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# Study on the Influence of Yi Family Branch System on the Construction of New Countryside in Liangshan

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**Abstract** Legal nature of forestry carbon sequestration transaction in China is introduced. Forestry carbon sequestration transaction is a kind of formal, bilateral, consensual and compensatory legal behavior following the principle of autonomy and having the nature of contract. Legal regulation of forestry carbon sequestration transaction is necessary for making and using demonstration text of contract, distributing the subject right and responsibility of forestry carbon sequestration transaction, offering references for environmental protection and other fields, and developing the voluntary market of forestry carbon sequestration. Based on this, construction of legal system of forestry carbon sequestration transaction is discussed from nine aspects, such as determining the subject, object and the third party in legal relationship of forestry carbon sequestration transaction, making clear the benefit distribution of subjects, and determining the effective element of legal behavior, the transaction price, the performing mode of transaction, the benefit distribution of subjects, the mode of bearing legal responsibility, and the trade dispute settlement means.

**Key words** Forestry carbon sequestration; Transaction; Legal system

Liangshan Autonomous Prefecture of Yi Nationality is the largest settlement of Yi people in China, due to the influence of historical reasons, geographical conditions, regional differences and such factors, living areas of Yi people in Liangshan and other ethnic groups in southwest China are relatively less developed in economic foundation, compulsory education and social development. In the urbanization of China, those areas have been gradually marginalized, and left far behind from the central and eastern China, which is obviously "de facto inequality". To narrow such differences, the central government unveiled the strategic policies of Westward Expansion, *The 11<sup>th</sup> Five-year Plan about the National Economy and Social Development Made by the Central Committee of Chinese Communist Party* proposed the comprehensive construction of new countryside, and put forward that "the construction of new socialist countryside is a significant historical task in the modernization of China", "according to the requirements of expanded production, well-off livelihood, cultural folk customs, tidy villages and democratic management", "to stably promote the construction of new countryside". In such circumstances, the vast rural settlements of Yi people in Liangshan area have been given with unprecedented opportunities, thus it is of great significance to promote the traditional Yi culture, especially the soft power of Yi family branch system, create a stable, open and orderly social environment, so as to ensure the smooth construction of new countryside in Liangshan area and realize the harmonious development of this region.

## 1 Brief introduction of the traditional family branch system of Yi people in Liangshan

Before the democratic reform in 1956, Liangshan was called an independent "Luoluo Kingdom", was still a slavery society without a uniform regime. Family branch is the basic political unit and the skeleton of Yi society in Liangshan area and it is evolved from the primeval tribe, which is a kind of family union with paternal line as the bond, be left with traces of the primeval clan society. The offspring group with the same paternal ancestor and without intermarriage among the group members is called a "family", throughout the development of several generations, there are various "branches" of different sizes. "Family branch" is a general term of such a clan, being composed of paternal blood relationship in family, branch and household, which is similar to the structure of patriarchal clan system without King (in Zhou Dynasty, 1046-256 B. C.) in the slave society<sup>[1]</sup>. Before the reform, the whole Liangshan society is separately governed by hundreds of Black Yi family branches which are the ruling class and controlling a certain region with independent regime and without membership among each other, each of them is supported by 1 or 2 large White Yi family branches. With the extremely poor survival conditions, the size of a family branch is a crucial factor in determining the power of this branch. For example, one of the greatest slave-owner family branches in the history of Liangshan is Ahou family branch which owned more than 1 700 households in Nuohe, more than 13 000 households in Qunuo and Ajia, above 70 000 people in total<sup>[2]</sup>.

Liangshan Yi family branch system has been left with traces of primeval clan society, and all members within a family branch are simply regarded as equal and have democratic rights. Certain leaders responsible for call meetings of family branch members in case of emergencies or important events are selected among each family branch, and all members have

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equal rights to express their opinions. Family branch is the core of Liangshan Yi society, which has far-reaching influence and is so complicate that should be taken seriously. Playing a significant role in Yi society, family branch internally is responsible for the safety of members, handling various problems, uniting all members, helping the weak, and instructing members; externally fight and defend in the name of family branch, or form alliances by marriage or other means. Besides, family branch exists as a concept and consciousness, through cultivating social forces, uniting family branch members and inheriting traditional Yi cultures, it is also a kind of social organizations integrating the functions of economy, politics, military, education and social assistance. Due to the particular role of family branch, Yi people place the extreme dependence on it, just as the saying goes "monkeys can only survive in forest, Yi people in family branch". No matter in the slave society or different stages of socialist society, family branch has always been influential for the social progress, ethnic development and economic prosperity of Yi society in Liangshan area.

## 2 Positive effects of family branch on the construction of new countryside in Liangshan

As the basic political unit of the Yi slave society in Liangshan, family branch has survived after the termination of slavery and now is playing an increasingly important role in Yi people's life. It can be known from the investigation that family branch is demonstrating its unique effects in promoting the construction of new countryside in Liangshan area.

**2.1 Not only as the structural organization of Liangshan society, but also the support of its members, guaranteeing the construction of new countryside** Family branch bears the significant responsibility of protecting the life and property safety of its members as well as their benefits, works in the way that all members help each other in production and life, by implementing the customary laws that members observe self-consciously as the criterion of social orders, family branch effectively adjusts the relationship between branches, branch and its members, and among members, in this way, maintains the social order. "All members rely on family branch to protect their safety, and the family branch actually acts in this way; any one is hurt, his family branch is hurt"<sup>[4]</sup>. All members can only survive and develop with the protection of family branch, which not only demonstrates the ignoble status of members as opposed to the family branch, but also the social functions of family branch. In the construction of new countryside in Liangshan area, as members confront with problems in marriage, funeral, illness, children's schooling, support of the aged that has no family, fostering orphans as well as conflicts or disputes, family branch will offer supports. Family branch meetings always make relevant regulations to ensure the implementation effects, for example, financing children of poor families within the branch for education, bringing up orphans, caring for the aged without children, helping those drug addicts and gamblers to recover through religious ceremonies, which are all

positive in alleviating the poverty, promoting economic development, social stability and ethnic harmony.

**2.2 Mutual support of members promoting the rapid development of rural economy in Liangshan** Engels proposed in his *Origins of Family, Private Ownership and Nation* that the mutual supports of human beings was started from those of the same blood, "to supplement the insufficiency of individuals by united forces and collection actions", so as to promote the survival and development of kindred groups<sup>[3]</sup>. Due to the historical reasons, the development of Yi society in Liangshan area has been restrained by the fragile social foundation, low productivity and living standards of local people as well as slowly growing economy. Most of the present settlements of Yi people in Liangshan area are still dominated by village economy with farming as the main part and animal husbandry as the supplementation, there is even slash and burn agriculture in some underdeveloped areas and quite many people in Liangshan area are fighting for only adequate food and clothing. According to the official statistics, the population of Liangshan area was 4.3 million in 2007, among which there were 1 million people suffering from relative poverty and 0.4 million suffering from absolute poverty; 10 of the 17 counties and cities of Liangshan area were national-level poverty-stricken counties, and 2 were provincial-level poverty-stricken counties. Therefore, it is a long-term and arduous task to alleviate the poverty and carry out the construction of new countryside in Liangshan. In the vast rural areas of Yi nationality, individual households are basic units of the family branch, and also economic units of the society. Without developed social productivity and perfect social security system, the economic support system of family branch will effectively help those poor and weak members as they encounter with problems such as illness, disasters, or need help in the farming seasons, with the assistance of family branch in human resources, materials and finance, the members will be able to overcome these difficulties. Therefore, such a kind of assistance from family branch is necessary and powerful, and is popular among Yi people, meanwhile, it is also the dependence and hope of family branch members as well as the symbol of family branch's unification and cohesiveness. The saying of Yi people "frogs can only survive in ponds, monkeys in forests, and Yi people in family branch" is also demonstrating the mutual supports of family branch members.

**2.3 As the enforcer of customary laws, maintaining the stability of rural society** Customary laws of Yi people are independent from the national laws, and formed in the long-term practices of Liangshan people, which mainly work in adjusting the internal social relationships among Liangshan people, is the sum of compulsory and customary behavior criteria<sup>[4]</sup>. Customary laws of Liangshan Yi people are behavioral norms to adjust the social relationships of Yi society, are highly respected and strictly followed by Yi people from generation to generation. The saying of Yi people "laws invented by ancestors should be followed by offspring" reflects that Yi people always take these customary laws as their behavioral criteria. Even in the present society with the promotion of new countryside construction,

customary laws of Yi people are still implemented by family branches in Yi settlements of Liangshan area, meanwhile, folk mediation is still an important and fundamental approach for family branches to solve disputes among members. And most of the civil disputes among Yi people are solved by family branches with customary laws but not resort to local courts. The scope of mediation contains not only civil but also criminal mediation, and there are serious ones such as bloody incidents, and insignificant ones such as quarreling between couples. The mediation results represent the consensus of all family branch members and anyone can not disobey, thus the mediation is highly effective without implementation difficulties. The root causes are inconvenient transportation and communication of Liangshan area and, local government and law enforcement departments can not timely intervene into these emergent accidents. Additionally, with insufficient financial resources and police force, local government also considers about the peculiarity of Liangshan area, thus customary laws of family branches are always relied<sup>[5]</sup>. It is reported through investigations that civil mediation solve at least 60% – 80% disputes, which plays a significant role in maintaining the stability of rural society.

### 3 Negative effects of family branch on the construction of new countryside in Liangshan

**3.1 Mass events about family branch's revenge and disturbance to government's administration** Due to the ingrained family branch notions of Yi people in Liangshan area, those not participating into family branch activities will be excluded from family branches, the activities not accepted by family branches will not be accepted by the society. In this sense, even if anyone knows something is illegal, he will have to participate for maintaining the benefits of his family branch, which is a hidden trouble for the construction of new countryside in Liangshan area.

The causes of such mass events are always quite simple, but due to the intervention of family branches, family branch members are gathered for revenge which easily causes mass events or serious sanguinary incidents. Violent behaviors occur frequently in such events, and even illegal activities such as fighting, robbing, smashing, destroying houses, crops and slaying livestock. If both parties are equal in power, mass brawl will very likely to happen, and then the situation will beyond control, both parties will be destructed. According to the investigation report by the Commission of Politics and Law of Liangshan area, in the 10 counties and cities of Liangshan area, namely Butuo, Meigu, Leibo, Zhaojue, Jinyang, Yuexi, Mianning, Huili, Huidong and Xichang, there were totally 119 mass events involving family branches from 2001 to 2005, among which 87 events involved 50 – 100 people, accounting for 73.1%; 22 events involved 100 – 200 people, accounting for 18.4%; 10 events involved more than 200 people, accounting for 8.4%; and the most serious one involved more than 500 people. For example, on December 15, 2009, the brawling occurred between Luowu Family and Ahou Family in Manshuiwan

Town of Mianning County for mine benefits; on December 26, Ahou Family gathered more than 500 people from Yuexi, Xide, Zhaojue, Ganluo, Meigu, Xichang and Mianning in Manshuiwan Town where fighting cattle and drinking wine ceremonies were hold, and they swore to revenge<sup>[6]</sup>. Such a mass event involved too many people so quickly gathering, which although was pacified and solved by relevant departments of Liangshan area, still demonstrated the power of family branches, thus would lead to serious and disastrous results without proper management over family branches.

The frequent mass events involving with family branches not only seriously disturb the social orders and the administrative management of government, but also disregard the power of government and the authority of laws, which should be attached enough importance and properly solved.

**3.2 The strong family branch consciousness degrading the leadership competency of basic-level political power** In the period of planning economy, the administrative management of basic-level political powers (township) over the villages and villagers had effective constraining force. However, after the implementation of socialist marketing economy, the relationship between basic-level government and villages was transformed from administrative management to "guiding, supporting and helping", which although enhanced the self-governance of villages and extensive villagers, objectively degraded the leadership competency of basic-level government. Especially, the present repealing of districts and consolidation of towns in Sichuan will surely further weaken the administrative management of basic-level government. In those counties with vast areas and sparse population, the situation is even worse. Meanwhile, the self-governance capacity of villages is also degrading. With the implementation of household contract responsibility system in rural areas, the highly concentrated management system of villages was transformed into the self-governed one, such a direct democracy reflected the democratic development of China, but also led to negative results; firstly, villages had no mandatory administrative power to restrict villagers; secondly, village democratic management in many regions was not perfect. At present, village-level elections mostly demonstrate the power of family branches, and in many villages, village directors are also heads of family branches. For example, in Meigu County, about 70% village directors are heads of their family branches. In this sense, the power of village directors and decisions of village organs mostly represent the benefits of family branches, and some villages are even strongholds of certain family branches. As family branches control the power and benefits, strengthen their force in local areas, they will surely grow more powerful and family branch members will rely more and more on their clans, as these people encounter problems and conflicts, they would like to resort to the customary laws of their family branches but not the government, laws or other legal means. There are frequent violations of laws and conduct codes as well as mass events caused by family branch matters in the present construction of new countryside in Liangshan area, which all relate to degrading leadership competency of basic-level government.

### 3.3 The prominent values of collectivism hindering the development of individuals and society

Yi people in Liangshan Area value the relationship between individuals and their clan, advocate that individuals should fulfill their moral duty for their clan. Obligations of family branch are regarded as the moral responsibilities, the fulfillment of such obligations are given with high moral significance by family branch members. The collective ideas of family branch are used to measure the value of one's life, only individuals with such ideas are accepted by their clan or even the whole society; otherwise, anyone without collective ideas of family branch will be denied morally even he has achieved success in individual development. Therefore, the moral cultures of Yi people in Liangshan area mostly serve family branches, which restrict individuals in their own family branch, and attach more importance to the clan but less to individual value and development<sup>[7]</sup>. In the construction of new countryside, such traditional ideas also greatly influence Yi people in Liangshan area, which to some extent hinder the development of individuals and society.

## 4 Conclusions

In summary, the government should properly guide and manage family branches of Yi people in Liangshan area, through developing positive effects and eliminating negative effects, make them be the supportive forces in the construction of new countryside, so as to enhance the development of social undertakings in this region, such as rural education, culture, medical care, social guarantee, and infrastructure construction, gradually narrow the urban-rural gap and realize the harmonious development of Liangshan society.

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## 彝族传统家支观念对凉山新农村建设的的影响研究

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**摘要** 家支是凉山彝族社会基本的政治单位,是其社会的支架。本文认为在凉山新农村建设中彝族传统家支观念具有社会保障、促进凉山农村经济发展、维护农村社会稳定的积极作用;同时家支观念的根深蒂固,也使凉山新农村建设中存在家支干政等群体事件时有发生、弱化农村基层政权管理职能、阻碍个人及社会的发展进步的消极因素。

**关键词** 凉山;彝族;新农村建设;影响