Mosquito-Relish Diplomacy: *Emperor Ping's Charter* and Hill-Valley Dynamics between China and Thailand

Richard D. Cushman and Hjorleifur R. Jonsson
Arizona State University

Abstract—The Mien and some other Yao peoples of southern China and adjacent countries in Southeast Asia have a curious document that is known as Emperor Ping's Charter (Chinese: Pinghuang quandie) or the License for Crossing the Mountains (Chinese: Guoshanbang, Mien: Jie sen borngv). The text of the document provides a somewhat fantastic account of the origins of the Yao people, and declares that because of their ancestor's favor to the Chinese Emperor then the Emperor granted them certain favors in return. Chinese scholars and some Westerners draw on the document for dates regarding interactions between the Chinese and the Yao. More recently some Western scholars have emphatically declared the document a fake that was made up by the Yao in order to strike beneficial deals with the Chinese authorities. We offer a third perspective by drawing on cases of hill-valley relations across Mainland Southeast Asia. For millennia, highland peoples provided valuable trade goods for lowland markets, including for international trade, and also served as border guards and significant allies of lowland courts. Trade and interethnic alliances contributed to the shaping of social life in Mainland Southeast Asia and adjacent southern China for millennia. The available historical evidence suggests that multiethnic networks were common, and further that they drew on efforts to promote peace and security.

Introduction

The document known as *Emperor Ping's Charter* is of uncertain provenance. About 200 copies of it have been located by Chinese scholars within China, and a few more by Western researchers in Vietnam and Thailand (Huang 1991; Alberts 2011; Pourret 2002: 248-61). There are some variants in the text of this proclamation, but here we are primarily concerned with Richard D. Cushman's translation of one copy. Cushman (1940-1991) had studied the ethnohistory of the Yao from archival materials available in the West in the late 1960s for his PhD dissertation (Cushman 1970), at a time when research in China was impossible for political reasons. His study offered unique insight into the ethnohistorical problems of studying the Yao from Chinese archival sources. Cushman then studied Mien ritual traditions and texts during fieldwork in the Mien village of Khun Haeng, in Ngao District of Lampang Province in 1971-72. His translation of the *Charter* was never published. Jonsson recently and unexpectedly found the handwritten copy in the Rare Manuscripts Collection of the Cornell University Library,

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in a collection of Cushman's papers that historian David K. Wyatt had assembled. Wyatt brought out Cushman's translation of the Royal Chronicles of Ayutthaya (Cushman and Wyatt 2000).

The co-authors of this article, Cushman and Jonsson, never met, but I (Jonsson) find the translation of the *Charter* very valuable. The document has previously only been examined as a text pertaining to relations between the Chinese and the Yao. Viewing the document in the Southeast Asian context of hill-valley relations allows for alternative understandings and histories. The comparative materials from across the region suggest customs of civil pluralism and the prevalence of interethnic networks that have had little academic attention. Most of the networks and contracts that cemented hill-valley relations of trade and politics have not left a written trace, and this is key to the case.

Figure 1. Mien women in Khun Haeng village, Lampang Province, embroider as they listen to digitized recordings from Richard D. Cushman's research in 1972 (Photo: Hjorleifur Jonsson 2015)

With the important exception of Ronald D. Renard (1980, 1986, 2000, 2002), most historians of Southeast Asia have not examined the highlands to any extent or with any familiarity. Meanwhile, the anthropology of the highlands has been shaped by the ethnographic focus on individual cultures or societies. A regional, comparative, and historical focus can offer some new and alternative angles on the material. Toward this goal, we call attention to material concerning various hinterland peoples in Thai, Lao, Vietnamese, Malay, and Chinese domains that points to longstanding customs of multiethnic networks of trade and politics. Such networks are indicative of a civil pluralism that shaped the region in important ways. The trade in forest products was central to international commerce linking Thai, Vietnamese, Burmese, and Malay ports to Chinese, Japanese, Indian, and Persian markets for millennia. Thus it is fair to suggest

that hill-valley relations enabled global trade networks for a very long time.

The *Emperor Ping's Charter* is not squarely either a Chinese or a Yao document. It is better read as a product of the zone of interethnic relations and negotiations. The text was not written to provide historians with a set of facts. Instead, it was written to be read or performed by particular people, with reference to interethnic relations. The narrative establishes a field of interaction between two sides, the Chinese and the Yao. A dragon dog at the Emperor's court did his master a great favor and won the hand of a lady of the court. Then the couple were escorted to the mountains and sent provisions. In due time they had six sons and six daughters. The emperor gave them lineage-names that distinguished them from the Chinese. After the founding ancestor died then the emperor instructed the Yao regarding ritual practice and granted them the privilege of moving in search of new land. He also stipulated that the Yao were not to be taken advantage of by the lowland authorities. Instead, Yao leaders were given titles and allowed to tax their subordinates.

The narrative repeatedly suggests cordial relations between the Chinese and the Yao. We suggest that the primary aim or meaning of the document was to chart the field of interethnic relations in terms of cordiality and mutual respect. The narrative establishes familiarity between the two sides. For our understanding, one of the key elements is a passage that insists on maintaining ethnic divisions and then suggests that this was impossible. It is forbidden, says the text, for the Yao women to marry Chinese men. But when this happens then the guilty party is to pay a fine to the authorities; a certain measure of bamboo poles, a certain count of copper coins, three jars of mosquito relish and three pecks of chicken droppings. We think that this is deliberately hilarious. It suggests how strangers become familiars through kinship and other exchanges. The humor and hilarity of the passage enable mutual recognition of fellow humanity between the Yao and the Chinese. That is the implication of the content.

The next section contains the text in translation. Then follows a discussion of the regional context of interethnic networks and civil pluralism. Later we discuss previous scholarship and the allegation that the document is a deliberate fake. In the final section we make a comparative regional and historical case for customs that established conditions of trust and security, that can be gleaned from proclamations about justice and the prevention of political abuse.

Emperor Ping's Charter for Crossing the Mountains and Protecting the People Forever

On the genuine date of the twelfth day of the twelfth month of the first year of the *Jingding* [1260 CE] reign period, having pacified the twelve clans of the Yao people, we reissue the *Charter of Emperor Ping*, as was done by the preceding dynasty, to the twelve clans to pass on to their descendants.

The *Charter of Emperor Ping* comes from a far-off time indeed. The origins of the Yao people thus go back to the dragon-dog who was born during the time of chaos. At the time Emperor Ping was born he received a dragon-dog. Its body was three *chih* [roughly 1 meter] long and its hair color was a mottled yellow. Its ideas were strange and

it aroused the ministers. Suddenly, one morning, Emperor Ping was greatly enraged and desired to plan the murder of King Gao of a foreign country. The ministers consulted but there was no-one who would undertake the responsibility. The dragon-dog, who had the surname of Pan and the given name of Hu, had been frisking around to the left of the throne. Rising up he bowed and danced facing the king and startled the foreigners with his sudden speech saying he accepted the task. Everyone said, "By showing your gratitude to your master, you enhance yourself; however, furthering the aspirations of the country is not necessary."

Figure 2. Emperor Ping's Charter, Khun Haeng village, a portion of the scroll that the translation is from (Photo: Richard Cushman 1972)

The princes and the ministers then discussed the proposal in detail. "Why require 10,000 horses to carry out one's secret desires? Inform heaven and pray for a cunning plan. Consider the smallest actions." Emperor Ping virtuously said, "I am delighted that he is not an ordinary beast, but manifests himself here to be an intelligent person, though animal born. If he has a plan to kill my enemy, consider the possibilities. The fact that one must reach his country means that there will only be destruction at the hands of guards to the delight of King Gao. For protection against the attacks of animals there is only the water of the sea foaming away there [between our countries]. To be able to get across one goes 1,000 *li*, 10,000 *qing*. The vast waves cannot be crossed in only one day: who can travel along on the water's surface? How can one take along on one's head provisions for the trip?"

Pan Hu listened and said, "I will undertake the matter for several reasons. Men can take one day's hunger, but dogs withstand seven days of starvation. If I travel for several days, why should I take anything along? Who desires my master to swear, twice and

deeply, that I am not a false creature? I will undertake Your Majesty's command at this moment."

Emperor Ping was greatly delighted. Bestowing 100 delicacies on him [the Emperor said], "You have the intelligence of a human being. Such merit will be rewarded. I will mate you with a concubine." Pan Hu received the imperial commission, ate the 100 delicacies, made his departing obeisances, and left. The ministers saw him off from the court.

Figure 3. Emperor Ping's Charter, Pangkha village, Phayao Province, illustrated portion of the scroll that belonged to Phaya Khiri Srisombat, photographic reproduction on display in a temporary museum in Phachangnoi subdistrict (Photo: Hjorleifur Jonsson 2012)

Gentleman Hu went like the clouds fly. He traveled the great sea for seven days and seven nights and crossed over to the other kingdom. At the right moment, he met King Gao holding audience. The King, moreover, recognized that his virtue was not to be equaled. With a delighted laugh, he said, "Emperor Ping of the great kingdom does not have another animal that can compare with the dragon dog. Now that it has come to join my kingdom, he will surely be defeated. I have heard it commonly said that 'with a pig comes poverty, with a dog comes wealth.' When a rare creature comes to the court, then the country will certainly flourish, to be worthy of such a talented animal. This is the lucky omen of a prospering country."

Then the officials on the right and the officials on the left all rejoiced. Returning from the audience they led Pan Hu into the palace, brought lovely attendants to wait on him and they took care of him as they would pearl and jade. The attendants minded court and always remembered without fail to wait on him. For several days King Gao the Great journeyed around to enjoy his multiflowered beautiful imperial traveling lodges. Drunk on wine, he did not sober up to the affairs of men.

Pan Hu held on to his plan to repay his lord his favors. Moving his fatal jaws he

killed King Gao, bit off and took hold of the severed head, and returned across the great sea. Flying along, he returned to the court and lay down in front of the throne. Defiling blood fell on the ground. All the great ministers confusedly supported each other from falling. The Emperor said, "You are a trifling creature, and yet you have the reward of the great sea. His memorial is granted.

I am the Emperor and bestow titles of honor on the parents of all the officials. And now I would ask, "After you reached his kingdom, how did you carry out what you had planned?" Pan Hu answered, "An animal increased King Gao's love of pearls and he frequently approached." When all of the officials – before and behind, to the left and the right – had listened to the end of his detailed story they made obeisance and humbly departed. The glorious lord ascended the throne to inspect closely the severed head of King Gao, as proof of Pan Hu's meritorious labors.

"His one body must have the swiftness of 10,000 horses, and his one mouth is worth the provisions of all the princes. Since he did not use the plans of the advisors, why should he use the weapons of the generals? Showing his hard teeth he severed the king's life. All I desire is to reward him deeply and appropriately with great robes and appointments. I will remember Hu and not forget the wind and waves of the great sea. I will deprive myself if my minister (Pan Hu) is cold and hungry."

The king said, "Pan Hu's deed was not small or insignificant. I appoint him a hereditary official, enjoying the rank of Duke of the country." Hu said, "I am in the form of an animal born. How can I hope for the glorious body of an official? The emperor took an oath previously, and has not forgotten what he really said. Now I am content with my lot."

Emperor Ping said, with a sigh, "The animal desires the baseness of the imperial concubines and nothing else. Shall I bring such forth? There is no alternative besides choosing a time and then and only then holding the wedding." Then he summoned the officials to take King Gao's severed head and burn it, to collect the bones and ashes into a pot and bury it in the mountains where it can receive sacrifices from all the people. He also commanded the officials to take Pan Hu's body and cover it with a multicolored garment, to bind his waist with a strap of embroidered cloth, to tie up his neck with a strap of embroidered kerchief, to hide his thighs with a pair of embroidered pants, and to bind up his ankles with a pair of embroidered cotton cloths, all of these things covering his shame.

The next day the Emperor commanded the imperial concubine to dress herself up and at an auspicious moment meet the in-marrying imperial son-in-law. "On the bridal day it will be the dragon-dog named Pan Hu in the palace. Although he was born an animal he has an intelligent mind, and compared to the officials and generals does not disobey. The command of your regal father is that you be matched and married." When Pan Hu entered, the concubine and he met, exchanged bows, and were married. The concubine's only choice was to follow along, for she did not dare to disobey. So at the time in the inner palace there was a great feast to celebrate the wedding.

On the next day, accordingly, the chariots were arranged. At the front were three official superintendents, then 500 strong men carrying gold and silver on their shoulders in pairs, cottons and silks on twelve poles, and 100 sorts of things useful in family

life. Along one side music was played to send off the man and wife into the Hui Chi Mountain. Male and female members of the wedding party and a crowd of young gentlemen erected a house where they settled, forever near the mountain forest they hid themselves as though deceased. In addition there were two female servants to carry firewood and water, to prepare food and drink, and to wait upon the husband and wife so they would not have to suffer.

The royal father every month sent a messenger to deliver tax revenues to the husband and wife for provisions. It did not seem to be many years after this that six sons and six daughters were born to the couple. When Emperor Ping heard of this he said, with a delighted smile, "I will hand down an imperial order appointing Pan Hu as King Pan [Mien: Bienh Hungh] the first ancestor, and I will make the six sons and six daughters the royal Yao descendants by imperial order. Although they were conceived from the semen of a dog, by being in a human womb they became human. I will permit them to call themselves the Yao descendants."

The emperor then settled twelve surnames on them. The eldest son followed his father with the surname Pan. The others took the surnames Shen, Huang, Li, Deng, Zhou, Zhao, Hu, Tang, Feng, Lei, and Jiang. The Emperor then ordered that in marrying, the six sons chose outsiders as wives in order to pass their surnames on to their descendants, and that the six daughters marry outsiders as husbands in order to pass on their surnames.

These, then, are the origins of the twelve ancestral surname lines. Then, later, when each of the men and women had married, they lived apart [each in their own house], with their own cooking stove, and received the twelve surnames. They developed the ancestral branches of the twelve surnames, and later there would certainly be unending lines of descendants. No-one could forget that their origins derived from Pan Hu, the first ancestor.

Just so does a tree produce 1,000 branches which all share one trunk, and so a stream divides but retains a common source. Those of ancestor Hu's descending generations, though numerous as ants, how could they forget their origins? Pan Hu, the first ancestor, received his country, received the king's favor, received the imperial concubine as wife, and having been blessed with good fortune and merit, was especially thankful.

But what could he do? Although he had received the body of the king's dog, he lived on preserved food. Early one morning he ran away. Following the moon he ran to the mountains and later slept beyond the peaks. After several days hope was lost that he would return home. The big sons and the little daughters traveled all over the mountains and forests wailing, but there was not even the sound of a hawk in reply, and searching, but there was no trace of him. They searched on and at the foot of [? mountain] they saw Hu's body and perceived that he had been gored to death by the horn of a wild goat and thus came to a peaceful end.

The sons and daughters wept in grief and carried him home. Again they brought out beautiful clothes: a beautiful turban, a beautiful pair of pants, and a beautiful shirt, dressed the body, and put it into a wooden coffin. The filial sons and filial daughters, wailing without cease, went to report to Emperor Ping so he would know that Pan Hu, the founding ancestor, had returned his life to the great boundary. The descendants memorialized: "My lord had great regard for the past merit [of Pan Hu]. We ask for

an imperial decree so that the living and the dead may equally be the recipients of the benefits. Emperor Ping granted the request and repeated the order. The sons and daughters did not disobey and traveled the road home. Obeying, they could not long care for their parents and could only go about the great affair of sending off the dead.

An Imperial Edict Announcing Meritorious Actions to the Descendants: By imperial order the dragon-dog Pan Hu is created King Pan, the first ancestor. Earlier, when alive, he possessed the intelligence of a human. Later, when dead, he possessed the virtues of a god. His honorable sons and daughters worship his soul: They have drawn him in the splendor of human form; have painted him in the appearance of a god; he widely receives sacrifices from his descendants; the illustrious name conferred upon him by imperial order should be respected forever.

Henceforth the descendants should promise every year or two to celebrate. The five domestic animals will support them and pigs shall be their wealth, but they are not allowed to sell them. In marrying, the man joyfully celebrates by slaughtering a whole animal by binding up an artery. The men and women, the experienced and inexperienced proudly spread out to shake the long drums, blow the pipes, sing songs and play music. It is essential to ascertain that people play the spirit music and that things are plentiful and then wealth will prosper.

If there are those who do not do honor but behave in an unseemly manner and create wrongs, they will receive punishment. In the afterworld their actions will be reckoned and they will not be easily forgiven. It is authorized that the descendants of the twelve clans of the royal Yao shall make their own decisions about governing the mountains as they see fit, and that their poll taxes shall be remitted henceforth.

Emperor Ping's Charter is issued throughout the 10,000 *jing* of mountains and rivers of the thirteen provinces of the realm. The names of places from then on open to the Yao are Huiji Mountain, Zhongnan Mt, Exi Mt, Qing Liang Mt, Nan Mt, Yu Mt, Wanyang Mt, Yuelie Mt, Daluo Mt, Siwei Mt, Jiugui Mt, Wufeng Mt, Tiantang Mt, Wudang Mt, Jiulong Mt, Dajiang Mt, Zhongping Mt, Jiuji Mt, Shiba Dong Bashi Li Mt ["The Mountain of the Eighteen Grottoes and Eighty Villages"], Sanbai Mt, Dongyuan Mt, Xiyuan Mt, Meihua Meiling Mt, Taoyuan Dongxian Mt, and in Guangxi, Yongjiang Mt, Gaolang Mt, Yaotou Shisun Mt, and Mount Wugai.

All of the lands in the mountainous areas of the realm are given to the descendants of the royal Yao to till and control as their property and to care for their lives. It is decreed that they be exempted from the country's taxes. Therefore, later generations should not presume to extort [money] or infringe upon their rights. The virtuous Yao are forever to control the mountains, to till them with swords and plant them with fire. It is authorized that the descendants of the twelve clans of the royal Yao develop the wilds in the Huiji Mountain. In other words to till with swords and plant with fire in wheat and millet to make a living and settle.

In the future, when they have resided a long time and the people are numerous and the mountains exhausted they should separate into groups and divide. By imperial decree it is ordered that they each be allowed to leave the Huji Mountain and choose another mountain area. When they meet [Chinese] people on the road, the people are not allowed to arrest them. When crossing by ferry they need not pay. When they meet

an official they need not bow down. When tilling the mountain they need not pay the land tax. If they select land that does not belong to villagers they need not enter into agreements about springs belonging to villagers. Fields are to be 3 *chih* [42 inches] distant from graves both in front and back. Three spades bail water not up to [? text missing, appears to be delimiting the depth of wells].

These descendants of the twelve clans of royal Yao are exempted from taxes. Just as there are village officials and influential people who govern the broad fields, great settlements and the [Chinese] people, [so] the mountain areas are confined to the descendants of the royal Yao to till and govern, to settle and to pass their lives on. It is commanded by *Emperor Ping's Charter* that in later times the officials in the various *zhou*, *xian*, and *fu* offices [*yamen*] are to be at liberty to keep the Yao people at peace in accordance with my scheme.

It is ordered that the royal Yao women are not permitted to marry with the commoners [in Chinese society]. Those who so marry must willingly pay a fine of three jars of mosquito relish, 300 strings of [*kai yuan*] copper coins, 300 lengths of unjointed bamboo, three cubic *zhang* of raw gold silk, and three pecks of chicken manure, to be received by the officials. If someone steals a Yao man's wife or daughter, this is a crime not easily forgiven.

It is granted that the descendants of the twelve clans of the royal Yao may live in the mountains and forests, and may move their families, large and small, male and female, by traveling in large groups, and that they may enter villages to rest for the night. It is not permitted to interrogate them closely or to demand money from them. If any of these things occur, the descendants of the royal Yao are permitted to seize the culprit, haul him in and hand him over to the officials to punish the crime. To use power to oppress the weak is not to be forgiven lightly.

It is granted that the descendants of the royal Yao live in the deep mountains, tilling with swords and planting with fire to make a living [and to meet] their obligations to people. If a mother brings evil on herself and gives birth to rebels, all are to be punished. If there are those who do not obey, the crime will not be easily forgiven.

On the man surnamed Pan, first name Qilong, is conferred the title Zhu Guo with the support from a *xian* of 5,000 families and the office of Tz'u shih [Department Magistrate] of Chongteng County.

On the man surnamed Shen, first name Xiancheng, is conferred *Qihou* [(the title of) Riding Duke] with support from 1,000 families and [the office of] Imperial Record Keeper of Yao County.

On the man surnamed Cheng, first name Guangdao, is conferred the title of *Yehou* [Wild Duke] with support from 3,000 families and [the office of] Imperial Scribe of Chongyao County.

On the man surnamed Huang, first name Wenjing, is conferred the title of *Quang Lu Dafu*, with support from 3,000 families and the office of *Duyue* of Yao County.

On the man surnamed Li, first name Sian, is conferred the title of Zhenguo Dajiang Yun [Noble of the imperial lineage of the ninth rank] with the support of 1,000 households and the office of *Ben Sihou Shenlang Guan*.

On the man surnamed Deng, first name Lianan, is conferred the title of *Cilu Dafu*,

with the support of 2,000 households and the office of *Duyue* of Xin County.

On the man surnamed Zhou, first name Wenwang, is conferred the title of *Duyue pan shi buchong wanghua furen*.

On the man surnamed Zhao, first name Caichang, is conferred the title of *Dingguo gong shangshu dujia furen*.

On the man surnamed Hu, first name Jinsheng, is conferred the title of *Ludu jiangjun yonghua furen*.

On the man surnamed Feng, first name Jingzhong, is conferred the title of *Dingguo zhizhou yanghua furen*.

On the man surnamed Lei, first name Yuan-xiang, is conferred the title of *Guo wanglu shilang*.

On the man surnamed Jiang, first name Zhaowang, is conferred the title of *Jingguo zhizhou shiyang xian furen*.

The above document has been prepared in the year of the *Jingding* by the officials and is offered to the emperor by Lin Kuang of the *Menxia daxue*. The names of the officials consulted are: Feng Shirui, a *Jingguo menxia xueshi*; Luo Mendao, a *Huguan pin xueshi*; Liu Juzheng, [respectfully] *Dongmen dajiangjun jinqi duyue*; Xie En-chong, [respectfully] *Nanmen shilang*; He Lin, [respectfully] *Beimen dajiangjun feixia qi' an yue*; Men Ren, [respectfully] *Ximen dajiangjun fei qi' an yue*; Luo Xing, [respectfully] *Zhongmen dajiangjun jieqi*; Liu Guanghui- [?], [respectfully] *geishii sheren*; Lu Jie, [respectfully] *Zheng chien ta chiang cheun chieh tu p'an shih*; Zhang Lingchong, [respectfully] *Chin tzu kuang lu ta fu*; Li Lin, [respectfully] *Jinci guanglu dafu*.

In the above, it is ordered that the Yao descendants of the former king may roam the world and are people of the country. The imperial condolences are offered to them, and they are permitted to select mountains to live on. So is issued *Emperor Ping's Charter* to protect the person, remit the taxes of the man's descendants, and forever to rule the mountains, tilling with the sword and planting with fire to make a living. As a signed charter, we grant this pass as prepared. Private persons must act accordingly. We grant to the twelve clans of Pan's Yao forever this certificate.

Granted the twenty-first day of the twelfth month of the first year of the *Jingding* reign period [January 14 or 23, 1260].

Interethnic networks and civil pluralism across Southeast Asia and southern China

In Guangxi province of southern China, the *tusi* and *tu guan* schemes of local administration, supposedly of "ruling barbarians through barbarians," were in areas of Chinese settlements and not among minorities (Cushman 1970: 201-210). There was in fact no formal system of administration of ethnic minority areas for Guangxi, though there was in many other provinces. The following passage is from a 19th century gazetteer for one part of Guangxi, and we view it as indicative of civil pluralism, the active fashioning of an interethnic setting of trust and security that was reproduced through exchanges and mutual respect:

> The Yao live in the remote valleys, cultivate fields in the mountains, and hunt food. They have headmen [jiuzhang]. At the beginning of each year the headman heads up a hundred of the men under his command who carry bamboo baskets [filled] with tailed deer, stags, roebucks, foxes, ringed pheasants and rabbits to present to the mandarin; this is called "to pay New Year calls." The headman [on this occasion] wears a ceremonial cap and robes which have a round collar and large sleeves and are embroidered with seahorses. These are said to have been bequeathed them by their ancestors. The headman also wears straw shoes which are very unsuitable [with the rest of his dress]. When they meet the mandarin they prostrate themselves and do not dare to look up. In making their genuflections their long sleeves actually touch the ground. Folding their hands on their breast they do obeisance again to the left and likewise to the right, bowing eight times before they are finished. They are presented with savory food, wine and cakes. They drink their fill and leave, carrying the left-over cakes and biscuits with them in their sleeves (Cushman 1970: 207-208).

While *Emperor Ping's Charter* declares that Yao are to pay no taxes, this was never really true as the text makes clear. In Nan, Thailand, they paid annual tax, and in Guangxi, China, some areas paid tribute, some tax, and some were taxed on trade. Five kinds of fragrant wood were tribute items from Yao areas of Guangxi. It is worth noting similarities in Vietnam, which borders Guangxi: "four of the six categories of taxation applied only to items of trade with the tribespeople in the mountains (salt, rhinoceros horns, elephant tusks, aromatic wood, lumber, flowers, and fruit)" [in the 11th century] (Taylor 1986: 151).

Ocean trade from Southeast Asian ports to China focused on various highly-valued forest products (horns, hides, rattan, resins, bark, wood, flowers) and sea products (pearl, coral, tortoises, edible seaweeds; Andaya and Andaya 2015: 19, 21-35, 79, 101, 109; Dunn 1975; J. Cushman 1993). One notable feature of this trade was that it produced and sustained interethnic networks that accentuated diversity and (mostly) civil pluralism rather than result in increased homogeneity. Intermarriages and the granting of titles helped facilitate interactions and alliances, and there is every indication that ocean peoples and forest peoples (as farmers, foragers, and traders) were drawn to such networks for their benefits (Manguin 2002).

But in China and Southeast Asia there is little official recognition of such interethnic networks, and instead chronicles and ceremonies often insist on ethnic divides. We think that this coexisted with a range of alliance networks and that social life across this region was profoundly diverse and continually being negotiated. This is the setting for granting or reissuing *Emperor Ping's Charter*. It establishes an equivalence between two groups, defines their alliance as based on an ancient and honorable exchange, and insists on the prominence of the Empire and on the guarding against the abuse of power or taxation against the Yao. The document declares that there cannot be marriages between the two groups and then ironically lists the somewhat hilarious fines that should be paid to the authorities when this happens and ends with a list of mountains where rule individual Yao leaders who can tax their constituents. For groups of Yao that had no recognition

or any active relations with the authorities: "there was no means for settling grievances with the Chinese outside the threat or use of force" (Cushman 1970: 232).

Much of the scholarly discussion of the Yao *Charter* has been independent of any notion of how the document was used. One copy that now is in Thailand was bought, in about the late 1870s or early 1880s, by a would-be Mien leader as he took off with a large group of followers, "to go to a new land" (as declares a transfer note on the scroll). This man, Tang Tsan Khwoen, and his followers went from Guangdong and Guangxi to Vietnam, Yunnan, and Laos, and later to the kingdom of Nan that subsequently was made a province of Thailand. In the late 1870s or early 1880s, the group approached the king of Nan with a petition to settle in the mountain areas of his domain. One story of this exchange was recorded in 1972:

> When Tsan Khwoen first came to Thailand the authorities adamantly refused to grant him and his fellow villagers permission to stay and they were not even allowed to cut down any part of the forest. He therefore got out his copy of the Charter for Crossing Mountains and invited a Cantonese to translate it for the king of Nan and for the officials at the Nan court. Now, in the Charter it says that in ancient times the Emperor Pien Kou [Chinese: Pangu], who opened the heavens and established the earth, gave the charter to the Mien and therein ordered that, wherever the Mien went, no one was to deny them access to, or the right to live in, any part of the mountains. Nor was anyone allowed to collect tolls from them at fords or ferries, or to charge them for riding on any kind of conveyance vehicle. As for the collection of taxes in any area, such could be levied on all other peoples but not on the Mien, and this restriction was to apply equally to corvée labor, to surcharges on goods and to all other kinds of taxes. After the Charter had been read to the King of Nan, he decided that he could not forbid the Mien to settle in his territory.
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> In this way Tsan Khwoen and his followers received permission to settle at Phu Wae, and Tsan Khwoen was further appointed Phaya Khiri [Mountain Chief]. At the time Tsan Khwoen was made Phaya Khiri, Thai rule extended all the way up as far as Muang Singh. As soon as Tsan Khwoen had shaved his head, he was put in charge of all the hill peoples – Mien, Hmong, Lisu, Lahu, Akha, Khmu, Mun – in the Nan Kingdom and was empowered to collect taxes from every one of them. His jurisdiction extended all the way up to the Chinese border and included the areas controlled by Nan in both Laos and Thailand. This was a really bustling place then, as big as a province, and people had a lot of fun there (Le et al. 2016: 524-525).

According to Mien recollections in northern Thailand in 1993, Tang Tsan Khwoen achieved invulnerability through his individual connection to a royal spirit, which brought him considerable military prowess. He later was allowed to settle in Nan with his followers in exchange for silver, rhinoceros horns, and a promise to serve as a reserve military force for this kingdom (Jonsson 2005: 78-85). He was given a semi-royal title, *phaya*, and later his son was granted a *thao* title. That son subsequently became

subdistrict headman (Thai: *kamnan*), a position inherited later by that man's son and grandson. They maintained the relationship with the king's spirit and kept the copy of *Emperor Ping's Charter*, which was a family heirloom though it now is becoming more of an ethnic marker (Jonsson 2014: 100). Sometime around 1900 the Mien leader was licensed to grow opium and sell it to the Royal Opium Monopoly. Only big farmers in five Mien villages had this license, that was annually assessed and reconsidered, and the cultivation was actively monitored (Jonsson 2005: 74-86). Western missionary accounts from the time indicate that the Mien leader was possibly the richest man in northern Thailand (2005: 77).

Most highland peoples across northern Thailand were illegal cultivators who sold to Chinese traders on the black market in exchange for consumer goods. They were repeatedly at risk of extortion and field erasure, in contrast to the select group of Mien people in Nan who were legal growers under a titled leader. For five generations between the 1880s and 2010, Tsan Khwoen and his direct male descendants had official connections and recognition as *Phaya*, *Thao*, *Kamnan*, and *Nayok O.Bo.To*, first under the kingdom of Nan and then under Chiangrai and Phayao provinces. But there is no general awareness of such relations, recognition, and integration of highland people in Thai history. One example of such estrangement and unfamiliarity is a photo of Mien leader Tang Tsan Khwoen with some associates, that accompanies an article on the Yao in the *JSS* from 1925. The photo was taken in Nan town. The caption identifies the people as "a group of Yao" and only calls attention to their silver jewelry, which makes their history, identity, importance, and entanglement with the court in Nan and with the national opium monopoly completely disappear (see Nai Chan and Luang Bamrung 1925: 83).

Thai anthropologist Prince Sanidh Rangsit did research among northern Thailand's Lawa people in 1937-1938, while he was completing his studies in anthropology in Germany. The Lawa were generally considered an ancient population, the original inhabitants of the land. In a number of Lawa villages, Prince Sanidh learned of inscribed silver-plate grants that bestowed titles and privileges on Lawa leaders and reaffirmed relations between the court in Chiangmai and individual Lawa leaders and settlements. As with the *Emperor Ping's Charter*, the language of these contracts was very much in terms of a binary relationship of a state and an ethnic group, while in practice each leader and each settlement had to make and maintain their own position. The plaque confers the rank of *Phaya*, *Khun*, and *Lam* on several Lawa leaders, and goes on to specify the deal:

> In consideration of their tribute of 220 pieces of fine silver, the equivalent of 600 shoulder loads of rice annually deposited in our royal treasury, we do hereby exempt and release them from all the following duties to our government: corvée, military conscription, serving as bearers, construction of city walls, digging moats, damming the Ping River, carrying of supplies, having their elephants and women commandeered, supplying fodder for elephants and horses, all of which are contrary to their customs and ways ... [The document then details the protection offered to the Lawa against the state's officials and insists that the Lawa commoners and

> chiefs must act in harmony. It ends with an authentication and, significantly, a price tag]: In the year of 1214 Chulasakaraja [1852 CE], the Year of the Rat, second month, sixth day of the waning moon, Thursday, this silver-plate grant sealed with the royal seal depicting a devata holding Srikhargajaya Sword, is conferred on [the Lawa chief] Phya Ratna Wang Na ["Chief Jewel of the Front Palace"], the Lawa and the officials in perpetuity. Fee for enforcing this order 50. Fee for receiving this document 100 (Kraisri 1965: 235-236).

The silver-plate grants were issued to the leaders of individual Lawa villages. Lawa peoples considered the silver plate grants spiritually very powerful and potentially dangerous objects — analogous to how Mien in Thailand viewed copies of the *Charter* (Jonsson 2005: 121) — so they generally kept them buried in the ground at secret locations:

> They were kept in high esteem and were usually buried in earthen pots at places known only to the village headman and some elders. In rare ceremonies, in which pigs and chickens had to be sacrificed to the spirits, the silver plates would be dug up, shown and read to the assembled village (Sanidh 1965: 239).

Figure 4. Nai La, a learned Lawa man, reading the silver plate grant in Bo Luang village (photo: Prince Sanidh Rangsit, 1938; reproduced from Krasri 1965)

The examples that Prince Sanidh Rangsit saw were written in the monastic script for northern Thai. He was not allowed to take away an example for study. Instead, one specimen was copied on site by a Lawa villager who had spent years in a Buddhist monastery and knew the northern Thai script (Sanidh 1965: 239-240). The Lawa peoples

had for many centuries been involved in political, religious, and economic life of the lowland kingdoms that at the same time formally denied any chance of entanglements with forest-dwelling and non-Buddhist Lawa peoples (see Jonsson 2005:19-26).

One may find expressions of exclusive identities that imply how Lawa and northern Thai insist on their distinctions and deny any entanglements. But across southern China and adjacent Southeast Asia such statements of exclusive and sometimes incompatible identities coexisted with practices of civil pluralism and inclusive identities. Some scholars have acted surprised at Yao engagements with Daoism, Buddhism, Confucianism, and other strands of thought, ritual, and practice that they associate with "the Chinese." It is more adequate to assume that interethnic networks and religious pluralism have been common. They are simply harder to reconcile with academic and nationalist expectations regarding ethnically separate traditions.

Prince Sanidh Rangsit was interested in the notion of megalithic cultures as evidence of an early stage of social evolution. His concern was not with interethnic networks or entanglements but instead with distinct cultures as manifesting assumed stages of an evolutionary trajectory. The prince later passed the transcription of the silver-plate grant, from the Lawa village of Boh Luang, to Chiangmai-based scholar Kraisri Nimmanhaeminda who studied it. Kraisri Nimmanhaeminda also studied and published on Pu Sae and Ya Sae, the Lawa guardian spirits of the kingdom of Chiangmai (Kraisri 1967).

These mythical characters, supposedly from about at least 1,000 years before, had been cannibals who were converted by the Buddha toward civility, and the concession made to them to replace their cannibalism was an annual sacrifice of a buffalo. Such sacrifices were still conducted in Lawa villages in many parts of northern Thailand in the 1960s when Kraisri Nimmanhaeminda examined the issue. He noted that while Chiangmai was still an independent kingdom (before being made a province of Thailand by about 1900):

> the Thai conducted the offering as a yearly rite usually in advance of the beginning of the planting of the rice ... When the spirits of Pu Sae and Ya Sae were being worshipped there would be a citation running; Let not the rice of the Lawa die in their swiddens, let not the rice of the Thai wither and die in their [irrigated] fields. Clearly the association between the Thai and the Lawa people was close (Kraisri 1967: 198, 201).

This part of the ritual chant is identical to a portion of the silver-plate grant to the Lawa. This issue of pluralism and intercultural entanglements did not get much attention from the ethnographers associated with the Tribal Research Center in Chiangmai between 1965 and the 1990s because they were largely looking for "pure" cultures that did not show many signs of contact. The scholars generally assumed that cultural contact of this sort was somehow corrosive of the authentic tribal cultures which they expected to find (see McKinnon and Bhruksarsi 1983; and Walker 1992; for exceptions see Archaimbault 1964; Hanks and Hanks 2001; Hayami 2004, 2011; Kojima and Badenoch 2013).

Yao, Lawa, and many other peoples in this region of southern China and Southeast

Asia were always entangled in interethnic networks. Further, the expectation of ethnic blocks that kept to themselves and avoided mixing with others is unhelpful and also unrealistic. It is generally assumed that hunter-gatherer populations are primitive, self-sufficient, isolated, and independent of regional political and economic networks. But the case of northern Thailand's Mlabri (often called Phi Tong Leuang) offers unambiguous evidence to the contrary. During his research in 1936-1937, Hugo Adolf von Bernatzik learned how they were entangled with the kingdom of Nan:

> In Nan a Buddhist priest told us that there was a document in his monastery in which it was recorded that the Phi Tong Leuang were subjects of the king of Nan, to whom they paid annual tribute in honey, rattan, and wax. At the time they appear to have been very numerous (Bernatzik 2005: 43).

When the Mlabri were visited by Thai and Western scholars in northern Thailand in the early 1960s they showed unexpected and remarkable fluency in the northern Thai (Yuan) language as they improvised a song to welcome the visitors: "they were using a language of poets and learned monks which even the Thai villagers whom they visited could no longer use or fully understand" (Kraisri and Hartland-Swann 1962: 176). It was generally thought that as hunter-gatherers the Mlabri were the most primitive and isolated of the region's peoples. But a documentary film made during a visit by an international research team in the early 1960s team reveals that many of the Mlabri men had tattoos, common among their lowland Buddhist neighbors, and they entertained the visitors with a sword dance (Siam Society 1963).

Hugo Adolf von Bernatzik does not indicate having seen such a dance performance during his time with the Mlabri, but he encountered more or less identical "ancient sword-dances" in the late 1930s among the Jarai of the Central Highlands of Vietnam (Bernatzik 2005: 182-183, photo caption with fig. 70). Rather than being an ethnic tradition the sword dance was part of a region-wide repertoire of art and entertainment in multiethnic settings: it is for instance also viewed as a traditional dance of the Shan along the Thai-Myanmar borderlands. The Mlabri people's sophisticated multilingualism, their tribute relations with the kingdom of Nan, their tattoos, and their dance performance each manifest diverse and extended engagements with elements of a regional and interethnic cultural inventory; they were no more isolated or primitive than any other peoples of the area.

Archaeologist Tran Ky Phuong (2010) describes multiethnic hill-valley networks of trade, politics, and social life in Central Vietnam, that have been maintained for millennia and also stretch to Laos and Cambodia. Such networks provided very significant trade items for local and international markets, and the value of this trade made it important for coastal rulers to maintain good relations with hinterland populations. Feasting and ritual practice in hinterland villages was dependent on such trade networks. Jars and gongs, essential and valuable prestige objects, were acquired in exchange for buffaloes, forest products, and other items. Vanina Bouté (2015, 2017, 2018) describes another side to such networks in her study of Phunoy peoples in Pongsaly, northern Laos. The king of Luang Prabang gave many Phunoy leaders *phaya* and *phya* titles and land grants

(*kongdin*) that created local domains and hierarchies, in exchange for them serving as his border guards.

Figure 5. Phaya Khiri Srisombat and associates in Nan City, early 20th century (reproduced from Nai Chan Rangsiyanan and Luang Bamrung Naowakarn, 1925)

Had Bouté not found evidence of the old documents (1749-1882) in Phunoy villages in Phongsaly province, their existence and history might not have come to light, as there is no mention of them in the archives of Luang Prabang. These contracts created the ethnic identity Phunoy (from a range of ethnolinguistically related peoples who fled across from the Shan States following political mishaps). They also created localized hierarchies among the Phunoy, centered on the titled leaders. But the documents also had local significance that was independent of the Lao court. In Phunoy villages, annual rituals required two *kongdin* documents, where one was considered male and the other female. The female document was placed on an altar for a male spirit and the male document on an altar for a female spirit (Bouté 2018: 116-117). At the same time the Phunoy have practiced their own form of Buddhism, that was in part reinforced through relations with Tai Lue neighbors. Bouté makes a very strong case for understanding the Phunoy as a regional people who were shaped by their relations with various partners in trade, politics, and ritual. She also calls attention to significant internal diversity regarding ritual, land use, and kinship patterns. Her approach effectively counters the lingering tendency among ethnographers of Mainland Southeast Asia to consider an ethnic label to imply a bounded, singular and shared pattern of cosmology, kinship, livelihood, and political organization.

Mutually beneficial relations of trade, politics, ritual, and socializing were very common across this region, but they have not had much scholarly recognition. *The Emperor Ping's Charter* belongs in the same discursive universe as contracts to Lawa and Phunoy and relations with Sakai, Mlabri, Mien and many others across this region that often were made without leaving a written trace. Because such relations were often maintained without written records, it is important to suggest some reasons for the biases

in the archive. Once I (Jonsson) had some sense of the important relations that Mien leaders established with Nan and the Lawa with Chiangmai, I thought that the reason for the archive's silence was a Bangkok bias that erased the local realities of northern kingdoms such as Nan and Chiangmai. But this does not really explain the matter. Consider Ayutthaya, that was for centuries a thriving port city well connected to various international trade. One of the key items of this trade was forest products (J. Cushman 1993; Baker and Pasuk 2017). There is no indication that the Ayutthaya population had any knowledge of the people who procured such goods. Instead, it seems that kingdoms such as Kamphaeng Phet and Kanchanaburi maintained relations with Lawa, Karen, and other groups of forest people, and that various middlemen then brought the goods to Ayutthaya.

Multiethnic networks and attendant cosmopolitanism in Kamphaeng Phet involved Siamese, Karen, Lawa, Mon, Burmese, and others, whereas multiethnic networks and attendant cosmopolitanism in Ayutthaya involved Japanese, Chinese, Indian, Persian, Malay, Javanese, and other populations. That is, inland cosmopolitanism and ocean-trade cosmopolitanism were interconneced in Siamese kingdoms, but they had separate locations and involved different sets of trade partners. Nothing suggests that there ever was a singular Thai or Siamese worldview in relation to ethnic diversity (such as in a negative or dismissive attitude toward forest people), or that there ever was a singularity to the Siamese (or any other) state. Instead, there were varied and distinct forms of pluralism connected to separate networks of trade and politics across the region. The authorities in Ayutthaya never had total control over subordinate towns and kingdoms. Negotiation was repeatedly necessary at all levels of the polity (see Sunait 1990).

Framing the document's significance

The copy of the *Emperor Ping's Charter* that Tang Tsan Khwoen brought with him when he arrived in Nan in about 1880 is now kept in the Mien village of Pangkha in Phayao province. It was studied and translated into Thai (by Kosak Thammajaroenkit) and English (by Richard Goldrick) for a research project led by linguist Theeraphan Leuang Thongkham (1991). The translations were published as a booklet—a total of 1,000 copies—and while certain specialist libraries have the work it is increasingly hard to find. There is considerable overlap in the text of the two scrolls, the one from Khun Haeng village (this version) and the one from Pangkha. There was a third copy of the scroll in Thailand that Japanese scholar Yoshiro Shiratori (1975) photographed in 1967 in the resettlement village of Rom Yen. Soon thereafter its owner burned his copy, during a time of anti-communist nationalist anxieties in Thailand. At that time, any text in Chinese (including the Christian Bible) could land a person in prison as a suspected communist (Jonsson 2005: 59).

Stories of Mien chief Tang Tsan Khwoen hint at the common practice of interethnic networks across Southeast Asia. But because of political emergencies in China, Myanmar (Burma), Laos, Vietnam, and Cambodia (war, revolution, military rule, etc.), most of the ethnographic research on highland peoples in this region during the 20th

century took place in Thailand. It is little acknowledged that by 1915 the governors of northern Thailand's provinces essentially dispossessed highland ethnic minorities and increasingly criminalized their livelihood (Le et al. 2016: 535-546). Tang Tsan Khwoen and his followers were the exception to this trend. They had official recognition, their villages were registered, they had a permit to grow and sell opium, and they delivered tax annually to the authorities (Jonsson 2005: 73-98). The delivery of tax maintained the relationship between the Mien and the Thai, rather than implying the subjugation of the Mien by the Thai. From the time they settled in the hills of Nan, this particular cluster of Mien villages had official recognition and the people have had citizenship and land rights in Thailand.

Figure 6. Consulting a Mien ritual text, written in a Mien-modified Chinese script. Jom Khwaen village, Kamphaeng Phet Province (Photo: Hjorleifur Jonsson, 2015)

Research on Thailand's hill tribes largely rested on the premise of their separation from national society so scholarship found nothing unusual about the common disconnection between Thai society and highland ethnic groups (McKinnon and Wanat 1983). In Myanmar, many ethnic groups took up arms during the 1950s and 1960s in response to the Burman nationalist movement's hostility to any peoples they associated with previous support for British rule. In Laos and Vietnam, communist nationalist movements made allies among those—upland and lowland—who had been disaffected by French-supported authorities, while the authorities had their various supporters and allies among hill and valley populations across the land. Notions of the political orientation of highlanders (e.g. Scott 2009) make such ordinary divergence unthinkable. The successful communist revolution in China, following decades of political turmoil, essentially declared anyone a feudal reactionary who did not support the new regime.

Subsequent politics often revolved around the political credentials of particular peoples in terms of ethnicity and social position (Litzinger 2000; Fiskesjö 2006).

Much Western scholarship on China's south has assumed unfamiliarity and even persistent hostility across ethnic lines, between the Chinese and the so-called minorities. In *China's March toward the Tropics*, that later was reissued as *Han Chinese Expansion in South China*, Herold J. Wiens (1954) frames the ethnic and political frontier in the following manner:

> In this area an unknown number of the unassimilated and partly assimilated non-Han-Chinese inhabitants of South China estimated at 20 million people still struggle for existence. Those in the vanguard of flight before the southward migrating Han-Chinese are distributed across the frontiers in Burma, Thailand, and Vietnam-Laos ... To the indigenous peoples of Southeast Asia this frontier presents the menace not only of political domination, but perhaps of ultimate national extinction under the historical tide of Chinese migration (1954: xi).

To Wiens, the *tusi* ("native chiefs") system of local administration was a Chinese strategy of subjugating and assimilating the non-Han ethnic populations across the south. The same idea is apparent in Edward Schafer's (1967) study of early medieval China, *The Vermilion Bird*:

> The soldiers who kept the [Chinese] yoke on the necks of the indigenes were by no means all [ethnically Chinese]. Many of them were the native neighbors and natural allies of the peoples held in subjection. As Cortez used the Totonac people against the Aztec in Mexico, so did the Chinese employ some of the aboriginal subjects to bring others into subjection (Schafer 1967: 69).

Hans Stübel did brief research among Yao peoples in Guangdong during 1936. To him the Yao were a primitive people who were deeply distinct from the Chinese, and he appears to assume an incompatibility between the two groups:

> Gradually the Yao have been split up into many different groups, which have been forced back into the mountains by the Chinese, where they have little or no connection with each other: for a shorter or longer period of time, they have lived isolated from each other, as if on islands surrounded by Chinese culture (Stübel 1938: 345).

Harrell (1995) and his collaborators offered various case studies of China's ethnic frontiers in terms of civilizing projects emanating from the Chinese state (Confucian and communist) and (Christian) from western missionaries. James C. Scott's (2009) still more recent analysis of the ethnic hinterlands of Southeast Asia and southern China as zones of refuge from the state's taxation and subjugation continues this theme. Scott's case draws on the numerous ethnographic studies which have assumed that incompatibility and in many cases mistrust and hostility characterized ethnic and

political frontiers. Considering the tone of the works by Wiens, Schafer, Stübel, and Harrell, this may come as no surprise.

Various scholars have examined the *Charter* as a source of dates and places for relations between the Chinese and the Yao, on such issues as the spread of Daoism and on the feudal oppression by the ancient Chinese regime (Shiratori 1975, 1978, Huang 1991, Jao 1991, Strickmann 1982, Lemoine 1983, 1991). Huang (1991) suggests that the Yao are: "a minority group who underwent suppression and control to its near extinction, with a backward economy and culture, who led the miserable life of migrant shifting cultivators …" (1991: 119). Lemoine suggests much the same thing:

> On the part of the feudal court, Yao specific ethnicity was "permanently" acknowledged with the understanding that this basically small group of people should naturally disappear sooner or later if confined to mountain areas. On the part of the Yao, avoiding extinction was the main concern (Lemoine 1991: 600).

Jacques Lemoine does not offer any supporting materials with his allegation that the Chinese empire meant to demolish the Yao hinterland peoples by confining them to the forested hinterlands. This is simply asserted. It resonates with some of the above quotes from Wiens and others. But two experts in Chinese religious history, Barend ter Haar and Eli Alberts, have maintained that *Emperor Ping's Charter* is a fake. Ter Haar (1998) insists that the *Charter* is a fake, in contrast to the: "[many] Chinese (both Han and Yao) scholars [who] take the claims of these documents … quite literally and use them as straightforward … sources on the early history of the Yao." His reasoning is that the document does not look like the documents considered authentic:

> It seems more likely that these documents were composed by the Yao themselves on the basis of orally transmitted mythology in order to create a positive identity vis-à-vis the Han Chinese. This is indicated by the clumsy classical language, the narrative contents of large sections ... and a range of internal inconsistencies. Finally, given the incessant complaints of Chinese local officials about people fleeing into inaccessible regions inhabited by non-Han cultures in order to escape taxes and corvée, it is extremely unlikely that any local group would have received permanent exemptions ... The Yao charters simply do not qualify as valid bureaucratic documents, since they lack any mention of the agencies responsible for drawing them up, of the investigative process and of the official evaluation (*T*er Haar 1998: 3-4).

Eli Alberts (2006, 2011, 2016) offers a much more thorough examination of the *Charter*, drawing on Huang Yu's 1990 compilation of 105 copies of the document. Like ter Haar, Alberts (2011) takes the Charter to have been made by Yao peoples, but he insists on placing the document in the context of Yao ritual practice and also Chinese frameworks for legitimating chiefs in the ethnic minority zones (Alberts 2006: 129-145; 2011; 2016: 4). Importantly, Alberts calls attention to alliances between Yao and Chinese local authorities. In particular, Yao people guided mountain passes and could help keep

the peace and counter banditry in mountain areas (2011: 42-3). Alberts further suggests that government policies of enlisting Yao leaders and simultaneously exempting them from labor service is the most likely context for how Yao are situated in the *Charter*. Some of these dynamics date back to the 12th and 13th centuries, and some to the 15th century:

> The provenance of the earliest Yao charter can likely be traced back to this period. They were probably first drafted by Yao headmen, perhaps those very leaders who paid homage at court as "enlisted Yao" ... Yao charters not only preserve the memory of past Mien leaders – mythical and historical – but also serve as guides to action for would-be leaders ... They provided a model for interacting with various external powers – most notably, the Chinese imperium (Alberts 2011: 46).

The inscribed silver-plate grants to the Lawa and the *kongdin* grants to the Phunoy offer a way to situate the reality of *Emperor Ping's Charter* as a document. Such grants established particular relationships and were also ritually important as objects that belonged to titled chiefs and were read out on special occasions. In no way have such objects ever been about the position of an ethnic group vis-à-vis the authorities. Instead, they have always been about individual leaders and communities and highly particular relationships that had to be renewed annually. The rhetoric of such documents is that of two sides in contrastive ethnic terms. The documents insist on cordial interethnic relations of mutual respect, something that is otherwise not in much evidence in the historical archive. Official statements, such as in state chronicles, tend to focus on the legitimacy of a particular set of rulers and tend to insist on identity as singular and exclusive. That is very much the tone of official Chinese archives, as much as that of the chronicles of Thai courts like Nan and Chiangmai. Such official statements insist on political, social, and ethnic divides – Georges Condominas (1990), for instance, accepts the chronicle tradition of interethnic hostility and Thai military conquest as an explanation for the divisions between Thai and Lawa peoples. The rhetoric of the chronicles is very much the opposite of the grants to the Lawa and the Phunoy, and the *Emperor Ping's Charter*. Those diametrically opposed views may always have coexisted, anchored on the one hand to a sense of identity as singular and exclusive and on the other as diverse and inclusive.

In scholarship as in social life, ethnic frontiers in China and Southeast Asia often appear predictably biased in favor of the state and against the interests of minorities. But the causality and inequality may simply inhere in the terminology in a circular manner that makes any alternatives unthinkable. Areal comparisons, with an ethnological skepticism about the coherence of the state, a society, or the ethnic group, suggest alternative scenarios. Historians often take at face value statements in Chinese records about the subjugation of ethnically non-Han populations through the *tusi* system, other forms of cooptation, or through military conquests (Shin 2006: 58; Giersch 2006: 91-96; Herman 2007: 108-109; Dai 2009: 147-165; Wade 2015: 69-91). David Faure and Ho Ts'ui-p'ing (2013: xii) caution that: "it is an error in the reading of centralized records to accept the fiction that local society accepted the imposition without negotiation."

No state or society may be as coherent as its ceremonial or formal statements would indicate. There is a particularly compelling example from the kingdom of Barus on Sumatra. Malay kingship rested on expectations of exclusive and singular Malay identity and Muslim kingship, but the case of Barus reveals a coastal kingdom that had two ruling houses, about a kilometer apart, each with its own lines of allegiance to the ethnically-other Batak hinterlands that supplied some of the most valuable trade goods (Drakard 1990). This was a pattern that was categorically not supposed to be possible in terms of the Malay ideals of rulership (*kerajaan*). In many ways the example suggests how "the state" as a singular, exclusive, and predictable entity is a cultural fiction (Jonsson 2018).

Historian Ronald D. Renard (1987) found documents showing that in the 19th century, the border between the ostensibly hostile states of Chiang Mai and Kayah (Red Karen), across what is now the border of Thailand and Myanmar, was repeatedly drawn by releasing a buffalo in the border area and observing the trail it marked. In no case was the buffalo's trail marked out in precise detail. Instead these were expressions of civil pluralism where people declared their intent to get along and sort out their differences through interaction, across state lines. It is not like the chance of such negotiation was always open. For groups of Yao that had no recognition or any active relations with the authorities, violence offered the only means to insist on their priorities. The risk of violence was an important motivation for forging and sustaining relations across difference, toward the civil pluralism that is manifest in the various cases of multiethnic networks mentioned above. It was equally important for courts as for rural leaders and communities to be "well-attached" through such networks. The hinterlands were never uniformly disconnected, isolated, or marginalized, nor was the opposite the case, that highland, forest, and inland regions were uniformly subordinate and loyal to a court. Instead, there is good reason for another look at how locales, regions, courts, trade, and politics have come together in particular networks across ethnic lines, in ways that sustained an emphasis on negotiation and on civil pluralism. One example of such historical reexamination is the focus on "autonomous histories" within Southeast Asia (Sunait and Baker 2002).

Multiethnic networks connected hills and valleys, ports, and hinterlands. Some networks were oriented inland and procured a range of high-value forest products, that then enabled other multiethnic networks of ocean trade. These interrelated dynamics rested on two separate cosmopolitanisms that never merged but derived energy from one another. The ethnic singularity of courts, kingdoms, and ports is in many ways a cultural or historical fiction (O'Connor 1995, 2000). The notion tends to deny the pluralism and diversity that have long characterized Southeast Asia as a region. Courts and kingdoms always rested on alliances and networks that connected different peoples, environments, resources, and trade goods. Statements about clear ethnic lines are telling of an ideal world that was enacted for certain ritual purposes but was otherwise not an issue. On this front, the *Emperor Ping's Charter* is instructive when it orders that there cannot be marriages across certain ethnic lines and then itemizes the somewhat hilarious fine that must be paid to the authorities for this particular transgression.

Scholarship on China and Thailand has often taken interethnic incompatibilities

as its premise. Most of the anthropological work on Thailand's hill tribes assumed that highland ethnic groups had certain integrity in culture, social organization, livelihood, and politics that was threatened by engagements with Thai society (Geddes 1976; McKinnon and Wanat 1983; McKinnon and Vienne 1989; Walker 1992). This assumption made it unthinkable that multiethnic networks for reciprocal benefit were common in the region's history, or that they might have been foundational to the shaping of social life in the region. Highland people's worldview assumed regional and interethnic worlds, including in religious practice (Bouté 2018; Chen 2015). One example is that among Thailand's Mien, anyone founding a village would start by inviting the spirit of a powerful valley lord (ethnically Thai, Lao, or Burmese) to be their guardian spirit (Jonsson 1999). Mien religion and language manifest multiple engagements and borrowings from the Chinese over many centuries. This does not make their culture, language, or society any less Mien somehow, but highlights the analytical and descriptive problem; assuming ethnically distinct and bounded worlds across Southeast Asia may lead to profoundly erroneous interpretations of social life, politics, history, and interethnic relations.

A comparison of ritual practice among Thailand's Mien peoples and Cambodia's Tampuan and Kreung peoples (Jonsson 2020) suggests that households, villages, and chiefs have involved separate foci and different kinds of spirits – ancestors (kinship), village owners (territoriality), and royal spirits (multiethnic and translocal hierarchies) point in different directions. Kinship, territoriality, and multiethnic hierarchies are separate principles of social life and identity. These alternative premises have long coexisted but never merged, similar to how notions of community and hierarchy have informed Thai culture and society (O'Connor 2000: 440). Diversity has been foundational to social life, politics, and ritual across Southeast Asia, and this has often been obscured by assumptions of ethnically distinct worldviews and traditions. Across the region, villages have historically been individual units of customs and ritual, variously led by a chief, ritual specialists, or separate kin-groups. Village autonomy and multi-village networks have long gone together. This pattern has a clear parallel in language practice; most children grow up in monolingual villages while most adult populations have been multilingual (Enfield 2005).

Measures toward security and justice

> When they [Yao] meet [Chinese] people on the road, the people are not allowed to arrest them. When crossing by ferry they need not pay … It is granted that the descendants of the twelve clans of the royal Yao may live in the mountains and forests, and may move their families … They may enter villages to rest for the night. It is not permitted to interrogate them closely or to demand money from them. If any of these things occur, the descendants of the royal Yao are permitted to seize the culprit, haul him in and hand over to the officials to punish the crime. To use power to oppress the weak is not to be forgiven lightly.

This proclamation in *Emperor Ping's Charter* does not suggest that the Chinese state was singularly interested in control, domination, taxation and in the Yao people's

compliance with official decrees. This segment instead suggests an interest in protecting subjects from political abuse, and in establishing measures to prevent intimidation and corruption. As an indication of the intentions of officialdom, the passage suggests a priority on enabling conditions of security and trust, as the precondition to trade, social life, and political alliances. The question of whether this adequately describes "the Chinese" or "the state" is not relevant or even answerable. Instead, the document and this rhetoric are likely to have been significant in relations between particular local rulers in Guangxi and Guangdong and individual Mien/Yao leaders. This segment of the *Charter* has considerable resonance in the language of grants to the Lawa (from Chiangmai) and the Phunoy (from Luang Prabang). The family resemblance among these documents indicates a regional custom of civil pluralism across Southeast Asia, where hierarchy does not imply domination but instead difference that can enable alliances for reciprocal benefit. On this front, there is no fundamental difference in the political strategies behind multiethnic networks in Guangxi, Guangdong, Yunnan, and across Mainland Southeast Asia. At the local level, southern China and Mainland Southeast Asia have significant historical commonalities that are quite distinct from the better-known imperial agendas of Nanjing, Beijing, and other high-level Chinese courts.

The grant to the Lawa in the village of Bo Luang exempts them from various duties to the court, in exchange for their payment of annual tribute. Then the document declares:

> We forbid our ministers, village headmen and town chiefs, centurions, and borough heads, village headmen and local authorities, both present and future, to impress their (Lawa) labour … We order the Chief to care for the Lawa, we order the Lawa to care for the Chief … When the people have disputes, let the leaders render impartial judgement according to the law. Let the leaders behave as leaders should behave. Let the lam (herald) behave as the lam should behave. Let the common people behave as the common people should behave (Kraisri 1965: 235-36).

Again, any expectation that the state is singularly bent on control, domination, and extraction is countered in this proclamation. The Lawa are provided with the rhetorical tools to defend themselves against any official abuse, and they are encouraged to get along among themselves. Further, social status is conveyed as the means toward mutually beneficial networks across difference. The text does not declare that people are all equal. Quite the contrary it declares that everyone is unequal. But this pervasive inequality is conveyed as the means toward collaboration, mutual regard, and reciprocal benefits. By insisting on standards of justice and on measures to prevent political abuse, rulers made themselves accountable to their subjects. If they could demonstrate the ability to uphold security and justice then they had shown their worth. This might bring them more followers and trade partners and might also make them jealous rivals. Perhaps the best-known example of this is the *Mangraithammasat*, the Laws of King Mangrai, where the king contrasts the just and restrained rule of Dharma Lords with the abusive and exploitative practices of Mara Lords (Arunrut and Wijeyewardene 1986: 55; Kirsch 1984).

Vanina Bouté (2015, 2017, 2018) describes how the Lao court established Phunoy populations as border guards and gave their leaders *phaya* and *phya* titles. These leaders

collected tax and organized public works. The court granted the leaders *kongdin*, "land documents", written variously in the sacred script for Lao or Tai Lue and stamped with the king's seal. The documents conferred royally granted status, drew territorial boundaries, and insisted on duties to the court. Significantly, the documents also emphasized security and stability. Various efforts must be expended to keep the population from abandoning the domain, and the chiefs must monitor the area to prevent vagrancy. The Phunoy leaders were under Luang Prabang's command and they delivered tax and organized public works. At the same time, they had significant autonomy from the Lao court, and individual Phunoy villages and village clusters managed their own affairs in farming, ritual, kinship, and social life.

Figure 7. King Pan temple in the Mien village of Huai Chomphu, Chiangrai Province (Photo: Hjorleifur Jonsson, 2015)

The commonality in the political discourses of southern Chinese, northern Thai, and Lao rulers toward their hinterland populations is indicative of a regional custom that is not tied to any one particular ethnic tradition or political domain. Instead, this framework is common across the region. This custom has encouraged alliance-focused multiethnic political systems and has actively countered tendencies toward domination and hostile interaction such as in the antagonistic binary of the state versus the margins (Scott 2009). There is a common tendency to view hierarchical organization as indicating domination and subjugation. A significant alternative lies in the focus on collaboration across difference. Joyce C. White (1995, 2011) has called attention to the notion of heterarchy to account for patterns in the archaeological record for Mainland Southeast Asia. Among the key features of heterarchy are flexible and context-dependent hierarchies and horizontal or lateral differentiation. White notes the persistence of cultural pluralism, multicentric markets and distribution centers, flexible social status,

and politics that stress conflict resolution and alliance formation (White 1995: 104). This perspective on political life helps explain why there was no apparent effort to subjugate or control the Phunoy, Yao, or Lawa, and instead a noticeable effort to accommodate difference and to negotiate with their leaders for peaceful relations and mutual benefit.

Collaboration toward reciprocal prosperity suggests an emphasis on encouraging cordial relations and good attachment across difference. The resulting multiethnic networks are not easily labeled. Phunoy village clusters were in many ways independent of one another. They were collectively under Luang Prabang but at the same time they were never controlled by the Lao court. The Mien settlements in the highlands of Nan that were incorporated through a royal title, taxation, and a trade deal, were never really

Figure 8. Statues and offerings in the King Pan Temple, Huai Chomphu village (Photo: Hjorleifur Jonsson, 2015)

controlled by the Nan court or its agents. Villages and village clusters were independent of one another, though they were equally under a titled chief and owed their rights and protection to that relationship. Taxation was not one-sided extraction but was instead the mechanism for making and maintaining relations where each side had a rightful claim on the other. Chiefs, from this perspective, were political brokers who played an essential part in maintaining multiethnic networks through customs of negotiating diversity.

The need to protect the domain against potential enemies was one practical reason for establishing the Phunoy as border guards and for giving their leaders a loose rein to run their own affairs but to deliver annual tax and manage public works. Historically, when courts such as Chiangmai or Kamphaeng Phet were demolished by stronger enemies, their population sought refuge and supplies from Lawa and Karen allies. Multiethnic networks were a practical necessity. The custom of cultivating alliances was an essential strategy for security across the region.

Viewing chiefs as political brokers who were essential for the maintenance of multiethnic networks and alliances suggests an alternative perspective on one of the persistent tropes about the peoples of Southeast Asia: the distinction between animist, kinship-based, non-state upland societies and the stratified, territory-based, and Buddhist state societies in the lowlands (Leach 1954; Scott 2009). Titled chiefs among Lawa, Mien, and Phunoy peoples were entangled with states as well as with local networks of kinship, ritual, and politics in their own communities and village clusters. The populations under these chiefs lived in communities shaped by their relations to kingdoms and their rulers and trade networks. And the populations were engaged in ritual practice that included Southeast Asian and Chinese religious frameworks (Buddhism, Confucianism, Daoism). The notion that animism and Buddhism are incompatible is an overdrawn contrast and not a realistic guide to the diversity of peoples and ritual practice in the region (Kirsch 1977).

Stories of Mien chiefs in Thailand, Laos, and Yunnan, China, suggest that they came to prominence through their reputation for prowess, multilingualism, and the ability to negotiate disputes, settlement, and trade deals. There was often competition among rival candidates for power, as these positions could be very financially rewarding. Tang Tsan Khwoen (Phaya Khiri), the Mien chief who made a deal with the king of Nan, survived four or five attempts on his life from a rival (Le et al. 2016: 529-535). Both he and the most prominent Mien chief in northern Laos during 1880-1930 were known among their direct descendants and other followers as eminent upholders of justice and tranquility. Among some of the rest of their subordinate populations they were not held in high esteem and there was no effort to recall their glory. Among a third segment of their subordinates they were known as cruel and heartless, arbitrarily meting out punishment on people because they had the power to do so (Jonsson 2005: 82, 2009: 134). People's experiences of their chiefs varied from one village to the next, but communities without connections to chiefs were particularly vulnerable to extortion, raids, and various other political abuse such as frivolous lawsuits.

There is no evidence for the assumption that an ethnic group has ever had a singular social organization, this is instead just a case of folk sociology that has been common among academics. The available evidence suggests that individual households, villages, multi-village units, and towns were continually being shaped in very particular conditions of trade and politics where each level had to negotiate its position and options. Households had to manage their own farming and rituals, while they were within the frame of a village and its leader. Villages had considerable leeway in their own affairs, even if they were under a multi-village chief. If a chief had a semi-royal title then he had some access to negotiating trade and politics with the rulers of larger domains. All the resulting networks have been highly particular and tenuous.

The analytical and descriptive focus on heterarchy suspends any predetermined convictions about social organization and the implication of social status. It needs to be ascertained on a case-by-case basis what the units are and how they can relate. There are only individual actors and particular networks, and it is an empirical question how they add up in unique situations. Scholars have long been concerned with the flexibility of social organization in highland societies, "oscillation" between relatively egalitarian and

hierarchic frameworks (Kirsch 1973; Leach 1954). This situation may be approached in terms of how different structural poses—in ritual, farming, feasting, taxation, kinship, and warfare—can each bring a particular alignment and ranking to the available social units and classifications (chiefs, commoners, kin-groups, ritual experts, militias, householders, men and women). Further, the issue has to be examined in a regional and historical perspective that includes the importance of lowland rulers, regional markets, relative peace and security, and so on, at particular historical moments. Binaries such as the state versus the highlanders serve to predetermine who the actors are and what can happen between them, and thus to deny historical or comparative inquiry.

Figure 9. This Buddhist grotto in a small building near the King Pan temple, Huai Chomphu village, is a reminder of pervasive pluralism in ritual and social life (Photo: Hjorleifur Jonsson, 2015)

The common anthropological expectation that if a community has a chief then it is hierarchical rather than egalitarian is based on the notion that an ethnic group somehow "has" a social or political organization. What the anthropologists considered egalitarian communities were for the most part settlements that had been cut off from networks of negotiating for justice or trade connections and had no links to political brokers such as chiefs. The anthropological quest to typecast political organization in terms of ethnic labels draws on the legacies of 19th century evolutionism that assumed hostile competition among distinct peoples for political and commercial success. This model persistently sought to scale and rank peoples (as races) by their strength or accomplishments and never allowed for the possibility that collaboration across difference enabled negotiation toward justice, security, and reciprocal benefits.

The common binary of stateless versus state populations draws on this same evolutionary model, especially the idea that human societies can be ranked in terms of

their relative complexity and that some are based in kinship and others in territoriality. But in terms of cognition and sociality, humans have all been equally modern and complex for about 200,000 years. Even the ostensibly simplest societies are anchored to the alternative principles of hierarchy, locality, and kinship, and can activate disciplinary power and notions of sovereignty (Jonsson 2018, 2020).

The assumed hill-valley divide in Mainland Southeast Asia denies hinterland populations their rightful claim to membership in regional societies and in modern nations. And the assumed divide denies the varied local customs of nurturing good attachment through alliances and multiethnic networks that were anchored to strategies of enabling security and justice. The main beneficiaries of the assumed hill-valley divide have been anthropologists and national chauvinists. The former had their distinct tribes for the purpose of ethnographic studies or images of egalitarian highlanders in contrast to the stratified and oppressive state, while the latter had their profound ethnic lines that gave the illusion of a distinct "Thai," "Burman," and other bounded and mono-ethnic national realities. Both groups have, with their separate agendas, contributed to erasing the legacy of a Southeast Asian custom of civil pluralism that was been maintained for millennia through strategies of motivating and seeking good attachment across difference.

Conclusions

This examination of the text of *Emperor Ping's Charter* draws on a Southeast Asian context of interethnic contracts and networks to suggest the historical importance of civil pluralism and inclusive and diverse identities. It emphasizes a long history of interethnic networks and alternative cosmopolitanisms oriented toward inland trade versus ocean trade in order to counter the narrow ethnographic focus on individual highland ethnic groups in contrast to the state. The emphasis on singular and exclusive identity is common in the historical archive. This is a major reason for calling attention to interethnic equivalences and negotiation based on maintaining conditions of trust and security, a dimension that has not been much admitted to in the historical archive of courts and kingdoms.

Across the region, identities as exclusive/singular and as inclusive/diverse have always coexisted. But only the exclusive and singular have been recognized and publicly endorsed. The regional and comparative perspective on hill-valley relations can suggest how the historical archive is already selective, and also what kind of material is needed to offer a more comprehensive perspective on the past. Against the common tendency to make an example of peoples such as the Mien, Lawa, or Phunoy regarding distinct ethnic patterns, this study has drawn on their histories of contracts, chiefly titles, and alliances to call attention to region-wide customs of civil pluralism that have connected hill and valley people in various networks. Mosquito-relish diplomacy seems an apt notion for the traces of pluralism that have been hiding in plain sight in the historical archive of ostensibly remote places and peoples.

Comparing hinterland ritual traditions across Southeast Asia suggests that they have always expressed individual and place-specific combinations of kinship, territoriality, and trans-local, multiethnic hierarchies. These were anchored to the alternative social

frameworks of households, villages, and chiefs. The documents belonging to chiefs among the Yao/Mien, Lawa, and Phunoy suggest that people's identities were regional and tied to contracts and political negotiation that were repeatedly under review. Hinterland populations' worldview was not fundamentally different from that of their lowland neighbors. In each case there is a scheme of interconnected units that are partly autonomous—households, kin-groups, villages, chiefs, and the rulers of towns (*muang*) and domains (*khwaen*). The emphasis on cordial relations between hill and valley populations and the stress on restraining officials from abusing their power is not a description of lowland rulers as generally benign. Instead, it is more likely an expression of pervasive competition among neighboring domains seeking allies in trade and politics. Rulers had to make a show of their ability to rein in corruption and abuse in order to look more promising than their rivals in other domains.

There was significant competition among hinterland groups and leaders for contracts with lowland rulers. Across the region there was a lively market for political and economic connections, and people jostled for favorable positions. The *Emperor Ping's Charter* among Mien and other Yao peoples and the contracts to Lawa and Phunoy chiefs point to patterns in Southeast Asian history that have long been overlooked in the scholarship on the region. The politics of these documents suggest the relevance of heterarchy for understanding the historical landscape, particularly regarding flexible and context-bound social position, civil pluralism, and an emphasis on alliance-based interethnic networks. Within highland communities, chiefs had varying reputations depending on how subordinate populations connected with them. Beyond their communities they were magnets for negotiation and recognition as traders and rulers sought to guarantee the conditions of familiarity, security, and trust that could enable mutually rewarding alliances. Aside from the documents that have been the focus of this examination, such alliances have left no visible trace.

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