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The Household Responsibility System, Karl Marx's Theory of Property and Antony M. Honoré's Concept of Ownership

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ABSTRACT: The Household Responsibility System (HRS) has improved agricultural productivity and promoted economic growth and thus relieved poverty in the rural population of China. However, the prevailing assumptions about its nature are that it was the result of de-collectivization and privatization (or at least semi-privatization) of land and thus an adaptation of capitalism or semi-capitalism. Moreover, the property rights structure of the HRS in China is also often assumed to be ambiguous and insecure. Grasping the principal characteristics of the HRS requires historical analysis of its origin, development and eventual legislation and institutionalization. Marx's theory of property is the key to understanding the institutional change from the Commune System to the HRS. It reveals that the HRS is one kind of "individual property" that Marx envisioned in post-capitalist society. Antony M. Honoré's theoretical framework of ownership is usefully viewed as a development of Marx's theory; within that framework, the HRS emerges as a kind of "split ownership" and its property rights structure can be judged to be well-defined.

KEYWORDS: Marx on property, Commune System, Household Responsibility System, Chinese agriculture, Honoré

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Introduction

THE PEOPLE'S REPUBLIC OF CHINA has seen three major changes to property rights in rural arable land under the leadership of the Chinese Communist Party (CCP). The first was the extension of the "land to the tiller" program begun by the birth of the CCP in the early 1920s. It realized the change from feudal land ownership to peasant private property. The second was the abolition of peasant private property and the establishment of collective property. The consequence was the Commune System of 1956–1978 and the establishment of full collective ownership. The third change, in 1979, was de-collectivization and establishment of the Household Responsibility System (HRS), which returned a series of use rights to peasant households but preserved the collective possession of land and redistributive rights in the hands of the collective (Meng, 2018, chs. 4–6).

Since the mid-20th century, discourse on property has been dominated by the dichotomy of "private property" and "public property" (Ostrom, 2010). Furthermore, many writers assert that there can be only two alternatives: capitalism — private property and free markets — or socialism, with public property and central planning (Kornai, 1992; Demsetz, 2002).

In the context of the transformation of Chinese agriculture, collectivization under the leadership of Mao Zedong and de-collectivization in Deng Xiaoping's era are often conceived of as two opposing processes (Xu, 2013). In this view, collectivization is the transition to socialism, and de-collectivization is correspondingly the transition to capitalism. Therefore, the Commune System is regarded as socialist while the HRS is considered capitalist. The transformation has "led to the restoration of capitalism, not a new form of market socialism" (Hart-Landsberg, 2011, 56). It is ironic that both the left and the right have come to a consensus on this transformation (Harvey, 2005; Huang, 2008).

From a western point of view, the HRS is simply a compromise between the push for privatization and the need to maintain social stability in rural areas. China is seen as neither capitalist nor socialist but in a half-way house between the true communism of Mao and a more humane and sensible acceptance of economic reality (Nolan, 1993, 71). Many neoliberals, like Prosterman and Hanstad

(1990), applaud the achievements of the HRS (assumed as the result of semi-privatization) and criticize it at the same time as not being fully privatized. According to their assumption, only private property rights are well defined and thus promote economic growth (North, 1981). The HRS is widely criticized as “ambiguous” (Ho, 2001; Zhu and Jiang, 1993).

I contest these views. After a brief description of the recent institutional change in rural areas, I use Marx’s theory of property as it appears in his early manuscripts to analyze the nature of collectivization and de-collectivization. I show that collectivization and the Commune System had many features similar to the “crude” communism that Marx criticized in his early work. The HRS can be conceived of as one kind of “individual property” [*individuelle Eigentum*] that Marx envisioned in post-capitalist society in his later work. Then applying Honoré’s concept of ownership to re-examine the structure of property rights under the HRS, I demonstrate that the HRS is one kind of split ownership, and that its property rights structure is well-defined.

A further preliminary point: despite the huge achievement of the HRS such as promoting spectacular economic growth (Lin, 1992; Naughton, 2007) and leading to a dramatic reduction of poverty in the rural population (Chen and Ravallion, 2008), there are new, unsolved problems such as the huge gulf of inequality, ecological deterioration and increasing social conflict in Chinese society. These issues are undoubtedly worth investigating. However, in this paper, I will focus on the nature of the institutional change from the Commune System and the property rights structure of the HRS, rather than the complex dynamics of the HRS.

1. THE PROCESS OF MAO’S COLLECTIVIZATION

The completion of land reform abolished feudal land ownership and established full peasant private property on the mainland (except Tibet) by the end of 1952. Under this system, land was permitted to be freely bought and sold. Some peasants in economic difficulties began to rent out and even sell off their land allotments, thus becoming, once again, landless, while others accumulated more land (Meisner, 1999).

As early as 1950, in order to solve this problem, Gao Gang, the leader of the Northeast bureau, proposed a shift from individual household farming to collective farming (Teiwes, 1997; Sheng, 2011).

Liu Shaoqi, the Vice-Chairman of the Chinese Central Government, then the second in command of the CCP, did not agree with Gao's proposal and argued that collectively owned farms would be counter-productive because of the shortage of farm machinery. Mao approved Gao's idea (Bo, 1991). On April 17, 1951, when the Shanxi provincial party committee submitted a report advocating a cooperative "more advanced than the current mutual aid team" in the countryside, Liu considered it "as [an] erroneous, dangerous, fantastical example of agricultural socialist thought" while Mao supported the proposal (Yang, 2013, xv; Huang, *et al.*, 1992, 42–4).

Collectivization began on March 26, 1953, when the CCP issued a resolution promoting mutual aid teams and the pooling of land for agricultural cooperatives. In this historical transformation, closely related to the First Five Year Plan, Mao took a gradual and cautious approach. It depended on the voluntary support of the peasants and calculated that cooperatives would raise both production and income.

There were three stages in the collectivization process. The first stage was the organization of Mutual Aid Teams. During this stage, land ownership remained the same and exchange of labor was the purpose of the cooperative. Members of six or more households, usually based on kinship bonds, would still work their lands separately, but would help each other during planting and harvest. The Chinese had a long tradition of this kind of cooperation. During the War of Resistance against Japan, mutual aid and cooperation began to develop strongly in former revolutionary-based areas (Schurmann, 1966; Selden, 1971).

The second stage was the introduction of "semi-socialist" or "lower agricultural producer cooperatives," where land would be pooled and farmed cooperatively, although each family would retain private ownership of some land. Income was distributed partly in accordance with labor contributed and partly according to the amount of property pooled, including land and capital. During this stage, a coercive working style appeared. The choice between joining the cooperatives or not came to be seen as following the "socialist" or "capitalist" road (Huang, *et al.*, 1992). During this stage, some farmers resisted collectivization by slaughtering and eating their animals rather than surrendering them (Tanner, 2009; Chen and Lan, 2017).

The third stage was "higher" or "advanced" cooperatives that consisted of many of the so-called lower cooperatives. Land, labor and capital were held in common and income allocated according

to work done. Deng Zihui, then head of the Rural Work Department of the CCP, criticized the fundamental issues of collectivization (Deng, 2006). At his insistence, in less than two months, the number of collectives decreased by 30% (Du, 1985). Mao had criticized both Deng Zihui and Zhou Enlai, the premier, for their alleged resistance “against rash advance” and their cautious approach (Wu, 1995; Bo, 1991). With Mao’s promotion, by the end of 1956, 96.3% of peasants had joined the cooperatives.

2. THE HOUSEHOLD RESPONSIBILITY SYSTEM

The novel feature of the HRS is that it was originally created as a community institutional arrangement that operated on a small scale to generate productive and innovative outcomes. It further developed into a national governmental institutional arrangement that operated on a large scale to encourage economic growth.

This institutional change was neither purely bottom-up (Kelliher, 1992; Zhou, 1996, 2009) nor top-down (Hartford, 1985; Unger, 1985–1986), but a result of the complex interaction between the community, officials at multiple local government levels, and the leaders of central government (Oi, 1999; Zweig, 1997). Therefore, it is appropriate to borrow the micro-meso-macro approach proposed by Dopfer, *et al.* (2004) as the tool to analyze this change. According to Dopfer, *et al.*, from an evolutionary perspective it is not possible to move directly from micro into macro. Here, the HRS at the stage of community institutional arrangements can be considered as the *micro* domain; the HRS becoming the central governmental form can be taken as the *macro* domain; and the development of the HRS at the level of multiple local governments is the *meso* domain.

The Origin of the HRS

The HRS has its origin in community institutional arrangements. On a cold winter night in December 1978, 20 peasants, including two cadres of the Xiaogang production team in the poorest Liyuan Commune, in the Fengyang County of Anhui Province, signed a secret agreement to make their own rules of production and distribution in order to increase agricultural productivity and solve the problem of food and clothing shortages.

We allocate land to each individual household. Every head of the household signs their name and seals with their fingerprint on the agreement. If we succeed, each household ensures that the whole year state procurement is fulfilled and will not ask for money and grain from the government. If it fails, we cadres are willing to be put into prison or killed; other members of the production team will collectively raise our children until they are eighteen years of age. (GB54563, 1983, my translation.)

The authenticity of this document has been questioned but, although the original version may have been lost and later copied, the details are nonetheless true (Ling, 1997; Wang, 1988).

The official position at that time was that production teams were the basic unit of production and accounting; contracting labor with individual households was prohibited because it was considered to be against the socialist principle of collective farming, although contracting labor with groups *was* permitted. Household-based production was regarded as capitalist, while production team-based production was seen as socialist in Mao's regime. For example, the two agriculture-related documents issued at the Third Plenum of the 11th Central Committee explicitly proclaimed: "No fixing the farm output quotas for each household, no dividing land and laboring individually" (quoted in Wu, 2016). The Anhui provincial government reform document, the Six Articles, specified "not permitting the contracting of production to individual households and not permitting the figuring of compensation according to output" (Wang, *et al.*, 1989, 385). Meanwhile, Fengyang County was experimenting by contracting production to groups. Here, most production teams made choices within the existing set of constraints. Initially, the peasants had followed the official position. 195 people in the 20 households in the entire brigade were split into four task groups, but this was not successful; later, they were split into eight groups, but were still unsuccessful. This is when they began discreetly to contract production to households (Wu, 1979). In the end, they believed that only by doing so would there be motivation to work efficiently.

Thus, the Xiaogang production team made difficult and dangerous choices. They decided to put the "*bao gan dao hu*" (later called the HRS by the central government) into effect, using a trial-and-error method to establish rules that would increase agricultural production. They were engaged in dangerous behavior, risking their lives to

create a system that ultimately led to institutional change. The cadres were willing to lead this collective action and risked being killed or imprisoned, on the condition that other members of the production team would raise their children and look after their families. The peasants and cadres were learning norms such as reciprocity to achieve successful collective action (Ostrom, 1998). This also highlights “the central role of trust in coping with social dilemmas” (Ostrom, 2010, 642). With trust in each other, they crafted their own production and distribution rules. As these were created by peasants at a community level (Ostrom and Basurto, 2011), the HRS was the peasants’ institutional choice (Lin, 1987) and they obtained property rights by contracting land, resources and output quotas to individual households. Through the replacement of the production team system with one in which the individual household is the unit of production and accounting in rural areas, they gained more autonomy in their labor, and more property rights in income distribution. This distributive rule was reflected in a jingle in Fengyang: “Comprehensive Contract with Household is very clear: Household contract — keep straight on and don’t turn back, ensuring the state procurement, reserving enough for the collective, and the rest belonging to ourselves!” (Zhang, 2002, 569, my translation). This enhanced the link between effort and reward because of the income distribution incentive. The changes brought hugely improved productivity (Wu, 1979).

Chen Tingyuan, then the first secretary of the CCP in Fengyang county, also reported this to his immediate superior, Wang Yuzhao, the first secretary of the CCP in Chuxian prefecture who allowed Xiaogang village to continue with the experiment for three years as he was a firm supporter of rural reform. This was evidenced by the fact that even before Wan Li arrived in Anhui, in the spring of 1977, Wang Yuzhao had organized 394 cadres to inspect 401 communes and brigades in order to re-evaluate the rural policy of “Learning from Dazhai,” the model of the commune system under Mao (Wang, *et al.*, 1989).

By October 1977 Wan Li, the first secretary of Anhui province, having considered the results of Wang’s rural investigation, led the drawing-up of provincial regulations to organize agriculture in Anhui (Wu, 2016). These stressed that the autonomy of the production teams should be respected, side-line production encouraged and private plots restored. It is clear that these policies were an implied criticism

of the Dazhai model and intended to undermine Hua, Mao's successor (Fewsmith, 1994).

In February 1978, possibly backed by Deng Xiaoping, the details of Anhui's provincial regulations were reported by the *People's Daily* (Wang, *et al.*, 1989). Wan Li, the first secretary in Anhui province, had created a political environment that encouraged local autonomy and experiment. The same year, a severe drought hit Anhui that provided Wan Li and the province with an opportunity to push radical reform (Wang, 1988; Wu, 2016). To give the peasants the chance to survive a drought, he lent fallow land to them to cultivate, tax-free, to help them overcome the ravages of the drought.

At a provincial agricultural conference, it was Chen himself who passed Wu Tingmei's report to Wan Li (Wang, *et al.*, 1989). Wan was extremely interested in this experiment. On January 24, 1980 he and other cadres visited Xiaogang. Wan said:

The prefecture government allows you to contract with households for three years; I allow you five years. Only you can contribute more to the state, more to the collective, and your lives can improve. . . . It cannot be called the reversing of communism into capitalist restoration. (Wang, 1988, 58–59.)

When he was asked whether other places could learn from it, he said everyone was permitted to do what was best for the state and the peasants, publicly expressing his support for the practice. Thus, it was Wan Li's encouragement that accelerated the change in other parts of Anhui province, enabling this small-scale experiment to move to the provincial level. Once there was a breakthrough in Xiaogang, others quickly began to follow. The role of local governments and their leadership should not be underestimated in the process of economic reform and change in the countryside (Chung, 1993; 2000).

The Legitimization of the HRS

Thus, the emergence of the HRS was undoubtedly the creation of Chinese peasants in Xiaogang village. However, the role of local government leaders and even more so, those in central government, should not be underestimated. A village in Guizhou Province was found to have adopted this practice secretly more than ten years before the recent

reform. However, the villagers did not admit it until the new policy was announced (Du, 1985). After Deng Xiaoping once again took a leadership position, he rethought the essence of socialism and said of his rivals: “they are not clear about what capitalism is and what socialism is” (Deng, 1993, 227). This was also reflected in his speech discussing Marxist theory on June 30, 1984 at a Central Committee plenum: “What is socialism and what is Marxism? We were not quite clear about this in the past. Marxism attaches utmost importance to developing the productive forces” (Deng, 1984a). This contrasts with Mao’s ideology. Mao had repeatedly argued that de-collectivization equaled capitalist transition. As early as 1962, for example, he asked, “Do we want socialism or capitalism? Do we want collectivization or de-collectivization?” (cf. Pang and Jin, 2003, ch. 30). Mao’s prescriptive policy was to maintain the class struggle (Xu, 2013; 2014). In the early 1960s, facing the disaster of the Great Leap Forward, most of the central leaders had supported de-collectivization (Teiwes, 1997, 266). Deng also made the famous claim that it did not matter what method was used (“yellow or black cat”) as long as it worked (“caught the mouse”) (Deng, 1994), but Deng and others had been labeled by Mao as “capitalist roaders” in the Cultural Revolution (Chan, 1979; Wei, 2011).

An analytical comparison between the consequences of two alternative institutional arrangements for land tenure provides a better understanding of the nature of China’s rural transformation. The Commune System had resulted in long-term economic stagnation and decline. “On the eve of reform in 1978, the whole country had a rural population of 250 million in half starvation mode” (Wu, 2016, xxvii). At that time, 80% of the Chinese population lived in the countryside and Deng was aware of the importance of rural development and improvement in people’s lives to the whole Chinese economy: “If the peasants did not shake off poverty, China would remain poor” (1993, 237). After Mao’s death, Deng was willing to undertake institutional change and was in a highly influential position.

In March 1980, Wan reported on rural reform in Anhui province to Deng (Wu, 2016). This was a key discussion regarding household-based production and, at a meeting of the National People’s Congress Standing Committee in April 1980, Zhao Ziyang and Wan Li were named as vice premiers of the State Council. More significantly, in a victory that marked a personal triumph, Wan replaced his rival, Wang Renzhong, as head of the State Agricultural Commission. Thus, Wan

Li, a man who recognized the issues in the land system, was able to initiate more radical change (Fewsmith, 1994).

In May 1980, after he obtained more information on its economic viability and political acceptability, Deng (1984b, 275) expressed his support for the HRS to two of his most prominent opponents, Deng Liquan and Hu Qiaomu. Not only did Deng strongly approve of the peasants' creativity in Anhui's Feixi and Fengyang counties; he also reassured the public that there were no concerns regarding the HRS: "Generally speaking, the main obstacle in dealing with current problems in the countryside is an insufficient amount of ideological freedom" (Deng, 1984b, 275), referring to Mao's view of household-based production. Deng's speech was circulated among the central leaders. This was the most important support ever given to the HRS, and made it possible for the HRS to develop from local experiments to national policy (Heilmann, 2008).

3. APPLYING MARX'S THEORY OF PROPERTY TO THE GREAT TRANSFORMATIONS

The Commune System and Crude Communism

Mao's collectivization and its disastrous consequences were attributed to Marx's idea of communism (Ellickson, 1993). This is clearly wrong. Mao's collectivization is not Marx's idea of genuine communism but the very "crude" communism that Marx criticized. Marx criticizes the form of property in "crude" communism as "the *positive* expression of the abolition of private property" and thus it is still in essence a kind of "*universal* private property." Marx makes two criticisms of "crude" communism. These are applicable to Mao's collectivization and the Commune System.

The first criticism is that the form of property in "crude" communism is "only a *generalization* and *completion* of that relation (of private property)" (Marx, 1975, 346). During the Great Leap Forward (1958–60), Mao put forward the slogan "The People's Communes are good" and characterized them by the phrase "big and collective." All private property was abolished. Peasants said: "All we've been allowed to keep is one pair of chopsticks and one bowl," and, "all we own is the clothes on our backs and the food that remains in our stomachs . . . we do not even own ourselves." The cadres responded:

“Communism means eliminating all private property” (Huang, *et al.*, 1992). This is one form of crude communism: “The domination of material property bulks so large that it threatens to destroy everything which is not capable of being possessed by everyone as private property” (Marx, 1975, 346). During the Great Proletarian Cultural Revolution (1966–1976), Mao’s policies, such as shutting down the nation’s schools and ending higher education, confirm Marx’s insight that “it wants to abstract from talent, etc., by force” (Marx, 1975, 346). It is not surprising that there were issues such as labor monitoring, shirking and the problem of “free riders” similar to those that appear in the capitalist system (Edney, 1979; Grossman and Hart, 1980) with some workers feeling that they were working hard while others were idle and yet gained the same rewards. This was the experience of egalitarian experiments in China under the Commune System (Lin, 1988; Putterman, 1991; Dong and Dow, 1993). The system of equal pay according to time without regard to level of performance was called the “iron rice bowl” (because it was always a uniform size). It created resentment and a sense of unfairness. As Sayers (2011, 122) notes, this led to “a decrease in productivity that is detrimental to all.”

Under the Commune System, the peasants were paid by “work points.” Thus the collective became the “universal capitalist” and the peasants became the “wage laborer.” As Marx says: “The community is only a community of *labor*, and equality of *wages* paid out by communal capital — by the *community* as the universal capitalist” (Marx, 1975, 346–347). There was an upward movement in ownership, *i.e.*, in order to eliminate unequal land and resource ownership, the so-called bourgeois rights, one must begin by collectivizing land from lower levels of collectives (*e.g.*, production teams) to higher levels (*e.g.*, brigades and communes) until the level of ownership by all the people is reached (*Beijing Review*, 1977; Khan, 1983). This helped unleash the “Communist Wind” and hurt the higher (richer) teams’ interests (*Peking Review*, 1966; Yang, 2013, ch. 7). This was the “level down” of extreme egalitarianism that Mao advocated (Mao, 1977). However, Marx wrote: “The thought of every piece of private property as such is *at least* turned against *wealthier* private property in the form of envy and the urge to reduce things to a common level, so that this envy and urge even constitute the essence of competition” (Marx, 1975, 346). “Crude communism [the manuscript has: *Kommunist*] is only the

culmination of this envy and of this leveling-down proceeding from the *preconceived* minimum” (*ibid.*). For Marx, this communism does not provide understanding of the “human nature of need.” It envisages a simple ascetic community which negates wealth and enforces “leveling down.” It abstractly negates “the entire world of culture and civilization,” and seeks to “return to the *unnatural* simplicity of the *poor*, unrefined man who has no needs” (Marx, 1975, 346; cf. Sayers, 2011, 102–105). In Marx’s view, this was “merely a *manifestation* of the vileness of private property, which wants to set itself up as the *positive community system*” (Marx, 1975, 347). This kind of communism indeed had “a *definite, limited* standard” (*ibid.*). The form of property in the idea of “crude” communism is in essence “universal private property.” It does not truly overcome individual private property.

Marx also has a second criticism of “crude communism”: by taking private property into common ownership, it achieves only a partial and abstract negation of it. Crude communism “has not yet comprehended the positive essence of private property” and hence “it is still held captive and contaminated by private property” (Marx, 1975, 348). Here Marx distinguishes the positive aspect of private property from its negative side. The idea that there is such a thing as a “positive essence” of private property is indeed itself striking (Sayers, 2011, 108). Marx is profoundly critical of private property, in particular capitalist private property and its impact. As he explicitly states, the ultimate goal of his communism is to abolish private property in the means of production. Marx’s views on this theme are well known. However, this does not mean that Marx does not maintain that there is a positive aspect to private property and the social and economic development it has brought about.

Marx is a thorough and profound thinker. He has a serious and critical attitude to private property. In investigating private property and its impact, Marx makes several important distinctions, from various theoretical perspectives. These distinctions provide indispensable keys to understanding Marx’s view of private property. One is the distinction between its positive and negative aspects. Ellickson says that Marx has been “unpardonably hostile” to “the notion of private property in land” (1993, 1397). This is clearly wrong. For Marx, private property is not the simple moral notion that it is often said to be. On the contrary, private property is a historical phenomenon. His concept is to understand its nature and its development, not merely

to condemn it; he takes a historical and dialectical approach. Any adequate and valid account of his view must register both sides of the case, the positive as well as the negative.

Another key point is the distinction between the private property of laborers and the private property of non-laborers. Marx writes: "Political economy confuses, on principle, two different kinds of private property, one of which rests on the labor of the producer himself, and the other on the exploitation of the labor of others" (Marx, 1976, 931). By restricting their arguments for the positive aspects of private property, capitalist thinkers such as Locke and Ricardo end up reproducing an apparent dualism between the economic and the juridical concepts of private property (Marx, 1976, 1083–1084). Marx insists that there is a fundamental distinction between laborers' private property based on the owner's own labor and private property based on exploitation of others, and thus he has different attitudes to these different kinds of private property. Avineri suggests that Marx advocates "the abolition of all property relations as such" (1968, 109). This is wrong too. Marx did not advocate abolishing *all* private property. His communism is "not the abolition of property generally, but the abolition of bourgeois property" (Marx and Engels, 1978, 484; cf. Sayers, 2011, 101). Capitalist private property is only one kind of private property (Laibman, 2007). When Marx's meaning of the abolition of private property is restored to its proper context and interpreted in this light, it becomes evident that Marx's communism seeks to abolish one particular form rather than private property in general. Marx did not argue for the abolition of private property earned by the labor of the producer himself.

The HRS and Marx's Idea of "Individual Property"

Marx saw a positive aspect in private property, including capitalist private property, from the perspective of historical development. Considerable development has occurred within the social framework of private property. However, the communist society that will eventually come, Marx believed, will not redistribute private property to the producers, even though there may be positive aspects to private property, as is suggested by those who advocate welfare measures to ameliorate the impact of capitalist private property. As he explicitly

states, his communism “does not re-establish private property” (Marx, 1976, 931).

However, he maintains that true communism should not simply negate and destroy this development; rather it must build upon it and transform it. Capitalist private property should not be repudiated absolutely, or in an “abstract” way. Rather, its alienated form must be overcome and its positive aspects appropriated in a non-alienated fashion. The ideal form of property he calls individual property [*individuelle Eigentum*] (Marx, 1976 [1867], 929; Marx, 1958, 414). This term has provoked an enormous flood of controversy and criticism (Arthur, 2002, 124, 126; Engels, 1962, 180; Sayers, 2011, 115–117), and poses genuine problems of interpretation. Dühring writes: “Herr Marx remains cheerfully in the nebulous world of his property which is at once both individual and social and leaves it to his adepts to solve for themselves this profound dialectical enigma” (quoted in Engels, 1962 [1877], chapter XIII).

Here, Dühring mocked Marx’s use of Hegel’s dialectical approach. Marx is quite explicit about his debt to Hegel in this respect and calls himself “the pupil of that mighty thinker” (Marx, 1976 [1873], 102–103). One of the main principles that Marx inherits from Hegel is the historical and dialectical approach. It is in the light of this that the concept of individual property must be understood. Marx says that “individual property” is the “negation of the negation.” The result of the first negation is capitalist private property. “The capitalist mode of appropriation, which springs from the capitalist mode of production, produces capitalist private property. This is the first negation of individual private property, as founded on the labor of its proprietor” (Marx, 1976 [1961], 929). “The latter” is “the direct antithesis of the former” and “grows on the former’s tomb and nowhere else” (*ibid.*, 931). The result of the second negation is “individual property.” Marx’s communism “does indeed establish individual property on the basis of the achievement of the capitalist era: namely co-operation and the possession in common of the land and the means of production produced by labor itself” (*ibid.*, 931).

Even here, Marx does not set out his philosophical assumptions on “individual property” at length. For an understanding of these one must turn to Hegel. The negation of the negation is a process. It is not a bare negation, but takes the form of a dialectical supersession

in which the conditions of the original thing are not only transcended and negated, but also preserved and built upon for a positive result. As Hegel says: "The negative which emerges as a result of dialectic, is, because a result, at the same time the positive: it contains what it results from, absorbed into itself, and made part of its own nature" (Hegel, 1892, §81Z, 152). Hegel uses the word "*aufheben*" to describe this sort of development. This term has been variously translated into English as "supersede," "transcend," or "sublate," but none of these adequately captures the German meaning. According to Hegel (1969, 107), "to sublate (*aufheben*) has a twofold meaning in the language: on the one hand it means to preserve, to maintain, and equally it means to put an end to. . . . Thus what is sublated is at the same time preserved."

The HRS is one form of individual property, as understood by Marx, in that it has also experienced this kind of dialectical development. Collective property, which derives from the collective mode of production, negated peasant private property. This is the first negation of peasants' private property. It did not preserve and maintain the positive aspect of peasant private property as it lacked incentives and discouraged initiative. However, it did forbid exploitation and differentials and established the collective as "universal capitalist." However, collective production begets, with the inexorability of a natural process, its own negation. This is the negation of the negation. It does not re-establish peasant private property, but it does indeed establish individual property on the basis of the achievement of the collective: namely co-operation and the possession in common of the land and the means of production by labor itself. This "possession in common" is social property, while the individual family use is individual property in that the direct producer re-controls his production and the fruit of his labor. This is the key to understanding Marx's meaning of "individual." The social aspect of the HRS is that the land has been brought under collective and conscious control for public good rather than being used to exploit labor under feudal land ownership or to maximize profits for a few. Thus, the HRS, as the result of "the negation of negation," can be conceived of as one kind of "individual property" that Marx envisages. Therefore, the emergence of the HRS is more in keeping with Marx's view. We should also take a historical and dialectical approach to the HRS. Both the "individual" and the "social" aspects" will change with the further development of the productive forces.

4. THE RELEVANCE OF HONORÉ'S CONCEPTUAL FRAMEWORK OF OWNERSHIP

Since Marx, the concept of property has gradually changed from the Blackstonian concept of “sole and despotic dominion” over tangible things into property being a “bundle of property rights.” In the 1960s, the British legal theorist A. M. Honoré adopted a similar approach to analyzing the concept of “ownership” and disaggregated it into eleven “standard incidents of ownership,” bound together in a state of “full” liberal individual ownership or “split ownership” (1961). Arguably, Honoré’s concept of ownership is particularly relevant to Marx’s idea of individual property. Of course, there is an important difference in their political views. Marx is a revolutionary. His concept of property provides the leading theoretical principle for the Chinese leaders in their revolution and construction of socialism. Honoré is a progressive liberal legal theorist. It is important to recognize the different perspectives of Marx and Honoré when applying them to the HRS.

However, Marx and Honoré can be compared and contrasted in their view of what is essential to property. Marx analyzes property as social relationships, specifically as historical relationships of production (see, *e.g.*, Marx, 1976, 932). Honoré also conceives of property as social relationships (1961). On this point, he shares a fundamental common ground with Marx.

Of course, Marx is also familiar with both the full liberal concept of ownership and that of the split ownership which informs the theories of Honoré. The joint stock company and the “dissolution of the atom of property” is a key example (Marx, 1971, 435–441; cf. Ireland and Meng, 2017). The division of surplus value among the different exploiters is another example (Marx, 1976, 709–710). Marx uses a framework of split ownership similar to that of joint stock companies to envisage a form of property that reconciles the individual and social aspects of property to supersede capitalist private property. Thus, Marx’s concept of “individual property” is a result and expression of various cases of split ownership that were current in his time. His ideal form of property is a kind of split ownership that combines notions of “individual property” with notions of “socialized property.”

Honoré analyses extensively this kind of institutional form and shows that the various “sticks in the bundle” can not only be shortened and restricted, but also split and allocated to different persons. Some of

these “persons” might be individual human beings and some of them collective or corporate bodies. In this sense, therefore, it is perfectly possible to create “individual property” alongside “socialized property”; and to create individual property rights within a broadly social or collectivist property framework. Knowledge of Honoré’s concept of ownership helps to clarify the content of Marx’s concept of individual property that he himself does not make explicit — in particular, how this form of property remained “individual” and in what sense it was “social.” Even Marxist scholars such as C. J. Arthur were surprised, if not perplexed, by Marx’s idea of “individual property” (Arthur, 2002, 124). Arguably, this can be considered as one kind of split ownership in which some property rights are in the hands of individuals and others are in the hands of society. Thus, applying Honoré’s theoretical framework to the HRS is also useful in giving Marx’s concept of individual property a detailed and experiential content. To summarize, Marx’s theory of property and Honoré’s concept of ownership are compatible in key respects, although no attempt has been made here to assimilate Marx’s theory of property into the later “bundle of rights” theories.

5. APPLYING HONORÉ’S IDEA OF SPLIT OWNERSHIP TO THE PROPERTY RIGHTS STRUCTURE OF THE HRS

In Honoré’s words, the tension between the “individual” aspect and the “social” aspect is the issue of “how far private ownership should stretch and to what extent it should be modified in the public interest” (1961, 107). The HRS is a clear case of split ownership in which 11 standard incidents are divided between the peasant’s household, the collective and the state. The peasant household’s rights to use, manage, receive income, etc., fall on the “individual” side of Marx’s dichotomy; while the collective’s right to possess, its power of redistribution, residual rights, and so on, as well as the state’s withdrawal of the rights of alienation and mortgage, are key *social* aspects of property, according to Marx. For Honoré, the former belongs to the category of “private ownership,” and the latter two are in the scope of “public interests.”

The Collective

There are five incidents entitled to remain in the hands of the collective. These constitute the power of the collective in managing

the problem of *landlessness* and the imbalance in land distribution resulting from demographic changes. It is in this collective aspect that the land has been brought under collective control and organized for the peasants' common good, rather than for the exploitation of labor and the maximization of private profit.

The Right to Possess

Under the HRS, as in the Commune System, it is still the collective that has "exclusive physical control" of land. Article 10 of the 1982 Constitution of the People's Republic of China states: "Land in the rural and suburban areas is owned by collectives except for those portions which belong to the State as prescribed by law; house sites and privately farmed plots of cropland and hilly land are also owned by collectives." This principle was upheld in the subsequent various amendments to the Constitution of the People's Republic of China (1988; 1993; 1999; 2004). Correspondingly, the Chinese legal system provides some rules and procedures to protect the right of collectives to possess arable land.

The Right to Security

The collective, as the owner of rural arable land, has the right to security. However, for Honoré, any right to security is not absolute. In contrast to the view that "ownership" is "absolute," a view that is used to "emphasize its exemption from social control," he insists that "ownership has never been absolute": "Even in the most individualistic ages of Rome and the United States, it has had a social aspect" (*ibid.*, 145–146). One of these incidents of ownership is liability to "expropriation by the public authority" (*ibid.*, 146). Similarly, owners of houses or land in Britain can be obliged to sell to local or central government if required for highways or other infrastructure. This is known as "compulsory purchase."

Honoré insists on the distinction between "expropriation" and "wrongful conversion" (*ibid.*, 120). This is important in viewing the expropriation of land by local government in contemporary China. One difficult task for the central government is how to protect the rights of farmers and ensure that they receive a fair share of profits

from the conversion of land to industrial and residential use (Zheng, 2011).

The Incident of Transmissibility

The collective as a whole goes beyond the individual and the land is “eternal.” Therefore, the collective enjoys “unlimited duration”: the collective land can be transmitted to the next generation’s successors and so on *ad infinitum* and it is not permissible to determine (*i.e.*, terminate) at a future date.

The Incident of Absence of Term

Since the collective as a whole can survive from generation to generation, it is to continue in the enjoyment of ownership in perpetuity. Therefore, the collective interests of ownership are provided by the Chinese legal system as indeterminate. On the other hand, with state expropriation, the collective may lose an interest in the land. Then this kind of indeterminate interest becomes actually a determinable interest.

Residuary Character

Because a legal system might recognize interests in matters other than ownership, there is a “characteristic of ownership” that “an owner has a residuary right in the thing owned” (Honoré, 1961, 127–128). The Chinese legal system recognizes interests in such matters. The contract period in rural land is usually 30 years. On the determination of such interests, the rights in question can be exercised by the collective, which has the ultimate residuary right; this right, however, is not coupled with alienability or liability to execution. In the context of the Chinese rural land system under the HRS, it is safe to say that the collective has a residuary character.

The system also allows the subleasing of rural land. Within the 30-year contract period, on the termination of a sub-lease, the rights in question become exercisable by the lessee — the peasant household, not the “owner” (the collective). When the sub-lessee’s interest terminates, the lessee acquires the corresponding rights; but when the

lessee's rights terminate, the "owner" acquires these rights. Therefore, the collective is "the ultimate residuary."

The Peasants

The Right to Use. On a narrow interpretation, "use" refers to the owner's personal use and enjoyment of the thing owned (*ibid.*, 117). This incident "has rightly been recognized as a cardinal feature of ownership" (*ibid.*). Chinese peasants acquired this right to use at the beginning of institutional innovation. By this right, they obtained autonomy in agricultural production.

The Right to Manage. Subletting had been considered as an "impure" element of socialism and had thus been forbidden; gradually, however, the peasants obtained "use" in a wider sense, including management and income. The right to use has been substantially enlarged (Mullan, *et al.*, 2011), and the right to management means that peasants have the power to subcontract. For those less fortunate, such as widows and the elderly, by subletting their land to others, they could obtain an income and avoid complete poverty and destitution; subletting in most cases is thus mutually beneficial (Zhang and Donaldson, 2013). As for subletting for agri-business, the situation is more complex.

The Right to Income. Before the 2006 abolition of agricultural taxes and fees, peasants had the right to manage their income, so long as they paid the procurement of the state and the collective. After 2006, the occupation of land can be "regarded as the simplest way of deriving an income from it, of enjoying it" (Honoré, 1961, 118).

The Duration of Contracts for Peasants. The gradual increase in duration from three-to-five years through to 15-to-30 years within the HRS confirms Honoré's assertion that this incident can be stretched or shortened. The Land Administration Law of 1999 and other subsequent laws provide a 30-year lease period. Within that period, a peasant can pass the inherent right to her/his successor when s/he dies. Therefore, the peasant partially obtains the incident of transmissibility. However, the collective also has the right to adjust land allocation in response to changes of demography, under strict conditions.

The Prohibition of Harmful Use. Chinese law requires that rural land be used "rationally." Article 10 of the Revised 2004 Constitution

stipulates that “all organizations and individuals using land must ensure its rational use.” Letting land lie fallow is not allowed in that it has the same effect as the harmful use of land (Xu and Zhang, 1993).

The State

The Right to Capital. This incident is withdrawn from both the collective and the individual peasant household, in that neither can buy or sell the land. In this way, the government avoids the re-emergence of a landlord class. As we have seen, this is the incident that the neoliberals cherish, but it confirms Honoré’s insight: “In nearly all systems there will be something to which not all the standard incidents apply, some things which cannot be sold or left by will” (1961, 110).

Liability to Execution. This incident is by no means a “right” but a *liability*. For the owner, it is a limitation on ownership imposed in the social interest. However, this incident has played an important role in the growth of credit (Honoré, 1961, 124).

This standard ingredient was also withdrawn by the Chinese state from both the collective and the peasants, which seems to be inconsistent with the liberal idea of ownership. This has been criticized on many grounds, such as the limits it imposes on peasants’ access to institutional credit, especially to medium- and long-term loans (Feder, *et al.*, 1990; 1992; Sargeson, 2012; Hodgson and Huang, 2013).

Neoliberal thinkers ignore the negative aspect of this incident in that “the foreclosure of a peasant’s mortgaged land” would bring “involuntary unemployment and rural destitution” (Dong, 1996, 921). Furthermore, such a resulting state of affairs “would only exacerbate class inequality and social tensions in rural China, and further weaken farmers’ positions in dealing with more powerful actors” (Zhang and Donaldson, 2013, 255). For the peasant, land is a basic form of social security (Guo, 2003; Zhang, *et al.*, 2001).

6. CONCLUSION

Mao’s collectivization, along with his Great Leap Forward and the Cultural Revolution, was carried out in the name of Marxism. Its purpose was to improve agricultural production through achieving economies of scale in production, increase peasants’ income and pursuit of common prosperity through eliminating exploitation and bourgeois rights. The

unintended consequence was starvation, long-term economic stagnation and universal poverty in the rural population. This is not Marx's communism but the crude communism that Marx targeted in his early work. De-collectivization was a complex interaction between peasants, local officials and central leaders, concerning how to construct a relatively harmonious relationship between the collective, the state and the peasants. The HRS is the transcendental dialectic of the Commune System. Clearly, the HRS can be conceived of as one kind of the many forms of "individual property" that Marx had envisaged.

Honoré's concept of split ownership provides an illuminating framework to understand in what sense Marx's "individual property" remains both "individual" and "social." Applying Honoré's ideas of split ownership to the Chinese experience not only confirms Marx's insight; it also provides an empirical and economic content to Marx's sketchy and vague account of the ideal form of property in post-capitalist society. Meanwhile, it refutes the assertion that the HRS is ambiguous and ill-defined. Honoré's concept of split ownership is also helpful in understanding the property rights structure of the HRS. In terms of his idea of split ownership, the HRS is relatively sophisticated in its manner of harmonizing and reconciling the interests of the state, the collective and the peasants, as well as careful coordination of the private interests of the peasants and social aspects of property in rural land. The HRS is one kind of Honoré's "split ownership" which can become an ideal form of property. It is well developed, and thus encourages economic growth and the reduction of poverty. It is a viable and real alternative to both full collective ownership under the People's Commune model and the full individual peasant ownership that the neoliberals advocate.

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