Modern China
37(5) 459–497
© 2011 SAGE Publications
Reprints and permission: http://www.sagepub.com/journalsPermissions.nav
DOI: 10.1177/0097700411411554
http://mcx.sagepub.com

# The Modern Chinese Family: In Light of Economic and Legal History

**Philip C. C. Huang**[1,2]

**Abstract**

Most social science theory and the currently powerful Chinese ideology of modernizationism assume that, with modern development, family-based peasant farm production will disappear, to be replaced by individuated industrial workers and the three-generation family by the nuclear family. The actual record of China's economic history, however, shows the powerful persistence of the small family farm, as well as of the three-generation family down to this day, even as China's GDP becomes the second largest in the world. China's legal system, similarly, encompasses a vast informal sphere, in which familial principles operate more than individualist ones. And, in between the informal-familial and the formal-individualist, there is an enormous intermediate sphere in which the two tendencies are engaged in a continual tug of war. The economic behavior of the Chinese family unit reveals great contrasts with what is assumed by conventional economics. It has a different attitude toward labor from that of both the individual worker and the capitalist firm. It also has a different structural composition, and a different attitude toward investment, children's education, and marriage. Proper attention to how Chinese modernity differs socially, economically, and legally from the modern West points to the need for a different kind of social science; it also lends social–economic substance to claims for a modern Chinese culture different from the modern West's.

[1]University of California, Los Angeles, Los Angeles, CA, USA
[2]Renmin University of China, Beijing, China

**Corresponding Author:**
Philip C. C. Huang, 332 Grenola Street, Pacific Palisades, CA 90272, USA
Email: huang@history.ucla.edu

**Keywords**

family production unit, sidelines, three-generation family-household, old-age maintenance, land rights, familist law, individualist law, divorce law, Chinese modernity

Adam Smith (1723–1790), Karl Marx (1818–1883), and Max Weber (1864–1920), perhaps the three most influential economic and social theorists of the modern West, all thought that, with the coming of capitalist economy and society, family-based peasant farm production will be replaced by individuated industrial workers. In China, under the ideology of modernizationism and the wish to become more like the developed West, that perception has taken on the force of indisputable truth in the social sciences. It is considered almost too obvious to require conceptual clarification or empirical demonstration. Most assume the inevitable disappearance of the family-based peasant economy and its replacement by the individuated workers–based capitalist industrial economy, and of the old three-generation farm family by the new two-generation nuclear family. The widely used construct of "transition," to some given but unspecified end goal, has only served to strengthen such unilinear modernist assumptions.

The above views have become so influential that most research has been directed either to identifying changes in those directions or to simply equating current reality with the presumed end goal. Even those who insist on the distinctiveness of Chinese culture or civilization have not really questioned the assumptions of the modernist social sciences. They have not asked, if Chinese society and economy were indeed (becoming) just like the West's, how would Chinese civilization manage to remain distinctive? Obscured as a result are crucial differences between China's pattern of modernization and the West's.

This article examines the very different path that the Chinese family has followed in the course of China's modernization and development, from the development of preindustrial handicraft production to the rise of manufacturing, and from industrialization to the globalization of the past decades. The household production unit and the three-generation family, we will see, retain a major position in modern Chinese society–economy as well as the legal system, in sharp contrast to modern Western experience, even as China's GDP has become the second largest in the world. They make for a Chinese present that is very different from the West's, and not just economically and socially but also politically and culturally.

# The Peasant Family in China's Handicraft Production, Rural Industrialization, and Globalization

## *Western European Proto-Industrialization versus China's Handicraft Production*

Adam Smith outlined well the early beginnings of modern capitalist economic development in the West. In "agriculture," there had been little or no "division of labor": one man had to do everything on the farm. As he put it, "the ploughman, the harrower, the sower of the seed, and the reaper of the corn, are often the same" (Smith, [1776] 1976: 10). In contrast, in "manufactures," division of labor became crucially important, and it made for much greater productivity. Smith gave the example of pin-making: "One man draws out the wire, another straights it, a third cuts it, a fourth points it, a fifth grinds it at the top for receiving the head . . .," such that "the important business of making a pin is, in this manner, divided into about eighteen distinct operations." That was what made it possible for ten men to produce 48,000 pins in a day, while one person, doing all of the work by himself and without the skill that comes with division of labor and specialization, "certainly could not each of them have made twenty, perhaps not one pin in a day" (8). To further illustrate the division of labor, Smith cited also the example of what it took to make a woolen coat such as that worn by the common laborer of the time: "it was the produce of the joint labour of a great multitude of workmen. The shepherd, the sorter of the wool, the wool-comber or carder, the dyer, the scribbler, the spinner, the weaver, the fuller, the dresser" (15). The rise of "manufactures," in other words, brought division of labor that separated out specialized spinning, weaving, dyeing, and the like from farming, thereby bringing great expansions in productivity. Max Weber likewise suggested that "the development of individualized production," with the household becoming "no longer a unit of production" but only of consumption, was a fundamental characteristic of modern capitalism (Weber, 1978: 2.375).[1]

For Marx and Engels, class differentiation and private property are more important. For the family, private property had been the basis for a sexual division of labor and the subjugation of women in the farm, and in the bourgeois family, but all this would give way with the rise of the proletarianized working class and socialist revolution (Engels, [1884] 1972). The implications of such an analysis for our purposes here are best illustrated through the argument advanced by A. V. Chayanov ([1925] 1986) against V. I. Lenin's

([1907] 1956) Marxist analysis of Russian society. It centered on what Lenin saw as class differentiation (between capitalistic rich peasants and a landless agricultural proletariat, just like between industrial capitalists and workers), and what Chayanov saw instead as "demographic differentiation" (among peasant family production units on the basis of the changing ratio between producers and consumers). While Lenin and Marx–Engels, as well as Smith and Weber, shared the fundamental assumption that the peasant family farm would disappear with the rise of capitalism, Chayanov believed it would persist. That was of course in part because Russia was at the time a later-developing country with a much larger proportion of peasants than in Western countries. One can only wonder what Chayanov might have thought about a much more densely populated China with a very much larger and more persistent peasant economy.

The contrast Smith drew between the basic organization of farming, as opposed to "manufactures," anticipated the rise of what in later scholarship has come to be called "proto-industry" or "proto-industrialization." David Levine's was one of the pioneering works. Of the four different types of English villages he "reconstituted" with parish records, the community of Shepshed (Leicestershire) illustrated best the process of change. The rise of "frame(work)-knitting" gave young peasants a means of livelihood in town through employment in "proto-factories," separate from and independent of the family farm. That in turn permitted earlier marriage (since young people no longer had to wait to inherit the farm). The result was a striking rise in fertility, to result in dramatic population increase after 1750. Levine termed that complex of phenomena "nascent capitalism" (Levine, 1977).

Franklin Mendels (1972) and Hans Medick (1976) were the ones who employed the term *proto-industrialization* (or the "proto-industrial mode of production"), to characterize the process Levine illustrated. Proto-industrialization, according to Medick, was accompanied by the spread of new "nuclear families," separated from farming and distinct from the old "extended farm family" in which the men farmed and the women did the handicrafts.

Later research provided more solid and extensive proof for the demographic implications of "proto-industrial" change. England, Wrigley and Schofield showed, saw at this time the coming of earlier and more universal marriage (i.e., higher fertility and nuptiality) (Wrigley and Schofield, [1981] 1989). Later research also demonstrated the implications of proto-industrialization for small-town growth: small towns of 5,000–39,000 people, Jan de Vries showed, expanded fourfold in population between 1750 and 1800, while cities larger than 40,000 expanded only 0.2 percent in the

same period. Such "new urbanization" differed from earlier urbanization, which had been based on large commercial–administrative cites, like London, and later urbanization, based mainly on large industrial cities, like Liverpool (de Vries, 1981, 1984).

In China, by contrast, the development of handicraft production, even in its most "advanced" Yangzi delta area during the "cotton revolution" that occurred between 1350 and 1850 (at the start no one wore cotton cloth; by the end, everyone did), evinced nothing comparable to western European "proto-industrialization," neither the Smithian "division of labor" with the separating of spinning and weaving from farming, nor the consequent change in demographic behavior and town growth. The key empirical difference was that handicrafts remained tied to farming within the same household; they did not develop into separate and independent, town-based employment.

The situation in China was that, given the severe pressures of population on land, most farms had fallen well below the size required for the family's subsistence from farming alone. In the Yangzi delta in the eighteenth century, the average-sized farm was 7.5 mu, or 1.25 acres. That average size was just about 1/100 of the size of an eighteenth-century English farm (125 acres—100 acres in northern England; 150 acres in southern England), and about 25 percent below the estimated minimum of 10 mu required for subsistence (Huang, 1990; Huang Zongzhi, 2010a: 27).

What that meant was the need to derive supplementary income from household handicrafts. In the Yangzi delta, those were mainly handicraft (cotton yarn) spinning and (cotton cloth) weaving. The returns to such handicraft labor hovered below farming, and the work was absorbed mainly by the auxiliary labor in the farm household, of the women, children, and elderly, in a process that I termed "the familization of production." The largest part of household handicrafts was occupied by cotton spinning, which yielded returns only about a third to a half as much as farming—one mu under cotton produced 30 catties of (ginned) cotton, which required 91 days to spin, 23 days to weave, and 46 days for fluffing and sizing (Huang, 1990: 46, 85; Huang Zongzhi, 2010a: 35). What resulted was a particularly tenacious combination of farming and household handicraft production, each serving like twin crutches to supplement the inadequate income from the other. In 1860, an estimated (on the basis of decades of documentary and interview work by a team of researchers) 90 percent of all peasant households in the delta's Songjiang prefecture, and 45 percent of all peasant households in China, were engaged in farming + hand-spinning and weaving (Xu Xinwu, in Wu Chengming, 1990: 2.308, table 2-A-1, 2.313, table B-1).

Exchange between peasant-produced cotton cloth and peasant-farmed grain, in turn, accounted for fully two thirds of all long-distance commodities traded in China (in 1840) (Xu Xinwu, in Wu Chengming, 1985: 1.282, table 4-1, 1.284, table 4-2)

A contemporary (1752) local gazetteer of "well-to-do" Wuxi county described well the combining of grain farming with cotton handicrafts for subsistence:

> The peasants here get only three winter months of food from their rice fields. . . . In the spring, the entire household spins and weaves in order to exchange cloth for rice, because the family no longer has any grain left. . . . In the fall, whenever it rains, the sound of the shuttle again fills all the villages, and they [the peasants] carry their cloth to trade for rice to eat. It is in this way that the peasants of our county, even in times of poor harvests, manage to eke out a living so long as the cotton ripens in other places. (*Xi Jin shi xiaolu*, 1752: 1.6b–7b; cf. Huang, 1990: 87)

Silk production was of course also important for the Yangzi delta. In silk production, reeling remained tied to the farm household in the same way as cotton spinning. As Gu Yanwu observed already in 1662,

> Here in Chongde county [Jiaxing prefecture] the harvests from the rice fields are enough for only eight months of food for the people. The remaining months as a rule are supplied by exchanging [silk] for rice. Taxes and family needs alike are dependent on silkworms. . . . Even for the winter taxes, they [the peasants] generally dare not sell rice to meet the payments, for fear that rice prices might rise. Instead, they usually pawn their rice for silver [to meet the tax payment] and then redeem the rice, with interest, after the silk work is done. (Gu Yanwu, [1662] 1996: 84; cf. Huang, 1990: 88)

The silk Gu Yanwu refers to here is not woven fabric but reeled silk thread. This was because silk weaving, on account of the greater investments required for the silk loom (than the cotton cloth loom) and also the higher skills and capital required, came to be a town endeavor separated out from farming. That helped, along with cotton-cloth processing (calendaring, dyeing) and trading, to power a certain amount of handicraft employment in town and consequent small-town development. But that development did not

reach anything on the order of the European pattern of proto-industrialization and early urbanization: G. William Skinner estimated on the basis of careful quantification that in 1843 just 7.4 percent of the population of the "Lower Yangzi Region" lived in towns of 2,000 or more (1977: 229), a figure he later revised upward to 9.5 percent (Skinner, 1986: 75n43; cf. Huang, 1990: 48–49, 264, and Huang Zongzhi, 2010a: 45n25). This was a great distance from Anthony Wrigley's authoritative estimate that in 1801, 27.5 percent of the English people lived in towns of 5,000 or more (Wrigley, 1985: 682, table 2).

If we compare the North China plain with the Yangzi delta in the eighteenth century, the big difference was that the Yangzi delta saw an even higher degree of the intertwining of farming with handicrafts, or the familization of farm production. The combination of the two in the family production unit was sufficient to drive out completely wage-labor-based "managerial farming" long before the eighteenth century. This was because landlords, basing themselves on tenant family farming, reaped higher net returns than managerial farmers using hired labor, which is to say that family farming using cheaper auxiliary labor could sustain a higher rent, and hence land price, than managerial farming, as is well documented in the seventeenth-century agricultural treatise *Shen shi nongshu* ([1640] 1936; cf. Huang, 1990: 63–67). Such intertwining may be termed "involutionary" in that it was accompanied not by the Smithian division of labor, and its accompanying advances in productivity per workday, but rather by diminished productivity/returns per workday, though expanded productivity for the family unit as a whole.[2]

Readers familiar with the argument that the income and living standard of the Yangzi delta in the eighteenth century were the equal of England's or higher, however, may ask, is not what is said above seriously challenged by the works of Kenneth Pomeranz, James Lee, Bin Wong, and Li Bozhong? It should be noted here that already in 2002 I reviewed systematically the basic factual errors in the works of the group (Huang, 2002). Now, after almost a decade of further debate and research in the field, the issue seems to be finally nearing resolution. There is, first of all, comparative economic historian Angus Maddison's sensible estimates of per capita incomes in China and Britain—$600 ("international dollars") in China in 1700 and 1820, and $1,405 in Britain in 1700 and $2,121 in 1820—which directly negated the argument of Pomeranz et al. (Maddison, 2007: 44, table 2.1; 2001: 47, 90, table 2-22a; 304, table C3-c; cf. Huang Zongzhi, 2010a: 7–10). Of the newest research, the most noteworthy is, first, Matthew Sommer's thorough reexamination of the "evidence" of James Lee, Li Bozhong, and Wang Feng about supposedly effective birth control (abortion) in the Yangzi delta, part

of their argument that China was not under any more severe population pressure than England, a foundational point for the entire group. Sommer demonstrates conclusively that the kind of birth control argued by Lee et al. in fact has not one single real empirical example in support, and that, in light of much richer post-1949 period evidence, is simply unlikely in the extreme (Sommer, 2010). Second, the most recent work by an international team of scholars, using a variety of new source materials, succeeds in demonstrating that the wage and standard of living of an unskilled laborer in London (and Oxford) in the mid-eighteenth century were three to four times those of one in Beijing (and Suzhou, Shanghai, and Guangzhou) (Allen et al., 2011).

The coming of factory-produced cotton yarn and cloth in twentieth-century China, of course, would change the rural economy a good deal, but not enough to alter the fundamental structure in which farming and handicraft production were intertwined in the family unit. While hand-spinning was largely wiped out by machine-spun yarn (using 1840 as the baseline of 100, down to 14.3 in 1936—Wu Chengming, 1990: 2.320, table B-5), produced at a ratio of per worker productivity of 40:1, hand-weaving managed to persist powerfully. Hand-woven "native cloth" (土布) still accounted for an estimated 65.5 percent of all cloth produced in 1920, and 38.8 percent of all cloth produced as late as 1936 (43 percent if the "improved native cloth" is included—Xu Xinwu, in Wu Chengming, 1990: 2.325, table B-9; cf. 2.319, table B-4). This was in part because the productivity gap between machine-woven cloth and hand-woven was only 4:1, instead of the 40:1 as with yarn, and also because the native cloth was more durable—two outfits made of it could last a peasant three years while two of the machine-woven cloth lasted only two (Xu Xinwu, 1992; cf. Huang, 1990: 137). The original logic, that the family farm depended at once on farming and on supplementary income from handicrafts to survive, remained.

The farming + handicrafts (and other sidelines) combination in rural production remained dominant in the Yangzi delta down through the 1970s, even with the Revolution and subsequent collectivization. This basic reality is well told by the contemporary Chinese term invented for handicraft production, *fuye* 副业, literally "sideline" or "auxiliary production," classified together with such activities as the raising of farm animals, (rice) straw shoemaking, straw rope-making, and even "private plot" vegetable-growing, all undertaken as activities supplementary to farming. The concept was so basic that, until the early 1980s, even collective village industries were classified under fuye.[3] It was (the distinguished Chinese anthropologist) Fei Xiaotong, in fact, who most clearly and forcefully lifted out in the 1930s the concept that farm production must be understood not just as farming, but as farming

cum fuye (which was mainly silkworm raising and silk-reeling in Kaixiangong, the village Fei studied [1939]). From that perception would later come the idea for "rural industrialization" (more below).

To summarize, while in western Europe proto-industrialization led to the separation of handicrafts from farming, to earlier and more universal marriage, to the separation of young couples from their natal homes, and to the establishment of independent nuclear households and vigorous town development, in China, handicraft production remained inextricably tied to farming, in the family and the village.

In terms of family structure, the three-generation (stem) "family-household," 三代(直系)家庭户, who not only held property together as a "family" but also lived and ate together as a "household," remained the standard form of rural family organization well after the Chinese Revolution. As peasant testimonies from the 1930s suggest, the great majority of one-son families formed three-generation family-households, there being no question as to the customary and legal requirement that a son support his parents in their old age. Difficulties arose only when the family had more than one son (see, e.g., Chūgoku nōson kankō chōsa, 1952–1958: 4.189–90, 3.79, 93; cf. Huang, 1996: 31). The traditional ideal of joint families, with married brothers living together, was unrealistic, because of unavoidable friction among such brothers and their families, as the peasant informants also pointed out. Joint families had therefore accounted for only a very small proportion of all families even long before the Revolution: for example, 7 percent based on information from late eighteenth-century homicide case records, 5 percent in a documented Zhejiang village on the eve of 1949, and 3.3 percent in Fei's Kaixiangong village in 1936 (Wang Yuesheng, 2006: 130; cf. Cartier, 1995). Instead, variant forms to the three-generation stem family-household arose. Parents who had the wherewithal (in land and house) and a son filial enough could select one son to live with, sometimes by giving that son a bit more than an equal share. Another form was the arrangement whereby the sons rotated the obligations of the parents' old-age maintenance, with the parents eating with each son in turn (and/or with the sons each cultivating an equal portion of the parents' old-age support land—Huang, 1996: 31; cf. Huang, 2001: chap. 8). The family thus remained, at least in part, in substantial ways a three-generation family-household that ate together, even if only in rotation.

While proto-industrial western Europe came to be well launched on the path to the predominance of the nuclear household, predicated on modern individual workers, and the virtual disappearance of the three-generation family-household, in China during its "cotton revolution," the old family patterns persisted with great tenacity.

## *Chinese Rural Industrialization versus Western European Proto-Industrialization and Industrialization*

Chinese rural industrialization of the 1980s appears on the surface to be similar to western European proto-industrialization in that it brought the rapid growth of small towns, summed up by Fei Xiaotong with the catchphrase "small town, big issue" (1984). But it was different from western European proto-industrialization of the eighteenth century in that it was based not just on hand production but also on the wide use of mechanical power. Yet even so, it remained crucially different from the western European experience in that the farm family, under the new household-responsibility system, again became the basic unit of production and of economic decision making. Thus, workers in rural industry were most commonly younger members of the farm household, who were still tied to the farm family and not severed from it in the manner of the new young proto-industrial households in western Europe's proto-industrialization. They generally still lived in the village family home and helped with farming in the busy seasons and during holidays. In its early years, workers in rural industry were still paid in workpoints through the village collective to the head of household, aggregated with the household's total workpoints from both farming and off-farm work. Only in the late 1980s (the Huayangqiao villages where I did my fieldwork began in 1985—Huang, 1990: 202) did the young workers come to be paid in wages by the new rural factories, but that generally did not change the family organization.

The three-generation family held on, although matters were more complicated when a family had more than one son. First, we must make clear again that the multigenerational joint family was already rare even before the modern Chinese Revolution; it became virtually extinct under collectivization with the weakening of parental authority and private property (Wang Yuesheng, 2006; Zeng Yi, Li Wei, and Liang Zhiwu, 1992). The arrangement of parents choosing one son to live with in their old age also became relatively rare, connected to the decline in the power of the parents to govern family organization. Wang Yuesheng's detailed reconstitution of an eastern Hebei village shows that, of those villager men (with more than one son) who had reached the age of 20 by 1950 (and in their 80s at the time of the survey in 2008), most (70 percent) expected that they would live with one of their sons, this in sharp contrast to those who reached age 20 in 1960 and after, who generally did not (only 28 percent did). Of Wang's sample, 38 percent of those aged 80 and above actually lived with a son but only 9 percent of those aged 69 and below did so (Wang Yuesheng, 2011: table 26, table 27).[4] It also became much less common for the parents to rotate eating with the different sons. In Wang's

surveyed sample, 46 percent of men (with more than one son) who were 80 years and older at the time of the survey had a rotating maintenance (轮养) arrangement, but only 17 percent of those aged 69 years and younger did (ibid.). From the 1960s on, in other words, the typical pattern became separation of the households, eating and living separately.

Nevertheless, the parents–son bond has remained powerful, to this day in rural Chinese family organization, even in families with more than one son. Even when the family is divided into separate households, the children (sons mainly) were still very much obligated to provide maintenance for their parents in their old age, by each son sharing in their old-age maintenance by providing the parents with material and/or monetary support. Indeed, contemporary Chinese law requires sons unconditionally to support their parents in old age (more below). The new family organization may be termed the multi-household family (多户家庭), in which the family members no longer eat together, but the different households' properties and incomes are still tied in significant ways in that sons are both entitled to inheritance and required by both customary expectation and by law to provide maintenance for their aged parents. That linkage in properties and incomes among the different households is what lends the term "family" concrete substance.

The rise of the multi-household family, to be sure, tells about a tendency toward "nuclearization" of families, as Wang Yuesheng argues strongly (Wang Yuesheng, 2008: esp. 96–97), but that perception must be counterbalanced by the fact of the persistence of a strong parents-son bond, so much so that, in one-son families, the three-generation lineal family-household remains the norm for rural families (and the majority even for urban families) to this day. This fact is evidenced, for example, by the increase between 1990 and 2000 in the proportion of three-generation family-households in rural areas, from 18 percent to fully 25 percent (while their proportion of urban families remained basically the same, at 17 percent), according to the detailed studies based on the 1990 and 2000 censuses by Wang Yuesheng, Zeng Yi, and others (Wang Yuesheng, 2006: table 1, 120; Zeng Yi and Wang Zhenglian, 2004; Zeng Yi, Li Wei, and Liang Zhiwu, 1992: tables 1, 4).[5] The main reason for the increase was that, as a result of the birth control policies pursued since the early 1970s, increasing proportions of those marrying in the later 1990s (and after) were only sons. And one-son families, we have seen, more typically formed three-generation family-households than multi-son families, hence the rise in proportion of three-generation family-households.[6]

Precise data on the incidence of the three-generation family-household before 1949 are hard to come by. Wang Yuesheng's data (from eighteenth-century homicide case records, from one village in Zhejiang before 1949 and another in Hubei), include a low of about 20 percent to a high of

36 percent (Wang Yuesheng, 2006: 130–31). It seems probable that the proportion of such declined with collectivization, as Wang suggests on the basis of data from his reconstructed eastern Hebei village.[7] But its exact extent is difficult to quantify. Nevertheless, the persistence among most one-son families of the three-generation family-household seems beyond doubt. Indeed, Michel Cartier had already argued convincingly in 1995, on the basis of the 1982 and 1990 census data, that three-generation families accounted for fully one quarter of all Chinese families (Cartier, 1995). In 2000, the proportion that three-generation family-households occupied of all Chinese families amounted to no less than 5.2 times that in the United States (Zeng Yi and Wang Zhenglian, 2004: 4).

The persistence of the three-generation family-household in one-son families was predicated on much the same basic reason as what had tied farming and auxiliary production together earlier. First was that farming provided only partial subsistence, because of inadequate land to fully occupy the family, hence the reliance on auxiliary fuye as a supplementary mode of subsistence. Surplus labor in turn set the basis for low wages in off-farm employment, generally also inadequate for subsistence. Hence the continued simultaneous reliance on the two as the twin crutches for subsistence, "half-worker half-cultivator" (半工半耕—Huang Zongzhi, 2010a: chap. 4). Where "leave the soil but not the village" (离土不离乡) employment came to exceed farming rewards, farming may be seen as supplementary to industry, but still necessary, if not directly for subsistence, then as insurance against instabilities in rural industrial employment. The general lack of retirement benefits in the countryside, whether in farming or in manufacturing, of course, made the twin crutches all the more necessary. Thus did farming and off-farm work remain intertwined within the same family unit to an extent very much unlike the pattern in developed Western countries. While in western Europe, proto-industrial production had led unmistakably to the demise of the three-generation farm family and its replacement by the simple nuclear family of the towns, in China there was simply no comparable change and the three-generation family-household persisted powerfully.[8]

The presumption of a single universally applicable "modernization" model by Chinese social scientists, following the lead of Western social science theories, has misled many into spotlighting only the "nuclearization" of families. Yet, in a globalized comparative perspective, I believe it is rather the persistence of the three-generation family-household that is truly striking. To be sure, there was substantial increase in the incidence of nuclear families with collectivization and the decline of parental authority over the family farm, but this did not alter the fundamental obligation for parental old-age

maintenance, in what Fei Xiaotong called the "feedback model" of Chinese family organization (as opposed to the "relay model" of the modern West—Fei Xiaotong, 1983), a fact well shown in contemporary law (more in the section on law below).

## *China under Globalization*

From the mid-1990s on came the massive influx of foreign capital into China and the rise of mammoth movements of rural labor to work in the cities, in the "leave the land and the village" pattern, totaling 120 million by 2005 (Huang, 2009: 410), and 145 million in 2009 (Zhonghua renmin gongheguo guojia tongjiju, 2010) (in addition to the "leave the land but not the village" peasants employed in nearby township and village enterprises) (*Zhongguo tongji nianjian*, 2009: table 4-2; cf. Huang, 2011b: 139, tables 1, 2). It brought significant changes in family organization: there was a substantial increase in the numbers and proportions of nuclear households as the younger generation left to work in the cities as couples or formed new households there. Along with that came substantial numbers of "empty-nest" households 空巢户, of parents living alone without their adult child/children who migrated out to work; there were also significant numbers of the skip-generation household 隔代户, formed when the second generation moved out to work, but left their children home, called stay-behind children 留守儿童, with the grandparents (Wang Yuesheng, 2006). Nevertheless, the old family organization persisted strongly, even while the younger members worked outside. The three-generation family-household, we have seen, has actually risen in 1990–2000 as a proportion of all families, despite the massive out-migration to work in the cities.

*Farming and Industry under Globalization*. The younger generation that left to work in the cities remain heirs to their parents' home, residential plot, and responsibility farmland. They may return home any time to live on the farm and in the old family house. The typical pattern has been, once they have earned enough from outside work, to build a new family home in the village. They may work away from the village for long periods, but the majority still return to the village to "retire." The grueling experience of working as second-class citizens in the cities is often profoundly demoralizing, to be sure, but that could also add to the impulse to return to the security and familiarity of the home village. Most migrant workers remain sojourners in the city, and the empty-nest family and skip-generation family more often than not are temporary arrangements.

The logic of the half-worker half-cultivator family still applies to most of the migrant peasant workers, the *nongmingong*. Those family members who stay and farm often depend on their nongmingong children for supplementary support; the latter, on the other hand, often depend on the old family farm for security, in case of unemployment or in their old age. The peasant family, in other words, persists powerfully as an economic unit, even under the forces of globalization and massive employment of peasants in the manufacturing and service sectors.

The three-generation family-household is in fact still the norm for one-son families in the countryside and their proportion of all families, as we have seen, has risen with the vigorous implementation of the one-child policy. It accounts, in fact, for a relatively large proportion of families even in the urban areas (17 percent of all urban families in 2000, as we have seen), though for somewhat different reasons (more below). The fact is that the old parents-son bond, expanded in the cities to a more encompassing parents–child (son or daughter) bond, has remained powerful in Chinese society.[9]

*The Household Economy in Urban Services*. Globalization and the massive migrant worker phenomenon have also set in motion another gigantic process, namely, the momentous expansion of the numbers of self-employed entities 个体户 from the countryside to provide the myriad old and new services required by the expanding urban population: retail stalls and shops (for clothing, food products, other convenience goods), eateries and hostels, old- and new-style services (e.g., carpentry, metalworking, tailoring, haircutting, transport, domestic services, entertainment, and so on), repairs of implements, bicycles, watches, motorcycles, cars, TV sets and other electronic devices, and so on. Most such services are staffed by the peasant-workers from the countryside, the nongmingong (along with the disemployed workers from formal enterprises) (下岗工人). In 2008, the number of employed rural persons in these entities reached 36 million in the urban areas (meaning cities down to the county-seat town, in accordance with standard Chinese statistical practice), and another 22 million in the "countryside" (i.e., towns [below the county seat] and villages), or a total of 58 million employees (*Zhongguo tongji nianjian*, 2009: table 4-2; Huang, 2011b: tables 1 and 3; cf. Huang, 2009). They count in the hundreds of thousands in major cities like Beijing, Shanghai, and Shenyang (see, e.g., Cao Yang, 2010, on Beijing and Zhan Na, 2008, on Shenyang). The fact is that the "petty bourgeoisie," presumed by Marx and Weber to shrink greatly in numbers with the rise of capitalism, has persisted in China in much larger numbers and proportions of the total employed than in the developed West (66 percent, including peasants, as

opposed to 10–12 percent in the United States) (Huang Zongzhi, 2008; see also Huang, 2011b).

Here we witness the rise of yet another type of the family economy logic, on the part of the urban-sojourning migrant-worker household, similar to yet unlike that of the combination of farming and industry of the strictly rural peasant family. Much more scholarly attention has been directed to those employed in manufacturing and construction, with relative lack of attention to the self-employed nongmingong in the service sector. Moreover, services are often falsely conceptualized by Chinese social scientists as being more advanced, forming a more modern "tertiary sector" (Huang, 2009: 415–16, 424–25), when in fact the old and semi-old predominate in that sector. Herein a key organizational form remains the household production unit. While there does not appear to be accurate data for the numbers and proportions of those self-employed entities that rely mainly on family labor as opposed to hired labor, household entities among such units are readily seen in daily life in China. For example, among convenience stalls and stores, eateries, and the like, the household organization persists in modified form, not in the form of the three-generation family-household but rather in the form of "mom and pop" entities (夫妻老婆店, the husband–wife [or family] shop). The key is the household as a single unit of production, with husband and wife, and sometimes also their children, working together in a single shop.

The operative principle of the mom and pop shops, just like that of the family farm, is that of cheaper auxiliary family labor, particularly well suited to businesses that require relatively low skill and irregular inputs of labor throughout a long workday. This is almost an extension of the old farming + handicrafts economic principle. Of course, stability and reliability of family members are also important considerations. The result is the rise of a vast semi-new urban household economy along with globalization, alongside the half-worker half-peasant family-household economy in the countryside.

## The Family in Modern Chinese Law

The phenomena described above are of course fully reflected in Chinese law, even if sometimes only beneath the surface of formalized representations.

### *Old-Age Maintenance and Land Rights*

They can be seen most clearly in the emphasis on the maintenance of parents in their old age, *shanyang* 赡养, in ways that contrast sharply with modern Western law. In the German Civil Code of 1900, which was in other respects

the model for the 1930 Guomindang Civil Code, the parental right to old-age maintenance is qualified this way: "A person is entitled to maintenance only if he is not in a position to maintain himself" (Article 1602). And the children's obligation to maintain their parents is similarly conditional: "A person is not bound to furnish maintenance if, having regard to his other obligations, he is not in a position to furnish maintenance to others without endangering his own maintenance suitable to his station in life" (Article 1603). In other words, a child is only obligated to maintain his parents if (1) they are not able to maintain themselves, and (2) only if he can do so without "endangering" his own "station in life" (in other words, the standard of living he is accustomed to) (German Civil Code, [1900] 1907; cf. Huang Zongzhi, 2010b: 725).

Such provisions seemed completely unacceptable, even abhorrent, to modern Chinese lawmakers. Thus the Guomindang Civil Code of 1929–1930 went on immediately after the first provision quoted above to add, "The aforementioned limitation in respect to inability to earn a living does not apply to the case of lineal ascendants by blood" (Civil Code of the Republic of China, 1930–1931: Article 1117; cf. Zhonghua minguo minfa, [1929–1930] 1932). And, with regard to the second provision, it was altered to read: "A person who can no longer support his own living if he assumes the obligation of furnishing maintenance to another, shall be exempted from such an obligation" (Article 1118). Thus, the obligation to provide old-age maintenance for one's parents was made much more unconditional and mandatory, in line with traditional Chinese law.

Lawmakers of the People's Republic further linked the obligation to provide old-age maintenance to one's parents to the right to inherit. The 1985 "Law of Succession" states that children who have provided maintenance for their parents may be entitled to inherit more, and those who have not, less (Zhonghua renmin gongheguo jicheng fa, 1985: Article 13; cf. Huang Zongzhi, 2010b: 725). Thus the law has acknowledged the moral imperative of the obligation to maintain one's parents and provided concrete legal measures to ensure such. It is of course a principle whose reach goes beyond families of the countryside. The provisions have lent further support to the persistence of the three-generation family-household built around the parents–child bond, in ways far stronger than Western law. (Of course, in recent years there have been frequent reports of neglect, or even abuse, by some children of their aged parents, but the depth of societal revulsion to such behavior in itself speaks of the strength of the old ideal.)

Laws on landed property in the countryside also tell about the persistence of the parents–child bond. The household plot, *zhaijidi* 宅基地, is owned by the family and inherited by the sons. Although the law provided for equal

inheritance rights between sons and daughters, actual rural practice was for the child(ren) providing old-age support (generally the sons) to inherit the land. And responsibility land rights (*chengbaodiquan*), though allocated by person in some villages, are in practice owned by the family-household. And it has moved from a grant of 30 years to, since 2008, "no change for a long time" 长久不变 (Zhonggong zhongyang guanyu tuijin nongcun gaige fazhan ruogan zhongda wenti de jueding, 2008), making those rights semi- or near-permanent. The 2002 responsibility land law had already provided that "income from responsibility land" is heritable, subject to the Law of Succession in the same manner as the more permanent residential plot (Zhonghua renmin gongheguo nongcun tudi chengbao fa, 2002: Article 31).

Such land rights have had a powerful impact on the urban-sojourning migrant worker. The migrated-out workers (and the "nuclear households" among them) remain very much connected to the first-generation parents: it is still taken for granted that they are obligated to provide maintenance for their parents in old age, and would be the ones to inherit the family's land rights. That is part of the reason so many return home every year at Chinese New Year's, and so many return to build a new family house with their urban earnings. In this way, land rights serve to join powerfully the urban sojourning members of the larger family with the old farming members, the second generation to the first. The migrant workers and their households remain not just members of the family, but also of the rural community even while they work outside in the cities for long periods.

## *The Informal Economy and Judicial Practice*

The sojourning migrant workers make up in the cities a vast "informal economy," "informal" in the sense of being largely outside the boundaries of formal law. According to an authoritative study in 2006, the nongmingong migrant workers worked an average of 11 hours a day, for an average of 60 percent of the pay of regular workers not counting differences in benefits (*Zhongguo nongmingong wenti yanjiu zongbaogao*, 2006; cf. Huang, 2009). The most recent data released by the National Bureau of Statistics show little change: 89 percent of the nongmingong work more than the 44 hours per week stipulated in labor legislation, averaging 58.4 hours a week. They generally work without formal legal status and protections or benefits. In 2009, just 7.6 percent worked with retirement benefits 养老保险, 12.2 percent medical 医疗保险, and 3.9 percent unemployment benefits 失业保险 (Zhonghua renmin gongheguo guojia tongjiju, 2010). Even the small minority who have been incorporated into one or another urban benefit network

generally do not enjoy the same order of benefits as the formal urban worker. As Huang Qifan (mayor of Chongqing municipality) makes clear: even in progressive Chongqing, while enterprises are required to pay 20 percent of the worker's monthly salary into a retirement program for an urban resident, they need only pay 12 percent for a nongmingong; for medical benefits, similarly, 1,400 yuan (in the city proper 主城区) for an urban resident but only 480 yuan for a nongmingong. This two-class system in benefits is perhaps best illustrated with their respective death benefits: 200,000 to 300,000 yuan for an urban resident, but just 80,000 to 100,000 for a nongmingong (Huang Qifan, 2010).

That second-class "informal economy" has exploded across China in the reform era, to provide workers and services for the growing economy and the expanding urban population. Informal workers have come to account for the majority of all employed persons in the cities (60 percent if one includes in their numbers the 50 million disemployed urban workers). If one includes also those who are employed in the township and village enterprises (another 150 million in 2008), and further adds those employed in the villages in farming (268 million) and those in other pursuits— private enterprises 私营企业 (28 million), and self-employed entities (22 million)—similarly not covered (or less fully covered) by the nation's labor laws and social benefits programs, we would be talking about 84 percent of the total labor force (*Zhongguo tongji nianjian*, 2009: table 4-2; Huang, 2011b).

This fact, of course, runs directly counter to much of the conventional social science analyses in China today. We have seen how Western-style "nuclearization" of families has been spotlighted by research on the family, despite the striking persistence of the three-generation family-household in China. There has also been the insistence on the part of Lu Xueyi and other leading sociologists that Chinese society has already taken on an "olive" shape, well on its way to the big bulging middle class that characterizes American society (for a detailed discussion, see Huang, 2009). Then there is the argument by Cai Fang and other mainstream Chinese economists that China has already reached the "Lewisian" (W. Arthur Lewis') turning point, at which the gulf between the modern and the old, the urban and the traditional, disappears into a single integrated labor market (see detailed discussion in Huang, 2009). All these analyses, driven by the currently powerful Chinese ideology of modernizationism, have turned our attention away from the gigantic dimensions and realities of the informal economy.

In this informal economy, familial relations matter greatly. While the formal labor laws of China, largely imported, are based mainly on the individual worker, actual labor practices in the informal economy are based mainly on

the family unit. This is most especially true of the farm, as we have seen. The same applies to the self-employed household service unit, and even some of the small-scale "private enterprises," sometimes staffed in part by husband and wife, and children. Thus, certain legislated rights (to an 8-hour workday, 44-hour work week, one day off per week, holidays like Chinese New Year's and National Day, a minimum wage, and so on) (Zhonghua renmin gongheguo laodong fa, 1994: Articles 36, 38, 40; cf. Zhonghua renmin gongheguo laodong hetong fa, 2007) are often inoperative or simply irrelevant in the vast "informal economy." In this respect, the urban new household service entity is much like the old farm organization. In the vast informal economy, what is done is quite different from the letter of the law, much of it in fact operating outside the jurisdiction of formal law.

The family predominates also in the financial system of the informal economy. The self-employed and the family and household entities (including peasant farms) are still generally not able to obtain formal bank loans. Ostensibly, they lack "security" or collateral for loans, since the state banks will only accept readily marketable real estate.[10] Thus while urban real-estate developers can obtain loans easily, the self-employed and the family farms must rely instead on informal credit sources: family, relatives, neighbors, and friends.

Since debt and credit almost invariably involve the family, disputes stemming therefrom are generally also handled by the informal justice system. Here mediation operates more than formal adjudication. As I have detailed elsewhere, the operative principle in mediation is different: to make peace through compromise and minimize litigation, not to seek adjudication of right/wrong and redress for wrongdoing. And mediation is pervasive in society: related to dispute resolution among family members, lineage/kin group, and community. It comes from the long tradition of insistence that civil disputes in society are better dealt with through kin or community mediation than by prosecution, that the state would prefer to stay out of such things and not interfere.[11] It continues to operate to a considerable extent, through a graduated system of mediations: purely societal (by kin or respected members of the community), or semiformal (e.g. the cadres of the communities) modes of resolution, before formal court mediation and adjudication (Huang, 2010: chaps. 2, 7).

Yet little of these informal operations involving the family are provided for in codified formal law. Rather, imported formal law largely limits itself to individual-to-individual or firm-(legal person)-to-firm relations, not intra- or inter-familial relations, and to rights legislation and adjudication, not mediation (for a fuller discussion, see Huang, 2001: chap. 4). This is part of the

reality of the hegemony of a legal discourse imported from the modern West. Thus does the operative Chinese legal system comprise both an informal and a formal sphere, and a continuum in between. In one, the family remains predominant; in the other, it has largely been replaced by the individual.

Part of the result of such a system is that practice can deviate greatly from codified law and legal theory based on the individual. This disjunction has double implications: On one hand, informal practices allow for a Western/foreign originated code/theory to be adjusted to Chinese realities, making room for the customs and traditions of familial units, in law as in economy; on the other hand, it can make for serious abuses, in which legal provisions are variously circumvented, paid lip-service to, ignored, or even simply violated in practice, as in the examples of labor and land laws discussed above. And familial connections, of course, also operate in the corruption, abuse, and profiteering that occur in the gaps between legal provision and actual practice, what is said and what is done.

## *Between the Individualist and the Familial*

Between the informal-familial and the formal-individual there is a vast intermediate sphere of unresolved tension, with outcomes as yet uncertain. Will China become more and more like the West, legally and socially, as most of the "transplantationists" believe and advocate? Or will Chinese traditions and social practices persist, asserting themselves in formal law in the manner of the old-age maintenance requirement, or by deviations from or flexible judicial adaptations in practice, as the opposite side argues?

A good illustration of the in-between sphere and the issues involved is the continuing tug of war between the two over divorce law pertaining to the division of property. In the Maoist period, judges, in helping a divorcing couple reach their terms of settlement, typically approached things from a familial perspective. They considered not only the two individual spouses but also their familial obligations, including the maintenance of elderly parents, the support of children, and the needs of the weaker party. (They also considered questions of fault, especially involvement with a "third party" and/or spousal abuse, this in contrast to Western practices since its transition in the period 1960s to 1980s to no-fault divorce.) That approach might be considered representative of the modern revolutionary tradition of Chinese law, still evident today (Huang, 2010: chap. 4). On the other hand, formal law of the reform era, most especially the 2001 revised marriage law and the Supreme People's Court's series of three "interpretations" during the past decade, has been moving step by step toward fuller adoption of Western individualist principles and practices.

The 1950 Marriage Law had merely referred in passing to "property before marriage" 婚前财产, and focused its attention on "family property" 家庭财产, requiring that division be made with "due consideration given to the interests of the woman and the children" (Article 23). The 1980 Marriage Law retained essentially the same formulation, now employing the term "husband–wife joint property" (夫妻共同财产) in lieu of the earlier term "family property" (Article 31). That had been the formal legal frame under which judges of the Mao Zedong era employed their familial approach to working out divorce settlements.

Beginning with the revised marriage law of 2001, however, much more attention has been given to individual property. The law now provides concrete examples for both individual and joint property. While joint property includes mainly wages and bonuses, or incomes from business, individual property is now defined to include not only property owned before marriage but also, in a new addition, inheritances or gifts received during marriage that are earmarked for just one spouse (Articles 17, 18). This provision, adopted from the West, lent expanded legal space and support to individual property within the family.

At the end of the same year, in its first "interpretation," the Supreme People's Court further spelled out that separate individual property would not become joint property on account of marriage (Zuigao renmin fayuan, 2001: Article 19). In 2003, in its second interpretation, the court further explained that, with respect to the home of the couple, that part which was paid for before marriage by (one or the other set of) the parents shall remain individual property (unless otherwise specified), to be treated as a gift to the child. (If given after marriage, then it would be treated as joint property, unless specified to be for one or the other spouse) (Zuigao renmin fayuan, 2003: Article 22). Then, in 2010, in its draft "third interpretation," the court specified further that if after marriage, one set of parents should pay for a home and register that home under their own child's name, the home shall be considered the individual property of that child. (If both sets of parents pay for the home, even if it is registered in the name of just one spouse, it will still be considered joint property) (Zuigao renmin fayuan, 2010: Article 8). Moreover, the market appreciation of individual property during the course of marriage will be treated as that of the individual and not joint property (unless the other spouse has contributed to its appreciation) (Article 6). Thus, the law gave firmer support to individual property acquired during marriage.

Jiang Shigong (2011) and Zhao Xiaoli (2011) are surely correct to point out that the Supreme People's Court has definitely favored the individualistic approach to marital property, treating marriage as a market contract, and they have objected strongly to that approach. Yet, we must also acknowledge that,

at bottom, what we are seeing are the tensions between the new social realities that have arisen in China's individualized market economy and long-standing familial practices. The new formulations about gifts and inheritances reflect also the new issues arising from a combination of other new circumstances: more divorces, fast-rising home prices, and only-children born after the 1970s marrying one another—which set of parents provides the help for buying a home? What claims might the other spouse and parents have over such property? The choice made by the Supreme People's Court is to divide up property according to which side had put up the money; individual property rights would take precedence over familial considerations like maintenance of elderly parents, support of the children, and providing for the weaker party.

The individualist approach of the Supreme People's Court is of course also part of a broader change in judicial practice. In addition to the new provisions about individual property, there have also been the changes in evidence procedures, moving away from the older, and much more time-consuming, practice of relying on judges to gather evidence, to relying simply on litigants to present evidence at court. The result, at least partly unintended, has been an increasingly formulaic approach to divorce, leaving aside earlier familial considerations (and also considerations of fault—of third party and spousal abuse). The courts have come to adopt the routinized practice of simply denying a divorce petition on first occurrence, but approving it on the second, without serious attention to the kinds of on-site investigation, efforts at a mediated reconciliation and, in the event of divorce, regard for familial issues like maintaining the elderly, the children, and the weaker party, that had preoccupied earlier judges. The new tendency is clearly partly a consequence of searching for easier and quicker resolutions to divorce disputes, driven by the reality of mounting caseload burdens for the courts (Huang, 2010: chaps. 4 and 5). More detailed legal specifications about disputed marital properties are also driven in part by intentions to lighten the burden on the courts.

Yet, at the same time, as this article has suggested, the old familial principles have held on tenaciously, not only in the realm of social practices but also as moral and legal principles. Jiang Shigong's and Zhao Xiaoli's vigorous critiques of the Supreme People's Court's three interpretations, of course, reflect well that same attachment to older familial values. Just where the balance will be struck between the emergent individualist market economy and the persistent familial economy, and the imported individualist legal principles and the old familial imperatives, remains to be seen. To a considerable extent, the core issue is: should the modern Chinese family remain the three-generation family or give way to the nuclear family?

## Familial versus Capitalist–Individualist Economic Behavior

We focus in this final section on the following question: What difference does the familial unit make in economic behavior and for the economics that studies such behavior?

### *The Family versus the Individual and Firm under Capitalism*

The best economic analysis to date of the family as an economic unit remains that of Chayanov who, unlike most conventional economic theorists, began with some fundamental empirical realities: the peasant family farm, as a unit both of production and of consumption, is different from a capitalist enterprise, which is a unit only of production. Its accounting is entirely different: the rewards to labor lie in the total product of the family farm, not in the "profit" to an enterprise after accounting for labor and other expenses; accounting of wages and hours of individual workers makes little sense to such a unit. As Chayanov pointed out, the labor of such a unit of production is a given, and cannot be adjusted like in a capitalist firm using hired labor. It can be pushed by its consumption requirements to tolerate a mode of labor use that a unit based on capitalist accounting principles will not. For example, when the family has more labor than is needed for farming its land, it can continue to intensify labor input per unit land for sharply diminished marginal returns amounting to less than that of a market wage, in order to meet the needs of family consumption, something a capitalist enterprise would not do (Chayanov, [1925] 1986: "The Theory of Peasant Economy," and chap. 4, esp. 113). These differences are obvious in farming, as we have seen. They apply to a considerable extent also to a family enterprise outside farming, such as the "self-employed" "mom and pop" service entities that have mushroomed in China with marketization and globalization.

What Chayanov noted but did not emphasize strongly was another fundamental characteristic of the family production unit as compared to the individual worker: it comes with auxiliary labor, of the spare time of the main workers, and of the women, the children, and the elderly. Such labor is not readily marketable. Indeed, that characteristic of the family farm was basic to the special nature of rural production, of the intertwining of farming with sidelines. Low return sideline production was borne by the family auxiliary labor. We have already discussed above how this characteristic of the family farm underlay the "familization of production" and "involutionary commercialization" of the Yangzi delta in the Ming and Qing periods.[12]

The family production unit thus has a very different attitude toward labor from both the firm and the individual workers of a capitalist market economy. First, it is because, in the absence of alternative employment opportunities, family labor is a given which cannot be reduced. While a capitalist enterprise would stop hiring and inputting labor when its marginal returns shrink below the market wage, the family farm, in the absence of alternative employment opportunities, would continue to put in labor in order to meet the family's consumption needs, logically until its marginal product approaches zero. Second, it is because of its auxiliary labor, which cannot be understood simply in terms of the "opportunity cost" of alternative employment on the labor market, because such labor is often not readily marketable. Yet it can make powerful contributions in sideline production. That was what underlay the "sideline" of an activity such as cotton yarn spinning and silk reeling, in the "familization of (farm) production."[13]

Even if we set aside auxiliary labor to consider only the family's principal labor, and even if we assume alternative employment opportunities (as is true in China today), the "opportunity cost" of such labor cannot be understood simply in terms of its prospective market wage compared to its current "wage," nor as subject to simple individual "rational choice" according to capitalist accounting principles. This is because (1) whether a family member hires out or not is very often a familial and not an individual choice: for example, if auxiliary family labor is available to do the farming (on the family's responsibility land), it makes much more sense for one of its members to seek off-farm employment away from home (that way, the wage gained is not negated by the family production lost); (2) there can be no simple equation between the regular work hours of off-farm employment away from home and the irregular (longer or shorter) work times of the farm. The peasant working off-farm near home can still engage in "spare-time" farmwork (as with cultivating a small vegetable plot by the house or helping with farmwork during the busy seasons and vacation times), the kind of auxiliary labor that lies behind "sideline employment." Thus, even if the market wage for off-farm employment away from home may seem higher than the market wage for off-farm or farm work at home, the actual contributions of that principal laborer to the family's income may well still exceed it by a considerable margin, because of his or her spare-time work on the family farm. What is irrational seen from the perspective of simple capitalist accounting can be perfectly rational when seen from the perspective of a family economy.

We ignore such differences between familial economy and the individual economy at our peril. In agriculture, because of our modernist and capitalist presumptions, we have focused our attention inappropriately on Western-style

capitalist (and capital-intensive) farming, with mechanized production, hired workers, and scale economies, or imagined the new Chinese agriculture to be principally such agriculture. As a result, we have largely overlooked the much greater importance of the capital-labor dual intensifying small-scale family farms, like the 1–5 mu (0.167–0.833 acre) tented vegetable farm and the 10 mu (1.667 acre) or so grain cum animal husbandry farm. As I have shown at length in my recent book, those are the backbone of the "new agriculture" that has arisen as part of China's ongoing "hidden agricultural revolution," in response to greater consumer demand for higher-value agricultural products, like fish-meat-eggs-milk and vegetables-fruit. Those family units of production are cost-effective because of the nature of the production of the new-style small family farms: whether in plastic-tented vegetable farming or in animal husbandry, they often require incremental and irregular inputs of labor over a very long workday, some of it doable by the auxiliary labor of the family. For such farms, the family production units are often more cost effective than hired labor paid by the regular hour, workday, or workweek (Huang Zongzhi, 2010a; cf. Huang, 2011a).

The difference of such new-style farms from the earlier "involuted" family farm is that, because of new technological advances, the labor on them is fully (or more fully) employed because of the labor-intensifying consequence of the capitalization based on new technologies: A one-mu tented vegetable farm requires four times more labor than a non-tented one, and a ten-mu grain cum (10-20) pigs farm, using biological enzymes to convert grain stalks to feed, similarly, uses several times more labor than the traditional ten-mu grain farm with just one or two scavenging pigs.[14] Both bring higher returns per unit labor than the old-style agriculture. But the basic organizing principle of the new farms is basically the same as the old family farms: they view and use labor differently from the capitalist enterprise.

Such farms defy the standard analyses of conventional economics, of capitalist accounting based on the industrial factory model: of simple capitalization and scale economies, and of big machinery and hired workers. Chinese agricultural policy of the reform era up to now has been guided largely by that kind of outlook, which grossly misunderstands the content of the really big changes in Chinese agriculture. Government policy since the turn of the century has greatly favored the capitalistic (agricultural) so-called "dragonhead enterprises," to the relative neglect of the capital-labor double-intensive small family farms, which are the real basis of the new agricultural development (Huang, 2011a).

The family economic unit also challenges Ronald Coase's logic of the firm, in which the firm will expand so long as the marginal cost of expansion will be

less than contracting or subcontracting for the same work on the open market (Coase, 1988, 1991). In a developed capitalist market economy, the firm can thus be expected to engage in both "horizontal integration" of the labor force (because it is easier to hire and organize 100 workers for the same production than to contract separately with each), and "vertical integration"[15] for transport, processing, and marketing, to reduce subcontracting "transaction costs" (for information, negotiations, contracting, enforcement, and settling disputes). But this logic does not apply when cheaper household production is available as an alternative to hired workers. Indeed, present-day Chinese reality shows the powerful cost-effectiveness of the household production unit, such that even most of the large capitalist dragon-head enterprises in agriculture have elected to base themselves on dispersed family production rather than large "horizontally integrated" farms based on hired labor (Huang, 2011a).

As for "vertical integration," between farm production and processing and marketing, Coaseian theory also overlooks the fact that an informal economy such as China's allows the firm to rely on lower cost informal labor for processing, transport, supply and retail services rather than incorporating those into the firm by hiring workers formally. This is again because of the special nature of the family production unit, its access to auxiliary labor and its disregard of (or helpless tolerance for such disregard of) regular hours, vacations, formalized benefits, and so on. The dragon-head agricultural enterprises have managed thus to keep their formally employed, and more expensive, workforce to a minimum (Huang, 2011a).

These considerations are all the more obvious with respect to the multinational foreign firm operating with just a skeleton core group from the home country. First, because of the cheap (manufacturing and construction) labor that can be hired from the part-worker part-cultivator informal family economy. Second, also because of the cheaper services provided by the informal mom and pop shops. Such subcontracting permits the Coaseian firm to stay far smaller than what the theory might suggest; it can avoid a good deal of formal horizontal and vertical integration. The system as a whole can only be understood by grasping the logic of the Western (multinational) firm conjoined with the Chinese family economy, the formal employee-based firm with the Chinese informal familial economy, not through the logic of a simple domestic firm operating in an integrated labor market at home.

The differences between the Coaseian firm and the family economic unit, and between the family and the individual worker, mean that the family economy also cannot be understood in terms of a Lewisian "economic dualism," of a modern and a traditional sector (with "unlimited supplies of labor"), differing mainly in the price (wage) for individual workers, soon to be

integrated with economic development into a single labor market (Lewis, 1954). It can only be understood as the Western (and domestic) capitalist firm conjoined with the Chinese family production and service units. Again, this is because of the family production unit with its distinctive labor composition and labor use. This is in part a matter of the different rationalities of the family economic unit as opposed to the individual workers in the neoliberal construction of a market economy. The consequence is, instead of the informal economy shrinking and disappearing with "modern development," it has exploded to account for 84 percent of the workforce in China today (Huang, 2009, 2011b).

That explosion has come alongside China's capitalist development. It has been largely overlooked by Chinese social scientists because of the ideology of modernizationism that spotlights only the presumed end goal of China's supposed "transition" or, worse, simply equates current realities with that presumed end goal.

## *Familial "Rational Choice"*

The family unit of production also has a different attitude toward capital and investment from that of a capitalist firm. Where a capitalist firm might be bent upon expansion by "capitalist acquisition" (Max Weber's term—Weber, 1978: 381), the present-day Chinese migrant worker and peasant families are often driven by other kinds of considerations. Their investment decisions are shaped by a complex of factors involving the larger family unit. The nongmingong migrant workers typically harbor a sojourner's mentality (and cannot really afford the great expense required for buying a home in the major cities) and will build a new house in the home village before reinvesting in their urban business. Their outlook is not just of the individual self but rather of a three-generational (or longer) perspective, and includes considerations not just of protections against the instabilities of urban employment and old-age maintenance of their parents, but also of their own old-age retirement and even of the family line beyond.

Such considerations are part of why housing in China generally involves a familial and not an individual (or simple nuclear household) decision. To a much greater extent than in the United States, the purchase of a home, even in the cities, is a three-generational familial matter. Part of the reason is of course the high cost of housing relative to income. Indeed, one reason Chinese housing prices can continue to rise to seemingly impossible levels relative to current incomes is that home purchases often involve the income(s) and assets of not just the one- or two-generation nuclear household, but rather of

the three-generation family-household.[16] Even in the cities, as we have seen, the three-generation family-household accounts for 17 percent of all households, not far below the 25 percent rate in the countryside, for an average that is more than five times the rate in the United States.

It is not surprising that marriages in the family economy have in large measure also remained a familial and not just an individual matter. Rural—and even many urban—marriages remain to a considerable extent an agreement between two family units and not two individuals, governed by symbolic rules of gift-giving more than market rules of simple exchange (Bourdieu, 1977: 4-9, 171ff). As is well known, marriages in the countryside (and among many nongmingong in the cities) still involve negotiations over the betrothal gift 聘礼 (some say "bride price") and dowry,[17] but those negotiations occur largely through a matchmaker and within the boundaries of customary proprieties. Indeed, for either family to approach things in purely economic terms would threaten to break down the entire process.

In divorce as in marriage, parents on both sides are generally intimately involved. They figure prominently in the assessment (by informal mediators or court mediators) of the (emotional) relationship 感情 of the couple, the crucial criterion in adjudging divorce. How does each get along with the in-laws? They may be mobilized by mediators for support against divorce, or induced to participate in other ways to help improve the couple's relationship. To be sure, since the 1990s there has been a growing tendency for the courts to deal with divorce petitions in formulaic ways (refuse on the first occasion; grant on the second), but mediation, even in decline, remains an important part of the system, especially at the informal familial and community levels outside of the courts. (For a detailed discussion and analysis, see my recent book—Huang, 2010: chaps. 4, 5.) A simple focus on just the individual spouses, and their economic considerations, would grossly misunderstand the nature of the divorce process, no less than of the marriage process.

Furthermore, the peasant and nongmingong family economic unit differs also from capitalist society's nuclear family in its attitude to education of the next generation. What is at work is not a simple logic of weighing the cost/benefits of investing in education (the investment in the children's "human capital" weighed against its prospective returns, as in Gary S. Becker's analysis—Becker, 1991: esp. chap. 11), but rather of assessing the extent to which "investment" of time and resources may be "irrational"—irrational in the sense of not being justified by returns, as for example, in compelling an academically not-so-talented child to undergo the hugely competitive examinations for college admission, at the cost of great emotional harm to the child and, more likely than not, disappointment for the parents. Such behavior is

really only understandable in terms of deep-seated cultural values and practices. The age-old notion that those who work with their minds rule and those with their hands are ruled has become once more a society-wide view today. At the same time, the realities of the all too obvious two-tiered urban vs. rural system, the parents' frustrations with their own experience on the farm or with their disadvantaged position in urban work, the emotional attachments between parents (and grandparents) and their only child under the one-child policy, and so on, all figure in. Those are simply not reducible to a matter of "rational choice" calculated by invested costs and prospective benefits, in the terms of Becker's analysis.[18]

## Conclusion

The history of the modern Chinese family, then, tells about a development pattern very different from the West's. The development of handicraft manufactures in China did not lead to its separation from farming, nor did it lead to the vigorous growth of towns, nuclear households, and earlier marriage and population increase, such as occurred in western European proto-industrialization. Given inadequate land to farm, the Chinese peasant family unit had to survive through a tight combination of farming and sidelines production, deriving partial subsistence from each. That combination of farming with sidelines in rural production held on powerfully through collectivization. Later rural and urban industrialization of the reform era also did not lead to the separation of the new production from farming. Instead, it drew on the massive surplus portion of the labor of the farm families, now reshaped into half-worker and half-peasant families.

What resulted was a production system predicated on the conjoining of an increasingly internationalized modern sector with the old family-based economy. The much touted new Chinese "middle class" in fact amounts to just 10–15 percent of the population at most (depending on how "middle class" is defined), though still massive by its sheer numbers; it has been accompanied by the explosive expansion of the part-peasant urban informal economy, in addition to the rural peasant economy, to serve the modern sector and its new middle class. The result is the conjoining of two interdependent economies, one modern and the other semi-modern and traditional; one founded on individuals and nuclear households as the basic social unit, the other on families and three-generation family; one governed by new imported laws, the other by informal practices that occur mainly outside formal law or by its flexible adaptation. It is a tale, economically and legally, of "two Chinas," though tightly interlinked and interdependent. The combination has been part of the secret to China's

attraction for outside investment and for the stunning rate of Chinese GDP growth.

The present-day Chinese family unit still defies the simple logic of the individual "economic man" at the core of conventional economics. We would do well to acknowledge the very different logic of the family economic unit—of its distinctive labor composition and attitude toward labor use, investment, the family home, maintenance of the elderly parents, marriage, and education of the children—for the development of a different kind of social science that would accord more with major aspects of contemporary China. Simple, uncritical applications of Western economic and other social science theory, as has been the order of the day thus far in China during the reform era, have in fact led to much misunderstanding. What is needed is a more reality- and history-based theory, whether in looking to the past, the present, or the future of China.

Looking to the future, one scenario envisions a China just like that of the advanced capitalist West, as is advocated or simply presumed by the modernists. In that scenario, China will reach an urbanization rate of 90 plus percent; its agriculture will be under factory-like organization; it will comprise almost entirely nuclear family-households; its social structure and cultural values will be highly individualistic; and it will melt into the globalized and predominantly American-influenced culture of the West.

An alternative scenario is of a very different Chinese modernity. The economy, perhaps, will be partly socialist, consistent with some ideals of the Chinese Revolution, and with much more attention to equity than in the past thirty years (Huang, 2011b). Along with that would come a kind of re-formalization of the informal economy, not to return to the rigid planned economy but to provide equal health, education, and welfare benefits to the majority of the population. Perhaps also, there will be recognition of not only the reality, but also the desirability, of a modernized farms and services sector in which the family unit will continue to play a major role. Of course, some may think that the persistence of the three-generation family amounts to continuance of patriarchal families and Chinese political authoritarianism, but this article has shown that parental authority in fact has already weakened greatly. More important perhaps is for us to see in the familial economic and legal practices the persistence and modern adaptations of Chinese family-based values and morality.

## Acknowledgments

My thanks to Kathryn Bernhardt, Brad Reed, Yusheng Peng, Zhang Jiayan, Li Fangchun, You Chenjun, and Gao Yuan for their helpful criticisms and suggestions.

## Declaration of Conflicting Interests

The author declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

## Funding

The author received no financial support for the research, authorship, and/or publication of this article.

## Notes

1. While noting the exception, mainly, of the *Oikos*, a princely holding in which "the dominant motive is not capitalistic acquisition but the lord's organized want satisfaction in kind" (381).
2. Involutionary commercialization could make for highly sophisticated urban development, even while the rural population remains tied to a mere subsistence-level standard of living: in a population with a surplus of 10 percent above subsistence, if 10 million are crammed into an area within the range of logistical support for a central place city, they can support an off-farm population of 1 million (medieval Chang'an city?). On the other hand, in a population with surplus of 30 percent above subsistence, if only 1 million are crammed into the same sized area, they can only support an urban population of 300,000 (medieval London?). (For a theoretical discussion, see Boserup, 1981: chap. 6; cf. Huang, 1990: 332.)
3. This usage of the term *fuye* by the State Statistical Bureau began in the 1960s. Until then, the term had been used more generally to mean any kind of supplementary activity. See Morohashi, 1955–1960: 2.297; cf. "Jiating fuye," http://baike.baidu.com/view/389283.htm.
4. These finer points of differences in the parents-son relationship (亲子关系) are hard to get a handle on from macro-statistical work; micro-demographic work such as Wang Yuesheng's gets closest to the subject. It helps to explain the seemingly inexplicable finding in Zeng Yi and Wang Zhenglian's 2004 article (p. 5) that the proportion of men and women over 65 living with an offspring declined sharply between 1990 and 2000. Wang Yuesheng's research suggests a ready explanation: Those who were 65 in 1990 had been 25 in 1950, while those 65 in 2000 had only been 15 in 1950, each falling on different sides of the great divide in expectations (about living with one grown son) between prerevolutionary society and postrevolutionary society.
5. Note that Zeng Yi and Wang Zhenglian, 2004: 4, table 1, gives somewhat different figures for the proportions of three-generation (or more) families in rural and urban areas in 2000.

6. This change was anticipated by the analysis of Zeng Yi, Li Wei, and Liang Zhiwu (1992: 12), and also noted by Wang Yuesheng (2006: 135; cf. Zeng Yi and Wang Zhenglian, 2004: 8), who gives a convoluted and unclear explanation.
7. At issue though is the complication of how to count the rotating maintenance households, whether as part of a three-generation family or as separate "families." Wang Yuesheng argues strongly for excluding these from the multi-generation families because he believes them to be "falsely construed" 虚拟 as multigenerational (Wang Yuesheng, 2010).
8. Fertility behavior has been determined not so much by "natural" processes as by state-led reorganization, like collectivization in the 1950s through the 1970s, vigorous promotion of later marriages in the 1970s (Wang Yuesheng, 2005), and pursuit of the one-child policy since the 1970s.
9. Of course, just how the new population structure resulting from the only-child policies will impact familial organization over the longer term remains to be seen. When the only-children of the mid-1970s and after reach middle age in the middle 2010s, and become the ones to maintain aged parents, it will mean, in the cities, an ever larger proportion of the 4:2:1 pyramidal situation, in which families comprise four elderly parents, two middle-aged married children, and one grandchild. (In the countryside, by contrast, because of the greater insistence on and necessity for a son, only-son boys with one or more sisters are not so uncommon, making the situation quite different.) That will certainly make for much friction between spousal families (as to which would live with the children), along with new stresses on parents–child relations, and compel many more Western-style arrangements of parents living separately or in old-age homes, but it may at the same time also strengthen all the more aged parents' wish for three-generation family-household arrangements.
10. Peasant household residential plots and *chengbao* (responsibility) land as collateral for bank loans is only being explored on an experimental basis, as for example in Chongqing municipality (Huang, 2011b).
11. Though not so with severe or "criminal" cases; the principle applies only to minor matters, *xishi*.
12. Note also Chayanov's notion of "demographic differentiation," of the role of the family cycle (other things being equal) in determining the operations of a farm: a matter of the changing laborer-to-consumer ratio; when nearest to 1:1 (the children are grown up and work on the farm), the family is in the best economic position; when close to 1:2 or more (when the children are young and the parents old and no longer work on the farm), then the reverse (Chayanov, [1925] 1986: chap. 1). This was largely borne out in collectivized rural China, when labor became the primary determinant of income. The wealthiest households in a village were generally those with the most favorable laborer-to-consumer ratio.

13. Since increased cotton and silk production was the main engine for the increased commercialization of the Yangzi delta of the time, I called the whole process "involutionary commercialization" (Huang, 1990).
14. Such new-style farms use only about a third as much labor per pig, but they raise 10 times more pigs (*Zhongguo nongcun tongji nianjian*, 2008: 255, table 10-4).
15. Chayanov's and current Chinese usage, not Coase's term.
16. In the United States, extravagant home prices were sustained for a long time by the social change from one-job households to two-job households, until the coming of the housing "bubble" that was artificially sustained by extensions of credit to the unqualified and by the blind belief in market appreciation (such that the expected appreciation came to be seen as part of the "income" for sustaining payments on a home). The housing bubble in China, by contrast, is in considerable measure a consequence of enormous demand and of many local governments deliberately keeping land scarce and at a higher price (since that constitutes the major source of their extra-budgetary revenue—Huang, 2011b).
17. With different areas of the country accepting different norms for the "value" of a bride; even in the rural areas of relatively backward provinces, like Shaanxi (according to one nongmingong from there in Beijing), a marriage would typically entail a betrothal price, these days, in the neighborhood of 100,000 yuan.
18. Gary S. Becker's efforts to extend neoclassical economic analysis to the family, while certainly commendable for their use of the more encompassing concept of "utility maximizing" to replace simple "profit maximizing," and for their attention to noneconomic topics like mate choice and education of the children, and of noneconomic factors like historically conditioned preferences and even values, attitudes, sentiments, guilt, and the like, are nevertheless concerned above all with demonstrating the explanatory power of the neoclassical presumption of individual "rational choice" for explaining family behavior. As such, they are based finally on costs–benefits analyses, as for example in terms of investments in children's education ("human capital") weighed against prospective returns (Becker, 1991, 1992). In so doing, his analysis of necessity overlooks how the family economic unit is different from the individual, and how it shapes and constrains individual choice. His scheme overlooks, in particular, the crucially important parents–child bond behind the three-generation Chinese family organization, with all the moral imperatives that go with that bond. It cannot begin to explain, for example, why in most rural and urban families some form of symbolic communication is still maintained with one's parents after their death—in offerings of alcohol, food or paper money, or even in actual dialogue, whether at the gravesite and/or some kind of altar at home.

## References

ALLEN, ROBERT, JEAN-PASCAL BASSINO, DEBIN MA, CHRISTINE MOLL-MURATA and JAN LUITEN VAN ZANDEN (2011) "Wages, prices, and living standards in China, 1738–1925: in comparison with Europe, Japan, and India." Economic History Rev. 34, S1: 8–38.

BECKER, GARY S. (1991) A Treatise on the Family. Enlarged ed. Cambridge, MA: Harvard Univ. Press.

——— (1992) "The economic way of looking at life." Nobel Prize Lecture. www.nobelprize.org

BOSERUP, ESTER (1981) Population and Technological Change: A Study of Long-term Trends. Chicago: Univ. of Chicago Press.

BOURDIEU, PIERRE (1977) Outline of a Theory of Practice. Cambridge, UK: Cambridge Univ. Press.

CAO YANG 曹洋 (2010) "北京外来农民个体户经营现状的调查研究" (An investigation of the operations of self-employed entities of peasants from outside Beijing). 劳动保障世界 6: 41–43.

CARTIER, MICHEL (1995) "Nuclear versus quasi-stem families: the new Chinese family model." J. of Family History 20, 3: 307–27.

CHAYANOV, A. V. ([1925] 1986) The Theory of Peasant Economy. Madison: Univ. of Wisconsin Press.

Chūgoku nōson kankō chōsa 中国农村惯行调查 (1952–1958) 6 vols. Tokyo: 岩波书店.

The Civil Code of the Republic of China (1930–1931) Shanghai: Kelly & Walsh.

COASE, R. H. ([1988] 1990) The Firm, the Market and the Law. Chicago: Univ. of Chicago Press.

——— (1991) Nobel Prize Lecture. www.nobelprize.org.

DE VRIES, JAN (1981) "Patterns of urbanization in pre-industrial Europe, 1500–1800." Pp. 77–109 in H. Schmal (ed.), Patterns of European Urbanization since 1500. London: Croom Helm.

——— (1984) European Urbanization, 1500–1800. Cambridge, MA.: Harvard Univ. Press.

ENGELS, FRIEDRICH ([1884] 1972) The Origin of the Family, Private Property and the State. Intro. by Evelyn Reed. New York: Pathfinder.

FEI HSIAO-TUNG [Fei Xiaotong] (1939) Peasant Life in China: A Field Study of Country Life in the Yangtze Valley. New York: Dutton.

FEI XIAOTONG费孝通 (1984) "小城镇大问题" (Small towns; big issue). Pp. 1–40 in 江苏省小城镇研究课题组 ed., 小城镇大问题: 江苏省小城镇研究论文集. 南京:江苏人民出版社.

——— (1983) "家庭结构变动中的老年赡养问题" (The problem of old-age maintenance in the changing family structure). 北京大学学报 3: 6–15.

German Civil Code ([1900] 1907) Translated and annotated, with a historical introduction and appendices, by Chung Hui Wang. London: Stevens and Sons.

GU YANWU 顾炎武 ([1662] 1966) 天下郡国利病书, in四部丛刊. 台北: 台湾商务印书馆.

HUANG, PHILIP C. C. (1990) The Peasant Family and Rural Development in the Yangzi Delta, 1350–1988. Stanford, CA: Stanford Univ. Press.

——— (1996) Civil Justice in China: Representation and Practice in the Qing. Stanford, CA: Stanford Univ. Press.

——— (2001) Code, Custom, and Legal Practice in China: The Qing and the Republic Compared. Stanford, CA: Stanford Univ. Press.

——— (2002) "Development or involution in eighteenth-century Britain and China?" J. of Asian Studies 61, 2 (May): 501–38.

——— (2009) "China's neglected informal economy: reality and theory." Modern China 35, 4 (July): 405–38.

——— (2010) Chinese Civil Justice, Past and Present. Lanham, MD: Rowman & Littlefield.

——— (2011a) "China's new-age small farms and their vertical integration: agribusiness or co-ops?" Modern China 37, 2 (Mar.): 107–34.

——— (2011b) "The theoretical and practical implications of China's development experience: the role of informal economic practices." Modern China 37, 1 (Jan.): 3–43.

HUANG QIFAN黄奇帆 (2010) Press meeting, Nov. 4, 黄奇帆新闻发布会: "重庆市户籍制度改革的政策体系, 政策措施以及三个月的实践情况" (The system and implementation of Chongqing's policy to reform the household registration system, and the first three months of practice). 中国宏观经济信息网, http://mcrp.macrochina.com.cn/u/60/.

HUANG ZONGZHI 黄宗智 [Philip C. C. Huang] (2008) "中国的小资产阶级和中间阶层: 悖论的社会形态" (China's petty bourgeoisie social class and intermediate political classes: a paradoxical social formation). 中国乡村研究 6: 1–14. See also Huang Zongzhi 2010a: chap. 9. www.lishiyushehui.cn.

——— (2010a) 中国的隐性农业革命 (China's hidden agricultural revolution). 北京: 法律出版社.

——— (2010b) "中西法律如何融合?——道德, 权利与实用" (How to merge Chinese and Western law? Morality, rights and practical application). 中外法学 5: 721–36. www.lishiyushehui.cn.

JIANG SHIGONG 强世功 (2011) "司法能动下的中国家庭——从最高法院关于'婚姻法'的司法解释谈起" (The Chinese family under judicial initiative—beginning with the judicial interpretations of the Supreme Court). 文化纵横, Feb. issue. www.aisixiang.com

Jiating fuye 家庭副业 [Family sidelines] (n.d.) 百度百科. http://baike.baidu.com/view/389283.htm.

LENIN, V. I. ([1907] 1956) The Development of Capitalism in Russia. Moscow: Foreign Languages Publishing House.

LEVINE, DAVID (1977) Family Formation in an Age of Nascent Capitalism. New York: Academic Press.

LEWIS, W. ARTHUR (1954) "Economic development with unlimited supplies of labour." Manchester School of Economic and Social Studies 22, 1 (May): 139–91.

MADDISON, ANGUS (2001) The World Economy: A Millennial Perspective. Paris: Organization for Economic Cooperation and Development (OECD).

——— (2007) Chinese Economic Performance in the Long Run. Second Edition, Revised and Updated: 960–2030 A.D. Paris: Organization for Economic Cooperation and Development (OECD).

MEDICK, HANS (1976) "The proto-industrial family economy: the structural function of household and family during the transition from peasant society to industrial capitalism." Social History 3 (Oct.): 291–315.

MENDELS, FRANKLIN F. (1972) "Proto-industrialization: the first phase of the industrial process." J. of Economic History 32, 1 (Mar.): 241–61.

MOROHASHI TETSUJI 諸橋轍次 (1955–1960) Dai Kan-Wa jiten 大漢和辭典. 13 vols. 東京: 大修館書店.

Shen shi nongshu 沈氏农书 [Mr. Shen's agricultural treatise] ([1640] 1936) In 丛书集成, vol. 1468. 上海: 商务印书馆.

SKINNER, G. WILLIAM [ed.] (1977) The City in Late Imperial China. Stanford, CA: Stanford Univ. Press.

——— (1986) "Sichuan's population in the nineteenth century: lessons from disaggregated data." Late Imperial China 7, 2: 1–79.

SMITH, ADAM ([1776] 1976) The Wealth of Nations. Chicago: Univ. of Chicago Press.

SOMMER, MATTHEW (2010) "Abortion in late imperial China: routine birth control or crisis intervention?" Late Imperial China 31, 2 (Dec.): 97–165.

WANG YUESHENG 王跃生 (2005) "法定婚龄, 政策婚龄下的民众初婚行为——立足于'五普'长表数据的分析" (People's first-marriage behavior under the legal marriage age set by law and by policy—an analysis based on the "fifth population census" long tables' data). 中国人口科学 6: 79–89.

——— (2006) "当代中国城乡家庭变动比较" (A comparison of family changes in contemporary urban and rural China). 社会 26, 3: 118–36.

——— (2008) "家庭结构转化和变动的理论分析——以中国农村的历史和现实经验为基础" (A theoretical analysis of transformation and changes in family structure). 社会科学 7: 90–103.

——— (2010) “农村家庭结构变动及类型识别问题——以冀东村庄为分析基础” (Changes in rural family structure and sorting out family types—with an eastern Hebei village as the basis for analysis). 人口与社会 34, 2: 76–87.

——— (2011) “从分爨, 分产, 分家看农村家庭代际关系——以冀东农村为分析基础” (Intergenerational relations in rural families seen through divisions of stove, of property and of the household—with an eastern Hebei village as the basis for analysis). 中国乡村研究 9. 福州: 福建教育出版社.

WEBER, MAX (1978) Economy and Society: An Outline of Interpretive Sociology. 2 vols. Berkeley: Univ. of California Press.

WRIGLEY, E. A. (1985) “Urban growth and agricultural change: England and the continent in the early modern period.” J. of Interdisciplinary History 15, 4 (Spring): 683–728.

——— and R. S. SCHOFIELD ([1981] 1989) The Population History of England, 1541–1871: A Reconstruction. 2nd. ed. Cambridge, UK: Cambridge Univ. Press.

WU CHENGMING 吴承明 [ed.] (1985) 中国资本主义的萌芽 (The development of incipient capitalism in China). 北京: 人民出版社.

——— [ed.] (1990) 旧民主主义革命时期的中国资本主义 (Chinese capitalism in the period of the old Democratic Revolution). 北京: 人民出版社.

Xi Jin shi xiaolu锡金识小录 [Wuxi Jingui gazetteer, miscellaneous items] (1752).

XU XINWU 徐新吾 (1992) 江南土布史 (The history of native cloth in Jiangnan). 上海: 上海社会科学院出版社.

ZENG YI 曾毅, LI WEI 李伟, and LIANG ZHIWU 梁志武 (1992) “中国家庭结构的现状, 区域差异及变动趋势” (Chinese family structure: present realities, regional differences, and trends of change). 中国人口科学 2: 1–11, 22.

ZENG YI 曾毅 and WANG ZHENGLIAN 王政联 (2004) “中国家庭与老年人居住安排的变化” (The Chinese family and changes in living arrangements for the elderly). 中国人口科学 5: 2–8.

ZHAN NA 詹娜 (2008) “沈阳市个体户的发展历程及结构特征” (The record of development of self-employed entities in Shenyang city and its structural characteristics). 党政干部学刊 3: 56–58.

ZHAO XIAOLI 赵晓力 (2011) “中国家庭资本主义化的号角” (The bugle call for the capitalism-ization of the Chinese family). 文化纵横, Feb. issue. www.snzg.cn.

Zhonggong zhongyang guanyu tuijin nongcun gaige fazhan ruogan zhongda wenti de jueding 中共中央关于推进农村改革发展若干重大问题的决定 [Resolutions of the Central Committee of the Chinese Communist Party concerning some major problems in promoting rural reform] (2008) Oct. 20. www.china.com.cn/policy/txt/2008-10/20/content_16635093.htm.

Zhongguo nongcun tongji nianjian 中国农村统计年鉴 [Rural China statistical yearbook] (2008) 北京: 中国统计出版社.

Zhongguo nongmingong wenti yanjiu zongbaogao 中国农民工问题研究总报告 [Summary report on the problem of China's nongmingong] (2006) www.usc.cuhk.edu.hk/PaperCollection/Details.aspx?id=5780.

Zhongguo tongji nianjian 中国统计年鉴 [Statistical yearbook of China] (2009) 北京: 中国统计出版社.

Zhonghua minguo minfa 中华民国民法 [Civil code of the Republic of China] ([1929–1930] 1932) In 六法全书. 上海:上海法学编译社.

Zhonghua renmin gongheguo guojia tongjiju 中华人民共和国国家统计局 [National Bureau of Statistics of China] (2010) 2009年农民工监测调查报告 (Investigative report on the monitoring of the nongmingong in 2009). www.stats.gov.cn/tjfx/fxbg/t20100319_402628281.htm.

Zhonghua renmin gongheguo hunyin fa 中华人民共和国婚姻法 [Marriage law of the People's Republic of China] (1950) In 湖北财经学院编, 中华人民共和国婚姻法资料选编. 1983. N.p.

——— (1980) In 中华人民共和国法律汇编 1979–1984. 北京: 法律出版社, 1985.

——— (2001) 2001 年修正. www.Law-lib.com.

Zhonghua renmin gongheguo jicheng fa 中华人民共和国继承法 [Law of succession of the People's Republic of China] (1985) 中华人民共和国法规资料汇编. 北京: 法律出版社, 1986.

Zhonghua renmin gongheguo laodong fa 中华人民共和国劳动法 [Labor law of the People's Republic of China] (1994) http://www.law-lib.com/law/law_view.asp?id=255.

Zhonghua renmin gongheguo laodong hetong fa 中华人民共和国劳动合同法 [Law on labor contracts of the People's Republic of China] (2007) http://www.gov.cn/jrzg/2007-06/29/content_667720.htm.

Zhonghua renmin gongheguo nongcun tudi chengbao fa 中华人民共和国农村土地承包法 [Law on rural responsibility land of the People's Republic of China] (2002) www .china.org.cn.

Zuigao renmin fayuan 最高人民法院 [Supreme People's Court] (2001) 最高人民法院关于适用 "中华人民共和国婚姻法" 若干问题的解释 (一) (The Supreme People's Court, explanations pertaining to some problems in applying the marriage law of the People's Republic of China, I). Dec. 25. www.chinacourt.org/flwk/show .php?file_id=38903.

——— (2003) 最高人民法院关于适用 "中华人民共和国婚姻法" 若干问题的解释 (二) (The Supreme People's Court, explanations pertaining to some problems in applying the marriage law of the People's Republic of China, II). Dec 26. www .chinacourt.org/flwk/show1.php?file_id=90481.

——— (2010) 最高人民法院关于适用“中华人民共和国婚姻法”若干问题的解释 (三) (征求意见稿) (The Supreme People’s Court, explanations pertaining to some problems in applying the marriage law of the People’s Republic of China, III [draft for soliciting opinions]). Nov. 16. www.chinacourt.org/html/article/201011/15/435922 .shtml.

## Biography

**Philip C. C. Huang** retired from University of California, Los Angeles in 2004 and teaches at the School of Agriculture and Rural Development and the School of Law of the People’s (Renmin) University of China.