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The Afterlife of Property

Affect, Time, Value

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[Chinese law] acknowledges the indissoluble link that binds everything to its original owner. Even today an individual who has sold an item of his property, even a movable good, preserves his whole life through, *vis-à-vis* the buyer, a kind of right ‘to weep for his property’ (Mauss [1950] 1990: 63).

[A traveller from the future] envies the people who live in their own time, who can act at will, oblivious of the future, ignorant of the effects of their actions. But he cannot act. He is an inert gas, a ghost, a sheet without soul. He has lost his personhood. He is an exile of time (Lightman 2004: 25).

BETWEEN PERSONS AND THINGS

In this chapter, I pursue the idea that property rights are constitutive of the self (Radin 1987, 1993)¹ and bring this line of thought into dialogue with anthropological understandings of the relationships between persons and things. My thinking is particularly animated by the possibility of an anthropology of value (Verdery 2003; Lambek 2008; Hann and Hart 2011; Otto and Willerslev 2013) that focuses on the ways in which social actors esteem certain things or actions as important and decide, as David Graeber stated,

I want to thank Georgy Kantor, Tom Lambert, and Hannah Skoda for their helpful comments in improving this chapter.

¹ In so doing, Radin departed from previous theories of property, including the ‘bundle of sticks’ metaphor and the view that property is a means to attain certain values such as freedom, social welfare, or democracy (Purdy 2010; Alexander 2011, 2013, 2016; Dagan 2011).

'what it is that makes life worth living' (2001: 88). Assuming, first, that the state is usually the guarantor of the values of property, and, second, that specific forms of property may be constitutive of personhood, my central query is what happens in a situation in which state legalism (not just positive law but its categories and prerogatives) no longer recognizes those forms of property which constitute persons? In other words, if property has a 'life' providing the material and ideological means for self-flourishing, can it then also have an 'afterlife'?

'Afterlife' suggests temporal disconnects between emotion and law (that otherwise protects property) and thus gives rise to a kind of affective displacement or haunting. I argue that this question has implications for the study of legalism in the sense of (aspirational) forms of justice that may not be reducible to 'law' but which nonetheless elucidate foundational aspects of social ordering. I use ethnographic evidence for an afterlife of property in China where it has been particularly susceptible to regime change. Whereas scholars have described property rights in postsocialist China as 'fuzzy' (Verdery 1998, 1999; Sturgeon and Sikor 2004; Erie 2007) or, following Hayek, as 'spontaneous order' (Ho 2013; Qiao and Upham 2015), the temporal dimensions of those surviving and reviving property forms in contemporary China open new analytical windows onto understanding the role of property in transitional economies from a user-end perspective.

One consequence of property regime transformation has been to abandon certain forms of property rather than others. Those with affective ties to now obsolete forms may continue to ground their property values not only in state law or market exchange, but in notions of home, local history, and myth that produce legalisms distinct from that of the state. These referents for property values may transcend the state or market through affect,² but are nevertheless circumscribed jurally and economically by the modern state and global capitalism.

Therein lies the rub. Owners continue to make property claims through and against legal systems that give them no such standing. I examine this irony through a number of cases that span different property regimes in time. An afterlife of property is not necessarily dependent on the religious nature of property and, in fact, secular forms can also have a life-after-expropriation. Hence while I focus on religious minorities, specifically, Chinese Muslims (Hui) across the urban-rural spectrum in north-west China, I begin with a case of a Han Chinese woman in the centre of Beijing. The cases show actors conceptualizing property as immanent in selves beyond

² By 'affect', I mean not just emotion but those faculties, senses, and reflections that viscerally influence human judgments and are not reducible to reason and rationality which are often viewed as the basis of law.

the individual as ‘legal person’, that is, in reference to family, lineage, and community. As a result of these multiple discourses on property, actors may argue their property’s value lies beyond the market; and, yet, because of the nature of socialist law, some owners do assign monetary value to their property for purposes of compensation. These tensions operate across the cases with various effects.

DREAMING OF PRIVATE PROPERTY

In China’s cities, young people view acquisition of real estate as a *sine qua non* for the financial security needed to start a family. As a result of real estate fever, investment in the sector has been a cornerstone of China’s economic growth for more than thirty years, and has fuelled one of the greatest urbanization drives in world history.³ Under the current property regime, residents cannot own real estate; they effectively lease residential property for a seventy-year period.⁴ It was only in 2007 with the Property Law that citizens obtained *de facto* personal property rights through automatic renewal of residential land.⁵ While working for an international law firm in Beijing in the mid 2000s, I conducted fieldwork on the impacts of quasi-privatization on Beijing residents, specifically, the process called *chaiqian* (demolition and relocation). During my fieldwork, I interviewed people’s court judges who heard administrative actions against the local government by residents who argued their property was taken illegally.⁶ Several times, I heard of homeowners who, encountering only frustration in their attempts to mobilize the legal system to protect their rights, set themselves on fire. Self-immolation was a last resort to immortalize their tie to their property: just as their property was being razed, so too would they destroy

³ To give a few metrics, China’s urban population increased by more than 500 million people from 1978 to 2012 with plans to move an additional 250 million rural residents into cities over the next decade; real estate investment grew from a mere 4 per cent of GDP in 1997 to 15 per cent in 2014; and residential investment comprises 15 per cent of total urban employment (Johnson 2013; Wallace 2014; World Bank and Development Research Center of the State Council of the People’s Republic of China 2014: 5; Chivakul et al. 2015: 3).

⁴ See, e.g., Art. 12 of the Interim Regulations of the PRC Concerning the Assignment and Transfer of the Right to the Use of State-Owned Land in the Urban Areas (*Zhonghua renmin gongheguo chengzhen guoyou tudi shiyongquan churang he zhuanrang zanxing tiaoli*), issued by the State Council on 19 May 1990.

⁵ See Art. 149 of the PRC Property Law (*Renmin gongheguo wuquanfa*), adopted by the National People’s Congress on 16 March 2007 and effective 1 October 2007.

⁶ An illegal taking is defined as one that violates the relevant law, either substantively (e.g. violating the requirement of ‘public interest’) or procedurally (e.g. inadequate due process). For discussions of illegal takings and suggested reforms, especially regarding the so-called ‘second generation of demolition’ (*chai erdai*) see Cheng (2015) and Chen (2010).

their bodies.⁷ Such extraordinary sacrifices for property first exposed me to the vital links between life and home.

In one case I encountered in 2006, a woman named Hua Xinmin⁸ sought the restitution of her family's courtyard home in the *hutong* (narrow alleys) of Beijing by lodging a series of lawsuits against governmental authorities, petitioning the government, and mobilizing new media. Her central argument was that China had a form of private property rights that had survived the land reforms beginning in the 1950s. Specifically, Hua conceptualized the early Communist era as having a dual housing structure: free social housing and private houses. Ownership of the latter was based on title deed (*diqu*) that was converted to 'real estate ownership certificates' (*fangdichan suoyouzheng*), of which her family possessed one. They inhabited one portion of their courtyard and rented out another. After 1958, during a period of social and land reforms, her house was taken over by the local government as a *jingzufang* (administered rented house). According to Hua, a regulation stated that a person could retain ownership even if one part of the house was appropriated by the government for renting out and administered by the land bureau. However, during the Cultural Revolution (1966–76), Red Guards took the ownership certificates. The reform era saw the return of some properties to families in such places as Fujian, Guangdong, and Yunnan: Hua claimed Beijing, by contrast, did not have such a return policy, although other Beijing residents I spoke to said local governments did return properties in limited cases.

According to Hua, in 2001, under the Regulations on Administration of Urban Housing Demolition and Relocation, a developer could commence the process of expropriation by obtaining consent from a tenant even if he or she was not the holder of the ownership certificate.⁹ After this transfer, the property could then be confiscated by the government without consulting the actual owner, who held the certificate. This arrangement invited, in Hua's eyes, a 'battle of forms', the rental contract versus the 'ownership certificate'. Based on my research, in almost all cases, the

⁷ For a comparative reference point, see the special issue in *Cultural Anthropology* (McGranahan and Litzinger 2012) on the self-immolation of Tibetan monks who destroy their bodies not because of the destruction not of property but of religious traditions. Also, it should be recalled that it was the self-immolation of Ben Ali in Tunis that led to protests that culminated in the 'Jasmine Revolution' in Tunisia.

⁸ I include Hua's actual name as it is of public record (part of which she has created), but use pseudonyms for my other interlocutors.

⁹ Hua points to the problematic language of the regulation: for example, the person being relocated is defined as the 'owner' (*suoyouren*) of the housing, instead of the person in possession of the certificate. See Regulations on Administration of Urban Housing Demolition and Relocation (*Chengshi fangwu chaqian guanli tiaoli*), promulgated by the State Council on 13 June 2001 and implemented 1 November 2001, Art. 4.

government recognized the former over the latter and the property was expropriated.

The foregoing provides a brief synopsis of the process of *chaiqian*.¹⁰ However, while the ‘legal’ processes of the expropriation of privately owned buildings that Hua described were familiar to other Beijing residents, the conditions surrounding her property’s history were quite exceptional. Hua was born in Beijing in 1954 to a Chinese father who was a city planner and a French mother who was a journalist. She was raised in France, and it was only in the 1990s that she returned to find that the courtyard built by her grandfather in the 1920s had been destroyed. Her grandfather Hua Nanguì had been a well-known architect who had also studied abroad in France, unusually for his generation, and who married the Polish-born novelist Stephanie Rosen.¹¹ This was no common family. As a result of her upbringing, Hua had a strong ‘legal consciousness’ (Merry 1990; Gallagher 2006) in the mould of state legalism, yet her international background helped her create critical distance from it. Alone among the dozens of people I talked to about property disputes in advance of the demolition and reconstruction of Beijing for the 2008 Summer Olympics, Hua belonged to the transnational elite. Urban labourers (e.g. factory workers, construction workers, or taxi drivers), who may also have cultivated a critical view of state legalism, did not have Hua’s material and linguistic resources to combat it. Nonetheless, in conducting subsequent fieldwork outside Beijing, I realized Hua’s experience did resonate with others’ for it revolved around a certain conception of time outside official chronologies, one that mapped the legalisms of family onto property ownership.

Hua’s interpretation of the relevant land law was built on a wilful anachronism. People’s Republic of China (PRC) urban land law has undergone a series of reforms—only some of which Hua accepts. Before the Communists established power in 1949, some wealthy families indeed owned private property, but after 1949 the Party-State¹² gradually nationalized such property. This transformation applied only to private property that was used for commercial purposes, in this case, the portion of Hua’s family’s estate that was rented. The main form of socialist transformation in the 1950s was ‘state trusteeship’ whereby the Party-State managed privately

¹⁰ For fuller treatments, see Pils (2005: 245–55) and Erie (2012: 40–1).

¹¹ Rosen subsequently adopted the Chinese name Hua Luo Chen and lived with her husband in Beijing after the fall of the Qing in 1911. Her novel *Love and Duty* (1924) was translated into Chinese and became a bestseller in China.

¹² In this chapter, I use ‘Party-State’ to refer to the agglomeration of the organs of the Chinese Communist Party (CCP) with the functions of the state as administration apparatus. I refer to ‘state’ in its more generic sense, including the historical succession of states in China and those beyond China.

owned real property and theoretically paid 20 to 40 per cent of the rent it received to former private owners for a period of time (although usually, these payments were not forthcoming). Upon expiration of a fifteen-year period, the Party-State assumed full ownership over the formerly privately owned property (Randolph and Lou 2000: 9–10).

Under this arrangement, Hua's family retained ownership of the portion of the property that they occupied until the Cultural Revolution in the 1960s and 1970s, when it was unlawfully taken not through operation of law but through pure force. Most of these properties have not been returned and the Party-State has yet to deal with the full consequences of the Cultural Revolution, a temporal state of exception to the development of China's legal system.¹³ Nonetheless, even if Hua could make the Party-State confront its illegal behaviour during the Cultural Revolution, the 1982 Constitution declared that the state is the owner of 'all urban land': the Constitution effectively, then, ended private ownership of real estate, including that of Hua's family, while permitting the possibility of de facto ownership through extended usufruct rights. Ironically her claim is now stymied as much by the economic pressures underpinning state legalism as by socialist prerogatives.

In talking to Hua, I was struck by her ardour that bordered on a kind of zeal. She showed me her family's 1951 ownership certificate, and identified her father as holder of the ownership right, calling it her *zuzhai* ('grandfather's residence' or 'ancestral house'). She told me, 'There are rights on paper and then there is the reality ... But there is no contradiction between private property and socialism'. She became extremely agitated talking about the history of her family's property, her passion mixing with her reasoning. But what was most remarkable about her was her obstinate sense of time. She held onto the 1951 certificate, which she had brought to courts and petition centres and posted online, shaking it, refusing to acknowledge that the land bureau or people's courts no longer recognized it. Hua's assertions suggest that whereas the state may endorse a monolithic view of property, property holders may contest or reinterpret state legalism based on arguments that both continue to draw upon that law and, at the same time, are grounded in property's links to family and other moral authorities.

In his seminal essay, Marcel Mauss ([1950] 1990) proposes that in non-market economies, a gift incorporates the spirit or soul (he uses the Maori

¹³ The official response to the Cultural Revolution is found in the Resolution on Certain Questions in the History of Our Party since the Founding of the PRC (*Guanyu jianguo yilai dang de ruogan lishi wenti de jueyi*, hereinafter, Resolution), adopted by the Sixth Plenary Session of the Eleventh Central Committee of the Communist Party of China on 27 June 1981. The Resolution identifies Mao Zedong as the instigator of the Cultural Revolution and names the Party as the main victim.

term, *hau*) of the giver. Graeber (2001: 211) furthers Mauss's analysis to argue that such 'constitutive property'—which sounds similar to Radin's 'personhood' minus the assumptions of classical liberalism—is exemplified most clearly in inheritance. Yet, for Hua, she cannot pass down her grandfather's property to her beneficiaries. It has been taken from her; all that she has, as her grandfather's inheritance, are legal documents that she is told are void. As a consequence of the state's rejection of her claims, the legacies of her architect grandfather and city planner father have come to define her life and work as a '*hutong* defender': writing petitions, planning lawsuits, contacting journalists and scholars, and blogging about her experiences, many reflections on which are inflected with nostalgia for a period before the market reforms or even before the Communists' assumption of power (e.g. Hua 2011, 2014). Formal law was thus only one means of obtaining the compensation she sought. For Hua and others, the state does not have the monopoly on interpreting law; rather, popular justice, often rooted in ancestral ownership of property, has its own morality, independent of economic discourses.

Hua's attachment to her place of birth is not unique. For instance, Wilhelmina Dery, one of the petitioners in the infamous US eminent domain case *Kelo v. City of New London*, was born in the house in question in 1918 and lived there her whole life.¹⁴ Property law scholar Frank Upham wrote of Dery's home, 'Its loss, at 87 years of age in Wilhelmina's case, could kill her, certainly spiritually and conceivably literally' (2014: 46). Indeed, she died in 2006, only a year after the Supreme Court made its decision in favour of the city, after years of litigation and unprecedented media attention. On the one hand, holdout petitioners like Dery or Hua appear out of touch with the times by refusing arguments based on profit-maximizing law and economics, especially as defined by development, whether for an economically depressed New England town or a postsocialist Chinese megalopolis. Yet, on the other hand, and this is precisely the point, their valuation of their property outside of the 'time-space compression' of market capitalism (Harvey 1990), but also state regulation thereof, suggests alternatives to the value of (inequitable) efficiency, as the litmus of property rights allocation (see also Dagan 2011). Rather than market logic or state law, values toward property can be rooted in notions of morality and justice that, from a subjective standpoint, may trump the values of the current regime, even as they may resort to that regime's institutions of dispute resolution to obtain compensation.

¹⁴ See *Kelo v. City of New London* 545 US 469, 475 (2005) (cited in Upham 2014: 46 fn. 23).

C-TRANSFORMS

The archaeologist Michael Schiffer wrote in his *Formation Processes of the Archaeological Record* (1987) that an archaeological site is the result of a number of processes, some natural and others caused by human (i.e. ‘cultural’) activity. These processes, which he terms ‘N-transforms’ and ‘C-transforms’, respectively, can potentially move any given artefact within or between strata, so that where it is excavated does not correspond to its provenance. If, as the Party-State would have it, the modern history of Chinese property reform is conceptualized as a series of strata (e.g. privatization, communization, decollectivization, marketization, and partial (re)privatization)¹⁵ (see Pils 2009), then it would seem that a legal interpretation, in this case, one of ownership, would ‘belong’ to the stratum within which it originated. Yet, as in Hua’s case, property claims may refuse to stay buried. Due to the actions of would-be property owners like Hua, affective ties to property from time ‘period one’ (privatization) may shift to time ‘period five’ (marketization) resulting in incongruities between popular conceptions of property and state law. The point is that whereas state chronologies of property are often taken for granted, they interact with other chronologies, such as those of diasporic families, which also engage with property. The result is that property holders may not completely reject the state’s legalism but nonetheless contest its interpretation and meaning.

One of the reasons for temporal discontinuities is property holders’ interpreting property through religious and ethical frameworks. This was the case when I conducted fieldwork on popular practices of *sharī‘ah*, a legal-ethical order unrecognized by state law but which nonetheless has its own legalistic categories, among Chinese Muslim minorities (Hui) in north-western China in 2009 to 2015. There I learned of a variety of property arrangements tied to lineage, place, religion, and political and military authority that were sometimes at odds with the property values of the Communists.¹⁶ These cases further demonstrate how the loss of property can become an obsession, defining a life.¹⁷

¹⁵ These periods correspond roughly to the first few years of the PRC when the CCP confiscated land from landlords and distributed holdings among landless peasants under the Agrarian Reform Law in 1950 (‘privatization’); the introduction of communes under the First Five Year Plan in 1953 (‘collectivization’); the disbanding of collective farms and introduction of the household responsibility system in 1978 (‘decollectivization’); and the creation of a market based on partial private property rights with the 2007 Property Law (‘marketization’).

¹⁶ There is a growing literature on plural property rights in greater China (Qiao 2013, 2015; Clarke 2014; Gillespie and Fu 2014; Xu 2014).

¹⁷ For a study, inspired by Agamben’s writings on ‘bare life’, of how different understandings of memory can sustain and destroy a life in China, see Zhang (2013).

My father was a general in the Guomindang (GMD) army and fought against the Japanese in the Sino-Japanese War. His family owned property ... for several generations. During the Cultural Revolution, beginning in 1968, my family's property was taken ... Today, it is divided into several smaller lots, one of which is occupied by governmental cadres.

The elderly Hui man told me his account, as we rubbed our hands to warm them over his black stove on a winter's day in 2010.

I first met Mr Ma while interviewing the owners of what were locally known as 'information stalls' (*xinxibu*), single-proprietorship real estate brokerages that lined the streets of a predominantly Hui city in south-western Gansu, to understand how localized practices of Islamic justice interacted with emerging real estate markets in smaller cities. Ma sought to regain property, namely, a large courtyard, which his family once owned, but which had subsequently been forcibly requisitioned by the Party-State, extinguishing his claim. As we sat before his stove, he moved the boiling water atop it aside, took up a brightly coloured piece of chalk that he used for the small blackboard outside his stall to announce housing prices, and began to write out on the stovetop key elements of his story. He continued

I have been petitioning for over ten years. I have tried the municipal government, the prefectural government, and the prefectural CCP Committee. The prefectural government told me that the municipal government must deal with the matter. When I went to visit the municipal Party secretary, he simply said that he had signed off on that matter. The national constitution is very good, but the land laws are hindered by local corruption; we cannot obtain our usufruct rights. The problem is local corruption; the local government is too corrupt. The government and the developers collude together.

As he wrote '*guanshang goujie*' (government-commercial corruption), he ran out of space on the perimeter of the stovetop, and wrote the final character within the burning circle, upon which the pot usually rests. The chalk fizzled on the hot surface and remained there even after he erased the chalk writing with a discoloured rag.

Ma pulled out from one corner of his small stall a box containing a loose pile of dog-eared documents. The ones on top proved that his father was a general for the GMD. He told me that the former GMD were part of a group whose property was specifically identified for return after the Cultural Revolution. He held up as legal source of this assertion an internal Party memorandum in which the following text was underlined: 'Real estate that was seized during the Cultural Revolution, must be returned' ('*Wenge*' *zhong bei jizhan de fangchan bixu tuihuan*).¹⁸ There were additional documents from

¹⁸ See the Notice on the Summary of Minutes of the Expanded Meeting of the Central Committee's Implementing Policies Small Group ('*Zhongyang luoshi zhengce xiaozu kuoda huiyi*

his petitions that included his drawings of the property, its location, size, and a list of current buildings occupying the property including a CCP building. Three portions of his former property had been sold for a total of 1.7 million renminbi (RMB), of which he had received nothing. He and others began petitioning in 2000: before that any attempts to bring attention to their case had resulted in their detention.¹⁹ In 2009, he was again detained by the police for four hours during which they tried to force him to sign documents to the effect that he was satisfied with the status quo, which he refused to do.

For Ma, his valuation of his family's property was tied to his relationship with his late father. Like Hua, Ma conceived of the loss of his property as a threat to his family, including his forebears. His perception was one rooted in time. Anthropological studies suggest that memories are reproduced through ritual, practice, protest—and, I would add, legalisms—and can in fact contest and subvert official histories (Jing 1996; Mueggler 2001). When Ma told me of the Cultural Revolution as the time when his father was labelled a 'counterrevolutionary' (*fangeming*) and was subject to 'criticism sessions' (*pidouhui*), forcing the family of five to live off the street for more than a year, he was recounting a memory, a subjective experience that was visceral and scarring.

Such memories, however, also underpin an understanding of the relationship between time and property law. Whereas in the pre-Communist era, his family's property received nominal protection by the extant legal system,²⁰ the arrival of the Communists and the establishment of a socialist order (that included but was not limited to law), militated explicitly against the interests of GMD landowners, their ideological foes. The Chinese state has appropriated history, and thus is able to define the legitimacy of property rights (e.g. lease terms, bank loans, vested interests, recordings and registrations, mortgages, and any other term of years in property contracts) in temporal terms according to the chronology of state property reforms. Kinship, family, and faith, however, can produce their own temporalities, of which property can be a material, affective, and pious manifestation. Thinking through property outside the PRC's property law reform shows how actors work against the grain of political amnesia (Fang 1990; Chan 2011; Lim 2014), as supplemented by the market (Graeber 2001: 79).

jiyao' de tongzhi) transmitted by the General Office of the Central Committee of the CCP on 23 August 1984.

¹⁹ Petitioning is a form of complaint, parallel to the formal judicial system, that long predates the Communists. It is predicated on the notion that higher-level officials can prevent local injustices.

²⁰ Gansu in the 1920s and 1930s was subject to a number of overlapping jurisdictions in what is known as the 'warlord period'. Hui military generals, most of whom were aligned with the GMD established their own patchwork court system. I address the question of this system's provision of protected property rights, including those under Islamic law, in Erie (forthcoming 2018).

Ma, like Hua, points then to a different relationship between time and law, and the orders that underpin it. Like Hua, Ma used a variety of means to obtain redress, only one of which was administrative litigation—an option that encountered early roadblocks. Rather, petitioning, an extralegal method²¹ (and one Hua used, as well), became his grindstone. Nonetheless, this method was also circumscribed by state authority, and unlike Hua, Ma did not have the transnational connections to mobilize media (print or Internet-based). Crucially, whereas Hua emphasized the illegality of current official interpretations of prior state wrongs, Ma called attention to contemporary corruption in the local real estate industry, echoes of prior Cultural Revolution-era wrongs. Hua gave more credence to state law's ability to correct injustices, whereas for Ma, formal law is a tool of corrupt officials. Neither, however, challenged the legitimacy of the Party-State itself, and thus despite their protests, their claims were bounded by categories determined by the Party-State.

The state's claims to history are not uncontested. Instead, the state's arbitrary use of violence or corrupt legal practices opens up challenges to its monopoly on legal interpretation. For descendants of homeowners, the state's particular temporality of law with its own mutability excludes their own subjective understandings: illegal seizures during the Cultural Revolution or ongoing corruption are not passively accepted. For these protestors, a vision of law embedded in public morality transcends the vicissitudes of a Party-led legal regime (see Zhu and Wang 2008). It is ironic then that Ma and several others petitioning the government for illegal takings (there were 130 such families in 2010 in total, of which only a small fraction were 'second-generation GMD' as Ma identified himself), participated in the residential real estate market as brokers. Every transaction entails the potential for a forgetting of the history of ownership (Zhao and Bell 2005), that is, market exchange may erase the bases for property ownership according to alternative legalisms.

INVALUABLE PROPERTY

PRC legal experts have observed that in property disputes, one of the most contentious issues in China's development is compensation: failure to agree on the amount of compensation is often claimed to be the reason for homeowners' resistance to redevelopment schemes that would

²¹ Petitioning (*xinfang*) is a system of dispute resolution parallel to or outside of the courts that predates the establishment of the modern state and consists of bringing a complaint to an office specific for such purposes, usually at a higher administrative level (Minzner 2006; Fang 2009).

result in the destruction of their homes (Schwarzwalder et al. 2003; Ping 2007). While this is incontrovertible, to conclude that compensation is the crux of property conflicts is to fail to recognize that many evictees and owners question the very notion that their properties can be assigned a market value. Furthermore, they often question the invocation of 'public interest' to legitimize expropriation by the state (Erie 2007: 943). These putative owners engage with law through compensation, but challenge its hegemony through questioning the appropriateness of that compensation.

One of the key insights of neo-Maussian anthropology is that property can have value outside the market pricing system. Mauss looked to economic systems (e.g. Polynesian gift exchanges, north-west American Indian potlatches, Trobriand *kula* rings, and even Chinese 'face' in gifting) that were not yet integrated into global capitalism to explain how and why they compel obligations even without the familiar mechanisms of enforcement often associated with modern law. One of the reasons, Mauss surmised, was that gifted property, because it contained some aspect of the spirit of the giver, obligated the recipient until the gift was returned via a counter-gift. The value, then, of the gift was not determined by an objectifying market price, but rather through a subjective impression that was shared and reciprocated, often cyclically, forming social ties.

The 'substantivists' of the 1960s added to anthropological models of exchange to examine human volition as a basis for other economic activities (e.g. reciprocity, redistribution, ports of trade) and not necessarily reducible to interest maximization (Polanyi [1944] 2001; 1957). In his attempt to find an accommodation between Marxist and Maussian thought, Graeber (2001) argued that value need not be commensurate with market forces and that alternatives persist in varying degrees of relation with global capitalism. If valuation lies at the heart of legal ownership, its level is contested and rests in those producers, traders, donors, consumers, inheritors, and trustees who compare forms of value, even if some of their options are limited for reasons beyond their control.

In conducting fieldwork on the revival of Islam in north-west China, I was struck by those property disputes where owners either refused the government's compensation or the possibility that their property could be compensated through monetary value at all. By way of background, Ma's city is one of many in north-west China where 'urban renewal' projects are encountering the increased presence of Islam in public life (Gladney [1991] 1996, 1999; Erie and Carlson 2014; Famularo 2015). Existing state law and policy restricts the financing and construction of 'religious' buildings. Commercial developers have also encroached upon those properties where Hui have existing constructions, either for religious activities or residential purposes.

In a city in Gansu, one Hui group waged an eleven-year battle with the municipal government and real estate developers over the preservation of their property. This group was singular for both their particular doctrinal interpretation of Islam and their success as a commercially oriented Muslim group; for that reason, they had been historically ostracized by other Hui groups, and, at certain points in history, had been the object of the Party-State's attacks, as well.²² The property in question consisted of a four-floor building on approximately two *mu* ($\frac{1}{2}$ acre) of land, consisting of a large kitchen and living space for eight families on the lower floors, and an office and prayer space on the upper floors. When I first visited the building in 2009, its front view was obscured by an immense billboard sign selling Chinese liquor in front of a major intersection. The building itself was made of concrete slabs that were sparsely decorated; the inside was poorly lit, but clean.

The Hui trace the history of the property to 1904 when members of their group travelled from their base in the Tibetan grasslands to the city to settle a lawsuit with a rival order.²³ During the course of the dispute, a community formed that grew as converts joined. They eventually built a mosque on the site, which was also a market for timber cultivated by the Hui in the foothills of the Himalayas. In 1958, during an anti-rightist campaign, experienced among Hui in Gansu as an anti-religious movement, the Hui buildings were destroyed and they were forced out. In the Cultural Revolution, their members were forced to wear 'counter-revolutionary' hats and were put in jail where many died. They returned in 1989 and subsequently acquired formal legal status when they registered the building as a 'religious activity area' (*zongjiao huodong changsuo*) two years later, at the religious bureau of the relevant city district. Registration conferred usufruct rights in the land.²⁴

In February 2002, a governmental official notified the Hui group that their property would be expropriated to build a new city centre. Specifically, the notification announced the government would 'reclaim' (*huishou*) the group's usufruct rights. The group quickly mobilized. They sought administrative reconsideration at the provincial law bureau,²⁵ and petitioned the

²² For more on the history of sectarianism in China, see Gladney (1987, [1991] 1996, 1999). On the history of the litigiousness of Hui, see Lipman (1999, 2005).

²³ The second group claimed that the Hui were heterodox and should be declared illegal. The dispute was settled not by the imperial court but by a Hui imam named Zhang Jingde who led a large community composed of some eleven mosques. Zhang ruled that the Hui group in question should be allowed to continue to practise their faith.

²⁴ They have been a number of documents to prove this, including from the mayor's office, the municipal housing management bureau, and the municipal food service company, dated 1988 and 1989. The property, however, was not deemed to be 'residential' even though some Hui families lived there and thus does not fall under the protection of Art. 149 of the 2007 Property Law.

²⁵ Expropriation is considered an administrative action under relevant PRC law. See Regulations for Expropriation of and Compensation for Houses on State-Owned Land (*Guoyu*

department of urban planning and land bureau, as well as the provincial government, and even the national government in Beijing. They reached out to the bureau of religious affairs, the United Front Work Department, and other organs of the CCP. They even wrote letters to the central leadership, then-president Hu Jintao and premier Wen Jiabao. At the same time, news spread among the group and several thousand members congregated at the spot in protest, calling the site of the building ‘sublimely sacred’ (*chong-gao shensheng*) and ‘religiously pure land’ (*zongjiao jingdi*). In one statement issued to the government, the followers said of the site: ‘even if what was waiting for us inside was our own grave, we would not hesitate to go in, lie down, and be buried’ (*jishi nali you yi zuo fenmu zai dengdaizhe women, women ye yao haobu youyu di tang jinqu, ren tu yanmai*), such was their attachment to the land.

Privately, like Ma, the Hui complained to me of collusion between city officials and private developers: the municipal government had illegally sold their ownership rights to the developer who sought to evict them in contravention of relevant state law. In accordance with Chinese law, they negotiated directly only with the government and not with the developers. In 2003, the city mayor was sacked for receiving kickbacks for commercial real estate deals, a fact which the Hui pointed out in their letters. Still, the local officials maintained that the Hui would have to move. For their part, the Hui would not budge and neither would they accept compensation from the local land bureau.

After several years of negotiations, in 2009, the Hui won the right to maintain ownership over part of their property, although they had to conform to the city plan. The developer procured rights over five parcels of the land in question whereas the Hui retained two.²⁶ As part of the city centre plan, the developer would build a 45-floor building; the Hui would build their own adjoining but separate building. The government initially limited their building to five floors but after another two years of negotiation, they increased the height to nine floors. The older building was demolished in 2010 and the new building, at the time of this writing, had just been completed.

The Hui estimate the monetary value of their property in 1980, at the beginning of the ‘opening and reform’ period, when properties were assigned market

tudishang fangwu zhengshou yu buchang tiaoli), promulgated 21 January 2011 by the State Council, Arts. 13 and 14. Their legal argument was that the basis of their usufruct rights was their status as a ‘religious group’ (*zongjiao tuanti*). The Religious Affairs Regulations (*Zongjiao shiwu tiaoli*), issued by the State Council on 30 November 2004, Art. 30, afford religious groups procedural protection in the event of demolition for city redevelopment. However, the 2002 government notice failed to recognize them as a religious group.

²⁶ Interviewees were not uniform in their assessment of this process; some Hui stated that their property actually increased as a result of this negotiation.

value, to be several hundred RMB per square metre. Following the increase in real estate value, in 2010, the price of real estate in the city intersection was RMB 50,000 per square metre for a street-facing shop and RMB 6,000 per square metre for interior parcels. Thus, a conservative estimate of the market price of their property is over RMB 8 million, a sizable increase from its price at the outset of the reform period. Nonetheless, the Hui refused to assign a market value to their property. One member referred to the property as the home of their 'spiritual family' (*xinling jiating*). The property was inviolable and, in their eyes, priceless. The site was tied to their contested history as a legitimate religious community during China's transition from empire to nation state.

As Andrew Willford writes in his study of the proposed demolition of a Tamil temple on Kuala Lumpur's last plantation, 'the violence of the law, its arbitrary and performative quality, had been laid bare to the residents in a manner that allowed for its critique in the name of justice' (2014: 4). The Hui mobilized state law and other extralegal channels (e.g. petitioning) but found these wanting. The Hui rejected market valuation of their property, an objectifying category of state legalism, and instead, esteemed their property in a different register, that of their religious community, which they still recognized as embedded in state law (i.e. their need to gain official status as a religious group). They claim their success rested on their tenacity, connections with officials, and, ultimately, 'grace from God'.

For the Hui, the sacredness of their land was a result of their group's marginality; their long struggle to gain official religious status in the decades after the founding of modern China and be recognized as an orthodox version of Islam; and their fights within and outside Chinese courthouses to gain that recognition. For this particular group that emphasizes commercial as well as spiritual flourishing, the property in question, which is now located in the urban core of one of the largest cities in north-west China, was *prima facie* evidence that they could succeed—and should be recognized for their achievements. Although the legal basis of their claim in the land was uncertain until they obtained usufruct rights in the early 1990s, they dated their ownership of the site to the start of the twentieth century.

Their arguments were based less on formal law,²⁷ and more on appeals to justice, anchored in their centurial self-mythologizing. Along these lines, I was told that the new building consists of several *waqfs* (pious endowments under Islamic law), one for each of the nine floors.²⁸ Although knowledge

²⁷ PRC land law does not recognize adverse possession or 'prescription' (*zhanyou shixiao*). Nonetheless, even in the absence of the legal right, government officials in places like Shenzhen have experimented with recognizing *de facto* possession (Qiao 2015: 306–7).

²⁸ Some Hui I spoke to did classify the earlier six-floor building as a *waqf*. The Announcement on Fixing Problems Related to Religious Groups' Real Estate Policies (*Guanyu luoshi zongjiao tuanti fandichan zhengce deng wenti de baogao*), issued by the State Council and the Religious

of Islamic law among Hui is thin, *waqfs* have been growing in importance in recent years following China's Islamic revival. While some would question whether the Hui donations are truly *waqfs*,²⁹ Hui framing of their rights as such demonstrates another aspect of their 'value pluralism' (Alexander 2011; Laidlaw 2014: 166) in property.

ALMOST INVALUABLE PROPERTY

Sacred property may not always be priceless, however, as competing valuations between legalisms may force property holders to make hard choices. Hui tack back and forth between the 'socialist market economy' and the shadow economy, outside the state sphere, based on Islamic law, kinship, and solidarity. Their comparisons across these economic domains suggests that while real property may be formative of Hui communities, families, or selves, they are also ready to alienate part, or all, of it—for the right price. In other words, the weakness of their position often forces them to engage with formal law's quantitative assessment of their rights.

Marilyn Strathern (1990; see also 1999) suggests in her concepts of the 'dividual' or 'partible person', that Melanesians think of persons not as defined isomorphically by pre-existing values, but, rather, as comprised of any number of potential personhoods that depend on the social context. Strathern's ethnographic theory opens up ways to think about value and the constitution of the self via property, one that is predicated on potentials instead of givens, comparison rather than holism, and evaluation in the place of embodiment with particular reference to overlapping legalisms.³⁰

Most people, Chinese (Hui or Han) or non-Chinese, for that matter, are not in the position of the Hui described above who had the collective resources to wait out a decade-long property dispute. For many, their attachments to land and home are balanced by their need for a livelihood, and if the

Affairs Bureau on 3 July 1980, recognizes that the expropriation of property owned by religious groups during the Cultural Revolution brought economic hardship to such groups when they generated income from such property. It resolves to 'return, in its entirety, the property rights in housing owned by religious groups to those groups, and where return is impossible, to give a monetary sum' (*jiang zongjiao tuanti fangwu de chanquan quanbu tuigei zongjiao tuanti, wufa tui de ying zhejia fukuan*) (Policy and Law Department of the Bureau of Religious Affairs 1995: 25).

²⁹ Minimally, the *waqf* requires that, one, the founder (*waqif*) obtain full ownership rights and, two, that the *waqf* be given in perpetuity for a social good. Neither requirement is met in China where citizens cannot have full property rights and their usufruct rights are limited in time.

³⁰ In making this assertion, I note that Strathern herself would most likely disapprove of such cross-cultural comparison. I believe it is possible to compare without importing whole-sale western (or Melanesian, for that matter) categories.

expropriation of the former delays, or worse, threatens the latter, then they must make difficult decisions. Whereas the examples above are instances of already expropriated property, an ongoing dispute shows how the life of property becomes an afterlife through alternative legalisms. To use the archaeology metaphor, rather than examine the end result of its formation, an ongoing dispute demonstrates the processes that form the artefact.³¹

As China embarks on a massive urbanization drive, one of the sites of highest contention is the peri-urban zone that surrounds cities. Such property is increasingly subject to urban sprawl and the often violent conversion of 'rural' land to 'urban' land.³² This problem may be compounded in ethnic minority areas, particularly where organized religions such as Tibetan Buddhism or Islam or popular religions such as animism and shamanism, have conferred upon the land the nature of sacred obligation.³³ In these peri-urban areas, conflicts among plural legalisms are laid bare, namely those between a state legalism driven by economic prerogative and religious legalisms that stress obligations outside market rationality. This problem is apparent in a city in north-west China that is unique even among predominantly Hui enclaves for its large number of Sufis, who self-identify as Muslims and instead of following literal understandings of *sharīʿah*, as do many modernist Muslims, incorporate *sharīʿah* into their particular 'path' (*tariqa*).

The path is defined both doctrinally and ideologically through a master who is usually based in a tomb complex and who traces his teaching back through a chain of spiritual guides to the founder of the order, usually outside China, in Central Asia, the Arab peninsula, India, or North Africa. There are a number of such orders based in this city with tens of thousands of followers living throughout north-west China and beyond. For these Sufis, a range of sites are sacred: the property of the Sufi tomb (the land it occupies and the interior space, particularly the tomb and surrounding secondary or tertiary tombs); any land where a master was born, died, or received instruction from a foreign missionary; sites where there are any buried relics relating to the master; and land donated by a master such as a *waqf*. As a result, the city is an urbanizing community that is also a sacred landscape dotted with such Sufi shrines.

Beginning in 2009, over a period of eight years, I observed a dispute on the borders of this city in Gansu that highlights how property may possess

³¹ William Rathje famously applied this approach in excavating the contents of landfills in Tucson to understand patterns of consumption (and site formation processes) in what has been called 'garbology' (Rathje and Murphy 2001).

³² The government must convert rural or collectively owned land to urban or state-owned land to expropriate it for commercial purposes (Erie 2012: 40).

³³ See, e.g., Sturgeon (2004), Yeh (2004), and Da Col (2007).

different values, namely, one based on a religious communities' legalism and another one based on state legalism and market economics that commoditize land. The dispute has taken place in an area that consists of two villages of about 700 people in total, 80 per cent of whom are Hui. Each village had its own mosque where villagers prayed and there was a third across a multi-lane avenue, where some Hui prayed as well. Most lineage heads date their families' history in the area to the 1700s when their ancestors were forced to migrate there from Beijing as punishment for allegedly committing crimes, although a few Hui I spoke to said one of the mosques dated to the Yuan period (1271–1368).

In addition, the area has two Hui cemeteries that also date to the late Qing. Almost all of the Hui made their living by farming and sold their vegetables to city dwellers at a local market. Most of the Hui are Sufi and belong to the Qadiriyya order, one of the oldest in China. The city contained two sprawling Qadiriyya tombs in the north of the city, one of which, according to Hui legend, dates to the arrival of an Arab missionary in the Tang dynasty (618–907). The Sufis who congregate at the two tombs originally belonged to the same *menhuan* (Chinese Sufi collectivity), but split due to historical differences. The former master of one of the Qadiriyya Sufi tomb complexes was born and grew up in one of the villages, which bears his lineage's surname (as does one mosque). Although the former master was buried in the tomb complex north of the city in 2009, his family members are buried in one of the Hui cemeteries in the village. Most members of that village share the same surname and share kinship. Members of the *menhuan* beyond the village regularly prayed and read the Qur'an at the gravesite in commemoration of the passing of the former master's kin.³⁴

The dispute began in the early 2000s. When, in 2004, plans to expand the city westward encountered violent resistance by rural Hui, the government turned to the east, including the villages in question. In that same year, urban planners constructed a major boulevard immediately south of the Hui villages, and moved the city's major governmental buildings, including the courthouse, the police headquarters, and the prosecutor's office, to this boulevard. Such planning was, in part, an attempt to pre-empt resistance as the seat of the government had moved to the eastern district before the adjacent villages would be razed to expand the city. While the sites of the new governmental buildings were south of the centres of the villages,

³⁴ Pursuant to Art. 4 of the Regulations on the Administration of Funeral and Interment (*Binzang guanli tiaoli*), issued by the State Council, 9 November 2011, in most areas of the country, the deceased must be cremated and cannot receive a ground burial, however, for those minorities (such as Muslims) that live in 'autonomous areas', according to local regulations, they may be exempt from this requirement. Islam has clear protocol regarding proper burial, of which interment is one.

nonetheless, many Hui homesteads were demolished in the process. Family heads were kidnapped and forced to sign 'demolition and relocation agreements' (*chaiqian xieyi shu*). By 2007, it was clear that the Hui villages would be destroyed too. The municipal housing authority along with ten other government offices, including security forces, a total of 200 cadres, began negotiations with three Hui villagers who were also Party cadres.

In an exercise of collective action, the Hui villagers had already by that time decided to refuse to move or receive any compensation. A usual strategy of developers had been to approach individual households, offering compensation and pitting neighbours against each other. As early as 2007, however, village leaders, namely, senior Qadiriyya Sufis, were harassed by thugs hired by the municipal government. One elderly villager was detained for six hours at the municipal police station. Nearly 700 villagers marched to the police station to set him free, which the authorities did. Most of these early incidents resulted in temporary kidnappings, but not in serious bodily harm.

To defend their property rights, the Hui, as in the other cases mentioned, began by resorting to formal legal measures. As with the Hui group described above, the villagers applied to the township-level people's government for an administrative decision (*xingzheng caijue*) on 16 February 2008. They applied again a week later and had a governmental hearing, but failed to reach a settlement. Village representatives began petitioning all levels of government, including, the township, municipal, prefectural, provincial, and national governments; only the last responded and stated that they had to consult lower levels of administration. The representatives studied the law, researched on the Internet, and reached out to media outlets, demonstrating a willingness to mobilize legal and extralegal means, and developing their own consciousness of state legalism. Initially at least, they believed that the legal system would ensure justice.

Yet the Hui villagers' belief was short-lived as the attacks on them became more intense and violent. In early 2008, two more leaders were detained at the police station, and pressured to sign documents for the demolition of the villages, which they refused to do. Two villagers, including an administrator at one of the mosques, who had not previously been active in the dispute, were attacked by six masked men at one of the mosques and brought in an unmarked car to the police station where they were handcuffed to a desk and told to sign demolition and relocation agreements. They were not allowed to contact family and were missing for seven hours. Again, some 600 villagers marched to the police station, demanding their release. Subsequently, the police, including plainclothes officers, kept the leaders of the mosques under surveillance. Over the course of 2008, the government sent, at different times, officials and personnel from nineteen governmental bureaus,

over a thousand people in total, including the armed police (*wujing*), to the villages to pressure the farmers into moving. The villagers pasted notices throughout their villages decrying the injustices; security forces tore them down. In their place, security forces put up large banners around the village, proclaiming the 'rule of law'.

The specific legal dispute was over compensation for the land of the villages, but related to this was the question of which land was to be compensated. The villagers had both land on which their houses were built (*zhajidi*) and contracted farmland (*chengbao gengdi*). In the summer of 2008, officials offered the villagers monetary compensation for their house-site property only. The government did not offer compensation for the farmland saying that it was owned not even by the collective, but rather, by the CCP. The farming land is a contract for usufruct rights between the individual farmers and the collective, usually for thirty years. Many villagers had documents for rights in the farmland valid until 2028.

One Hui farmer I spoke to (to whom I refer here as Yusuf) was offered compensation for the loss of his house-site property. This calculation was based on a ratio of 1:1.5, meaning one and a half times the current market value of the land. The policy rationale for the additional 50 per cent is that it compensates the house owner for the hardship of moving. According to my interviews, the base value depended on a calculation that considered the quality of the house and the number of occupants, and so could vary from RMB 200 to 500 per square metre for house-site land. Yusuf received a sum of RMB 60,000, based on the calculation $\text{RMB } 333/\text{sq. m. (as market value)} \times 120 \text{ sq. m. (total area of house-site property)} \times 1.5$.

For the farmland, despite an initial refusal to pay anything, the government eventually offered Yusuf a sum calculated by the price for rural land at a 1:1 ratio. The value of the farmland remained unclear. Most of the farmland occupied the liminal 'suburb' (*jiaoqu*) that depended on the discretion of local government regarding its categorization as urban or rural land. At first, the government offered Yusuf RMB 50,000 for 7 *fen* or 0.7 *mu* of farmland (at a rate of RMB 71,429/*mu*). In April 2010, the government increased this compensation to RMB 81,550/*mu*. Nonetheless, Yusuf argued that the land in question should be valued according to the price for urban land. Yusuf cited the market price for the land across the street from his home at RMB 700,000/*mu*.

Yusuf was able to assign a monetary value to the land: a sceptic may interpret such behaviour as acceptance of the commodification of sacred property, signalling an attempt to maximize individual material benefit. However, such negotiations occurred in a broader context of loss, both of livelihood and of religious tradition, and of being obliged to operate in a particular legal framework however much he might contest its underpinnings.

Over the course of my visits to Yusuf, I saw the strain of the protracted negotiations. As early as 2009, after the government drained the village well to build a nearby road, the villagers had no water. This water was crucial for not only drinking but also for daily ablutions. While the government did not initially respond to their complaints, it did eventually turn the well water back on; however, the water was polluted. They then had to cycle to carry water in from a dispenser in the city centre at a cost of RMB 10 per family for an amount that lasted a month. Yusuf injured his back as a result of the labour, and thus could not attend the fields. Many villagers could not farm under these conditions.

Whereas the monthly income for a village household was about RMB 1,000 (below the poverty line in China), they now struggle to make even this because they are losing their land. As of 2010, 1 kilogramme of produce sold for only RMB 1.10 in the markets. Yusuf complained to me, 'they absolutely do not care about the people's livelihood; they do not care about their right to subsist (*shengcun quan*)'. His injury resulted in his wife having to work overtime as a construction worker in the city. For those families that could still farm, their crops were often bulldozed at night by thugs apparently hired by the government. In February 2012, cabbage was just appearing in a lot across from that of Yusuf when men ploughed it over. The next day, the government went to the affected farmers, whose economic livelihood had been taken from them, to negotiate.

The religious life of the village had similarly come under assault. One of the three mosques was demolished in 2015, although villagers told me that the developer promised to build a new one in the same spot. Additionally, as of 2015, developers were in talks with families of the deceased in one graveyard. It seems the developer planned to erect a high-rise building on the spot of the graveyard, where some 300 Muslims were buried. Initially, the plan was for the developer to give RMB 8,000 to each family who had a deceased member in the graveyard, obliging them to relocate the body to the larger Muslim cemetery north of town. However, these talks were stalled and only a smaller number of bodies were moved. The graveyard that contained the bodies of the Qadiriyya master's family was intact, as of my last visit. However, the developers had sought some land (5 *fen* of house-site property and 0.5 *mu* of farmland) around this cemetery that was owned by a family of a student studying at a major mosque in the city. The developers persuaded the cleric and teacher of the student to convince the student to sell off the land, which he did for RMB 25,900.

The property dispute is ongoing. For Yusuf, whose family had owned the property for four generations, it was evident to me as I sat with him on a bench in his single-room home that the decade-long conflict had worn him down. Yusuf talked about the senior administrator of his nearby mosque,

the man who had been detained. He was a successor to the Qadiriyya master by both blood and teaching, and the villagers saw him as a kind of moral exemplar. The stress of the negotiations had impacted on his health, and he died in 2015. Yusuf also talked about how the commodification of land had led to corruption in his own village—their village committee head received some RMB 3,800 in bribes (*hongbao*) from the city mayor in 2009. He has seen some twenty families move to high-rise apartments but lose contact with their village neighbours, and struggle to adapt their means of income without their farmland. The demolition and relocation process had eroded the kinship ties that connected the villagers and, further, linked them to the Qadiriyya Sufi tomb complex.

For Sufi Hui like Yusuf, the natal village is not only a kinship network but also a spiritual community. He told me in 2010:

For us Muslims, our neighbours are sometimes more important than extended family.³⁵ We've lived here for generations and everyone around us, we know like brothers and sisters. If we move to one of the apartments, neighbours become strangers. No one will come to our funeral.

Just as the living remember the dead by building tombs and making visitations, so do the dead, and the holy properties that commemorate them, sustain the value of life.

For Strathern, Melanesian wealth items are composed of elements that reflect different sets of social relations (Strathern 1990: 171–2). Melanesians harmonize the functional and symbolic through design, reflecting a notion of personhood that is also composite. Hui may also view their property as composed of values that reflect different social relations (e.g. between members of families or lineages, co-religionists, or participants in the market). These values, unlike the Melanesian case, however, are not the result of design, but rather of political circumstance. Consequently, there may be a higher degree of internal tension between the diverse values. In short, resolving conflicts between and among legalisms is far from straightforward and may result in the disintegration of communities as individuals make tough choices.

Those who determine the value of land must negotiate between property as sacred obligation and property as marketized commodity: this can be difficult and painful. It is precisely because of the corruption of legal practices that they are forced to accept its parameters. Muslims in particular, whether in the Middle East, western secular states, or transitional China, have to negotiate between piety and calculated self-interest (Schielke 2009,

³⁵ I have heard this same expression used by Uyghurs, the Turkic Muslims that live in China's westernmost area of Xinjiang, and by non-Muslim Han Chinese.

2015; Fadil and Fernando 2015; Khan 2012; Erie 2016). That property can be sold through forced expropriation does not invalidate its capacity to constitute Hui selves, rather, such alienation marks the beginning of its afterlife. Seemingly irresolvable conflicts between property that is priceless, as held by an ethno-religious group, but that can, at the same time, be the basis for monetary compensation, echo value dilemmas in other legalistic settings, for instance, honour societies. From medieval Icelandic kinsmen (Miller 1990; McKinnell 2009) to Arab tribes in northern Yemen (Dresch 1989) to pastoral Tibetans in Amdo (Pirie 2014), groups often must reconcile an affront to an individual or collective honour (e.g. a sheep stolen or household dependent harmed) that may warrant retaliation, with compensation, that is, the exchange of something (money, goods, or kin exchange like marriage) of equal value.

Non-state legalistic systems may have different rules for the appropriate response to honour sullied—revenge versus compensation—but this question is complicated when such systems are subsumed within the law of larger polities. Outcomes depend on not just how far actors are willing to go in protecting their honour, at the expense of fungible rewards, but also the degree to which the encompassing legal system recognizes non-state legalisms. For Hui whose sacred land is being expropriated, they experience such takings as affronts to their dignity as much as to their livelihood. Many (but not all) agree to accept compensation because the state legal system, which in this instance, is principally concerned with assigning a monetary value for the exchange of the right to use, does not value their property based on the same categories as their religion does. In the end, exigencies of food, water, and shelter, the basic means of sustaining life, often win out over prolonged property battles. But sometimes they do not, as cases of self-immolation dramatically demonstrate.

THE LIFE AFTER SELF

Value-oriented approaches to property, such as Hanoch Dagan's 'structural pluralism' helpfully move beyond efficiency as the *raison d'être* for property rights, but nonetheless adhere to values espoused by classical liberalism (e.g. autonomy, rule of law, liberty, and democracy) (Dagan 2014) which can be unhelpfully western-centric. Similarly, Radin's 'property as personhood' makes a shift from a conception of property as that which is acted upon, to conceptualizing, from a subjective perspective, its capacity to constitute the self; nevertheless, she too develops her thinking through liberal theory, with an emphasis on Hegelian 'occupancy', that is the owner's will as present in property (Radin 1982: 973). Naturally, all these scholars, even with

nods to pluralism, assume that the state is both the legislator and guarantor of property rights.

Despite the limits of its philosophical orientation, Radin's interpretation of personal property has been widely accepted in property law scholarship (see, for a review of the literature, Jones 2011). If it is true, then, that 'Most people possess certain objects they feel are almost part of themselves', as Radin asserted (1982: 959), then the question remains: what does it mean for people who experience the loss of irreplaceable property, and what can be learned about property ownership and possession, more generally, through such relationships to lost property?

This chapter has explored the intertwining of persons and things through reference to the anthropology of value and especially neo-Maussian interpretations thereof. It has further suggested that property theories have inadequately considered subjective perceptions of time, and the ways these may shape legal framings of property. This becomes clear, at least in the case of expropriation of property in China case, only in hindsight. The Chinese Party-State has transformed property rights, from collectivization to a form of neoliberalism dressed up as 'market socialism' through time, but without successfully imposing uniformity on people's perceptions of property. As the Party-State defines property rights through these periods, those would-be property owners who either have alternative understandings of rights or claims based on prior property regimes encounter structural obstacles in their attempts to assert these claims. Hua, Ma, the Hui with the multi-floor *waqf*, and Yusuf, each contest current state definitions of property either by reframing rules of property with reference to family lineage or religious group, or by contesting the legality of state action—or both. In distinguishing these cases, Hua's property claim is rooted in the idea that property law should be unchanging. This is underpinned by her sense of family: an intensely personal and individualistic sense of right buttresses her claim. For the Hui, to differing degrees, their claims reverberate in registers beyond the familial, as religious minorities whom the state has historically marginalized. Their contestation of law is more explicitly framed in a local-central dynamic of claims of corruption. Ironically, because the Hui have experienced the violent corruption of law collectively (and sometimes, systematically), they are more willing to work with—as opposed to against—the Party-State. Such accommodations include fixing a monetary amount to their priceless property.

In addition to the criticism that holdouts are mere interest maximizers (which some may be), sceptics may label this problem one of de-temporalized property claims or property rights 'frozen in time'. Anthropologists have long tried to situate time in understanding their interlocutor's notions of causality, agency, and change. Concurrently, scholars have been criticized

for relativizing ‘social time’, as Durkheimian collective representations, in their representation of others (Gell 1992; Greenhouse 1996; Fabian 2014).³⁶ What property rights defenders in China offer, however, is not an argument for a naturalized view of time, but rather, a problematization of the Party-State’s own appropriation of time. When Hua or the Hui ground the legitimacy of their property ownership claims in pre-Communist property regimes or draw attention to the unrecognized injustices of the Cultural Revolution, they point to the arbitrariness of official time. As ‘property out-laws’ their actions and words do not simply attempt to freeze property law in a past regime, but rather ‘broadly reflect ... evolving community values’ (Peñalver and Katyal 2007: 1101). Ultimately, the afterlife of property that animates their rights defence haunts the Party-State. Indeed, the current anti-corruption campaign in China, one that has defined the current leadership, shows that it is because of corruption, exposed in part by rights’ defenders, that the Party-State must cannibalize itself as it fights for its own life.

³⁶ Durkheim’s ‘social time’ is hardly the only approach anthropologists have taken to time. Other approaches include phenomenological, ‘practice theory’, symbolic analyses, and inter-subjective approaches, to name a few. For a helpful, if dated, review, see Munn (1992).