

改革开放后

中国农地产权结构变迁与
制度绩效：理论与实证分析



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序

改革开放后中国农村发展的轨迹为我们提供了制度之于经济增长重要性的一个成功案例，改革的实践和理论已为我们揭示出，农村土地产权制度改革对中国农业增长的贡献居功至伟。但是，现有研究大多忽视了家庭联产承包责任制这一制度形式下内含的农地产权结构变迁对制度绩效的影响，而这是理解家庭联产承包责任制的制度绩效在不同的阶段迥然有异的关键所在。由于产权在诱导人们的决策动机和经济选择行为时首先取决于不同的产权结构，不同的产权结构安排决定了经济当事人不同的行为选择域进而对经济绩效的作用结果不同，因此，有必要对改革开放后中国农村土地产权结构的变迁进行梳理，这不仅有助于我们站在历史的角度准确地理解和认识中国农地产权结构演化的脉络，而且有助于我们揭示蕴藏于其中的中国农地产权结构变迁的规律，为深化农村土地产权制度改革提供借鉴。冀县卿博士的专著《改革开放后中国农地产权结构变迁与制度绩效：理论与实证分析》在已有研究的基础上，深入到农地产权结构内部，从宏观和微观两个层面揭示中国农业增长的农地产权制度原因，不仅有助于深化对产权理论的认识，而且为进一步改革和完善农地产权制度提供具有科学依据的政策启示。

我个人认为，冀县卿博士的著作至少在以下三方面有所突破和创新：

第一，构建“产权结构—制度绩效”的理论分析框架，从产权专用权和剩余权视角深入研究产权完整性、产权完全性以及剩余索取权、剩余控制权对制度绩效的影响。作者认为，产权结构受制于制度结构，制度不完备往往导致产权残缺，产权残缺又会产生低效率。产权残缺既可能源于完整性方面的残缺，也可能源于完全性方面的残缺，而现有理论研究大多忽视后者所导致的产权残缺所带来的效率损失。作者的这一观点是极富见地的。

第二，运用“产权结构—制度绩效”的理论分析框架从宏观和微观两个层面深入到农地产权结构内部，揭示中国农业增长的农地产权制度原因，并寻找两者之间的共同点。作者认为，要提高制度绩效，就必须使当事人拥有的农地产权更完整、更完全，并赋予拥有剩余索取权的主体剩余控制权。这一结论既验证了产权理论，又有助于深化对产权理论的理解和认识。

第三，作者认为我国农村土地产权制度改革的方向应该是完善农地产权结构、明晰土地产权并赋予农民更多的剩余索取权和剩余控制权，这一政策建议具有极强的针对性。事实上，关于如何进一步深化农村土地产权制度改革，理论界有着不同的看法，作者的这一研究扩张了政策选择的边界。

当然，对一部著作的解读往往是仁者见仁、智者见智，而且，中国农村土地产权制度博大精深，一部著作不可能穷尽中国农地产权制度研究的所有问题，作为冀县卿博士

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的博士生导师，希望作者能够在现有研究的基础上，充分吸收同行的研究成果，围绕这一主题进行更加深入、持之以恒的研究，并期待有更多的有识之士加入到这一选题的研究中。

本书是在作者同名博士论文基础上修改而成。值此出版之际，应作者之邀，欣然为之作序。

钱忠好

2010年12月19日

摘 要

1978年以来,中国农业取得了举世瞩目的成就。已有研究从总体上充分肯定了家庭联产承包责任制的积极作用,认为家庭联产承包责任制确立了农民农业生产经营者的主体地位,并通过赋予农民一定程度和一定范围的土地承包经营权,使其权利责任利益相统一,有利于调动农民农业生产经营的积极性。但是,现有研究大多忽视了家庭联产承包责任制这一制度形式下内含的农地产权结构变迁对制度绩效的影响。透视改革开放后中国农村经济体制改革的进程,一个可观察到的经验事实是:尽管改革开放后中国农村普遍采用了家庭联产承包责任制这一制度形式,但随着中国农村经济体制改革的深入进行,农地产权结构业已发生了变迁。农地产权结构不同,对当事人的激励和约束作用有别,当事人的行为选择域就会不同,制度绩效必然有异。因此,深入到农地产权结构内部,揭示农地产权结构的演化规律,研究农地产权结构变迁对制度绩效的影响,这不仅有助于深化产权理论研究,而且可为进一步改革和完善中国农村土地产权制度提供具有科学依据的政策启示。

本研究由三个部分构成:首先构建“产权结构—制度绩效”的理论分析框架,重点分析产权完整性和完全性、产权专用权和剩余权对制度绩效的影响。其次,运用构建的“产权结构—制度绩效”的理论分析框架,分别从宏观和微观两个层面揭示制度绩效的农地产权结构原因,寻找两者之间的共同点。最后,主要的研究结论和政策启示。

全书共分八章。

第1章 绪论。首先介绍本研究的选题背景和选题意义，然后围绕农地产权制度效应、农地产权变迁、农地产权制度的改革构想三个方面对现有研究进展进行简要的回顾和评论。在此基础上，介绍本研究的研究目的、研究内容、研究思路、研究方法、数据来源、技术路线、可能的创新与不足。

第2章 产权结构与制度绩效：一般分析。本章首先从理论上对制度、制度变迁、制度不完备性、产权、产权结构等基础概念进行梳理，然后对制度、产权、交易费用的逻辑关系以及制度不完备、产权残缺、制度绩效的逻辑关系进行分析，进而探讨产权完整性和完全性、产权专用权和剩余权对制度绩效的影响，据以架构研究中国农村土地产权结构变迁与制度绩效的理论分析框架。

第3章 改革开放后中国农地产权结构变迁：历史回顾。通过对改革开放以来中国农地产权结构变迁过程的历史回顾，从农地产权结构的视角较为系统地描述1978年以后农地产权结构变迁的轨迹，通过对中国农地产权结构变迁路径的分析，初步揭示蕴藏于其中的农地产权结构变迁的规律。研究结果表明，效率优先是中国农村土地产权制度改革的逻辑起点，这也构成中国农地产权结构变迁的基准点。虽然改革开放后我国农村一直实行家庭联产承包责任制，农民拥有的都是承包经营权，但其内在的农地产权结构业已发生变迁，且变迁的基准是如何尽可能地发挥农地产权对农民的激励和约束作用，提高效率。1978年以后，中国农地产权结构沿着不断强化农民土地产权的方向演进。无论是土地使用权，还是土地收益权或土地交易权，在政策选择上都更多地指向了农民，呈现出不断强化农民土地产权的特征。

第4章 中国农地产权结构变迁与制度绩效：全国数据的检验（1）——基于农地产权完整性和完全性视角的分析。本章利用全国的数据、从农地产权完整性和完全性的视角分析中国农地产权结构变迁对制度绩效的影响。首先从理论上探讨农地产权完整性和完全性结构变迁对农业增长绩效的影响，在此基础上，依据1978—2008年中国农地产权结构变迁的史实剖析中国农地产权完整性和完全性变迁对农业增长的影响。研究表明，不同的产权结构安排决定了经济当事人不同的行为选择域，并进而影响制度绩效。产权结构主要通过产权完整性和产权完全性两方面对制度绩效产生影响。由于农业生产的过程是自然再生产和经济再生产交织在一起的过程，生产决策系统极为复杂，农民与农业生产的联系更紧密、更直接，赋予农民更多的农地使用权、收益权和交易权，使农民形成长期而又稳定的预期，有利于激发广大农民长期投资的积极性。改革开放后中国农业持续增长的重要原因之一就在于发生了农民层面上农地产权完整性和完全性不断增强的变迁。

第5章 中国农地产权结构变迁与制度绩效：全国数据的检验（2）——基于农地剩余权视角的分析。本章利用全国的数据、运用计量模型，从农地产权剩余权的视角分析农地产权结构变迁对中国农业增长的影响。首先从理论上探讨农地产权专用权和剩余权变迁对农业增长绩效的影响，在此基础上，依据1978—2008年的相关数据，构建计量模型测定农地剩余权变迁对农业增长的影响。研究表明，1978—1992年期间，家庭联产承包责任制更多地赋予了农民剩余索取权，农民并不拥有多少剩余控制权；1993年后，农民不仅获得了剩余索取权，而且获得了剩余控制权。由于与第一轮土地承包相比，第二轮土地承包赋予了农民更长的承包期、更多的剩余索取权和

剩余控制权，并在农民这一层面上实现了剩余索取权和剩余控制权的统一，所以，第二轮土地承包政策更利于调动农民农业生产的积极性。通过明晰土地产权并赋予农民更多的剩余索取权和剩余控制权，有助于实现中国农业的进一步增长。

第6章 中国农地产权结构变迁与制度绩效：个案研究

(1) ——基于农地产权完整性和完全性视角的分析。本章重点从农地产权完整性和完全性视角分析涪洋湖土地股份合作社取得成功的原因。在扼要总结产权结构影响制度绩效机理的基础上，从使用权、收益权、交易权三方面对比分析涪洋湖村家庭经营制下和土地股份合作制下的土地产权结构及其对当事人行为的影响。研究表明，尽管家庭经营制度赋予了涪洋湖村农民较完整的农地产权，但农地产权的完全性仍受到一定的限制，突出表现为农地使用权受限、农地收益权不充分、农地交易权不自由。与家庭经营制相比，涪洋湖村土地股份合作社土地产权关系更为复杂，不仅土地产权完整性得到了保持，而且土地产权完全性有了一定程度的提高，并带来可喜的制度绩效。农地产权制度的改革应该在保持农地产权完整性的同时，不断提升农地产权的完全性，进一步完善农地产权结构。

第7章 中国农地产权结构变迁与制度绩效：个案研究

(2) ——基于农地剩余权视角的分析。本章重点从农地剩余权视角分析涪洋湖土地股份合作社取得成功的原因。在引入企业家才能这一变量的基础上，将企业家才能与剩余权配置结合起来，考察企业家才能、治理结构对制度绩效的影响，据此对涪洋湖土地股份合作社进行个案解析。研究表明，企业组织是一系列复杂的合约关系。企业家才能的发挥是企业发展的关键所在。企业家通过自身的默会知识感知组织所在地区经济、社会环境中不同的赢利机会，面对不确定性做出开创性、正确

的决策，调动、整合资源，努力实现那些可能的赢利机会。而要发挥企业家才能，就必须赋予企业家企业控制权以实现企业控制权与企业家才能的匹配。但是，作为经济人的企业家天然地具有机会主义倾向，为此，需要建立合理的治理结构。涿洋湖土地股份合作社取得成功的原因之一在于：一方面通过赋予企业家企业控制权，实现了企业控制权与企业家才能的匹配；另一方面，建立合理的治理结构，有效地抑制农民企业家的机会主义行为。

第8章 主要的研究结论。本章对全书进行总结，并揭示深化中国农地产权制度改革的政策启示。研究者认为，农地产权结构对制度绩效有着至关重要的影响作用。要提高制度绩效，就必须使当事人拥有的农地产权更完整、更完全，并赋予拥有剩余索取权的主体剩余控制权。这是改革开放以后中国农业持续增长的关键，也是涿洋湖土地股份合作社取得成功的原因。从本研究中我们得出的一个重要政策启示是：通过完善农地产权结构，明晰土地产权并赋予农民更多的剩余索取权和剩余控制权，进一步降低农地产权残缺的程度，可以减少效率损失，实现中国农业的持续增长。这是深化我国农村土地产权制度改革应该坚持的方向。

关键词：农地产权 结构变迁 制度绩效 农业增长

ABSTRACT

The remarkable achievements have been made by China's agriculture since 1978. The positive role of household responsibility system has been affirmed sufficiently by existed research which suggested that the establishment of household responsibility system should arouse farmer's enthusiasm for agricultural production by setting up farmers' dominant role in agricultural production and giving them certain contracting and operating rights to rural land. However, the effect of farmland property rights structure change upon institutional performance that is connoted in household responsibility system has been ignored. A fact can be observed that the structure of farmland property rights have changed with the deepening economic system reform in rural China, while the same system has been adopted pervasively in rural China since post-reform. Institutional performance would vary due to different behaviors domain determined by distinct incentive and constraint of farmland property rights structure. Therefore, the study on the effect of farmland property rights structure on institutional performance with deepening into farmland property rights structure and revealing its evolution law could not only further research property rights theory, but also

propose scientific policy implications for improving property institutions of rural land.

This study consisted of three parts. Firstly, the theoretical framework that is “property rights structure— institutional performance” was constructed to construe centrally the impact of the completeness and integrity of property rights, exclusive and residual of property rights on the institutional performance. Secondly, the above framework was utilized to reveal farmland property rights structure reasons and common ground of institutional performance from macro and micro levels respectively. Finally, there were research conclusions and policy implications.

The full-text was divided into eight chapters as follows:

Chapter 1: Introduction. At the beginning of the chapter, the background and significance of this research topic was introduced. Three areas of existed research were recommended briefly, which are institutional effects of farmland property rights, change and reform orientation of farmland property rights. On the basis of the above canvass, the research purpose, research contents, research methods, data resources and possible innovations & defects were introduced.

Chapter 2: A theoretical analysis of property rights structure and institutional performance. Firstly, the basic concepts such as institution, institution change, institution incompleteness, property rights and property rights structure were reviewed theoretically and the logic relationships among institution, property rights and transaction cost, institution

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incompleteness, incomplete property rights and institutional performance were discussed. Secondly, the effect of the completeness and integrity of property rights, the exclusive and residual property rights on institutional performance were explored to construct theoretical framework of the structure change of farmland property rights and agriculture economic growth in China.

Chapter 3: The structure change of farmland property rights in China post-reform; historical retrospect. The tracks of the structure change of farmland property rights have been systematically described since 1978 through that historical retrospect. The rule of the structure change of farmland property rights in China was initially revealed by construing the tracks. The results showed that logical starting point of land property rights reform in rural China was efficiency first, which also was the datum point of structure change of farmland property rights in China. Farmland property rights structure change under contracting and operating rights owned by farmers have occurred, so that incentive and constraint effects of farmland property rights could be exerted on farmers to improve efficiency. Strengthening farmers' land property rights was the evolution direction of farmland property rights structure in China. The policy whether land use rights, land revenue rights or land-trading rights was inclined to farmers to intensify their rights.

Chapter 4: The structure change of farmland property rights and its institutional performance in China; verification

from national data (1) — An analysis from the completeness and integrity of farmland property rights perspective. On the basis of exploring theoretically the impact of the structure change of the completeness and integrity of farmland property rights on agricultural performance, its application in China was resolved according to the historical facts between 1978 and 2008. The results referred to economic behaviors' different domain determined by distinct property rights which consist in the completeness and integrity of property rights would affect institutional performance. The production decision-making system is extremely complex due to the process of agricultural production was the one that natural reproduction and economic reproduction process were intertwined. Compared with other entities, farmers were closer to agricultural production. The farmers would be endowed with further more use rights, income rights and trading rights of their land to form long-term and stable expectations which could arouse their enthusiasm for long-term investments. A major reason for sustainable agriculture growth in China was that enhancing completeness and integrity of farmers' property rights have taken place since reform and opening policy.

Chapter 5: The structure change of farmland property rights and its institutional performance in China; verification from national data (2) — An analysis from the farmland property residual rights perspective. The impact of the structure change of farmland property rights on agricultural growth in China would be analyzed from the perspective of

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farmland property residual rights based on macro-data and econometric model. Based on the exploration theoretically of the impact of the exclusive and residual rights on agricultural growth, the econometric model was constructed to measure the impact of farmland residual rights change on agricultural growth according to data during 1978—2008. The finding of our research indicated that compared with the first-round land contracting policy, the second-round policy endowed peasant with both residual claimants and residual control rights activate the peasant productive enthusiasm. An important policy implication was that reform of rural land property right institution in China would be pushed by clarifying the land property rights and endowing peasant with more residual claimants and residual control rights to realize long-term agricultural growth.

Chapter 6: The structure change of farmland property rights and its institutional performance in China; a case study (1) — An analysis from the completeness and integrity of farmland property rights perspective. This chapter focused on the reasons for the success of Luyanghu land shares cooperative from the perspective of the completeness and integrity of farmland property rights. The differences of farmland property rights with varied impacts on economic behaviors between household responsibility system and land shares cooperative in Luyanghu were compared from the use rights, income rights and trading rights respectively, based on the mechanism that is the impact of property rights structure

on institutional performance which has been reviewed briefly. The results suggested that farmers of Luyanghu village were entitled with more complete farmland property rights, while the characteristics of the integrity rights were restrictive use rights, insufficient income rights and comfortless trading rights. Compared with the household responsibility system of Luyanghu village, property rights of farmland shares cooperative were more complex with the characteristics of not only maintaining completeness but also improving integrity of farmland property rights so that there was fantastic economic performance. The enlightenment of innovation of farmland property rights structure of Luyanghu farmland shares cooperative was that farmland property rights structure would be perfected in the future innovation.

Chapter 7: The structure change of farmland property rights and its institutional performance in China: a case study (2) — An analysis from the perspective of residual farmland property rights. This chapter focused on the reasons for the success of Luyanghu land shares cooperative from the residual farmland property rights. A case study of Luyanghu farmland shares cooperative was studied according to check the impact of entrepreneurial ability and governance structure on institutional performance combined with entrepreneurial ability which was a new introduced variable and residual right. The research proposed that business organizations were a complex nexus of contracts and entrepreneurial ability played a crucial role in enterprises' development. In the uncertain environm-