.

An Edict was issued ordering that Su-chou should put into force the suggestions contained in this memorial.

Instruction communicated to Su-chou in accordance with this.  
1064, fourth month, 11th day. Sealed.

The representative of Wen-cheng kung<sup>19</sup> has investigated the matter.

The late Wen-cheng kung established a Charitable Estate in P'ing-chiang fu to bestow charity on his clansmen. His virtuous benevolence was exceedingly munificent. When he first set up rules, although these were displayed on a notice-board this was not suitable to transmit them permanently. When one comes to the Edict from court which was obtained in 1064, this has never yet been made public to the clan members, while furthermore, the supplementary instructions later composed which might be made into permanent rules have never yet been formalized and corrected. I am deeply concerned lest, many years having elapsed, they will come by degrees to be destroyed. Now I am having them all set out in order and engraved on a stone to be erected beside the ancestral hall of the deceased [Wen-cheng kung] in the Pai-yün ssu temple on T'ien-p'ing shan, so that our sons and grandsons may reverentially comply with the rules and not disregard them. Now I set them out as follows.<sup>20</sup>

<sup>19</sup> See note 9 above. It has been suggested that the title to the lands of the estate were vested in the deceased Wen-cheng kung as a device to prevent their dispersal, the owner being unable to endorse the deed. But there was already the perfectly valid precedent of the endowments of monasteries (*ch'ang-chu t'ien*) which were recognized as belonging to the community *sangha*, and I see no reason for supposing that the clan, as a ritual community, were not the legal owners of the Charitable Estate. The representative of Wen-cheng kung was the ritual head of the clan (i.e. the senior male descendant) continuing the charitable intentions of the founder of the charity.

<sup>20</sup> This paragraph is undoubtedly the work of Fan Cheng-t'u who had the rules inscribed on a stele in 1115. See below, after Art. 41.

*The rules as first laid down by Wen-cheng kung.*

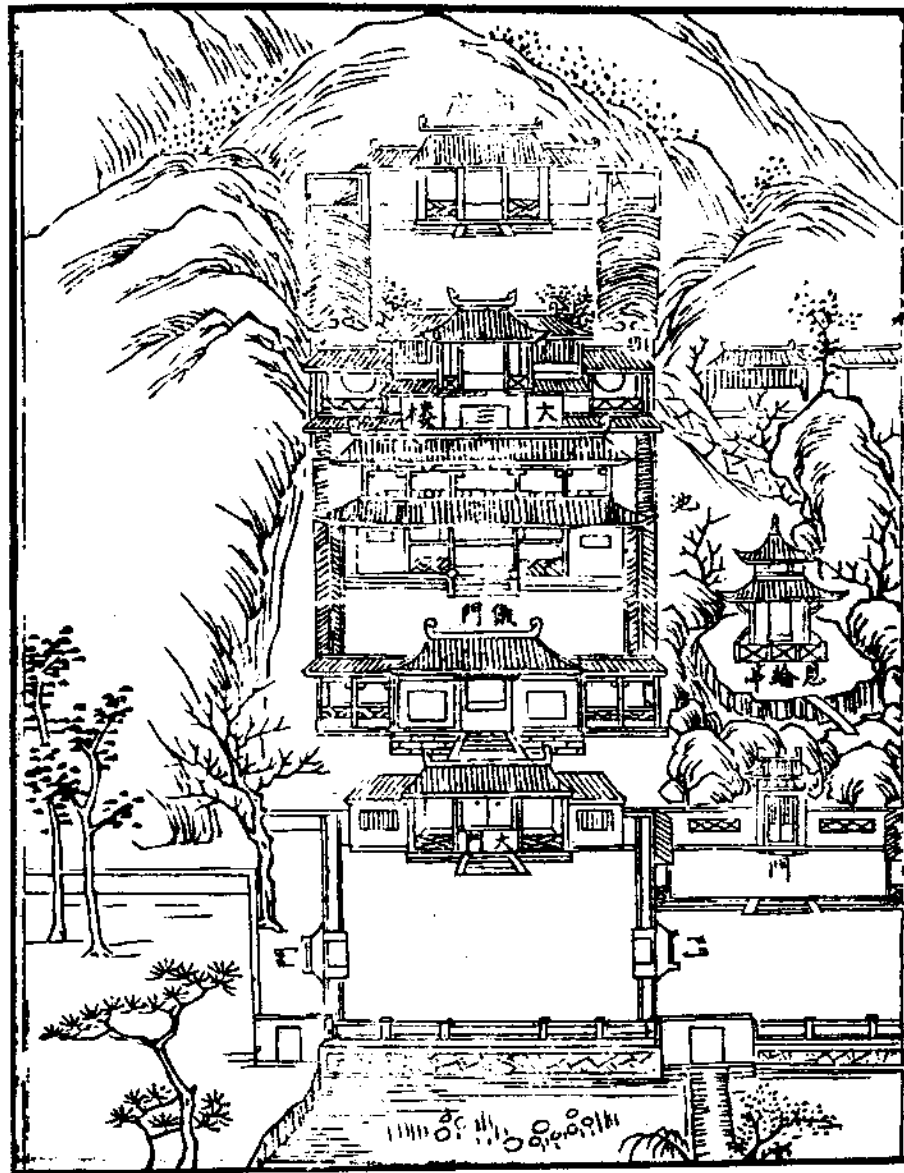
1. Every branch (*fang*) by turn shall calculate the number of its members, and one *sheng* of rice shall be granted [daily] to each person. All these grants shall be made in polished rice. If they are paid out in hulled rice, the amount shall be increased proportionately as a temporary expedient. (When granting hulled rice, one *tou* shall be equivalent to 8 *sheng* of polished rice. The total grant per month in respect of each individual shall be three *tou* of polished rice.)
2. Male and female children of five years of age and above shall be included in the total.
3. Female servants who have borne children by members of the family that have reached the age of fifteen years, or who are themselves fifty years of age or more, are permitted to receive grants of rice.<sup>21</sup>
4. For winter clothing each individual shall receive one length [of silk]. Children of less than ten years of age and more than five shall each be granted half a length.
5. In each branch (*fang* 房) it is permitted to issue rice for a single slave, but they shall not be granted clothing.
6. Whenever good-fortune or ill is encountered (i.e. births, marriages, and deaths), or whenever there is any increase or decrease in the number of clan members, it should immediately be entered in the registers (*shang-pu*).<sup>22</sup>
7. Each branch of the clan should establish an entitlement list for requesting grain issues (*ch'ing-mi li-tzu* 請米歷子). At the end of the month the manager (*chang-kuan-jen* 掌管人) shall consider and sanction these requests. It is forbidden to make prior arrangements, or to exceed the monthly allowance in making grants. The manager himself should also set up a register (*pu* 簿)<sup>23</sup> to check and control them, and this register should record a quota for each branch based on the number of its members. Should the manager make any wasteful

<sup>21</sup> The reading of this clause is by no means certain. In a personal communication Mrs. Hui-chen Wang Liu suggested to me that it might better be interpreted as meaning that a female servant (*nü-shih* 女使) should receive a grain ration only when she has fulfilled three conditions, a) that she has had children b) that her length of service has reached fifteen years and c) that she is above fifty years of age. Both readings seem possible from the original text. 女使有兒女在家及十五年五十歲以上，應給米。

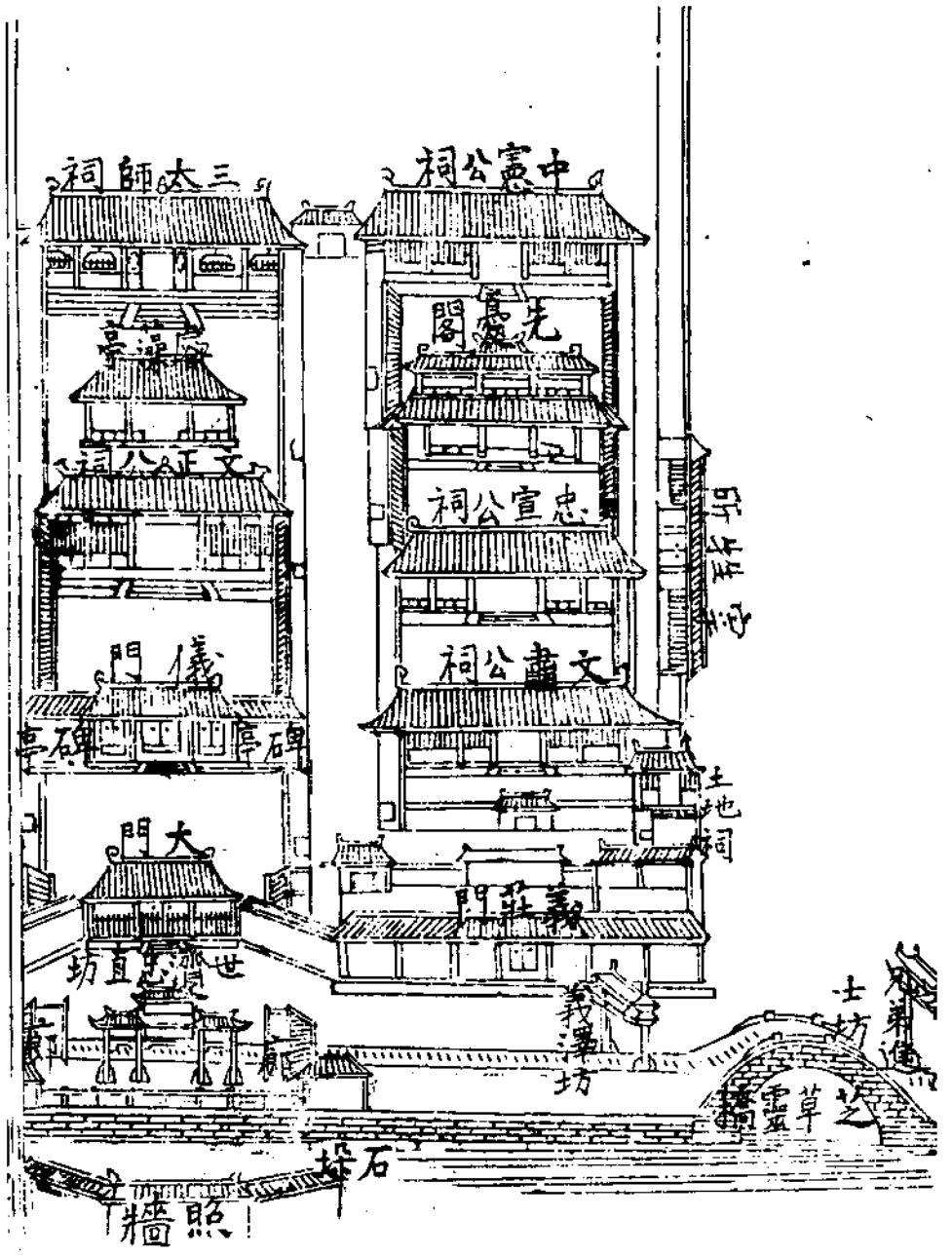
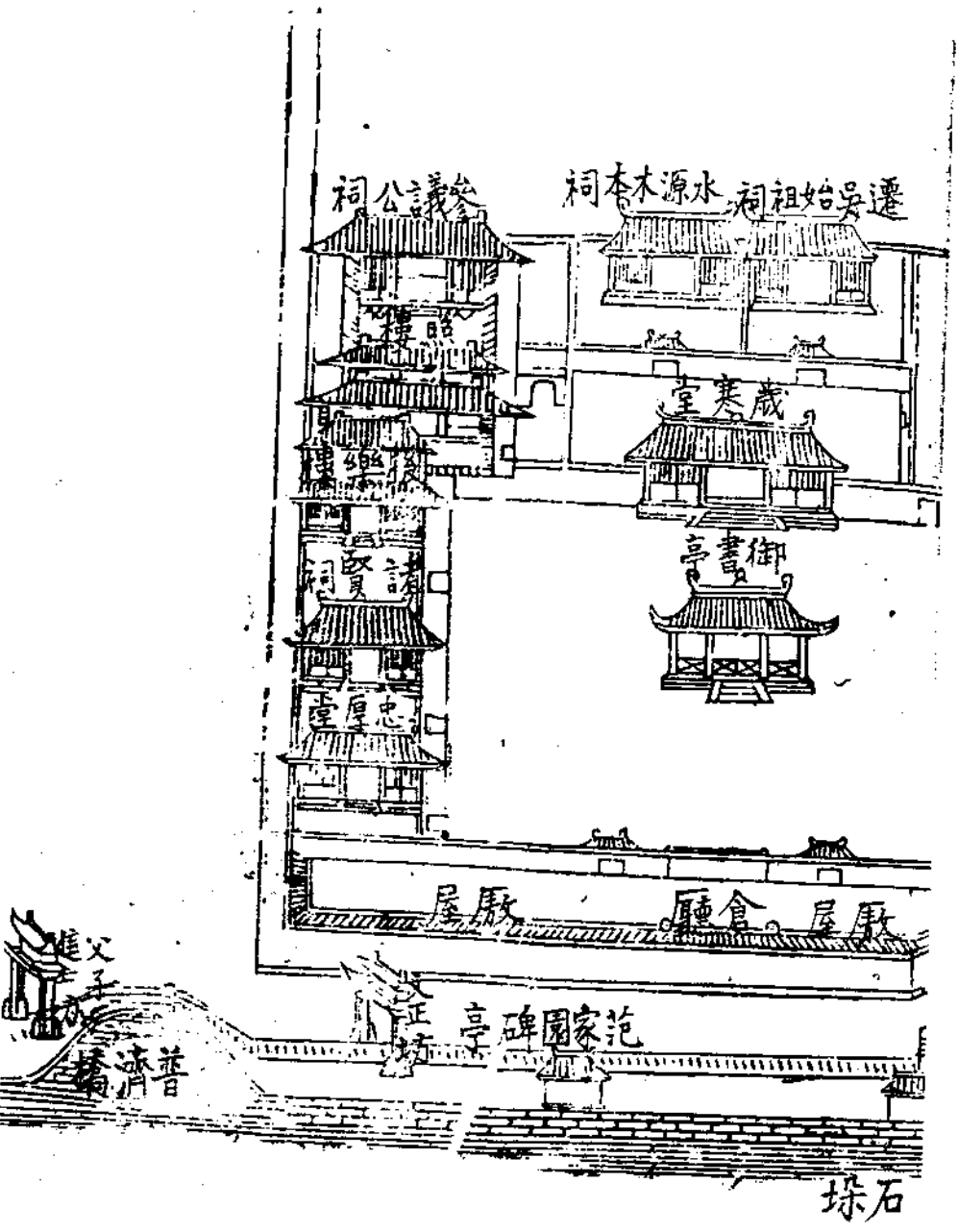
<sup>22</sup> *Shang pu* 上簿 to enter in the register, presumably means to enter in the nominal list of the clan, the genealogy. We know from Fan Chih-fang's postscript to the *I-t'ien chi* (note 11 above) that the clan possessed a full genealogy, and from the *fan-li* to the *Fan-shih chia-sheng* that Fan Chung-yen himself gave a strict injunction to the clan to keep this accurate and to avoid adding dubious ancestors to give the family a spurious aura of antiquity.

<sup>23</sup> I take it that this register *pu* 簿 is not the same as the nominal register mentioned in Art.6., but a more simple document drawn up by the manager for the practical purpose of making the rice issue.

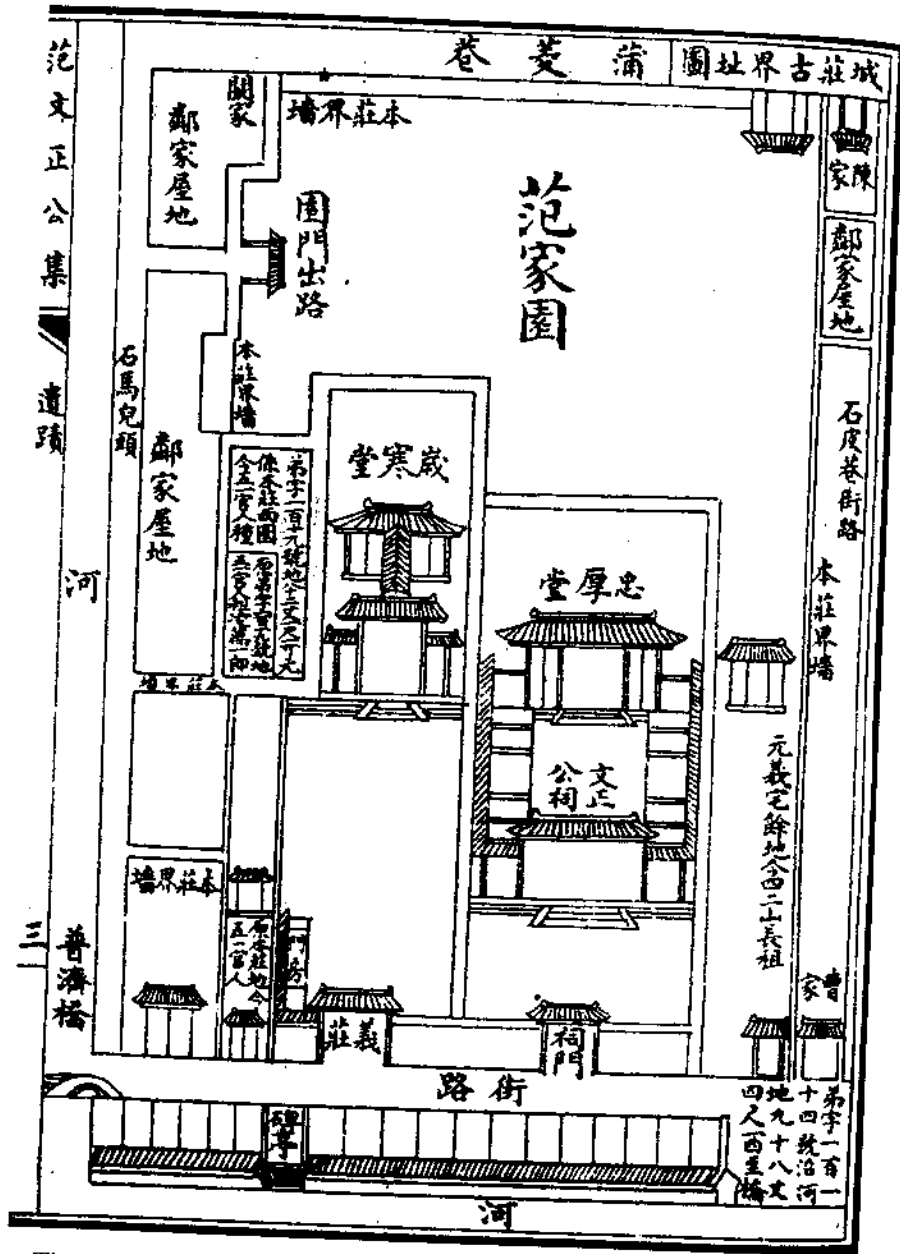
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The Clan Temple on T'ien-p'ing shan: from *FSCS A* (*shou*, pp. 65b-66a)



The Clan buildings in Su-chou, circa 1740 from FSCS A (shou p.57b-58a)



The original Clan property in Su-chou: *Works* (SYSF), based on print of circa 1620

- expenditure or make advance payments to anybody, the branches are permitted to review the matter and to force him to pay an indemnity.
8. On the marriage of daughters, a grant of 30 strings of cash shall be made. In the case of a second marriage 20 strings.

(These sums shall be paid in cash at the rate of 77 cash per 100.

All the following cases should accord with this rule.)<sup>24</sup>

9. On taking a wife a grant of 20 strings should be made. In the case of a second marriage there shall be no grant.
10. In the case of clan members who become officials, each time they return to the family to await a vacant post, to await selection, or to perform mourning for their parents, or where they are employed in official posts in Szechwan, Kwangtung, or Fukien and leave their families in their home village, they shall be allowed rice and silk, and money grants on occasions of good or ill fortune in accordance with the general rule for the various branches. Even when an official is employed in a post near to his home, if he leaves his family behind for some good reason, grants shall still be made to them according to this rule.
11. Regarding payments for mourning and funerals in the different branches: in the case of a senior member, when mourning begins a grant of 10 strings of cash shall be made, and a further 15 strings at the time of the interment. For more junior members, 5 strings, and ten strings at the interment. In the case of low-ranking members or of young persons under the age of nineteen years, seven strings to cover both mourning and interment. For those under fifteen years, three strings. For those under ten years, two strings. No grant shall be made in the case of persons under seven years of age, or in the case of slaves or servants.
12. If there should be any among the relatives of the clan by marriage living in the district who should be in poverty or dire need, or who should have fallen into unexpected difficulties, or should have met with a year of dearth and been unable to provide for themselves, the branches should jointly discuss the case to arrive at the facts and then arrange to provide assistance from the grain of the Charitable Lands (*I-t'ien*).
13. Regarding the stock of rice to be kept in charge (of the charitable estate) from year to year: as from the tenth month of 1050 the monthly grants of provisions together with the grants of silk for winter clothing shall be made. It is agreed that, as from 1051, during each year when there is a full harvest, grain rations for two years shall be hulled and

<sup>24</sup> This note refers to the custom, common in China at the time of using short strings of cash, consisting of less than 100 or 1000 actual coins, but circulating at that nominal value. On this practice see Yang Lien-sheng, *Money and Credit in China* (Cambridge, Mass, 1952) pp.34-7. In T'ang times the short string contained 920 cash but during the tenth century the number of coins was steadily decreased to 770. This remained the standard short string (*sheng-pai* 省陌) under the Sung. cf. below, Art. 14.

stored. If a year of dearth occurs, no grants shall be made apart from the granting of provisions. When there is a surplus over and above the reserve of two years' rations, funeral and mourning expenses shall be granted first, and then marriage expenses. If there is still a surplus left, winter clothing may be issued. However, if the surplus is not very large, such things as events of good or ill fortune (i.e. marriages, or mourning) shall be jointly discussed, and the amount available divided up and granted in equitable proportions. Or if no grants are to be made [to all entitled to them] they shall be made first to those who have suffered bereavement, and then to those who have met with good-fortune. In cases where more than one person has suffered bereavement at the same time, senior members shall take precedence over junior members in the making of grants. Where the relative seniority of those concerned is the same, the grant shall be made on the basis of priority of the bereavement or burial. If, after paying out the above-mentioned rations and allowances for marriages and burials, a surplus should still remain, this must not be sold off, but the grain must be hulled so as to provide a store of rations for three or more years. If there should be any anxiety about grain in store going stale, it may be sold off and exchanged for fresh rice after the day when the autumn harvest is completed.

All members of the branches of the clan shall together carefully comply with the foregoing rules.

1050, 10th month.

Fan, Academician of the Tzu-cheng Hall, Vice-minister of Rites, Prefect of Hang-chou. Sealed.

*Supplementary rules added by Chung-hsüan, Yu-ch'êng, and Shih-lang*<sup>25</sup>

14. Any member of the clan who succeeds in being entered for the Triennial Examinations<sup>26</sup> shall be granted 10 strings of cash.

<sup>25</sup> These are the posthumous titles by which Fan Chung-yen's sons, Fan Shun-jen 范純仁, Fan Shun-li 范純禮 and Fan Shun-ts'ui 范純粹 respectively were referred to in the clan records. The eldest son, Fan Shun-yu 范純佑, died prematurely in 1063 after a long illness, and Fan Shun-jen, who had a distinguished political career, became the virtual head of the clan, although the ritual headship still remained with the adopted descendants of Fan Shun-yu's direct line.

<sup>26</sup> The doctoral examinations, which had been held annually during the T'ang period were sometimes held annually in early Sung, sometimes at irregular intervals. In 1057, in an attempt to regularize the system, examinations were held every other year, and in 1067 the triennial system, which remained in force until the present century, was adopted. The examination was known as *Ta-pi shih* 大比試. This regularization of the examination system was part of a general tightening of the methods of recruitment which led to a decline in the use of personal privilege (*yin*) and entry by favour (*en* 恩), and this new stress on examination entry undoubtedly lay behind the new rules adopted by Fan Shun-jen in 1073.

(To be granted in cash at the rate of 77 cash per hundred. The following clauses are to accord with this rule.)

Those taking the examination for the second time shall have this amount reduced by half. In all cases payment shall be made only when the candidate actually goes to take the examination. Should a person having received this grant fail to take the examination without good reason, he shall refund the money.

15. Any junior member who allows persons to cut and take away timber or bamboo growing in the vicinity of the graves shall be reported to the local authorities for trial by the manager.
16. From among those of the junior members who have retired from office or who have been entered for the examinations and have pursued the life of a scholar, two persons shall be selected as teachers for the clan. They shall be granted 5 *tan* of hulled rice per month.

(But if the price of rice should rise above one string of cash per *tan*, they shall be paid one string in lieu of each *tan*.)

It shall be permitted to choose persons who have neither retired from office nor entered for the examinations so long as they have become well known to everybody as having led a cultured life. All family members shall discuss such cases.

(But family members who have no son or younger brother to enter school may not participate in the discussion.)

If the pupils number less than six, the teachers shall be paid only three *tan*. If they number up to eight, they shall be paid four *tan*. If their number reaches ten, they shall be paid the full amount.

(The branches of the clan are permitted, if they wish, to pay money in accordance with their resources to supplement the salary of the teachers.)

The foregoing three clauses were laid down at the direction of Erh-siang, 1073, sixth month —day.

17. All such offences as encroachments and frauds committed by the manager, or improper borrowing of money or grain from the Charitable Estate by clan members, shall be reported to the authorities for a decision. Restitution of such sums may not be made by debiting them from the offender's monthly grain issue.

18. Members of the clan may not rent lands belonging to the Charitable Estate as tenants.

(This applies equally to cases where this is done under cover of a nominee.)<sup>27</sup>

<sup>27</sup> *Cha-li ming* 詐立名 refers to the practice elsewhere (Art.45) known as *Kuei-ming* 誰名 by which clan members would induce a non-member to become nominal tenant while they, in return for a small payment, would acquire the actual possession and use of the land.

19. Junior members acting as managers shall be paid twenty *tan* of hulled rice at the end of the year providing that during that year there has been no deficiency in the monthly rice issue to the clan members. Even if there has been a deficiency, should it have been possible to pay out half or more of the entitlements for the year, and there has been no misappropriation or concealment, they shall be paid half of this salary or more. In all cases such payment will be made only after the clan members have certified [that this may be done]. If there is anything which cannot be certified, an account of whatever they cannot certify should be drawn up and reported to the representative of Wen-cheng.
20. Should the administrators (*kou-tang-jen* 勾當人)<sup>28</sup> of the Charitable Estate not collect sufficient rent grain, the proportion which remains outstanding shall be deducted from the grant to which he is entitled. (That is to say, if 10 per cent remains outstanding, he should be paid 90 per cent only of his entitlement, and so forth.)  
On the day when the grain is paid in full, his grant also will be paid in full.  
(But amounts already deducted shall not be granted in retrospect.)  
If anyone commits any offence, it should be reported to the authorities for settlement.  
The foregoing four clauses were laid down at the direction of Erh-hsiang, 1083, seventh month, 19th day.
21. Persons not themselves resident in P'ing-chiang fu<sup>29</sup> will not be granted either grain, silk, or money.
22. When elder and younger brothers are residing together, although there may be many of them, the monthly rice issue for their slaves may not collectively add up to more than five persons' entitlement.  
(That is to say, if seven or eight persons live together, the maximum joint grant of rice for their slaves shall be five persons' rations.)
23. Unmarried males are not entitled to a grant of rice for slaves.  
(But even though he should be unmarried, a person who has a female slave who has borne a child by him in the family which has reached the age of 15 years, or who is herself above fifty years of age, may be granted rice in accordance with the rules.)<sup>30</sup>

<sup>28</sup> It is not clear whether this *kou-tang jen* 勾當人 is the same as the manager *chang-kuan jen* 掌管人 mentioned previously. The *I-t'ien chi* seems to presuppose that the same man collected the rents and distributed entitlements, but the statement is made in very general terms.

<sup>29</sup> I.e. Su-chou.

<sup>30</sup> Cf. note 21 above.

24. The Charitable Estate may not give a mortgage<sup>31</sup> on the lands of clan members.

The foregoing four clauses were laid down at the direction of Erh-hsiang, 1095, second month, 8th day

25. Even though there may be a deficiency in the funds of the Charitable Estate, it may not contract any debts at interest.
26. In business connected with the Charitable Estate, the decisions of the manager (*chang-kuan-jen*) should be acknowledged in accordance with the rules. Clan members, no matter how great their seniority, may not encroach upon their responsibility to embarrass them or to interfere. If anyone offends against this rule, the manager is permitted to report the matter to the authorities for decision. In case, however, the manager himself has committed some fraud or offence, the clan members may draw up a true account of the matter and report it jointly to the representative of Wen-cheng.

The foregoing two<sup>32</sup> clauses were laid down at the direction of Erh-hsiang, 1096, fourth month, 29th day.

27. Family members may not assemble within the granary of the Charitable Estate, nor take possession of it as a dwelling. Except when [grain] is being paid in or distributed, it may not be opened.
28. Should persons whose monthly issue of rice has been suspended owing to their having gone to live away from the clan [subsequently] return, if they receive the approval of the clan members as to the truth of their claim [to entitlement] within the first five days, they may be permitted to receive the rice allowance for the month in question.
29. If there is any leaking roof in the Charitable Residence (*I-chai*) buildings, the persons resident therein may themselves repair the damage. But they are forbidden to demolish or move the buildings. If anyone offends in this way the manager may report the matter to the authorities for a decision. Persons may extend or repair buildings for themselves within the Charitable Residence.

(If, however, an occupant is truly poor and without resources to carry out repairs, and the building leaks so that it is really unfit for habitation, all the clan members may jointly consider the matter, certify the true state of affairs, and report it to the representative of Wen-cheng, who shall estimate a grant of cash to assist the repairs. But [such applicants] may not request any additions or improvements to their buildings.)

<sup>31</sup> I employ "mortgage" as a rough equivalent for *tien-mai* 典質. For details on the operation of the Chinese system, see Katō Shigeshi, *Shina keizaiishi kōshō* 加藤繁: 支那經濟史考證 (Tokyo, 1952) Vol. I, pp.283-293, and McAleavy, *Dien in Vietnam and China*, *Journal of Asian Studies* 17, iii (1958) pp.403-415.

<sup>32</sup> The various editions of the *Works* read 三 which is incorrect.

30. Every member shall be made to endorse his entitlement document (*ch'ing-mi li-tzu*), and only after this has been done will grants be made. After the issue has been made, the recipient shall himself sign a receipt. If any person has lost his entitlement document, his grant will be suspended and a strict enquiry enforced. After waiting for one year, the clan members and the manager may certify [the loss] and report the matter to the representative of Wen-cheng, awaiting his reply before issuing new entitlement documents and resuming the granting of grain.
31. Any person who allows his monthly rice entitlement to accumulate, and then requests it all at once, shall not be granted it.
32. Members of the clan may not request any special grants beyond the terms of the rules of administration of the Charitable Estate. Even if the order for such a grant has been obtained from the representative of Wen-cheng himself, the clan members and the manager are to retain [the amount] and shall not pay it out.
33. Clan members may not borrow or make use of any labour, boats, carts, implements, etc., belonging to the Charitable Estate.
34. Those junior members of the clan who have become officials and are already promoted to court, and who wish to forego their issue of grain, silk, and money so as to help support [the other clan members], are permitted to do so.
35. All clan members who have sons or daughters shall report the births to the Charitable Estate within two months, together with the mother's (i.e. the legitimate wife's) surname and that of the actual mother, the child's place in the family precedence, and its "child's name" (*hsiao-ming*). The Charitable Estate should receive further confirmation from the clan members by the said day, and when this has been done enter the child in the clan register. Should the birth not be reported before the time limit, even when the child becomes adult he shall not be regarded as a clan member for the purpose of the official census or for the issue of grain.
36. Should any development occur which is not fully covered by the stipulations in these rules of administration, the manager together with the clan members should consider the matter, settle on what they can certify as the true facts, and jointly report to the representative of Wen-cheng.
- (If any member opposes the decision or remains doubtful, he should not participate in the joint report.)
- After this report has been made, even if the reply of Wen-cheng's representative has not been received, decision need not be suspended, and action in accordance with what the members have written may be taken.

The foregoing ten articles were laid down at the direction of Erh-hsiang, San Yu-ch'eng, and Wu Shih-lang, 1098, sixth month.

37. Whenever clan members make a report on business connected with the Charitable Estate, even though they may be very senior, they shall always subscribe their name on the document, and may not write it on bamboo paper or on coloured letter paper. If anyone offends against this injunction, the Charitable Estate shall not accept their communication. The foregoing clause was laid down at the direction of San Yu-ch'eng, 1099, first month, 17th day.

38. In the event of anybody's redeeming lands [mortgaged to] the Charitable Estate, the money repaid for the value of the land must not be wastefully expended. Within a period of one month the cash shall be used in purchasing or taking up mortgage upon other lands. If it is improperly used for some other purpose, the manager shall be made to pay an indemnity.

The foregoing clause was laid down at the direction of Wu Shih-lang, 1106, tenth month, 12th day.

39. If any clan member improperly takes one of a different surname as his own child,<sup>33</sup> and falsely claims a monthly rice ration on his behalf, it shall not be granted. Clan members who become aware of such an abuse may report it to the representative of Wen-cheng. The matter shall be publicly discussed, and a report sent to the authorities of P'ing-chiang fu for a decision.<sup>34</sup>

(In the case of persons who have already been granted support [from the Charitable Estate] prior to the seventh month of 1107, retrospective litigation may not be instituted.)

The foregoing clause was instituted at the direction of Wu Shih-lang and Erh-hsiang 1107, seventh month, 10th day.

40. If any clan members who reside away from home and are not registered should bear children and fraudulently claim a monthly rice issue on their behalf, and the manager or any clan member becomes aware of [the fraud], they shall not receive the grant. If the offender will not

<sup>33</sup> This had been a very common practice, which was not viewed with disfavour during T'ang and early Sung times. In fact Fan Chung-yen himself was adopted into his mother's clan and took the examinations in the surname of Chu. But the growing clan consciousness of Sung times led to the strict rule on adoption being closely enforced. The idea behind the prohibition was that an adoptive child might commit any incestuous marriage with one of his own (real) surname. Fan Chung-yen continually insisted that the true lineage of family members should be preserved. Within the clan there was a great deal of adoption. A surprising number of members failed to produce male heirs, and the senior lineage was continued by adoption in three successive generations. The adopted sons were usually second sons from junior branches of the clan.

<sup>34</sup> In this case reporting to the authorities would have been a serious matter, since such adoption was illegal.

submit, the manager and clan members should report the situation to the representative of Wen-cheng, and send the documents to the authorities at P'ing-chiang fu for their decision.

The foregoing clause was laid down at the direction of Wu Shih-lang, 1113, first month, 21st day.

41. Clan members may not rent out or mortgage rooms or buildings within the Charitable Residence to one another.

The foregoing clause was laid down at the direction of Wu Shih-lang, 1115, first month, 29th day.

The above rules should be preserved and put into practice by the Charitable Estate and by all clan members. If within the text of the rules there are any passages which are mutually contradictory or obstructive, the later ruling should be followed. If there is any offence the manager or members of the clan should prepare an account of it, and, in accordance with the Imperial Edict incorporated in the Instruction of 1064 from the Secretariat, should report the matter to the authorities for decision. In each case the Magistrate or Prefect is deputed to act.<sup>35</sup>

Inscribed by Fan Cheng-t'u 范正圖, Prestige title Ch'ao-san t'ai-fu, acting Scholar in waiting in the Hui-hsien ko, Intendant of the T'ai-ch'ing Palace in Hao-chou, T'ung-chih-lang in charge of the affairs of Ch'ang-she County, Ying-ch'ang-fu.

Stele erected by Fan Chih-yen 范直閼, manager of the affairs of the Charitable Estate.

[The Rules of Administration of the Charitable Estate were originally set up at the Chung-lich Miao<sup>36</sup> on T'ien-p'ing shan, but in the course of years erosion and fire have split the stone, and for many years it has not survived. In 1294, an artisan was ordered to re-cut the inscription in accordance with the original text, and set it up by the Sui-han t'ang, in the expectation that the instructions bequeathed by former generations may be permanently preserved without change. Reverently inscribed by the descendants [Fan] Pang-jui 范邦瑞, and [Fan] Shih-kuei 范士貴.

*Supplementary rules of Ch'ing-hsien kung.*

*Memorial of Ch'ing-hsien kung*

Fan Chih-ju, prestige title *Ch'ao-san-lang*, Policy Critic of the Left and concurrently [Han-lin] Lecturer-in-waiting memorialises the throne:

<sup>35</sup> At this point the texts included in the editions of the *Works* are all defective, and omit six lines of the text as printed in the *Fan-shih chia-sheng* 15, pp. 112a-b. This is not an editorial omission, as the text breaks in the middle of the titles of Fan Cheng-t'u 范正圖 and does not make sense.

<sup>36</sup> The Chung-lich miao 忠烈廟 was the largest ancestral hall of the clan attached to the Pai-yün monastery on T'ien-p'ing shan.

"I do not seek to evade punishment, but unceremoniously set out the following sincerely and truly, looking upward to seek the attention of Heaven. I presume to consider that Your subject's grandparent in the fifth generation, the late Assistant Executive of the Secretariat-Chancellery, posthumous title the Duke Wen-cheng, [Fan] Chung-yen, having begun life as a poor orphan, experienced a period of peace and tranquillity and gave profound consideration to the difficulty of preserving his clan. Desiring to make provision for its perpetuation, from the Ch'ing-li and Huang-yu periods (1041-48; 1049-53) he gradually set up lands in the two counties Wu-hsien and Ch'ang-chou of Su-chou prefecture and thus established his Charitable Estate to provide for those sharing the same surname. He established rules of administration, and had these engraved on a public noticeboard so that they should be handed down to his posterity. Previously, my exalted great-grand-uncle, the late Vice-President of the Right of the Department of State, Fan Shun-jen, posthumous title Chung-hsüan, at the time in 1063 when he was Magistrate of Hsiang-i County in Kaifeng-fu, considering that publication on this noticeboard was not adequate for the permanent handing down of the rules, and that among the junior members of the clan there were some who did not respect the rules of administration, whereas there was no Edict yet issued on the matter so that the family found difficulty in enforcing the rules and these would inevitably fall by degrees into decay, then drew up a Memorial requesting that an Imperial Edict be sent down to the Prefecture, permitting the local officials to take cognisance and make decisions on the matter. Our Court put into force the matters contained in this memorial, and thus our family obtained a means upon which we might rely.

Now I submit that since the court was transferred to the South, although our lands have been maintained intact, the estate buildings (*chuang-chai*) have been burned down, the residences and storehouses, grave-chapels and temples<sup>37</sup> have been turned into dwellings for the people and misused, and all the payments were discontinued. At first, at the beginning of the Ch'ing-yüan period (1195), my elder and younger brothers and I planned to unite our strength so as completely

<sup>37</sup> For details of these clan properties, see *Fan-shih chia-sheng* 17, 19, 20, which give full details with illustrations of all the clan buildings, tombs, etc. Beside the buildings in Su-chou the clan maintained memorial temples to Fan Chung-yen himself and other eminent clan members who were buried near Lo-yang, and in 1088 Fan Shun-jen secured permission to establish a Family Chapel (*Kung-te ssu* 功德寺) there, entitled the Kung-te Pao-hsien ch'an-yüan 功德褒賢禪院, and to have a monk ordained annually to serve in it. (See *Works SYSF*, Pao-hsien chi 2, p. 1a-b: the parallel version in the Ssu-pu ts'ung-k'an edition is much less complete.) All these properties in Honan were of course overrun by the Chin invasion, and at the time of this memorial were lost to the family.

to restore the former basis [of the Estate] and gradually to restore its former aspect. We made an agreement, and made prior preparations for [its revival]. Certainly the local Prefecture had engraved and presented to us a signboard designating the Charitable Residence (*I-chai*). But we did not manage once again to have the Court send down an Edict ordering the Prefecture to take responsibility in the matter, and I fear that the instruction originally sent down has no power by which to improve later abuses.

I have long worried about this, but have had no means by which to express myself. Now I have the good fortune to serve at Court; I bear deeply in mind my family and wish to keep them together, arranged in correct precedence. If I were not to make a report at this time to my Lord, how can I assist in implementing the intentions of my forefather toward his descendants? I dare then to ask rashly, presuming to hope that the Divine Clemency will deign to look down upon this petty and decrepit person, and as a special favour promulgate a benevolent Edict, instructing the administration of P'ing-chiang fu that they should take responsibility [for the Charitable Estate] continuing the agreement and acting in complete accordance with the instructions promulgated in 1065. It would be almost sufficient were an Edict to be severely enforced to strengthen the former rules. I and my fellow clansmen truly consider [Your Majesty] equitably bears the responsibility for Heaven and Earth and causes the transformation of all living beings. The instruction which we were given in 1065 together with the supplementary agreement now made in 1196 should be compiled diligently together before them, lest they commit sacrilege in the face of the Imperial might.

I stand fearful without employment, respectfully awaiting the arrival of an Edict. Having carefully composed this memorial I await the Imperial Instruction to continue the instruction formerly granted in 1065.

An Edict was issued on the 5th day of the eleventh month, in accordance with the foregoing and sent to the Counsellor Fan. 1210, seventh day of the eleventh month.

42. The tombs of Wen-cheng kung's great-grandfather Hsü-kuo kung,<sup>38</sup> his grandfather T'ang-kuo kung<sup>39</sup> and his father Chou-kuo kung,<sup>40</sup> are all on T'ien-p'ing shan. There have been family members who have dared to graze goats over the graves and to illicitly cut timber and brushwood from them. Recently, even though the Charitable Estate has been made responsible and has made it their chief concern

<sup>38</sup> Fan Meng-ling 范夢靈. See *Fan-shih chia-sheng* 1

<sup>39</sup> Fan Tsan-shih 范贊師, *ibid.*

<sup>40</sup> Fan Yung 范壻, *ibid.*

to compel the tomb-guardians<sup>41</sup> to protect the graves this has continued. If, from the present time onwards there should be any such offender, the members of the various branches, when they become aware of the offence, should report it to the representative of Wen-cheng kung, and the whole rice ration for the branch of the clan to which the offender belongs shall be suspended for a year.

("The whole branch" means that all members listed on the ration entitlement list of the offender's branch of the clan shall come within the limit of the fine imposed. All cases below shall accord with this rule.)

If the Charitable Estate improperly causes the tomb-guardians to perform other work, the manager (*Chang-chuang*)<sup>42</sup> himself shall be mulcted of his rice ration for one quarter.

43. The family chapel (*Kung-te-ssu*)<sup>43</sup> on T'ien-p'ing shan is the place where Wen-cheng kung petitioned that he might remember the good fortune bequeathed by his distant ancestors. His descendants should continue to serve it, and not neglect the burning of incense. Recently this has not been the case, and there have been many remote relatives and unfilial descendants who, having requested excessive quantities of "charitable grain" for themselves, have gone so far as to make their encroachments even within the chapel. They have cheated and defrauded the head monk, driven away the monks, borrowed boats belonging to the temple, made improper use of the labour of its servants, demanded wine for themselves, illegally cut and stolen timber and brushwood, taken forcible possession of the temple's endowed lands (*ch'ang-chu t'ien*),<sup>44</sup> and planted these lands or converted them into gardens or vegetable plots without paying any rent, so as to make the temple endowments (*ch'ang-chu*) nothing but an empty title.

<sup>41</sup> The *Mu-k'o* 墓客 were, as their name implies, retainers (not clan members) who were employed to guard the tombs and the lands attached to them. Desecration of the tombs seems to have been a constant problem, to judge by the annual record of the Charitable Estate (*Fan-shih chia-sheng* 16, I-chuang sui-chi).

<sup>42</sup> The term *chang-chuang* is usually employed for the managers after the re-establishment of the Charitable Estate in 1195. At this time there were usually three joint managers (for details see Twitchett, *op.cit.*, p.120, *Fan-shih chia-sheng* 16, under the years 1195-1260), who were selected annually, but who often served for several successive years.

<sup>43</sup> This was a family chapel in which prayers for deceased ancestors were recited. Such chapels were established with official permission. See Ogawa Kanji 小川寛貳, *Sōdai no Kōtoku-funji ni tsuite* 宋代の功德墳寺に就いて Ryūkokū shidan 21 (1938) and Mijima Hajime 三島一, *Tō Sō-jidai ni okeru kizoku tai jin no keizai-teki kōshō ni kansuru ichi kōsatsu*, 唐宋時代に於ける貴族對寺院の經濟的交渉に關する一考察, Ichimura Hakase koki kinen Tōyōshi ronsō (Tokyo, 1933).

<sup>44</sup> That is the inalienable lands held in the name of the community of monks. On such lands, see Gernet, *Les aspects économiques du Bouddhisme* (Saigon, 1956) pp.30-2 Twitchett, *Monastic estates in T'ang China*, Asia Major 5, ii, pp.123-46.

The Chief monk has been changed time and again, and now for a long time the post has been in abeyance. From now on we shall make enquiries, and should there be any further offences of this kind, the whole rice ration of the branch to which the offender belongs will be suspended for two months. If they defraud the Chief monk or take possession of the lands and plant them, the whole branch's rice ration for a full year will be suspended. Should the fraud involve an excessive sum, the clan shall request an enquiry by the official authorities, and cause the letter of the law to be enforced. The lands must be handed back to become the endowment of the temple. When the case is settled, it should be reported to the representative of Wen-cheng kung. His reply must be awaited before grants are resumed. If after the lands have been handed back any persons still deliberately obstruct its use, and prevent its cultivation on behalf of the temple, the same fines shall be again imposed upon them.

44. The Charitable Estate and the family chapel (*kung-te ssu*) attached to the Pai-yün ssu monastery have been exempted by benevolent officials from all liability to labour services and extraordinary miscellaneous impositions.<sup>45</sup> However, recently the petty underlings of the county and provincial administrations have deliberately caused trouble when their demands have not been met. If henceforward this sort of person is encountered, the clan may arraign him before the authorities, who should settle the case with severity.
45. Under the former rules, members of the various branches were not permitted to rent land from the Charitable Estate as tenants, and were forbidden to do so under the name of nominees. Recently there have been persons who depending on force have illegally cultivated these lands in the name of nominees,<sup>46</sup> and others who have blocked up the canals watering the fields of the Charitable Estate, planting water-chestnuts in the watercourses and preventing the tenants from using irrigation machinery.<sup>47</sup> These abuses have become serious. From now on, if we hear of such offenders the whole rice ration of the branch to which they belong shall be suspended for a year.

<sup>45</sup> I have assumed that these exemptions refer to a date previous to 1210, as they refer specifically to corvée liability *ch'ai-i* 差役 and irregular impositions. But since at least one of the rules dated 1210 must have been added or amended at least as late as 1276, it is possible that this refers to the exemptions granted in 1240 and 1243, the Edicts concerning which are in *Fan-shih chia-sheng* 14, pp.4a-b and in shorter form in *Works SYSF*, pao-hsien chi, 2, p.2a-3a.

<sup>46</sup> See notes 27 above and 91 below.

<sup>47</sup> The use of various types of pump for raising irrigation water was becoming increasingly common during Sung times. See Wang Chen's 王貞 *Nung-shu* 農書 18, p.361-387 (Chung-hua shu-chü edit. 1936) for details with illustrations.

46. The tenants of the Charitable Estate should be well treated and allowed to make a comfortable livelihood. We hear that some destitute members of the clan have been forcing them to purchase goods at excessive prices,<sup>48</sup> causing great inconvenience to those concerned. Should there be any further offence of this type, the whole branch to which the offender belongs shall be deprived of its rice issue for two months, and the matter passed on to the authorities for settlement.
47. Under the former rules, responsibility for the affairs of the Charitable Estate was placed at the sole discretion of the junior member acting as manager (*chang-chuang* 掌莊). Others, no matter how senior their position, were not allowed to interfere or infringe on his authority. However, so far, no such offender has ever been punished. Therefore, recently there have been many clan members who have themselves offered bribes to the managers, not caring whether they were harming the Charitable Estate. Tax brokers (*Lan-hu* 攬戶)<sup>49</sup> have taken payment of their grain tax and have forced them to pay heavily for making up deficiencies. In other cases assertive and insubordinate clan members have taken over the duties of porters, tomb guardians and the like.<sup>50</sup> Others have even gone so far as to incite clan relatives from outside Su-chou to come and intimidate the man in charge into specially opening up the granary before the proper time. They have wrongfully used the grain and heedlessly offended against the family, their minds being set on destruction and damage.

If from now on there should be any such offenders, the manager is permitted to draw the attention of the representative of Wen-cheng kung to the facts, and personally to conduct an enquiry so as to become aware of the true circumstances. In addition to suspending the rice issue of the whole of the offender's branch of the clan for one year, he shall also go to the authorities and request them to carry out a thorough investigation and punish the offenders. If among them there are any persons who demand excessive amounts of money and goods, the detailed stipulations of the law should be enforced upon them.

<sup>48</sup> This reveals an interesting aspect of the relationship between tenant and landlord in Sung times. Many estates had their own shops and stores (See Katō Shigeshi, *Shina Keizai-shi kōshō*, Vol. I, pp.233 ff.) and presumably these were able to exact high prices from the tenants, in the same way that tenants usually paid high house-rents on their accommodation provided by the landlord (Katō, *loc.cit.*)

<sup>49</sup> On tax-brokers see Sudō Yoshiyuki, *Chūgoku tochi-seido shi kenkyū* 周藤吉之: 中國土地制度史研究 (Tokyo, 1955) pp.82-3, and for the more developed system in Ming times, see Liang Fang-chung 梁方仲, *Ming-tai liang-chang chih-tu* 明代糧冊制度 (Shanghai, 1957) p.15-19.

<sup>50</sup> For these posts outsiders were hired. See *Fan-shih chia-sheng* 16, I-chuang sui-chi, under 1210.

48. According to the former rules, if the junior member of the clan employed as manager commits any infringement or fraud, it should be reported to the official authorities for settlement, and the man himself forced to pay a double indemnity. Nowadays, since the granary buildings have been moved, and Accountants (*chu-chi*) chosen with care,<sup>51</sup> this evil has been by degrees reformed, and we seriously consider that after so long a time has elapsed we may relax the rule, and so inform the various branches. From now on, if the manager commits an offence, the branches, upon becoming cognisant of the facts, may report to the representative of Wen-cheng kung, who shall order the said junior member (that is the manager) to cast up his accounts together with the whole family. Should they find that any amounts have been misapplied, these shall be recovered by mulcting the rice issue of the whole of the offender's branch until the deficiency has been made good, after which the issue shall be resumed. A charge should be laid with the official authorities requesting that punishment should be carried out to make an example of the person who has committed fraud while acting as manager. But the individual members of the various branches may not start litigation against him on their own initiative, so as to cause trouble for the authorities.<sup>52</sup>

49. In the various branches we hear that there are unfilial members who have been permitted to pay redemption fines in respect of private offences against the law.<sup>53</sup> Such offenders shall have their rice issue for a year suspended. Second offenders shall have their names erased from the family register, and shall be permanently deprived of their entitlement (from the Charitable Estate).<sup>54</sup>

(In the case of such crimes as violence and robbery, gambling, brawling and wounding, being implicated as an accessory, or swindling persons well disposed towards one, if the whole family does not suffer a complete upset . . .<sup>55</sup>)

<sup>51</sup> Accountants (*chu-chi* 主計) were first appointed to assist in the management of the Charitable Estate in 1276. See *Fan-shih chia-sheng* 16 under that date. This rule must, therefore, have been added at some period subsequent to 1270.

<sup>52</sup> Although the clan were anxious to have the backing of the authorities for their clan discipline, they retained the natural reluctance of all Chinese to become involved in lawsuits. This rule is designed to prevent vexatious litigation on the part of clan members, and also underlines the fact that it was the community as joint owners of the estate who were recognized by the authorities.

<sup>53</sup> That is, offences committed in their capacity as private persons not offences committed in the course of their official duties.

<sup>54</sup> Similar rules are included in many series of family rules. See for instance *Cheng-shih kuei-fan*, Art. 17, 18.

<sup>55</sup> The commentary included here is incomplete, breaking off in the middle of a sentence, both in the *Fan-shih chia-sheng* and in the *Works*.

If, after being struck off the family register, an offender should continue in his evil courses and not be penitent, to the extent that he becomes a source of embarrassment to the good members of the clan community, the branches shall draw up a report to the representative of Wen-cheng kung and consult about a settlement of the affair, laying a complaint with the official authorities requesting that he be forced to move to some other place, as a warning to those members who are a source of shame to the clan.

50. Under the old rules, any member who improperly adopted a child of a different surname as his own child and falsely claimed a rice ration on its behalf was not to be granted it. Now in some instances members have given their own children to some other person, and subsequently the children, having ruined this other person's family property, have sought to return into the clan and claim their rice issue. Should there be any case of this sort, the manager should report to the representative of Wen-cheng kung, and must make no grant.

51. The lands of the Charitable Residence site<sup>56</sup> have for long been encroached upon by outsiders, so that at the present time the restoration of the family fortunes has become extremely difficult. The clan ought then to put into effect the intentions of Wen-cheng kung, and recover all of it as the property of the clan community. Individual clan members should not be permitted to occupy it and use it for the construction of private dwelling-houses, etc. If there is any offender on this count, the whole rice issue of the branch to which he belongs shall be suspended for a year, and he shall be compelled to return the original land to the estate.

52. Under the old rules, should any junior member of the clan succeed in being entered for the triennial examinations, the Charitable Estate would pay out 10,000 cash in travelling expenses. However, the prices of commodities have risen, and it is difficult to keep to this amount. Should there be any junior member who succeeds in being "sent up to the Ministry", the Charitable Estate shall pay him 100,000 cash in official bills of exchange (*Kuan-hui*).<sup>57</sup> This money shall be obtained by equitably reducing the monthly rice issue to all the branches in accordance with the current values (of grain). Those who are given exemption

<sup>56</sup> *Ti-chi* 地基 was the normal name in Sung times for land used for building sites. The *I-chai* (Charitable Residence) was in Su-chou city.

<sup>57</sup> One reason why a great increase in the sum granted to candidates was necessary at this time is that 1270 marked the beginning of the rapid decline of the market value of the official bills of exchange *hui-tzu* 會子. These had been issued by private banks until 1160, when their issue became a government monopoly. After this, deliberate inflationary policy led to their rapid decline in value. See Yang Lien-sheng, *Money and Credit in China*, pp. 54-6.

from examination and those who are given entry into the State University (*T'ai hsüeh*) shall be granted 50,000 cash in official bills.

Thus should we make the junior members of the clan understand the fine benefits of scholarship, and provide them with a stimulus.

53. Apart from the years when examinations are to be held and clan members wish to pursue their studies there, no one may hold banquets or lodge in the Sui-han t'ang hall.<sup>58</sup> Should anyone offend against this the rice ration for the whole of his branch shall be suspended for one month.

The supplemented rules as drawn up in 1210 remained the basis for the clan administration of the Charitable Estate until 1678, after which the newly revived clan formulated further extremely complicated sets of supplementary rules.<sup>59</sup> The official recognition of the estate in 1210, and the granting of tax exemptions with regard to the properties of the clan in 1240 established it in a very powerful position, which enabled it to survive the vicissitudes of the Yüan and early Ming periods during which the prestige of the clan ebbed very low.<sup>60</sup>

#### *Organization of the Fan Charitable Estate under the Sung*

##### 1. *The properties of the Estate*

These consisted first of all of the lands with which Fan Chung-yen had endowed the Estate, 3000 *mou* of farmland mostly lying to the west and south-west of Su-chou.<sup>61</sup> There was a further 500 *mou* donated in 1197 by Fan Liang-sui, and a number of other small donations.<sup>62</sup> During the disorders following the rise of the Chin in the early 12th century, the clan lost a certain amount of their original holdings,<sup>63</sup> and in 1260 only 3168 *mou* remained in their hands.<sup>64</sup> A list, ostensibly of Fan Chung-yen's original donations in land, but probably of later date, shows that most of this land was among the prized reclaimed *yü-t'ien* 圩田 on the shores of the T'ai-hu lake, and that it was made up of innumerable small plots scattered over a wide area. The Estate also held some small areas of upland used for grazing and for burials.<sup>65</sup>

These lands which were the basic endowment of the Charitable Estate, were not the only lands held by the Fan clan as a community property. The

<sup>58</sup> This was the great assembly hall in the Charitable Residence site in Su-chou.

<sup>59</sup> For these, see *Fan-shih chia-sheng* 15, pp. 18a-59a.

<sup>60</sup> See Twitchett, *op. cit.*

<sup>61</sup> Although a detailed list of these holdings exists (note 18 above) it has proved impossible to identify the positions of the *tu* 都 and *t'u* 圖 by which the holdings are defined.

<sup>62</sup> For a full list of these, see *Fan-shih chia-sheng* 14, p. 2a-3b.

<sup>63</sup> See Fan Shih-fang's postscript to the *I-t'ien chi*, *Prose Works* 6, p. 108.

<sup>64</sup> See the Edicts of 1240 cited in *Fan-shih chia-sheng* 14, p. 4a-b.

<sup>65</sup> See *Fan-shih chia-sheng* 14, pp. 2a-3b.

clan's family chapel (*kung-te ssu*) at the Pai-yün monastery on T'ien-p'ing shan, north-west of Su-chou, also administered ritual lands (*chi-t'ien* 祭田) endowments in land to make provision for the ancestral rites,<sup>66</sup> incense lands' (*hsiang-huo t'ien* 香火田<sup>67</sup>) endowments to provide Buddhist prayers for deceased ancestors, which were clan properties, and also held endowments of community lands (*ch'ang-chu t'ien* 常住田) which provided for the upkeep of the monks.<sup>68</sup> The ritual lands were of considerable size, at least 1000 *mou*, and must have relieved the Charitable Estate of the burden of providing for sacrifices and rituals which were normally a heavy drain on clan community properties.

Beside their lands, the clan held two further sets of property. In Su-chou city itself was the Charitable Residence (*I-chai* 義宅) a very large range of buildings which provided living quarters for clan members. The same site included the great clan assembly hall, the Sui-han t'ang 歲寒堂, a secondary hall, the Chung-hou t'ang, an ancestral temple in honour of Fan Chung-yen, and a very extensive garden. Until the 12th century this site also included the administrative office and the granaries and stores of the Charitable Estate's administration.<sup>69</sup> Apart from these city properties, the clan had a second centre at T'ien-p'ing shan. Here were the graves of the early ancestors, and various ancestral halls, the clan's Buddhist family chapel (*kung-te ssu*) and later the offices and granaries of the Charitable Estate. These buildings were grouped around the Pai-yün ssu monastery, with which the clan had been intimately connected since late T'ang times.

It is not clear whether these clan buildings, with the exception of the Charitable Residence, formed part of the Charitable Estate. But the managers of the latter seem to have supervised the use and repair of clan buildings, and after 1195 there were frequent payments for building and upkeep from the Estate's income.<sup>70</sup>

##### 2. *The income of the Estate*

Apart from a small income from the renting out of accommodation in the buildings of the city property in Su-chou<sup>71</sup>, the bulk of the revenue of the

<sup>66</sup> *Ibid.*

<sup>67</sup> *Ibid.* p. 2b. This land was held by the Pai-yün ssu.

<sup>68</sup> See *Rules*, Art. 43. These lands did not form part of the property administered by the Charitable Estate, and no figure of their size is given.

<sup>69</sup> According to the epitaph of Fan Shih-kuei 范士貴 entitled *Chu-suo kung mu-chih-ming* 竹所公墓誌銘 composed by Yen Yao-huan 顏堯煥, *Fan-shih chia-sheng* 21, pp. 47a-49b, the I-chuang building in Su-chou was again restored in early Yüan times under his management (this lasted from 1276 until 1314).

<sup>70</sup> *Fan-shih chia-sheng* 16, *passim*.

<sup>71</sup> See *Fan-shih chia-sheng* 16 under 1209, 1210. It seems likely that the Estate also owned the houses of some at least of its tenant farmers. Landlords usually charged rent in cash for such accommodation, and this may have presented another small source of income. The whole subject of urban property management and the renting of accommodation is in urgent need of thorough investigation.

Estate came in form of produce rents from the tenant farmers who worked their lands. The annual income from Fan Chung-yen's original donation of 3000 *mou* amounted to 800 *hu* of grain, giving an average rent of 2.66 *tou* per *mou*.<sup>72</sup> Rents rose between 1060 and 1200, and an inscription dated 1196 giving an account of the revenues of a school in Su-chou, whose lands were in the same counties as those of the Charitable Estate and which was itself a charitable institution, gives rents averaging between 2.9 *tou* and 3.7 *tou* per *mou*.<sup>73</sup> The estate would thus have yielded an annual income of something over 1000 *hu* in the early 13th century, unless the revived administration of the Estate set up in 1195 charged rents at the very high rates of 1 *shih* and above per *mou* which were common on the lands of individual landlords in Chiangsu at this period.<sup>74</sup>

There seems to have been a strict limitation on the employment of the Estate's funds in other types of investment than land, the only other enterprise mentioned in the rules being loans on mortgage, where security was in the form of land and the risk low.<sup>75</sup> In general landed investment was the safest and most conservative type of investment, eminently suitable for a trust property designed to last indefinitely. For example, during the troubled times following the fall of the northern Sung, during which the clan's town properties were burned down and the buildings on T'ien-p'ing shan taken over by other families, the lands remained for the most part in the clan's possession.

However, the income was not so regular and safe as might be supposed. Although the Su-chou area has a reasonably dependable climate and was very highly productive, in late Sung times lack of maintenance work on the drainage channels upon which the reclaimed *yü-t'ien* depended led to progressive deterioration of their productivity.<sup>76</sup> This may be seen reflected in the rules of 1210<sup>77</sup> where the trouble was aggravated by neighbouring farmers who attempted to prevent the Fans' tenants from using their fair share of the water. A further element of uncertainty in rents arose from a widespread change in agricultural technique which took place in Kiangsu during the same period. The rents charged to tenants on estates (*chuang-yüan* 莊園)

<sup>72</sup> Figure from the *I-t'ien chi*, *Prose Works* 6, p.107.

<sup>73</sup> *Chiang-su chin-shih chi* 13, for a discussion of this inscription, see Sudō Yoshiyuki, *Chūgoku tochi-seido shi kenkyū*, pp.75-6.

<sup>74</sup> For material on contemporary rents in Kiangsu, see Sudō *op.cit.*, pp.140 ff, 58 ff. Figures cited range upward from 6 *tou* to 2 *shih* per *mou*, but the average seems to have been between 7 *tou* and 1.2 *shih*. Yields in the area were extremely high, ranging up to 4 *shih* per *mou*, as compared with the average of one or one and a half *shih* common in T'ang times.

<sup>75</sup> *Rules*, Art.38.

<sup>76</sup> See Sudō Yoshiyuki, *Sōdai no Uden to shōen-sei* 宋代の埤田と莊園制 Tōyō bunka kenkyūjo kiyō 10 (1956) pp.229-300.

<sup>77</sup> *Rules*, Art.45.

at this period were normally assessed on the rice crop, the main grain crop. Many tenants therefore began to grow wheat as a dry winter crop on their rice land, which was a cash crop for themselves and not taken into account in the assessment of rents.<sup>78</sup> It also seems that large areas were devoted to vegetables of various sorts for consumption in the large and growing cities. These developments which increased the productivity of the land considerably, were not accompanied by an increase in the yield of rents to the landowners, and it was the crop upon which they depended for their income, paddy rice, which was adversely affected by the deterioration of the drainage and irrigation network.

### 3. Management of the Estate

The Charitable Estate was held in the name of the clan, and ultimate authority over it was vested in the ritual head of the clan, the "representative of Wen-cheng kung", as he is called in the rules, or the *chu-feng* 主奉 as he is referred to in the *Fan-shih chia-sheng*. The ritual head was normally the senior surviving member of the clan, and during Sung times he was usually an official living much of the time away from Su-chou.<sup>79</sup> During this early period the actual administration of the Charitable Estate was deputed to a junior member who acted as manager (*chang-chuang* 掌莊 or *chang-kuan* 掌管) and later, after the revival of the estate in 1195 to a group, usually of three persons, acting as managers.<sup>80</sup> At first these persons were appointed annually, but later the posts came to be filled by semi-permanent appointees who made family business their profession. From 1083 onward provision was made for quite a generous salary to be paid to such managers out of the income of the Estate. The managers were responsible to the ritual head and to the clan as a whole for their administration, and were expected to make up any deficiencies found at audit of their books.<sup>81</sup> They were responsible for the issue of the grants to which individual members were entitled, and also for the collection of rents. The actual collection was

<sup>78</sup> On this development see Sudō Yoshiyuki, *Nan-Sō ni okeru bakusaku no shōrei to nimōsaku: Denkosei to kanren sasete* 南宋に於ける麥作の奨励と二毛作。(細戸制と関連させて.) *Nihon Gakushūin kiyō* 13 (1955) pp.205-247; 14 (1956) pp.1-25. There was a very lively market in grain in this period, resulting from the greatly increased population of the cities of Chiang-nan after Sung's defeat at the hands of the Chin. The trade in wheat was a very attractive market for the merchant since it was exempt from trade tax (*shang-shui* 商稅). For a study of the grain trade see Shiba Yoshinobu 斯波義信, *Nan-Sō kome ichiba no bunseki* (南宋米市場の分析) Tōyō gakuō 39 (1956) pp.258-293.

<sup>79</sup> Owing to the fact that Fan Chung-yen and Fan Shun-jen both served as Chief Ministers in successive generations, the clan had an abnormal claim on *yin* privilege for its members, and until the 13th century a high proportion of members were in bureaucratic employment.

<sup>80</sup> See Twitchett, *op.cit.*, p.120 ff.

<sup>81</sup> See *Rules*, Art.19, 38, 48.

made by separate family members, the Administrators (*kou-tang jen* 勾當人), who are first mentioned in 1083.<sup>82</sup>

These were the equivalent of the bailiffs employed on the ordinary estates (*chuang-yüan*) of the period, who were known by such titles as *chien-chuang* 監莊, *chuang-li* 莊吏, *kan-jen* 幹人, *kan-tang jen* 幹當人, *kou-tang jen* 勾當人, etc. But there was one very important difference. The bailiffs on ordinary estates were usually in a semi-servile relationship with their master, and were frequently recruited from among persons of servile status or from among the families of yamen-runners, since one of their most important functions was reaching an accommodation with the tax collectors.<sup>83</sup> This was not the case with the *kou-tang jen* on the Charitable Estate, since he received a grant from the Estate and must therefore have been a clan member as the only slaves for whom grants were envisaged were domestic servants.

The relationship of the clan and its managers and administrators with the tenants is not very clear. There is no evidence whether or not the latter were bound by the extremely restrictive ties with their landlord which were normal in Sung times, by which the *tien-jen* 佃人 tenant became little more than a serf.<sup>84</sup> The indications mentioned above that rents were low compared with other contemporary rents in the same area, and the stipulation in the supplementary rules of 1210 that tenants were to be treated well and not oppressed by clan members, suggest that the Estate treated them in a rather paternalistic fashion.<sup>85</sup>

Their conditions cannot have been too harsh, since it seems that constant vigilance was needed to prevent clan members themselves becoming tenants on the Estate's lands,<sup>86</sup> for had they been allowed to do so it might have proved very awkward for the managers to deal with them without offending against the rules of family seniority and propriety.<sup>87</sup> For similar reasons clan members had to be forbidden to mortgage their personal lands to the Estate<sup>88</sup> or to borrow implements and equipment from it.<sup>89</sup> Apparently some family members were so anxious to obtain tenancy of the lands of the Estate that they resorted to the use of nominees who held the tenancy but

allowed the clan member use of the land.<sup>90</sup> Nominee land-holding (*kuai-ming* 詭名) was extremely common in late Sung times, but was normally directed towards tax-evasion. The actual occupier and farmer of lands would allow it to be nominally registered in the name of some tax-exempt person to whom they would make some sort of payment in return for the benefit received.<sup>91</sup> The supplementary rules of 1210 specifically forbid the use of nominees to obtain occupation of the clan properties.

Even with these safeguards, which prevented clashes between the relationship of landlord and tenant and that between fellow clan-members, the position of the manager in trying to enforce the rules, especially in the case of recalcitrant senior members, was a very difficult one. Indeed it was the failure of the clan members to obey the original rules which led Fan Shun-jen to seek the original Edict giving official backing to the rules, and offering official support for clan discipline. Although a specific rule was laid down that the relationship between the manager and the individual clan member was to over-ride the normal precedence of seniority, it is clear that senior clan members resorted to various devices to bring undue pressure on the management of the Estate.<sup>92</sup>

The sanctions which could be imposed by the clan were rather limited, and those mentioned are only deprivation of rights to benefit under the Estate, and the extension to the whole of the offender's branch family (*fang* 房) of this deprivation, or in extreme cases expulsion from the clan. Punishments were normally decided by the ritual head of the clan, in some cases after consultation by a gathering of the clan members from the various branch families.<sup>93</sup> Recourse to the officials at Su-chou, who could impose more severe legal penalties, and could even be enjoined to banish particularly flagrant offenders from the area,<sup>94</sup> was possible, but is rarely recorded in the *Fan-shih chia-sheng* and in no case is the punishment imposed specified.<sup>95</sup> In fact the only offences mentioned are cases of abuse on the part of the managers.

The simple system of administration by one or more managers assisted by administrators was changed in 1274 to a more complex one under

<sup>82</sup> See Rules, Art. 20.

<sup>83</sup> On the origins of the estate bailiffs see Sudō Yoshiyuki, *Chūgoku tochi-seido shi henkyū*, pp. 92 ff.

<sup>84</sup> See Sudō, *op. cit.*, Niida Noboru 仁井田陸 *Shina mibun-hō shi* 支那身分法史 (Tokyo, 1942) pp. 974 ff., *Chūgoku hōsei shi* 中國法制史 pp. 307-8.

<sup>85</sup> See Rules, Art. 46.

<sup>86</sup> See Rules, Art. 18, 45.

<sup>87</sup> It is clear from Rules, Art. 26, 32, 37, 47 that senior members of the family attempted to use their seniority and force the management to break the rules of administration.

<sup>88</sup> See Rules, Art. 24.

<sup>89</sup> See Rules, Art. 33.

<sup>90</sup> See Rules, Art. 18, 45.

<sup>91</sup> On this abuse, see Sudō Yoshiyuki, *Sōdai no kimei kisan to Gendai Kanjin no tōken: Denkosei to no kanren ni oite* 宋代の詭名寄産と元代漢人の投獻: 佃戸制との關係に於いて Tōyō, bunka kenkyūjo kiyō 9 (1956) pp. 65-126.

<sup>92</sup> See Rules, Art. 26, 32, 37, 47.

<sup>93</sup> See Rules, Art. 19, 26, 29, 30, 36, 39, 40 which envisage the participation of clan members in management. For an account of how such a meeting for purposes of punishment was organized in a rather more closely knit clan, see *Cheng-shih kuai-fan* Art. 17-18.

<sup>94</sup> See Rules, Art. 49.

<sup>95</sup> See *Fan-shih chia-sheng* 16 under 1471, 1541 for examples of flagrant abuse reported to the local authorities.

which the Ritual Head (*chu-feng*) assumed complete charge of the accounts of the Charitable Estate, which was administered together with the other clan community properties (Ritual Land etc.). There was no question of selecting the Ritual Head by other members of the clan, as had been the case with the managers, for the post of *Chu-feng* depended upon age and descent. Although he could be (and indeed sometimes was) removed from his position through grave misconduct, he was normally in charge until his death.

The concentration of management of all the community properties in the hands of one man was accompanied by the establishment of posts of Controller (*t'i-kuan* 提管) and Auditor (*chu-chi* 主計). These were filled on a semi-permanent basis, and as time went by became more numerous and complex, until in early Ch'ing times the clan supported a regular bureaucracy of Registrars, Storekeepers, Collectors and so forth.<sup>96</sup>

We know very little about the system of accountancy which was employed by the Fan clan. Some of their contemporaries employed very complicated accounting systems, especially those clans which attempted to maintain control even over the individual properties of their members.<sup>97</sup> In the Fan clan, each of the branch families (of which there were altogether sixteen) kept a register of entitlements (*Ch'ing-mi li-tzu* 請米歷子) on the basis of which grants were issued, and on which the recipient had to sign as proof of receipt.<sup>98</sup> The family also kept a register of its members in which all births had to be registered within a month<sup>99</sup> and also kept a genealogy (*chia-p'u*)<sup>100</sup> against which the entitlements could be checked. There must also have been rent rolls, tenants' registers etc., but we know nothing of them.

The clan administration employed a number of subordinates, tomb-guardians, porters, door-keepers, etc. These presumably came normally from outside the family, and were employed as retainers, but in some cases impoverished family members seem to have taken over this type of employment, though this was frowned upon by the clan.<sup>101</sup> They were presumably controlled and supported by the Charitable Estate.

#### 4. Objects of the Charitable Estate

The primary object for which Fan Chung-yen founded the Estate was to relieve impoverished clan members, to give them the certainty of a

<sup>96</sup> See Twitchett, *op. cit.*, p. 120-2, 128-9.

<sup>97</sup> See for example the *Cheng-shih kuei-fan*.

<sup>98</sup> See *Rules*, Art. 7, 30. The terms *li* 歷, *li-tzu* 歷子, *ch'uan-li* 券歷 were in common use meaning "register" in Sung and Yuan times. See Niida, *Shina mibun-hō shi*, p. 194.

<sup>99</sup> See *Rules*, Art. 30.

<sup>100</sup> See *Prose Works* 6, p. 108.

<sup>101</sup> See *Fan-shih chia-sheng* 16 under 1210; *Rules*, Art. 42, 43.

livelihood, and to prevent them from falling into utter poverty or degraded professions.<sup>102</sup> The establishment of endowments in land was designed to make this charitable work permanent.

For this purpose there was first of all a standard allocation of rice to each family member over the age of five and to certain domestics. This was designed to provide the bare essentials for living.<sup>103</sup>

In addition, provision was made for grants to be made on those occasions when a family was forced by convention to make crippling heavy-expenditures, at funerals and marriages. The expenses incurred on such occasions often left a family with a ruinous load of debt, and the grants from the Charitable Estate were designed to eliminate this risk.<sup>104</sup>

To assist the clan in maintaining its status as an official-gentry family, from 1073 onward the Estate made provision for teachers to be employed from among the clan members and supported by the Estate.<sup>105</sup> In 1277 the clan established a Charitable School (*I-hsüeh* 義學) at their headquarters on T'ien-p'ing shan, where members of the clan were employed not only to teach clan members, but outsiders as well. This school was separately endowed with 150 *mou* of land which provided a more than adequate income for its upkeep and the payment of its teachers. The whole was administered by the Charitable Estate.<sup>106</sup>

For entry into an official career through the examination system, which in late Sung times became more and more the normal means of entry as opposed to entry by family privilege, actual schooling was a comparatively small expense when set beside the cost of travelling to the Capital to sit for the examinations, which involved a long round of calls upon prospective patrons and the maintenance by the candidate of a certain expected standard of living. From 1073 a grant was made out of the Charitable Estate to help meet these expenses.<sup>107</sup> With the rapid inflation of Sung times the original grant soon became inadequate, in spite of the fact that after 1125 candidates no longer had to make the long journey to K'ai-feng, but had

<sup>102</sup> See *I-t'ien chi*, and the preface to the *Nien-p'u* of Fan Chung-yen compiled by Lou Ho (1137-1213).

<sup>103</sup> See *Rules*, Art. 1, 2, 3, 5, 28, 30, 31. A limited number of slaves might also receive an allowance, see *Rules* 3, 5, 22, 23. It was also possible to make grants to impoverished relatives by marriage living in the Su-chou region, see *Rules*, Art. 12. It was forbidden to make issues to relatives living elsewhere, see *Rules*, Art. 21, 28, 40, or to children wrongfully adopted from families of another surname, see *Rules*, Art. 39, 50. Persons who had moved away and returned to Su-chou had to be accepted by the clan see *Rules*, Art. 28, before recovering their entitlement.

<sup>104</sup> See *Rules*, Art. 8, 9, 11, 13.

<sup>105</sup> See *Rules*, Art. 14, 16, 52, 53.

<sup>106</sup> See *Prose Works* 8, p. 111, *Fan-shih chia-sheng* 16 under 1277, 1285. The *I-hsüeh chi* 義學記 of Mou Hsien compiled in 1308 is in error in its statement that the Charitable School was set up at the same time as the Charitable Estate.

<sup>107</sup> See *Rules*, Art. 14, 52.

only to go to nearby Hang-chou, and in 1210 the grant was increased ten-fold.<sup>108</sup>

The Estate was thus founded with a view of maintaining the clan in a condition of reasonable prosperity, and to consolidating its position as a family of scholar-officials. I have dealt in detail elsewhere with the limited success which it achieved.

##### 5. Disposal of income

Apart from certain endowments made for specific purposes, such as the ritual lands (*chi-t'ien*) and incense lands (*hsiang-huo t'ien*) which provided for sacrifices and ceremonial, the endowments of the Charitable School, and certain lands devoted to payment of burial expenses, the income in rents was paid into the Charitable Estate and used to defray the expenses of management and administration and to fulfill the objects outlined above. In case the income should be insufficient, the first payments were to be the grants of grain for maintenance, then grants for clothing, then grants for marriages and funerals.<sup>109</sup> In addition, when there was a shortage of grain the managers' salaries were reduced.<sup>110</sup>

It is possible to make some rather rough-and-ready calculations of the adequacy of the Estate's income in fulfilling its objects.

We know that at the time of the Estate's foundation the clan community numbered some 90 persons.<sup>111</sup> At the same period the annual income in grain amounted to 800 *hu* of grain. Since this was sufficient to provide an annual grant of the basic grain ration for 219 persons, there must have been a large annual surplus. This was first devoted to building up a reserve against famine of two years' total consumption. It was not permitted to sell the surplus, but at some point rent grain must have been sold to provide the cloth which was distributed to family members, and the large cash grants. Surplus grain never seems to have been reinvested in additional lands, nor used in other forms of investment, save in the granting of mortgages on the security of lands.

The size of the clan rapidly increased. By 1139 it was over 200 persons, and by 1210 "several hundreds". In the thirteenth century the income from the Estate's landed endowments would have provided the basic grain ration for about 350 persons assuming rents were comparable to those of the Su-chou school lands mentioned above, or for 864 persons if we assume that all these lands paid the high level of rent for the region, one *shih* per *mou*, which is most unlikely. There can in fact have been a comparatively small

annual surplus to provide grants for marriages, funerals etc., and this assumption is borne out by the donation in 1208 of 10 *mou* of land specifically to provide funds to pay for funeral and burial expenses of poor clan-members.<sup>112</sup>

Presumably the Estate had some income in cash from the renting of buildings in the city, since in 1208-9 the *I-chai*, Charitable Residence was extended and two buildings for hire added.<sup>113</sup> It is not clear whether the clan members who resided in the buildings of the Charitable Residence paid rent to the Estate, but it seems reasonable to assume that they did, since the Estate assumed responsibility for keeping such buildings in good repair for the inhabitants. It is probable, however, that the Charitable Residence provided free accommodation for the impoverished members of the clan.

##### 6. The Estate and the local authorities

The two Edicts of 1065 and 1210 gave official recognition to the Charitable Estate as a property vested in the Fan clan as a corporate community. This recognition was the most important single factor in the survival of the institution, for it gave backing to the authority of the managers, and ensured the Estate of favourable treatment by the local authorities.

At first, however, it seems to have been liable to tax, as were the estates of ordinary landlords. Some time before 1210 it was granted exemption from provision of labour services and miscellaneous impositions.<sup>114</sup> But there continued to be disputes with the petty officials from Su-chou who were in charge of tax-collection,<sup>115</sup> and like so many other landowners in Sung and Ming times the clan were forced to employ tax-brokers (*Lan-hu* or *lan-na-hu* 攬納戶) who undertook to negotiate a settlement of their tax liabilities with the authorities on a percentage basis.<sup>116</sup>

In 1240, however, the government, on the grounds that the Estate was a model institution which had been widely imitated since the eleventh century, and which contributed to the strengthening of the clan organization everywhere, granted a very substantial remission of tax on its lands,<sup>117</sup> and in 1243 extended this exemption to the other properties held by the clan community (that is the Ritual Land, etc.).<sup>118</sup> This remission amounted to something like a third of the Estate's total annual income, and thus meant a very considerable increase in income. The tax remitted in each of the

<sup>112</sup> *Fan-shih chia-sheng* 16 under 1208, *ibid.* 14, p.2b.

<sup>113</sup> *Fan-shih chia-sheng* 16 under 1208, 1209.

<sup>114</sup> See *Rules* 44.

<sup>115</sup> *Ibid.*

<sup>116</sup> See *Rules*, Art.47. See note 49 above.

<sup>117</sup> See *Fan-shih chia-ch'eng* 14, pp.4a-b, and résumé of the Edicts there cited in *Works SYSF*, pao-hsien chi, 2 p.2a-3a.

<sup>118</sup> *Fan-shih chia-sheng* 16 under 1243.

<sup>108</sup> See *Rules*, Art.52.

<sup>109</sup> See *Rules*, Art.13.

<sup>110</sup> See *Rules*, Art.19.

<sup>111</sup> *Prose Works* 8, p.106. Twitchett, *op.cit.*, pp.117-19.

counties in which the Estate's lands were situated was estimated at a flat rate of 3 *lou* per *mou*.<sup>119</sup> This tax must have been collected from the tenants in addition to their rent, but final responsibility for arrears lay with the estate.<sup>120</sup>

The Estate also benefited directly from the patronage of local officials who wished to honour it as a model institution. In 1195 the re-establishment of the administration was carried out with the aid of the local Prefect,<sup>121</sup> and in 1274 the Estate profited even more directly when the Prefect Ch'ien Yüeh-yü 潛說友 asked permission to donate 300 *mou* of land which had reverted to the state as ritual land (*chi-t'ien*) the rents from which would defray the costs of the annual ceremonies in a memorial temple he established in honour of Fan Chung-yen.<sup>122</sup>

This pattern of behaviour on the part of well-disposed local officials continued throughout Yüan and Ming times, and, as I have shown elsewhere was perhaps the largest single factor in the survival of the estate organization down to recent times.<sup>123</sup> But at the same time the management was often in conflict with the subordinate officers of the local administration,<sup>124</sup> and their demands would clearly have been very serious in the case of the normal estate which did not enjoy the extraordinary patronage of staunch Confucians among the local bureaucrats.

### 7. The organization of the Fan clan

The Fan clan who were entitled to benefit under the terms of the charitable trust which the *I-chuang* formed were the descendants of Fan Sui 范隨, who had first moved to Su-chou at the very end of T'ang times.<sup>125</sup> They were organized into sixteen branches (*fang* 方) each of which seems to have had some measure of internal cohesion as a ritual community. Of the sixteen only six branches were directly descended from Fan Chung-yen, the others being collateral relatives. The dates when these branches first became independent are not clear, and several of them must date from well after 1100. But the first rules already presuppose such subdivisions of the clan, and accept the branches as the organization through which their policy could be enforced, the clan itself having presumably only a rather nebulous control in matters of ceremonial. In the supplementary rules of 1210 the

<sup>119</sup> *loc.cit.* (note 117).

<sup>120</sup> That is clear from the wording of the Edicts.

<sup>121</sup> See *Fan-shih chia-sheng* 16 under 1195-6.

<sup>122</sup> *Ibid.*, under 1274.

<sup>123</sup> Twitchett, *op.cit.*, p. 120 ff.

<sup>124</sup> Such conflicts occurred whenever the influence of the clan was low, as in mid-Yüan, early Ming, and early Ch'ing times. In each instance the estate was rescued by the intervention either of a new and favourably disposed Prefect, or of the central authorities.

<sup>125</sup> For the origin of the clan see Twitchett, *op.cit.*

branches are made mutual responsibility groups liable as a whole for the offences of their individual members.

The branches themselves were composed of numerous individual households of the male descendants, each of which remained a separate economic unit. The Fan rules, being limited to the distribution of charity, made no attempt to make the clan live together and hold their property in common, as did some of their contemporaries.<sup>126</sup> As a result there was undoubtedly wide variation in both the economic and social status of the individual households.

The Charitable Estate was designed to provide clan members with a basic measure of economic security and to enable the more able children to get the formal education which was the only means of gaining official employment and thus maintaining the social status of the clan as a whole. But it certainly did not give a clan any great measure of economic stability, and its importance as an *economic* institution can easily be exaggerated. Those of my readers who are interested in these wider implications of the Charitable Estate I refer to my previous study of the Fan clan, and to the two classical accounts of such clan properties.<sup>127</sup>

### Sources

The main source is the *Fan-shih chia-sheng* 范氏家乘 dated 1745, with additions up to 1760. I have used a microfilm of the copy in the library of the Tōyō bunka kenkyūjo, Tokyo University. One chapter of this work is laid out in such a format that ordinary page references are impossible. This is Chapter 16 the Annual Record of the Charitable Estate (*I-chuang sui-chi*). In giving references to this very important document, I refer to the year under which the information is to be found.

For Fan Chung-yen's works *Fan Wen-cheng kung chi* 范文正公集, which provide the vast bulk of the other material, I have used three basic editions.

1. The Ssu-pu ts'ung-k'an edition, which reproduces a Ming copy printed by the Charitable Estate between 1520-1540, of a Yüan edition of the T'ien-li period (1329-30). I cite this as *Works*.

2. The lithograph edition published in 1919 by the Sao-ye shan-fang based on an edition with prefaces by Ts'ai Tseng-yü dated 1608 and Mao I-lu dated 1622. This edition, too, was produced by the clan probably in 1620-2. It contains much additional material among the numerous appendices which are included in all editions. I cite this as *Works SYSP*.

3. The selection of prose compiled by Chang Po-hsing 張伯行 and originally published in the Cheng-i t'ang ts'ung-shu 正誼堂叢書 under the title *Fan Wen-cheng kung wen-chi* 范文正公文集. My citations are made from the reprint in the Ts'ung-shu chi-ch'eng, volumes 2359-60, which is more generally available than the original. The value of this compilation is that it includes a number of important documents by other scholars connected with the Charitable Estate, and in addition it reduces into some kind of order the chaotic appendices of the *Works*.

<sup>126</sup> See for instance Chao Ting's *Chia-hsün pi-lu* and the *Cheng-shih kuei-fan*, under which even a member who spoke of the splitting up of the clan properties was to be judged guilty of lack of filial piety.

<sup>127</sup> A good account of the Charitable Estate as an institution is in Niida, *Shina mibun-hō shi* pp. 179-207. More extensive, and extremely well documented is the excellent *Chūgoku zokusan seido kō* 中國族產制度考 of Shimizu Morimitsu 清水盛光 (Tokyo, 1949), which is the classic account of the subject.