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Claude Chevaleyre

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Domestic Law and Slavery in Late Imperial China: Glimpses from Lineage Registers

Claude Chevaleyre

CNRS / Lyon Institute of East Asian Studies / Bonn Center for Dependency and Slavery Studies
claude.chevaleyre@ens-lyon.fr

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Abstract:

Over the past century, the late imperial Chinese *nubi* system has been the subject of numerous studies. Depicted as a highly exploitative mode of labor coercion, it has nonetheless been radically differentiated from slavery. In this article, I explore how *nubi* were conceptualized in late imperial China through the lens of lineages' domestic regulations and admonitions. *Nubi* bondage was first and foremost a living experience of strong asymmetric dependency. However, as a de jure institution, its conceptual and normative dimensions do matter as they justified the enslavement of human beings and contributed to shaping household practices. Domestic regulations reveal a process that transformed outsiders into absolute inferiors. This consideration alone is an incentive to reconsider the alleged disqualification of *nubi* as a form of "slavery" and to engage broader comparisons with slavery in a more global perspective.

摘要:

本文旨在提出重新評價明清時期奴婢現象的必要性。依照學界較少使用的家訓和族規，作者闡明了通常所說的奴婢制度不僅僅是一種家庭服役的形式。認識到明清中國社會存在奴隸的這一現象將無疑使歷史學家們能更好地分析近代中國與全球人口買賣之間的複雜關係。

The Ming (1368–1644) and Qing (1644–1912) dynasties did not take an active part in the transatlantic slave trade, and slavery purportedly disappeared from China long before the late imperial era.¹ Yet Chinese, Japanese, and Western historians have long underscored the ubiquity of extreme forms of human bondage in late imperial and Republican China.² Nevertheless, by relying on a Marxian-inspired interpretive framework of feudalism, many scholars of Chinese history in the People’s Republic of China (PRC) and elsewhere continue to view the so-called *nubi* system (*nubi zhidu* 奴婢制度) as radically different from slavery, which they see as alien and irrelevant in both theory and practice. The commonplace English translation of *nubi* as “bondservants” testifies to the scholarly discomfort of transposing the analytical framework of slavery onto the late imperial Chinese context. And one still can frequently read in PRC scholarship that *nubi* were “not slaves in a slave society but feudal dependents”³ or that they were “mainly household servants, not productive slaves.”⁴ Consequently, the topic of human bondage in late imperial China remains largely overlooked. Indeed, it barely surfaces in general histories of China, and there is no published monograph, even in Chinese, about *nubi* bondage during the Ming period, when it was at its historical apex.⁵ Nor are there comparative studies of Chinese *nubi* with medieval Japanese *nuhi* 奴婢 or Chosŏn (1392–1910) Korean *nobi* 奴婢.⁶

¹ Guo Moruo 郭沫若, *Nulizhi shidai* 奴隸制時代, in vol. 3 of *Guo Moruo quanji: Lishi bian* 郭沫若全集: 歷史編, 8 vols. (Beijing: Renmin chubanshe, 1984), p. 4.

² Recent examples include Bao Hua Hsieh [Bau Hwa Hsieh], *Concubinage and Servitude in Late Imperial China* (Lanham, MD: Lexington Books, 2014); and Johanna S. Ransmeier, *Sold People: Traffickers and Family Life in North China* (Cambridge, MA: Harvard University Press, 2017).

³ 並不是奴隸社會的奴隸, 它是封建社會的依附民; Nan Bingwen 南炳文, “Cong ‘Sanyan’ kan Mingdai nupu” 从“三言”看明代奴仆, *Lishi yanjiu* 历史研究, no. 6 (1985): 59.

⁴ 主要是家庭服役, 而不是生產奴隸; Lu Yu 路遇 and Teng Zezhi 滕澤之, *Zhongguo ren kou tongshi* 中國人口通史, 2 vols. (Jinan: Shandong renmin chubanshe, 2000), v. 2, p. 650.

⁵ Claude Chevalyere, “The Abolition of Slavery and the Status of Slaves in Late Imperial China,” in *The Palgrave Handbook of Bondage and Human Rights in Asia and Africa*, ed. Gwyn Campbell and Alessandro Stanziani (New York: Palgrave Macmillan, 2019), p. 60.

⁶ On the latter, see Sun Joo Kim, “Resilience of Korean Slavery: Tyrannical Owners, Resourceful Slaves, and the Equivocal State,” in “Slavery in Early Modern East, Inner, and Southeast Asia,” this special issue, *HJAS* 81.1–2 (2021).

In this article, I shine some light on how lineages conceptualized *nubi* bondage in the Ming–Qing era by focusing not on the imperial penal codes (as is often the case) but on normative sources of a different kind: the domestic regulations and admonitions that were sometimes appended to genealogies so commonly produced by wealthy patrilineages.⁷ To do so, I draw on such published collections as the extensive *Compendium of Chinese Lineage Registers* published in 1995 and the documentation collated in the 1950s by Japanese historian Taga Akigorō (1912–1990).⁸

Between the sixteenth and the early twentieth centuries, registers compiled by prominent lineages in China’s main economic centers provide glimpses of scattered evidence (see fig. 1) but little direct information about the condition and everyday life of *nubi* or about regional variation and temporal evolution in their circumstances. These glimpses nonetheless offer historians a critical vantage point on how human bondage was conceived and on the place of enslaved individuals within the household, lineage, and wider society. A diverse and evolving condition shaped by interpersonal relations of domination and dependency, *nubi* bondage was also a de jure institution. Its conceptual and normative dimensions therefore also matter as they not only justified the enslavement of human beings and its social reproduction but also contributed to shaping practices of enslavement.

Lineage admonitions and regulations demonstrate that the process by which outsiders were brought into lineages to serve as *nubi* produced a radical transformation of their social identity. Alienated from their natal kin group, *nubi* were absolute inferiors who remained excluded from the most essential dimensions of kin belonging. I therefore argue that *nubi* bondage shares fundamental features with slavery as it manifested in other global contexts and

⁷ On lineage organization and genealogies, see Maurice Freedman, *Chinese Lineage and Society: Fukien and Kwantung* (London: Athlone Press, 1966).

⁸ *Zhonghua zupu jicheng* 中華族譜集成 and *Sōfu no kenkyū: Shiryō hen* 宗譜の研究: 資料篇, respectively; see appendix (appx.) for full citations.

propose undertaking a critical examination of slavery as a relevant analytic framework in the context of Ming and Qing China.

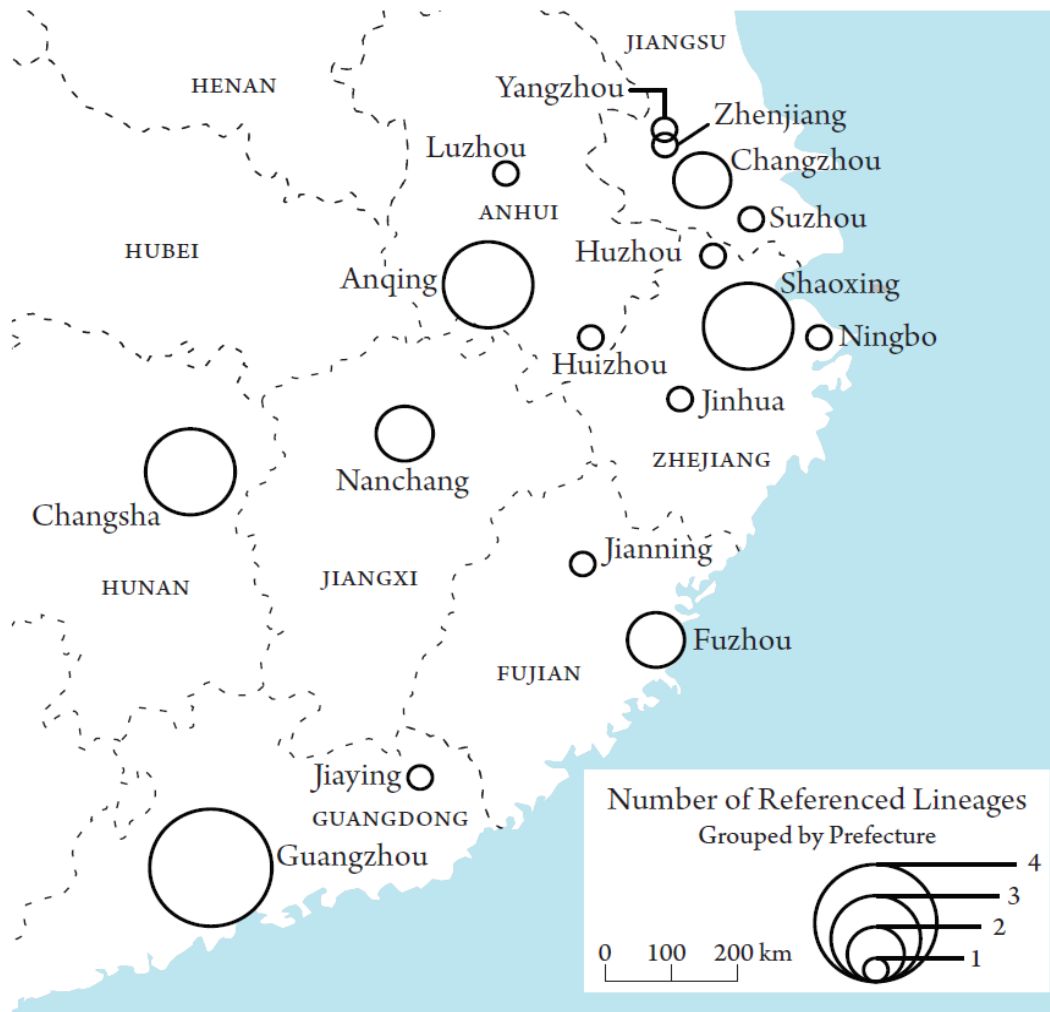


Fig. 1 Distribution of Lineages. This map shows the prefectural seat for the lineages whose regulations and admonitions are referenced in this article, using 1820 provincial boundaries. The size of the circle indicates the number of lineages from that prefecture. Most lineages are from the Lower Yangzi region (Zhejiang, Jiangsu, and Anhui Provinces). Map by Claude Chevalyere and Estelle Senna, using China Historical Geographic Information System, version 6, <https://sites.fas.harvard.edu/~chgis/data/chgis/v6/>. © Fairbank Center for Chinese Studies, Harvard University (Cambridge MA, USA) and the Institute for Historical Geographical Studies, Fudan University (Shanghai, PRC), 2016.

Domestic Law

As essential are the 1397 Great Ming Code (*Da Minglü* 大明律) and the various official editions of the Great Qing Code (*Da Qing lüli* 大清律例) to understanding the norms governing

slavery in late imperial China, these codes reveal only one facet of the story.⁹ Despite the proclaimed universality of imperial law, various sets of legal norms did cohabit in practice. Lineages that could afford to maintain large numbers of slaves were certainly not out of reach of ordinary law, but they also developed internal domestic regulations tailored to manage their business activities, to self-govern, and to ensure minimal interference of the imperial administration with their own affairs.

Lineage justice was usually administered in the lineage ancestral hall and handled by an appointed patriarch (of one household, *jiazhang* 家長; of multiple households, *zuzhang* 族長) chosen for his age, experience, and exemplarity. The very existence of a domestic judicial sphere operating at the margins of the normal judicial process raises issues about its legitimacy and its articulation with imperial law. The fact that lineage regulations are not mentioned in the penal codes could suggest that they had no formal legal value. There is evidence, however, that they were more than tolerated by imperial authorities. The Ming and Qing codes recognized patriarchs' authority over their lineage and households. The codes granted them the power to educate and chastise younger generations and household inferiors.¹⁰ Moreover, lineage regulations could receive formal recognition and binding power when stamped by the administration.¹¹ Some lineage regulations even received imperial endorsement in the early Ming period, like those of the prominent Kong 孔 lineage of Qufu 曲阜 (Shandong Province) and the Zhengs 鄭 of Pujiang 浦江 (Zhejiang).¹² Furthermore, transferring judicial competence over minor (*xiaoshi* 小事) and ordinary matters (*changshi* 常事) to local authorities below the

⁹ Claude Chevalere, "Asservir pour punir: La nature pénale du statut d'esclave dans la Chine des Ming (1368–1644)," *Extrême-Orient, Extrême-Occident* 41 (2017): 93–118.

¹⁰ *Minglü jijie fuli* 明律集解附例, comp. Gao Ju 高舉, 30 *juan* 卷 in 10 vols. (1610; rpt., Beijing: Xiuding falüguan, 1908), v. 9, j. 20, pp. 25a–28b.

¹¹ Hui-chen Wang Liu, *The Traditional Chinese Clan Rules* (Locust Valley, NY: J. J. Augustin, 1959), p. 24.

¹² Liu Guang'an 刘广安, *Zhonghua faxi de zairenshi* 中华法系的再认识 (Beijing: Falü chubanshe, 2002), p. 7.

county level was considered a legitimate means to preserve local order.¹³ Influential Qing-era officials, such as Chen Hongmou 陳宏謀 (1696–1771), overtly advocated for empowering lineage patriarchs with formal judicial prerogatives.¹⁴

The registers (*jiapu* 家譜, lit. family register; *zongpu* 宗譜, lit. ancestor register; *zupu* 族譜, lit. clan register)—which lineages piously kept out of sight¹⁵—included a wide array of documents with strong normative value (ritual prescriptions, temple rules, last wills of illustrious ancestors, and so on). At the core of domestic law were admonitions and regulations appended to tables of agnatic descent from a common ancestor and to other documents (see table 1 and the section titles in the appendix table).¹⁶

Although they are considered two different genres (admonitions written by an ancestor had a more didactic function than regulations, which served as domestic codes to administer lineage justice), admonitions and regulations often conflate form and content. Both served a similar purpose: they were designed to rectify individual behaviors and to preserve the lineage, its harmony, and its integrity. Both were also vectors of Confucian pedagogy, the principles of which they transposed into guidelines adapted to the lineages' needs and anxieties.¹⁷ Therefore, although domestic law bears many similarities to imperial law, it also presents significant differences. Domestic laws focus on crimes, such as banditry and illicit sexual relations, likely

¹³ Zhang Li 张莉 and Hu Songnian 胡松年, "Mingdai Huizhou de minjian tiaochu ji qi yanbian: Yi wenshu ziliao wei zhongxin de kaocha" 明代徽州的民间调处及其演变: 以文书资料为中心的考察, *Tongling xueyuan xuebao* 铜陵学院学报 7.3 (2008): 90.

Counties were the lowest level with a centrally appointed official. Subcounty bureaucratic organizations included *lijia* 里甲 (lit. hundreds and tithings; a group of 110 households established for tax purposes) and *baojia* 保甲 (lit. security groups and tithings; a group of 1,000 households often linked to lineages and other kin groups).

¹⁴ Chen Hongmou, "Xuanju zuzheng zuyue xi" 選舉族正族約檄, in *Huang chao jingshi wenbian* 皇朝經世文編 (1826), comp. He Changling 賀長齡 and Wei Yuan 魏源, 120 *juan* in 3 vols. (Beijing: Zhonghua shuju, 1992), v. 2, j. 58, p. 35b.

¹⁵ Yuan Meilin 原美林, "Ming Qing jiazu sifa tanxi" 明清家族司法探析, *Faxue yanjiu* 法學研究, no. 3 (2012): 182.

¹⁶ David Faure, "The Emperor in the Village: Representing the State in South China," *Journal of the Hong Kong Branch of the Royal Asiatic Society* 35 (1995): 75–112.

¹⁷ Wang Ren'en 王人恩, *Gudai jiaxun jinghua* 古代家训精华 (Lanzhou: Gansu jiaoyu chubanshe, 1997), pp. 3–5.

to undermine the lineage's reputation, moral integrity, and purity. These laws unveil a constant anxiety about keeping lineage affairs behind closed doors. They prescribe lighter and more varied penalties, with greater attention to self-reformation, than found in imperial laws.

Table 1: Contents of the Guan 關 Lineage Register

SECTIONS	LOCATION WITHIN SOURCE
Prefaces (<i>xuwen</i> 序文) ^a	prefatory materials (<i>shou</i> 首), pp. 1a–4a
Names of the register's compilers (<i>lidai xiupu mingzi</i> 歷代修譜名字)	pref. mat., pp. 5a–6a
Table of contents (<i>mulu</i> 目錄)	pref. mat., pp. 7a–7b
Compilation principles (<i>puli</i> 譜例)	pref. mat., pp. 8a–9a
Origins (<i>yuanshi</i> 原始)	only in <i>mulu</i> ^b
Illustrations (<i>xingtu</i> 形圖)	only in <i>mulu</i> ^b
Family rules (<i>jiagui</i> 家規)	pref. mat., pp. 10a–12b
Ceremonies (<i>jiyi</i> 祭儀)	pref. mat., pp. 13a–16a
Temple regulations (<i>tiaoli</i> 條例)	pref. mat., pp. 17a–19b
Ancestral hall (<i>ciyu</i> 祠宇)	pref. mat., pp. 20a–20b
Honorific titles [awarded to lineage members] (<i>gaochi</i> 誥敕)	only in <i>mulu</i> ^b
Examinations (<i>xuanju</i> 選舉) ^c	pref. mat., pp. 21a–29b
Records of merits (<i>shanlu</i> 善錄)	j. 1, pp. 1a–10b
Longevity (<i>qishou</i> 耆壽) ^d	j. 1, pp. 11a–17b
Chaste and filial widows (<i>jiexiao</i> 節孝) ^e	j. 1, pp. 18a–18b
Households (<i>hukou</i> 戶口) ^f	j. 1, pp. 19a–21a
Anecdotes (<i>zaji</i> 雜紀)	j. 1, pp. 23a–30b
Literature (<i>yiwen</i> 藝文) ^g	j. 2–j. 3
Genealogy tables (<i>tuxi</i> 圖系) ^h	j. 4–j. 24
Addenda (<i>buyi</i> 補遺)	end matter (<i>mo</i> 末)

^a There are two prefaces.

^b These sections are mentioned in the *mulu* but not included in the extant text.

^c Names of lineage members who took the civil examinations and the ranks they earned.

^d Names of lineage members who lived beyond age sixty, listed by lineage branch.

^e Widows are indicated by the name of their husband and their natal surname. During the Ming and Qing dynasties, widows who did not remarry and remained faithful to their late husband received state recognition and were honored as archetypes of Confucian virtue.

^f Listed by *tu* 圖 (also called a *li* 里, lit. hundred; a group of 110 households) and by *jia* 甲 (lit. a tithing; a tenth part of a *li* plus a head household, or eleven households). In the Ming and Qing periods, the population was organized into *li* and *jia* for the purpose of tax collection. In a *jia*, the largest tax-paying household was responsible for keeping records on the other ten. Ten *jia* formed one *li*. In the Qing, when *lijia* registration was merged with lineage organization, a *li* was

also named *tu* because tax registers included a community map (“map” is the more common meaning of *tu*).

^g Includes its own table of contents.

^h *Shixi* 世系 (genealogy) written in the margins; includes its own table of contents.

Source: *Nanhai jili xiaqiao Guan Shudetang jiapu*, modern pp. 13–14 (appx. no. 17).

Because the domestic sphere was the privileged space of servitude, and since lineage structures played a significant role in regulating many aspects of everyday life (including education, rituals, gender relations, access to resources, and conflict management), domestic law is a useful field to explore the conceptual dimensions of slavery. The norms that lineage registers unveil, however, are those of lineages dominated by the propertied and scholarly elites. Compiling, engraving, and printing registers was expensive and also demonstrated adherence to Confucian values, making it unlikely for the conception of bondage to vary more than slightly from one lineage to another. Smaller, less powerful, and perhaps less Confucian, but nevertheless *nubi*-owning lineages have left fewer written traces that allow for contrast and comparison. Large, wealthy, and influential lineages, however, also included modest and even destitute households. More vulnerable to enslavement, those poor relations were the first beneficiaries of lineage mutual-aid mechanisms and the first to be concerned by admonitions against enslaving oneself or one’s children.

Most of the domestic regulations and admonitions available in printed genealogical records were compiled and printed in the Qing period, often based on preexisting documents transmitted over generations. Some of the texts I use in this article clearly date to the Ming dynasty, but the majority cannot be dated with precision (dates are given in the appendix). The relative rarity of these documents, their standardized form, and their usual concision do not allow us to distinguish regional variation in the conceptualization of *nubi* bondage or to track its evolution (variation and evolution of practices, however, are well documented).¹⁸

¹⁸ For example, Huang Shuping 黄淑娉 and Gong Peihua 龚佩华, *Guangdong shipuzhi yanjiu* 广东世仆制研究 (Guangzhou: Guangdong gaodeng jiaoyu chubanshe, 2001).

Regulating Slaves

Lineage regulations and admonitions—where *nubi* are most likely to occur in lineage registers—have not been systematically explored in relation to the issue of slavery. Registers that contain information on *nubi* are rare and seldom enter into such concrete details as *nubi* origin, their acquisition process, their numbers, or their functions. However, these records shed an interesting light on various aspects of bondage, including discipline and control, as well as how lineages legitimized and conceptualized bondage and its role within households.

Legitimate Functions

With respect to the issue of acquiring *nubi*, lineage regulations strictly limit the supply source to outsiders who *voluntarily* sold themselves or their offspring. If we acknowledge the risk of being accused of human trafficking (*guaimai renkou* 拐賣人口), we can see that such provisions were meant to protect a lineage's reputation. Many such regulations, for instance, underscore the obligation to check a slave's origin and the legitimate authority of a seller over a sold person (usually one's parents) when establishing a contract, thereby suggesting that in practice buyers and owners did not always bother with such requirements.¹⁹ Echoing commonplace moral prescriptions, the admonitions and regulations in lineage registers also firmly condemn profit seeking and outwardly exploiting the destitute as motivations for enslaving others.²⁰ They disapprove of debt bondage and present such practices as compounding interest (*lizhong zhanli* 利中展利) or seizing the children and property of a debtor in arrears as immoral and against natural principles, even though debt and poverty were the main causes of enslavement.²¹ For example, court official Huo Tao 霍韜 (1487–1540), who wrote his “Family Admonitions” after significantly expanding his lineage estate in Foshan 佛山 (Guangdong), explicitly stands against profiteering and debt enslavement:

¹⁹ “Jiaxun” 家訓, in *Nanhai jili xiaqiao Guan Shudetang jiapu*, v. 29, j. 1, p. 10b (for full citation, see appx. no. 17).

²⁰ Chevaleyre, “Asservir pour punir,” p. 100.

²¹ “Lanling jiaxun” 蘭陵家訓, in *Miushi zongpu*, p. 607 (appx. no. 16).

When administering one's property, one shall not harm people for profit. When lending money, one shall not commute [outstanding debt into the debtor's] land or house, and one shall not commute [outstanding debt into the debtor's] children.

凡營貨賄。無損人利己。無放債準折人田宅。無準折人子女。22

Huo Tao's influential text, which circulated widely as a model, is quintessential of the admonitions genre. Huo does not speak about bondage at length, but he makes the management and allocation of *nubi* labor a prerogative of lineage authorities, not of individual owners.

Huo Tao was also concerned with limiting the number of slaves and restricting their assignments to the collective service of the lineage. For instance, in his text, the patriarch is allocated a handful of slaves assigned to such tasks as guarding the main gate, receiving visitors, and locking the doors. The estate manager is also allocated two slaves: one in charge of the grain measures, the other the fair distribution of seeds among lineage members. Interestingly, each slave working for the lineage was allocated a monthly allowance of eight grain bushels, the same as every lineage member above the age of nine.²³ Lineage members could receive slaves only for their private, or individual, use in a few instances. On entering the lineage, brides would be allocated one "maid" for a period of one year.²⁴ But the allocation of slaves for one's personal service was the privilege mainly of members who enjoyed academic prestige, such as degree holders and officials. Officials returning home on sick leave, for instance, were allocated two to four slaves, depending on their rank.

That privately owned slaves barely surface in Huo Tao's "Family Admonitions" suggests that acquiring, owning, and managing *nubi* was a monopoly of the corporate lineage rather than a purely private matter. Huo Tao, however, prescribes twenty strokes of the cane and the public surrender of "privately owned slaves" (*sixu pubi* 私畜僕婢) as punishments against

²² Huo Tao 霍韜, "Huo Weiya jiaxun," p. 7a (appx. no. 7). Cf. Faure, "Emperor in the Village," pp. 101–2.

²³ Huo Tao, "Huo Weiya jiaxun," p. 3b.

²⁴ 凡新娶給媵一人 . . . 周年止; Huo Tao, "Huo Weiya jiaxun," p. 4a.

unproductive and “useless” (*wuyong* 無庸) lineage members, a penalty that suggests private ownership was at least tolerated by the lineage.²⁵

Like many lineage regulations, Huo Tao’s admonitions convey principles and norms similar to those laid down in normative dynastic sources. To Zhu Yuanzhang 朱元璋 (r. 1368–1398), founder of the Ming dynasty, enslavement had three main characteristics.²⁶ First, enslavement was only possible as the result of a punishment inflicted on criminals by imperial officials. Second, only meritorious officials could legitimately own enslaved individuals. Third, ordinary and innocent subjects should be protected from private enslavement. In the same manner, for Huo Tao, enslaving outsiders for the collective use of the lineage was unquestionably legitimate, but it should remain limited in numbers. The private use of *nubi* labor was thus not condemned in principle, but it was considered a privilege of lineage members who were elderly, hardworking, prestigious, or (in the case of brides) liminal.

Lineage organization as pictured by Huo Tao also conforms with the model of an agrarian and frugal society set out by Zhu Yuanzhang. Working the land was the backbone of the lineage’s structure. But manual work was more than a productive activity to be delegated to others; it had a formative value that every male member was supposed to experience from an early age. For instance, from age nine to fourteen, all boys should not only be schooled but also actively participate in land cultivation; from fourteen onward, young men were relieved from manual work to prepare for the official examinations; at twenty-four, they had to return home and cultivate the land unless they had enrolled in a district or prefectural school.²⁷ From Huo Tao’s perspective, labor instilled lineage members with a sense of effort and self-discipline. It kept them away from the idleness that brought ruin to families and from the exploitation that

²⁵ Huo Tao, “Huo Weiya jiaxun,” pp. 3b–4a.

²⁶ Chevalere, “Asservir pour punir,” pp. 98–100, 105–7.

²⁷ Huo Tao, “Huo Weiya jiaxun,” pp. 19a, 28b–29a.

caused calamities: “It is enough of a blessing not to be enslaved. How could one dare to employ [slaves]?”²⁸ He writes this rhetorical question to underscore that people should refrain from relying on slave labor.

Two centuries later, the “eccentric” Yangzhou painter Zheng Banqiao 鄭板橋 (1693–1765) even regards the enslavement of outsiders as being at odds with Confucian values and a source of intolerable oppression.²⁹ Vividly brushed in 1735 in one of the letters that would later form his admonitions, Zheng’s rejection of human bondage is nonetheless quite atypical. Much more common were those admonitions and regulations, like Huo Tao’s, that simply enjoined lineage members to curtail the number of slaves and expressed primary concerns about disciplining slaves and the dangers of servitude.

Discipline

With regard to enslavement, domestic law betrays a tension between Confucian “humanist” principles (which are paternalistic) and a constant fear of enslaved outsiders. Sections about control and discipline are commonly paired with sections on commiseration (*xu* 恤) and magnanimity (*kuan* 寬). In the latter, Tao Yuanming’s 陶淵明 (365?–427) famous advice to treat slaves like “children of human beings” (*renzi* 人子) is a ubiquitous reference.³⁰ See, for example, the following sixteenth-century example from Guangdong’s famous scholar-official Pang Shangpeng 龐尚鵬 (1524–1581):

With the exception of the cunning and the obstinate ones who shall be dismissed, hired workers and slaves that one employs shall be regularly provided beverage and food. One shall inquire about their suffering from hunger and cold and balance periods of labor and rest. Tao Yuanming said: “He is also the child of a human being; you shall treat him well.” When one wishes others [to serve] with all their strength, one shall first win their hearts.

²⁸ 幸不為僕足矣。敢用僕乎。此切戒也? Huo Tao, “Huo Weiya jiaxun,” p. 18b.

²⁹ Zheng Banqiao, “Taoguang’an zhong ji shedi Mo” 韜光庵中寄舍弟墨, in *Zheng Banqiao jiaoshu*, v. 2, pp. 308–9 (appx. no. 28).

³⁰ *Nanshi* 南史 (ca. 640), comp. Li Yanshou 李延壽, 80 *juan* in 6 vols. (Beijing: Zhonghua shuju, 1975), v. 6, j. 75, p. 1857.

僱工人及僮僕，除狡猾頑情斥退外，其餘堪用者，必須時其飲食，察其饑寒，均其勞逸。陶淵明曰：此亦人子也，可善遇之。欲得人死力，先結其歡心。31

To some lineages, like the Jiang 江 from Xinan 溪南 (Jiangxi) during the late sixteenth century, commiseration and concern for *nubi* well-being was not only an acknowledgment of their humanity but also a well-earned recognition of their contribution, through hard work, to the lineage's perpetuation. For their substantial contribution, *nubi* deserved compassion (*lianxu* 憐恤) rather than tyranny (*lingnüe* 凌虐).³² Usually, however, treating them well was no more than a utilitarian means to instill gratitude and obedience and to ensure efficient labor. In general, “compassion” amounted to barely more than providing food and clothes and balancing discipline and indulgence.³³ A frequent saying in domestic regulations asserts that slaves “listen to hunger and cold before complying with orders.”³⁴

Because not all slaves were “satisfied with their lot” (*anfen* 安分), hardworking, or sensitive to Confucian paternalistic discourse, discipline was seen as the necessary corollary to commiseration and benevolence. Disciplining *nubi* did not mean blind violence and tyranny, although such actions were frequent in practice.³⁵ Discipline was also a collective matter: individual owners had a responsibility to the lineage to control their slaves' deviant behaviors. Failing to do so exposed them to sanctions from the lineage authorities.³⁶ Slaves' inappropriate behavior could also lead to lineage authorities questioning the owners' own exemplarity.³⁷

³¹ Pang Shangpeng, “Pangshi jiaxun,” v. 976, p. 9 (appx. no. 19).

³² “Cigui” 祠規, in *Xinan Jiangshi jiapu*, p. 788 (appx. no. 24).

³³ Claude Chevalyere, “Acting as Master and Bondservant: Considerations on Status, Identities, and the Nature of ‘Bond-Servitude’ in Late Ming China,” in *Labour, Coercion, and Economic Growth in Eurasia, 17th–20th Centuries*, ed. Alessandro Stanziani (Leiden, Nld.: Brill, 2013), pp. 257–60.

³⁴ 先聽饑寒。後聽使喚; “Jiafan” 家範, in *Gushi zupu*, p. 620 (appx. no. 5).

³⁵ See for example, the two capital court cases in Adam Clulow and Siyen Fei, “Slaves of the Widow Tseiko: Chinese Slaveholders in the Dutch Empire,” in this *HJAS* special issue. Slaves retaliating against cruel masters abound in such Ming narratives as Li Shaowen 李紹文, *Yunjian zashi* 雲間雜識 (Wanli 萬曆 era [1573–1620]), 2 *juan* (Shanghai: Shanghai xian xiuzhiju, 1936), j. 1, pp. 9b–10a.

³⁶ “Zuxun jiagui tiaoli” 祖訓家規條例, in *Lanshi xuxiu zupu*, v. 25, prefatory materials, p. 3b (appx. no. 12).

³⁷ “Lanling jiaxun,” in *Miushi zongpu*, p. 607.

Therefore, control was much more of a concern to anxious lineages, and provisions on discipline always outnumber the loose discourses on commiseration.

The Qinghe 清河 Zhang 張 lineage provides a rare example of a register that includes well-structured rules with a corresponding list of offenses and punishments (table 2). For example, article 12, “Employing Slaves” (“Bipu yishi” 婢僕役使), contains twenty-four rules. Only one rule (no. 1) elaborates on the benevolent nature of the owner-slave relationship. Three rules (nos. 2–4) expound the risks posed by the presence of outsiders as slaves in the lineage: for instance, “attractive and cunning” slaves are of “doubtful utility.”³⁸ The remaining twenty rules all follow the pattern of Ming and Qing legal statutes: they characterize offenses and inappropriate behaviors and list the corresponding sentences. Many of the offenses listed were also punished by imperial law, but judging and punishing *nubi* offenders was obviously seen as the lineage authorities’ prerogative.

Lineage punishments were always lighter than those prescribed by imperial laws—probably because the severity of the latter, which often involved sentencing criminal slaves to death, was unsuited to daily household management and so was a source of undesirable state intervention. Lineage punishments mainly consist of beating with various instruments, depending on the gravity of the offense (table 2). Beatings were sometimes supplemented with “demotion” (*geyi* 革役) or “expulsion” (*gechu* 革出)—the practical implications of which remain unclear. Sexual intercourse with outsiders (*waijian* 外奸; no. 24, table 2), for instance, was punished by thirty blows of a heavy bamboo staff (*zhang* 杖) and, in cases of repeated offense, with expulsion. Only one type of case required lineage members to seek official intervention: plotting or inciting rebellion had to be referred to the local magistrate so that the perpetrator would be sentenced to death (no. 7, table 2).

³⁸ Rule no. 3 in “Bipu yishi,” in “Jiaxun,” in *Qinghe Zhangshi zongpu*, v. 8, j. 13, p. 18a (appx. no. 22).

Dangers

Beyond the strict discipline they prescribe, the admonitions and regulations found in lineage registers enlighten us about the anxieties of slave owners, especially their common perception of enslaved outsiders as a constant threat (second only to the outsider threat posed by wives and concubines).³⁹ Slaves, both male and female, are usually depicted as malevolent and deceitful. The threats they pose vary, with disobedience, violence, and resistance the most common. Manipulating and abusing the influence of one's owner for profit is another frequent concern, for such actions undermined the reputation of the whole lineage or, worse, could bring about charges against its members.⁴⁰ Yet the primary threat was polluting the descent line.

³⁹ “Jiaxun pu” 家訓譜, in *Yuedong Jianshi da tongpu*, v. 43, j. 8, pp. 3b–4a (appx. no. 26).

⁴⁰ “Jiafan” 家範, in *Jingjiang Wangshi zongpu*, p. 672 (appx. no. 10).

Table 2: Selected Rules on Slave Offences and Punishments, Zhang Lineage Register

NO. ^a	OFFENSE	PUNISHMENT
5	Servant enters a room without being called (<i>pu wu huhuan buxu ru zhongtang</i> 僕無呼喚不許入中堂)	30 blows (<i>ze</i> 責) ^b
7	Rebellion (<i>mou ni qin zhu</i> 謀逆侵主)	Refer to the authorities for execution (<i>song guan chusi</i> 送官處死)
9	Disobeying (<i>juming</i> 拒命) Defying orders (<i>kangming</i> 抗命) Failing to comply with orders (<i>ruming</i> 辱命)	60 blows (<i>zhang</i> 杖) 80 blows (<i>zhang</i>) 40 blows (<i>zhang</i>)
10	Outrageous lies (<i>miu wangyan</i> 謬妄言) or insults (<i>gouyu</i> 詬語)	30 blows (<i>chi</i> 笞)
11	Striking a lineage member (<i>ou zuren</i> 毆族人) or striking one's owner (<i>ou zhu</i> 毆主)	30–60 blows (<i>zhang</i>) ^c
12	Speaking defiantly to one's owner (<i>yu zhu kangyan</i> 與主抗言)	20 blows (<i>chi</i>)
13	Shirking duties (<i>taoyi</i> 逃役) or wrongdoing (<i>zuo jian</i> 作奸)	50 blows (<i>zhang</i>)
15	Not asking for permission to marry, failing to report a child's birth, or not requesting a child's name from one's owner (<i>punan qu nü jia bi kou zhu, sheng nannü bi gaozhi qiu ming . . . bu zhizhe</i> 僕男娶女嫁婢叩主，生男女必告知求名……不至者)	20 blows (<i>zhang</i>)
17	Outsiders trespassing lineage tombs under one's watch (<i>shou zhu fen bei taren qin</i> 守主墳被他人侵) Not reporting [such trespassing] (<i>bubao</i> 不報)	60 blows (<i>zhang</i>) Add 3 degrees (<i>jia san deng</i> 加三等) ^d
18	Treachery or bringing shame on owner (<i>jianzhi wu zhu</i> 奸詐侮主)	80 blows (<i>zhang</i>)
23	Sexual intercourse between slaves (<i>nubi xiang jian</i> 奴婢相奸)	30 blows each (<i>zhang</i>)
24	Sexual intercourse between slave and outsider (<i>nubi you waijian</i> 奴婢有外奸)	30 blows (<i>zhang</i>) ^e

^a Numbered as in the source.

^b The rules specify three means of beating as a legal punishment. *Chi* 笞 (light bamboo whip or switch) and *zhang* 杖 (heavy bamboo cane or staff) indicate which implement to use. In the judicial process, *ze* 責 (lit. to punish) could refer to “slaps” inflicted by hand during an interrogation, but it might refer here to a kind of whip or cane.

^c The number of blows depended on the lineage member's status.

^d Each degree corresponds to a series of 10 blows, so here, not reporting the transgression would add 30 blows to the original 60 blows for a total of 90 blows. ^e Repeat offenders (*bu gaiguo* 不改過, lit. not correcting oneself) were expelled after receiving 30 blows.

Source: “Bipu yishi” 婢僕役使, in “Jiaxun,” in *Qinghe Zhangshi zongpu*, v. 8, j. 13, p. 17b–19a (appx. no. 22).

Incorporating outsiders into one's lineage was a major source of anxiety in itself.⁴¹ This anxiety played a significant role, for instance, in the strict framing of adoption rules and in the separation of genders. Lineages' domestic laws treated outsiders who had been incorporated as slaves, whatever their origins, even more strictly than imperial law. Whereas imperial law did not prohibit marriages between female slaves and commoner men, lineages regarded marriages with slaves of *any gender* as improper (*luanxu* 亂序) and condemned them in the strongest terms.⁴² Giving slaves their owner's surname probably served this purpose, since persons with the same surname could not marry.⁴³ Lineage registers barely mention marriages with male slaves, which were both inconceivable and prohibited by the law.⁴⁴

When choosing a wife (*qi* 妻), lineages enjoined their members to value honorability (*liangjia* 良家) and virtue (*xianshu* 賢淑) over power and wealth and to strictly avoid women from “debased” families (*jianmin* 賤民)—typically slaves, prostitutes, and entertainers who were all subject to legal and social discrimination.⁴⁵ Debased families were not only of “bad reputation” but also intrinsically and hereditarily “polluted.”⁴⁶ Such marriages were an offense to one's ancestors (*shang ru zuzong* 上辱祖宗), a burden on one's descendants (*xia lei zisun* 下累子孫), and a shame to the whole clan (*hezu xiuyu shijian* 合族羞于世間). Taking a *nubi* as a wife was therefore prohibited and sometimes led to erasure from the genealogy (and expulsion from the lineage), as stated, for instance, in the Zu 祖 lineage admonitions.⁴⁷ And although concubines (*qie* 妾) were in practice often chosen from among female slaves, lineages

⁴¹ “Jiupu fanli” 舊譜凡例, in *Pucheng Chenshi jiapu*, v. 16, j. 1, p. 3a–b (appx. no. 20).

⁴² “Jiayue” 家約, in *Ningxiang Taoshi jiapu*, p. 744 (appx. no. 18).

⁴³ Chen Rui 陈瑞, “Ming Qing shiqi Huizhou zongzu neibu de xueyuan zhixu kongzhi” 明清时期徽州宗族内部的血缘秩序控制, *Zhongguo shehui lishi pinglun* 中国社会历史评论 8.1 (2007): 268.

⁴⁴ *Minglü jijie fuli*, v. 4, j. 6, pp. 33b–36a.

⁴⁵ Anders Hansson, *Chinese Outcasts: Discrimination and Emancipation in Late Imperial China* (Leiden, Nld.: Brill, 1996).

⁴⁶ 世有惡疾、世有惡名; “Fanli” 凡例, in *Lianhu Zushi zupu*, v. 31, j. 1, pp. 7b–8a (appx. no. 13).

⁴⁷ “Fanli,” in *Lianhu Zushi zupu*, v. 31, j. 1, pp. 7b–8a.

so greatly despised taking *nubi* as concubines that they symbolically marginalized such concubines of debased origin and descent.⁴⁸ For instance, the regulations of the Chen 陳 lineage from Pucheng 浦城 (Fujian) distinguish between concubines from honorable families, who are “secondary” wives (*fushi* 副室), and female slaves chosen as concubines, who are “lateral” wives (*ceshi* 側室), so as “to make clear the distinction between primary and secondary wives.”⁴⁹ The Zu lineage regulations also stipulate that when a wife was born of slaves, the names of her parents could not be recorded in the genealogy.⁵⁰

The prohibition against marrying men and women of slave status or descent underscores that despite being “members of the household” (*jiaren* 家人), *nubi* remained outsiders to their owner’s kin group.⁵¹ In light of the ubiquitous (and utilitarian) analogy drawn between the owner-slave and parent-child relationships, the exclusion of *nubi* might seem ambiguous.⁵² Their status as outsiders is nonetheless made obvious by their systematic exclusion from the genealogy tables and lineage cults. Even slaves “born in the household” (*jiasheng* 家生; that is, children of parents enslaved within the household) never had their names recorded in the genealogy.⁵³ As for ancestor worship, slaves attended ceremonies only as servants, not as participants. According to the “Family Rituals” (“Jiali” 家禮) of the Xu 徐 lineage from Shanyin 山陰 (Zhejiang), male slaves had to wait outside the hall during worship days (*jiri* 祭日) unless they were called upon, whereas female slaves, as with all women, were strictly forbidden to enter the temple.⁵⁴ These regulations show that in Ming and Qing China, lineages

⁴⁸ Concubines’ identity shared features with both wives and female slaves, and thus their status was ambiguous; cf. Tina Lu, “Slavery and Genre in *The Plum in the Golden Vase*,” in this *HJAS* special issue.

⁴⁹ 明大小之分; “Ou Su puli” 歐蘇譜例, in *Pucheng Chenshi jiapu*, j. 1, p. 4b.

⁵⁰ “Jiaxun,” in *Lianhu Zushi zupu*, j. 1, p. 2a.

⁵¹ On *jiaren*, see Guo Runtao 郭潤濤, “Qingdai de ‘jiaren’” 清代的“家人,” *Ming Qing luncong* 明清論叢, no. 1 (1999), pp. 376–95.

⁵² This analogy was at the core of the Ming Code’s treatment of slaves; *Minglü jijie fuli*, v. 8, j. 18, pp. 61b–63b.

⁵³ “Jiaxun,” in *Lianhu Zushi zupu*, j. 1, pp. 1b–2b.

⁵⁴ “Jiali,” in *Shanyin Anchang Xushi zongpu*, p. 828 (appx. no. 23).

routinely conceptualized *nubi* as “extruded” from their original kin group—to borrow a term coined by sociologist Orlando Patterson— only to be resocialized as marginal members of a host household (by means of a set of incomplete analogies).⁵⁵ Although they were insiders to the household and subject to the authority and power of a fatherlike owner, *nubi* remained excluded from the key dimensions of kinship belonging. They were strictly barred from access to patrimony, from participation in ritual activities, and from even partial incorporation into the family and kin group (although female slaves were not unfrequently elevated to concubine status).

A *nubi*’s identity was defined *only* as a member of the owner’s household domestic sphere, a feature that distinguished *nubi* from the other groups populating the domestic sphere. All concubines were obviously productive and reproductive domestic workers, but unless she came from a debased family (*jianmin*), a concubine remained legally honorable (*liang* 良). A concubine still had (diminished) ritual obligations toward her natal kin group, and she would be more securely a member of the family upon bearing her husband’s son (which was her primary function in the household). Like *nubi*, hired workers (*gugong* 僱工) were legally debased but only in relation to the household they worked for. Outside their employer’s household, they remained honorable, and ties with their kin group were in no case severed.⁵⁶ Further elements explaining the strict dissociation of *nubi* household membership from kin belonging can be found in the prohibitions against lineage members’ enslavement and engagement in debased occupations.

Admonitions against Debasement

⁵⁵ Orlando Patterson, *Slavery and Social Death: A Comparative Study* (Cambridge, MA: Harvard University Press, 1982), p. 41.

⁵⁶ Claude Chevalyere, “Serving and Working for Others: Negotiating Legal Status and Social Relations of Household Laborers in Late Imperial China,” *Journal of Global Slavery* 5.2 (2020): 170–203.

In reading lineage admonitions from the perspective of human bondage, it is clear that the enslavement of lineage members was universally perceived as an abomination. Enslaving oneself or one's offspring (first and foremost sons, but also daughters) to others was systematically proscribed and punished. To many lineage organizations concerned with the fate of their more modest kin, there was "nothing more demeaning and despicable than being enslaved."⁵⁷ And even suffering from cold and hunger was no excuse to stoop to "serving others" (*wei renyi* 為人役). Self-enslavement was perceived as the hallmark of laziness, of a lack of dedication to the well-being of one's family, and of failure to live an honest and hardworking life.⁵⁸

Ming and Qing lineage registers all promote a Confucian model of social organization whose foundations are frugality and honorable occupations. The four classical occupational categories (*simin* 四民) were the pillars (*benzhi* 本職) of respectability and the warrants of lineage longevity: scholars brought prestige to the group, peasants fed it, artisans provided skilled work, and merchants contributed to the necessary accumulation of wealth.⁵⁹ Industriousness and frugality were expected from everyone to preserve the fragile lineage structure from ruin and dishonor.

Aside from these four "regular" occupations (*zhengye* 正業, *changye* 常業), engaging with minor professions (like medicine) was tolerated. However, debased activities (*jian yi* 賤役), including serving as *nubi*, were prohibited. Such activities were commonly associated with illegal and immoral behaviors (such as laziness, depravity, association with criminals, witchcraft, and heterodoxy). Engaging in such activities was a major transgression, because they were perceived as intrinsically impure and demeaning: the hallmark of "shameful and

⁵⁷ 至賤至微莫如奴婢; "Zugui" 族規, in *Zhoushi sanxu zupu*, p. 751 (appx. no. 29).

⁵⁸ "Jiaxun," in *Qianyang Lishi chongxiu zupu*, p. 622 (appx. no. 21); "Jiaxun pu," in *Yuedong Jianshi da tongpu*, j. 8, p. 8a.

⁵⁹ "Mingdetang jiaxun" 明德堂家訓, in *Huashi zongpu*, p. 648 (appx. no. 6).

despicable behavior” (*rushen jianxing* 辱身賤行), an insult to one’s ancestors (*xiuzu ruzong* 羞祖辱宗), and a source of disorder (*luan zong* 亂宗).⁶⁰ “One shall not dishonor one’s ancestors by becoming a slave, an entertainer, or a monk,” state the Zhangqing 章卿 Zhao 趙 lineage admonitions.⁶¹

There was nonetheless a hierarchy among debased activities. Ya men underlings were despised because of their contact with criminals and their alleged immoral way of life. Some lineages, for instance, punished those who worked in the yamens with a simple “penalty” (*fa* 罰) and exhorted such workers to reform themselves (*huigai* 悔改) by changing occupations.⁶² In contrast, actors and entertainers were abhorred for their “indecent” (*wuchi* 無恥) and their association with prostitution; “a disgrace to their ancestors” (*dianru zuxian* 玷辱祖先), they were unpardonable and deserved “heavy penalties” (*zhong fa buyou* 重罰不宥), according to the Liu 劉 lineage rules.⁶³

Engaging in debased activities, especially self-enslavement and the sale of one’s wife or children, always exposed individuals and their households to a variety of lineage sanctions, the most extreme of which took the form of ostracization.⁶⁴ The 1702 regulations of the Gu 顧 lineage from Kuaiji 會稽 (Zhejiang) punished with permanent exclusion members who sold their children, married debased persons, or gave themselves as slaves.⁶⁵ Other lineages even extended the blame down to the offender’s third-generation descendants.⁶⁶ Still others, including the Maxi 麻溪 Yao 姚 lineage (Anhui), required that such cases be referred to the

⁶⁰ “Jiaxun,” in *Qianyang Lishi chongxiu zupu*, p. 622; “Zongshi” 宗式, in *Yuzhang Huangcheng Weishi zongpu*, p. 703 (appx. no. 27); “Jiaxun,” in *Jiangwanqiao Zhoushi xuxiu zongpu*, p. 743 (appx. no. 9).

⁶¹ “Zuxun” 祖訓, in *Jiyang zhangqing Zhaoshi zongpu*, p. 652 (appx. no. 11).

⁶² “Jiagui” 家規, in *Pucheng Chenshi jiapu*, j. 1, p. 7a–7b.

⁶³ “Jiagui,” in *Liushi zongpu*, p. 728 (appx. no. 14).

⁶⁴ “Zongci tiaogui” 宗祠條規, in *Chongxiu dengrong Zhangshi zupu*, p. 814 (appx. no. 2).

⁶⁵ “Jiafan,” in *Gushi zupu*, p. 620.

⁶⁶ “Zugui,” in *Huzhou dixi Zhangshi sanxiu jiacheng*, p. 747 (appx. no. 8).

local authorities for additional sanctions and official endorsement of their expulsion from the lineage.⁶⁷

Many lineages, however, were more incremental in their approach to debased activities and kept a door open to self-reform. Offenders frequently received other punishments before being sentenced to expulsion. A first offence might result in exclusion from lineage solidarity (*yidang* 義當)—that is, from the mutual-aid mechanisms that lineages used to provide for their poor and vulnerable members (the sick, the elderly without descent, widows and orphans, or households that could not afford wedding and funeral costs). These mechanisms protected the weakest lineage members from resorting to such desperate measures as selling themselves or their children. According to the Donghui 東匯 (Jiangsu) Pan 潘 lineage regulations:

If there are unfilial and unbrotherly [people] in the clan who go so far as to associate with criminals, become slaves, or sell their daughters as concubines and [thereby] bring disgrace to their ancestors, they shall be expelled from solidarity. They shall receive nothing nor shall their wives and children. The [lineage] branch managers shall neither conceal nor fail to report.

族中如有不孝不弟。甚至入流匪類。身為僕役。賣女作妾。玷辱祖先者。義當擯斥。俱不給。其妻子亦不准給。本房司事不得隱匿不報。⁶⁸

Considering that good fortune is only a fugitive phase in a perpetual cycle of abundance and destitution—or perhaps that expelling offenders from lineage solidarity might in fact increase vulnerability to enslavement—some lineages showed more compassion than others and turned less to sanctioning than to preventing and correcting the shameful effects of poverty.⁶⁹ The regulations recorded in the sixth revision of the Baituo 白汜 (Hunan) Chen 陳 lineage register, for instance, emphatically prohibit the enslavement of its members, whatever the reason, and prescribe that “when people wish to sell themselves, the whole lineage shall

⁶⁷ “Jiaxun,” in *Maxi Yaoshi zongpu*, p. 698 (appx. no. 15).

⁶⁸ “Xingyang yizhuang guitiao” 黎陽義莊規條, in *Donghui Panshi zupu*, p. 520 (appx. no. 3).

⁶⁹ “Jiaxun pu,” in *Yuedong Jianshi da tongpu*, j. 8, p. 12a.

discuss [how] to provide financial support.”⁷⁰ In the late nineteenth century, the Dongyang 東陽 (Zhejiang) Pan 潘 lineage even resorted to fundraising to redeem children sold into slavery.⁷¹ Other lineages, however, obliged parents to redeem their children and individuals who had sold themselves as *nubi* to reform themselves.⁷²

Lineage regulations show that engaging in debased activities was perceived as moral failure deserving retribution. Debased occupations were associated with debauchery and criminality. They were demeaning and disgraceful not only for the individuals who indulged in them but also for their relatives, their lineage, and their ancestors. The most demeaning of them—self-enslavement or being sold as a slave by one’s parents—were strictly prohibited and were punished with social sanctions and even family excommunication.

Lineage Registers’ Contribution

Only a handful of lineage regulations and admonitions speak directly to the processes of enslavement. As normative sources tailored to reproduce an ideal Confucian moral order and to address lineage anxieties, lineage registers convey an abstract and paternalistic conception of slavery that does not reflect the variety of extant practices and that remains impervious to social change. For instance, the influence of Manchu slaving practices and eighteenth-century reforms of debased statuses are not perceptible in this corpus. Lineage records, however, provide historians with crucial elements to understand the conceptual framework of late imperial *nubi* bondage and its underlying rationale. Lineage records confirm first that enslavement was a constituent of late imperial society and second that lineages shared most of the state’s principles regarding the nature of slavery. Like the state, lineages considered enslavement as a demeaning experience that commoners had to be protected against. Lineages also sought to limit the number of slaves held by its members, so slave ownership was mostly

⁷⁰ 欲鬻身者。合族公議資助; “Jiupu guiyi” 舊譜規議, in *Baituo Chenshi liuxiu zupu*, v. 13, j. 1, p. 16a (appx. no. 1).

⁷¹ “Jiagui,” in *Dongyang Panshi zongpu*, p. 729 (appx. no. 4).

⁷² “Zugui,” in *Zhoushi sanxu zupu*, p. 751; “Jiagui,” in *Xingshi zongpu*, p. 738 (appx. no. 25).

a privilege allowed meritorious individuals. Unlike the state, however, lineages regarded enslavement as an outcome of moral failure and extreme poverty; enslaved people were not convicted criminals but lineage outsiders. Lineages were far more anxious than the state about its upright members interacting daily with enslaved individuals. Information found in lineage regulations and admonitions demonstrate that enslaved individuals were stigmatized as fundamentally immoral in a way that other outsiders brought into the lineage were not. Yet despite being figures of extreme dishonor, slaves' presence in households could also give honor to their owners and to the lineage.

Enslavement was a process of complete extrusion (as defined by Patterson) from one's natal household. This process severed enslaved persons' natal kinship ties, marginalized their place in a household's domestic sphere, and also relegated them and their descendants to the most debased social category in late imperial China. Denied all the attributes of kin and belonging, *nubi* became absolute inferiors and juniors (*beiyou* 卑幼), who were afforded little opportunity for further incorporation into the host kin group or for upward mobility (enslaved women who became concubines were probably a small percentage of *nubi*).⁷³ "Belonging to" individual owners and lineages as property, *nubi* lacked the protections and opportunities enjoyed by those who "belonged in" the kin group as members.

This process of extrusion, resocialization, then marginalization shares many features with the slavery-to-kinship continuum identified in African corporate lineages by Igor Kopytoff and Suzanne Miers.⁷⁴ It also fits well with Orlando Patterson's definition of an "extrusive mode" of slave recruitment (from within the society that employed the slaves),⁷⁵ with Jean Allain's

⁷³ Cf. Clulow and Fei, "Slaves of the Widow Tseiko."

⁷⁴ Igor Kopytoff and Suzanne Miers, "African 'Slavery' as an Institution of Marginality," in *Slavery in Africa: Historical and Anthropological Perspectives*, ed. Igor Kopytoff and Suzanne Miers (Madison: University of Wisconsin Press, 1977), pp. 3–81.

⁷⁵ By contrast, in the "intrusive mode," slaves were recruited from the conquered and defeated enemies of external societies. Patterson, *Slavery and Social Death*, pp. 39, 42–44.

definition of slavery as “control tantamount to possession,”⁷⁶ and with Paul Lovejoy’s statement that “slavery was fundamentally a means of denying outsiders the rights and privileges of a particular society so that they could be exploited for economic, political, and/or social purposes.”⁷⁷

On that basis, I suggest further critical examination of slavery as a relevant analytic framework for *nubi*. This suggestion does not mean to bring shame on early modern Chinese history; nor does it mean to mitigate, via manipulative comparison, the horrors of early modern Western slavery. Rather, I propose conducting this critical inquiry in dialogue with slavery and labor historians who rightfully call for “unthinking” slavery as a universal category and for examining “slaving practices” rather than slavery as an institution.⁷⁸ Such a renewed questioning will provide a long-overdue opportunity to better understand the complex connections between Chinese slaving practices and the global dynamics of slave trading in the early modern.

⁷⁶ Jean Allain, *Slavery in International Law: Of Human Exploitation and Trafficking* (Leiden, Nld.: Martinus Nijhoff, 2013), pp. 371–78.

⁷⁷ Paul E. Lovejoy, “Slavery in Africa,” in *The Routledge History of Slavery*, ed. Gad Heuman and Trevor Burnard (Abingdon, UK: Routledge, 2011), p. 36.

⁷⁸ Christian G. de Vito, Juliane Schiel, and Matthias van Rossum, “From Bondage to Precariousness? New Perspectives on Labor and Social History,” *Journal of Social History* 54.2 (2020): 644; Joseph C. Miller, *The Problem of Slavery as History: A Global Approach* (New Haven, CT: Yale University Press, 2012), pp. 18–24.

Appendix: Lineage Regulations and Admonitions

Here, I list the lineage regulations and admonitions cited in this article. In addition to providing the original lineage registers' titles, I also specify the sections consulted, the location of the lineages (see also fig. 1), and the reprint sources (using their modern page numbers). The main date given for each title is the year of the original register's printing or the year of its latest preface. The secondary date, in parentheses in the Date column, is the year that the regulatory and admonition sections were written; that date is given only where it was possible to ascertain it. The note number in parentheses in the Source column indicates the note(s) in this article where I reference the register.

The sources that reproduce these lineage registers are:

- *Beijing tushuguan cang jiapu congtan: Min Yue (qiaoxiang) juan* 北京圖書館藏家譜叢刊: 閩粵 (僑鄉) 卷, ed. Zhang Zhiqing 張志清 and Xu Shu 徐蜀, 50 vols. (Beijing: Beijing tushuguan chubanshe, 2000) [hereafter *B*].
- *Congshu jicheng chubian* 叢書集成初編, 3,467 vols. (Shanghai: Shangwu yinshuguan, 1935–1940) [hereafter *C*].
This collection has no modern, continuous page numbering; each new text starts on a new page 1.
- *Hanfenlou miji* 涵芬樓秘笈, ed. Sun Yuxiu 孫毓修, 80 vols. (Shanghai: Shangwu yinshuguan, 1916–1921) [hereafter *H*].
Because text no. 7 (below) circulated widely and was copied in many registers as a model of admonitions, it appears in this collection independent of any lineage register.
- *Sōfu no kenkyū: Shiryō hen* 宗譜の研究: 資料篇, comp. Taga Akigorō 多賀秋五郎, in vol. 45 of *Tōyō bunko ronsō* 東洋文庫論叢 (Tōkyō: Tōyō bunko, 1960) [hereafter *S*].
This volume is a compilation of lineage regulations and admonitions collected by Taga from American, Chinese, and Japanese libraries. Taga provides the texts of the regulations and admonitions (in modern typeset) independently of the registers they were found, without providing the original *juan* numbers or page ranges.

- *Zhonghua jiaxun* 中华家訓, ed. Zheng Hongfeng 郑宏峰, 4 vols. (Beijing: Xianzhuang shuju, 2008) [hereafter *ZJX*].
- *Zhonghua zupu jicheng* 中華族譜集成, ed. Zhang Haiying 張海瀛, Wu Xinli 武新立, and Lin Wanqing 林萬清, 5 series (by surname) in 100 vols. (Chengdu: Bashu shushe, 1995) [hereafter *ZZJ*].

NO.	SOURCE TITLE	DATE	LINEAGE LOCATION	SECTION TITLE(S)	REPRINT INFO (MODERN PAGE NUMBERS IN BRACKETS [MPP.])
1	<i>Baituo Chenshi liuxiu zupu</i> 白汜陳氏六修族譜, comp. Chen Yu 陳煜 et al., 20 <i>juan</i>	1894	Xiangtan 湘潭 Hunan	Discussion of old compilation rules (<i>Jiapu guiyi</i> 舊譜規議) Family admonitions (<i>Jiaxun</i> 家訓)	<i>ZZJ</i> , Chen 陳 ser., v. 13, j. 1, pp. 14a–16b [mpp. 23–24], 17a–25b [mpp. 25–29] (n. 70)
2	<i>Chongxiu dengrong Zhangshi zupu</i> 重修登榮張 氏族譜, comp. Zhang Jingtao 張景濤 et al., 24 <i>juan</i> plus 1 suppl.	1841	Kuaiji 會稽 Zhejiang	Regulations of the ancestral hall (<i>Zongci tiaogui</i> 宗祠條規)	S, p. 814 (n. 64)
3	<i>Donghui Panshi zupu</i> 東滙潘氏族譜, comp. Pan Shaozheng 潘紹徵 et al., 8 <i>juan</i> plus 5 suppl.	1892 (1809)	Changzhou 長洲 Jiangsu	Xingyang estate regulations (<i>Xingyang yizhuang guitiao</i> 榮陽義莊規條)	S, pp. 519–21 (n. 68)
4	<i>Dongyang Panshi zongpu</i> 東陽潘氏宗譜, comp. Pan Xuejiang 潘學江 et al., 8 <i>juan</i>	1874	Dongyang 東陽 Zhejiang	Family rules (<i>Jiagui</i> 家規)	S, pp. 728–29 (n. 71)
5	<i>Gushi zupu</i> 顧氏族譜, comp. Gu Dingxun 顧鼎勳 et al., 8 <i>juan</i> plus 1 suppl.	1705 (1702)	Kuaiji Zhejiang	Family standards (<i>Jiafan</i> 家範)	S, pp. 615–20 (nn. 34, 65)
6	<i>Huashi zongpu</i> 華氏宗譜, comp. Hua Dagui 華大貴 et al., 19 <i>juan</i> plus 4 suppl.	1898	Yincheng 郵城 Zhejiang	Mingdetang family admonitions (<i>Mingdetang jiaxun</i> 明德堂 家訓)	S, pp. 647–49 (n. 59)
7	“Huo Weiya jiaxun” 霍渭厓家訓 by Huo Tao 霍韜, 1 <i>juan</i>	1529	Nanhai 南海 Guangdong	Family admonitions (<i>Jiaxun</i>)	<i>H</i> , v. 12 (nn. 22–25, 27, 28)

NO.	SOURCE TITLE	DATE	LINEAGE LOCATION	SECTION TITLE(S)	REPRINT INFO (MODERN PAGE NUMBERS IN BRACKETS [MPP.])
8	<i>Huzhou dixi Zhangshi sanxiu jiacheng</i> 湖州荻溪章氏三修家乘, comp. Zhang Wenxiong 章文熊 et al., 14 juan	1897	Wuxing 吳興 Zhejiang	Clan rules (Zugui 族規)	S, pp. 746-47 (n. 66)
9	<i>Jiangwanqiao Zhoushi xuxiu zongpu</i> 蔣灣橋周氏續修宗譜, comp. Zhou Jitang 周濟棠, 12 juan	1891	Jinling 晉陵 Jiangsu	Family rules (Jiagui)	S, pp. 742-43 (n. 60)
10	<i>Jingjiang Wangshi zongpu</i> 京江王氏宗譜, comp. Wang Yang'an 王延幹 et al., 2 juan plus 1 suppl.	1935	Zhenjiang 鎮江 Jiangsu	Family standards (Jiafan)	S, pp. 671-72 (n. 40)
11	<i>Jiyang zhangqing Zhaoshi zongpu</i> 暨陽章卿趙氏宗譜, comp. Zhao Jinfeng 趙晉封, 30 juan	1883	Jiangyin 江陰 Jiangsu	Ancestors' admonitions (Zuxun 祖訓)	S, p. 652 (n. 61)
12	<i>Lanshi xuxiu zupu</i> 藍氏續修族譜, comp. Lan Xing 藍星 et al., 8 juan plus 2 suppl.	1881	Fuzhou 福州 Fujian	Ancestors' admonitions, family rules, and regulations (Zuxun jiagui tiaoli 祖訓家規條例)	B, v. 25, prefatory materials, pp. 1a-8a [mpp. 101-15] (n. 36)
13	<i>Lianhu Zushi zupu</i> 蓮湖祖氏族譜, comp. Zu Guojun 祖國鈞, 8 juan	1899 (1573)	Fuzhou 福州 Fujian	Guiding principles (Fanli 凡例) Family admonitions (Jiaxun)	B, v. 31, j. 1, pp. 1a-10b [mpp. 11-30], 1a-3b [mpp. 131-35] (nn. 46, 47, 50)
14	<i>Liushi zongpu</i> 劉氏宗譜, comp. Liu Fangxiang 劉芳祥 et al., 6 juan	1870	Tongcheng 桐城 Anhui	Family rules (Jiagui)	S, pp. 726-28 (n. 63)
15	<i>Maxi Yaoshi zongpu</i> 麻溪姚氏宗譜, comp. Yao Guozhen 姚國楨 et al., 24 juan plus 1 suppl.	1921 (1727)	Tongcheng 安徽	Family rules (Jiagui)	S, pp. 697-98 (n. 67)
16	<i>Miushi zongpu</i> 繆氏宗譜, comp. Miu Renheng 繆任衡 et al.	1937 (1610)	Wuhua 五華 Guangdong	Lanling family admonitions (Lanling jiaxun 蘭陵家訓)	S, pp. 603-8 (nn. 21, 37)

NO.	SOURCE TITLE	DATE	LINEAGE LOCATION	SECTION TITLE(S)	REPRINT INFO (MODERN PAGE NUMBERS IN BRACKETS [MPP.])
17	<i>Nanhai jili xiaqiao Guan Shudatang jiapu</i> 南海吉利下橋關樹德堂家譜, comp. Guan Weihuang 關蔚煌, 24 <i>juan</i> plus 2 suppl.	1889	Nanhai Guangdong	Family rules (Jiagui)	B, v. 29, pref. mat., pp. 10a-12b [mpp. 19-24] (n. 19, table 1)
18	<i>Ningxiang Taoshi jiapu</i> 甯鄉陶氏家譜, comp. Tao Licun 陶栗村 et al., 13 <i>juan</i>	1892	Ningxiang 寧鄉 Hunan	Family covenant (Jiayue 家約)	S, p. 744 (n. 42)
19	"Pangshi jiaxun" 龐氏家訓 by Pang Shangpeng 龐尚鵬, 1 <i>juan</i> (12 pages)	1571	Nanhai Guangdong	Family admonitions (Jiaxun)	C, v. 976 (n. 31)
20	<i>Pucheng Chenshi jiapu</i> 浦城陳氏家譜, comp. Chen Ruilian 陳瑞蘭 et al., 4 <i>juan</i>	1917	Pucheng 浦城 Fujian	Previous compilations' principles (Jiupu fanli 舊譜凡例) Clan rules (Zugui) Register rules from Ou [yang Xiu] and Su [Xun] (Ou Su puli 歐蘇譜例)	B, v. 16, j. 1, pp. 1a-4a [mpp. 31-37], 1a-12a [mpp. 39-45], 1a-6b [mpp. 47-70] (nn. 41, 49, 62)
21	<i>Qianyang Lishi chongxiu zupu</i> 灤陽李氏重修族譜, comp. Li Huifang 李會芳 et al., 50 <i>juan</i>	1872 (1711)	Qianshan 潛山 Anhui	Family admonitions (Jiaxun)	S, pp. 620-23 (nn. 58, 60)
22	<i>Qinghe Zhangshi zongpu</i> 清河張氏宗譜, comp. Zhang Rizuo 張日佐 et al., 16 <i>juan</i> plus 1 suppl.	1752	Xiuning 休寧 Anhui	Family rules (Jiagui)	ZZJ, Zhang 張 ser., v. 8, j. 13, pp. 9a-19a [mpp. 550-55] (n. 38, table 2)
23	<i>Shanyin Anchang Xushi zongpu</i> 山陰安昌徐氏宗譜, comp. Xu Yuchen 徐虞臣 et al., 6 <i>juan</i>	1884	Shanyin 山陰 Zhejiang	Family rites (Jiali 家禮)	S, pp. 828-29 (n. 54)
24	<i>Xinan Jiangshi jiapu</i> 溪南江氏家譜 (Wanli 萬曆 era)	1573-1620	Wuyuan 婺源 Jiangxi	Rules of the ancestral hall (Cigui 祠規)	S, pp. 787-88 (n. 32)

NO. SOURCE TITLE	DATE	LINEAGE LOCATION	SECTION TITLE(S)	REPRINT INFO (MODERN PAGE NUMBERS IN BRACKETS [MPP.])
25 <i>Xingshi zongpu</i> 邢氏宗譜, comp. Xing Zhikun 邢治琨 et al., 20 <i>juan</i>	1875	Hefei 合肥 Anhui	Family rules (Jiagui)	S, pp. 736–38 (n. 72)
26 <i>Yuedong Jianshi da tongpu</i> 粵東簡氏大同譜, comp. Jian Chaoliang 簡朝亮 et al., 13 <i>juan</i> plus 1 suppl.	1928	Xinhui 新會 Guangdong	Register's family admonitions (Jia xunpu 家訓譜)	B, v. 43, j. 8, pp. 1a–13b [mpp. 1265–90] (nn. 39, 58, 69)
27 <i>Yuzhang Huangcheng Weishi zongpu</i> 豫章黃城魏氏宗譜, comp. Wei Xuejiang 魏學江 et al., 15 <i>juan</i>	1780	Nanchang 南昌 Jiangxi	Rituals for the ancestors (Zongshi 宗式)	S, pp. 701–6 (n. 60)
28 <i>Zheng Banqiao jiashu</i> 鄭板橋家書 by Zheng Banqiao 鄭板橋	1749	Yangzhou 揚州 Jiangsu	[Letter to] Younger brother Mo sent from Taoguang convent (Taoguang an zhong ji shedi Mo 韜光庵中寄舍弟墨)	Z/JX, v. 2, pp. 308–9 (n. 29)
29 <i>Zhoushi sanxu zupu</i> 周氏三續族譜, comp. Zhou Fanghan 周芳翰 et al., 12 <i>juan</i>	1907	Shanhua 善化 Hunan	Clan rules (Zugui)	S, pp. 751–52 (nn. 57, 60, 72)