

## **Final Syllabus**

HUMA5655: Contracts and Order in Chinese Local Society, 600~1911 AD  
(中國地方社會契約文書與秩序, 600~1911)

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### **Course Description:**

This course explores the role played by contracts and agreements in maintaining order in local society in pre-modern China, with an emphasis on demonstrating their value as sources for historical analysis. Main themes include use of contracts in daily life, categorization of contracts, functions of oral agreements and written contracts, settlement of disputes by customary law and civil litigation, power of local elites and the hierarchical background supporting contractual relations. Contracts and documents concern multi-ethnic areas in Southwest China, and students must possess the ability to read them in the original. Discussions will include not only deep reading of contracts, textual and historical analysis, but also their role as instruments of social control. This course is designed to guide students in creatively using contracts as sources for social history and is not a mere factual and descriptive account of Chinese contracts.

### **Intended Learning Outcomes:**

On completion of this course, students will be able to: 1. demonstrate enhanced critical understanding of contractual relations in pre-modern China; 2. Critically understand the complexity of factors behind the maintenance of social order in Pre-Modern Chinese local society; 3. creatively use written contracts and agreements as sources for pre-modern Chinese social history.

### **Course Outline (with some selected readings):**

Week 1. **Introduction and Orientation**

Week 2. **Contracts Tang 唐 period**

Hansen, *Negotiating Daily Life in Traditional China* Chapters 1, 2 & 3

**Week 3. Contracts Song and Yuan 宋元 periods.**

Hansen, *Negotiating Daily Life in Traditional China* Chapters 4-8

**Week 4. Typology of Contracts/ Reading Contracts**

唐立編：《雲南西部少數民族古文書集》，東京：東京外國語大學國立亞非語言研究所，2011。

唐立編：《中國雲南少數民族生態關連碑文集》，京都：綜合地球環境學研究所，2008。

**Week 5. Typology of Contracts/ Reading/ Contracts and Stone Inscriptions Concerning the Environment**

唐立編：《雲南西部少數民族古文書集》，東京：東京外國語大學國立亞非語言研究所，2011。

唐立編：《中國雲南少數民族生態關連碑文集》，京都：綜合地球環境學研究所，2008。

**Mid-Course Oral Presentation**

**Week 6. Research using contracts as Sources: Song to Qing**

Joseph P. McDermott, *The Making of a New Rural Order in South China I. Village, Land, and Lineage in Huizhou 900-1600*, Cambridge University Press, 2013, pp. 39 -234

**Week 7. Research using contracts as Sources: Song to Qing**

Joseph P. McDermott, *The Making of a New Rural Order in South China I. Village, Land, and Lineage in Huizhou 900-1600*, Cambridge University Press, 2013, pp. 235-429

**Week 8 Social organisation based on contracts such as kuan 款 oaths and blood covenants 盟**

《新唐書》卷 89 <段文昌傳>

周去非撰《嶺外代答》卷十 款寨

劉錫蕃著《嶺表紀蠻》商務印書，上海，1934 年，議榔，89-101 頁。

**Settlement of disputes according to customary law: settlement by ordeal and by appeal to gods**

Takeuchi, Fusaji 武内房司, "Social Customs and Dispute Settlement Among the Miao People as Seen in Contractual Documents of Qing Period Guizhou: The Role of Divine Judgement and Alliance Formation," *Memoirs of the Research Department of the Toyo Bunko*, No.70 (2012), pp. 131~156.

**Week 9. Settlement of disputes according to customary law**

Sutton, Donald, "Violence and Ethnicity on a Qing Colonial Frontier: Customary and Statutory Law in the Eighteenth-Century Miao Pale," *Modern Asian Studies*, Vol. 37, No 1 (2003), pp. 41~80.

**Week 10. Settlement of disputes by civil litigation/ Selection of Written Assignment topics**

Sutton, Donald, "Violence and Ethnicity on a Qing Colonial Frontier: Customary and Statutory Law in the Eighteenth-Century Miao Pale," *Modern Asian Studies*, Vol. 37, No 1 (2003), pp. 41~80.

**Week 11. Social agreements (yue 約) and the local elite**

Terada, Hiroaki 寺田浩明, "The Nature of Social Agreements (yue) in the legal Order of Ming and Qing China" (Part One & part Two), *International Journal of Asian Studies* 2,2 (2005), pp.309~327 & *International Journal of Asian Studies* 3,1 (2006), pp.111~132.

寺田浩明<合意与齐心之间>森正夫等编《明清时代史的基本问题》商务印书馆, 北京, 2013, 387-399 页。

**Week 12. Power of local elites and the hierarchical background to social agreements (yue 約)**

岸本美绪<明清时代的身份感觉> 森正夫等编《明清时代史的基本问题》商务印书馆, 北京, 2013, 364-384 页。

**Week 13. Term research paper and final presentation**

**Course Assessment:**

- Participation and contribution in class (20%): to assess students' understanding of basic concepts and theories presented by the instructor and in the required readings
- Mid-Course Presentation (30%): students will give an oral presentation on assigned documents; they are expected to explain and analyse their contents as

well as assess for what type of research they are suited.

- Term Research paper and Final Presentation (50%): students are expected to consolidate knowledge learned in this course and formulate arguments about the use of documents for historical research in their term papers. In addition to handing in the written version students are also required to make an oral presentation of the contents of the paper in class.

### Reading List:

唐立編:《雲南西部少數民族古文書集》,東京:東京外國語大學國立亞非語言研究所, 2011。

唐立編:《中國雲南少數民族生態關連碑文集》,京都:綜合地球環境學研究所, 2008。

唐立,楊有賡,武內房司編:《貴州苗族林業契約文書匯編》,東京:東京大學出版會, 2005。

陳秋坤:《清代臺灣著地權-官僚,漢佃與岸裡社人的土地變遷,1700+1895》,臺北:中央研究院近代史研究所, 1994。

梁聰:《清代清水江下流游村寨社會的契約規範與秩序:以文斗苗寨契約文書為中心的研究》,北京:人民出版社, 2008。

Hansen, Valerie, *Negotiating daily life in traditional China: how ordinary people used contracts, 600-1400*, Yale University Press, 1995.

Shigeta, Atsushi 重田德, "The Origins and Structure of Gentry Rule", in Linda Grove and Christian Daniels Ed, *State and Society in China: Japanese Perspectives on Ming-Qing Social and Economic History*, Tokyo, University of Tokyo Press, 1984, pp. 335~385.

Sutton, Donald, "Violence and Ethnicity on a Qing Colonial Frontier: Customary and Statutory Law in the Eighteenth-Century Miao Pale," *Modern Asian Studies*, Vol. 37, No 1 (2003), pp. 41~80.

Takeuchi, Fusaji 武內房司, "Social Customs and Dispute Settlement Among the Miao People as Seen in Contractual Documents of Qing Period Guizhou: The Role of Divine Judgement and Alliance Formation," *Memoirs of the Research Department of the Toyo Bunko*, No.70 (2012), pp.131~156.

Terada, Hiroaki 寺田浩明, "The Nature of Social Agreements (yue) in the legal Order of Ming and Qing China (Part One & part Two)," *International Journal of Asian Studies* 2,2 (2005), pp.309~327 & *International Journal of Asian Studies* 3,1 (2006), pp.111~132.

Zelin, Madeleine., Jonathan Ocko and Robert Cardella, eds. *Contract and Property in Early Modern China*. Stanford: Stanford University Press, 2004