Gray Markets in the Great Leap: Prosecuting “Profiteering” in Liangshan County, Shandong, 1958–1960

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Abstract
This article uses legal archives from Liangshan 梁山 county, Shandong, to explore the ambiguous position of rural markets in China during the Great Leap Forward campaign (1958–1962). These testimonies, though sparse, show that negotiations at a local, indeed personal, level underpinned the symbiosis between the “second economy” of illicit trade and the party-state’s putatively socialist political economy. Liangshan’s gray market bridged the gap between the party-state’s Sputnik promises and catastrophic realities, contributing twofold to the party-state’s political survival. First, illicit commerce helped famine survivors, including local cadres, obtain desperately needed sustenance; these cadres’ support of trading villagers despite top-down restrictions on such transactions likely helped them retain local moral authority after the Leap. Second, the intermittent formal prosecution of “profiteers” in the ritualized space of the county courtroom projected justice, stability, and coercive power, which also contributed to the party’s continuing hold on authority.

Keywords
People’s Republic of China, Shandong, Liangshan county, Great Leap Forward, illegal trade

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The winter months of late 1959 to early 1960 in Liangshan county, in southwestern Shandong, were harder and hungrier than usual.¹ Economically, Liangshan was an unremarkable North China county: trade was concentrated in a few larger market towns and villages along the Grand Canal; many villagers relied on itinerant peddlers. The Yellow River watered fields, but also threatened them and their tillers with floods. More than ninety percent of the county’s population (nearly 530,000 in 1957) were peasants (Liangshan County Gazetteer, 1997: 73, 193). They grew a typical northern Chinese mix of wheat, millet, sorghum, sweet potato, and beans, and average households before the Communist land redistribution campaigns held only ten to twenty mu of land; to avoid starvation, cultivators routinely turned to small sales of produce, bread, livestock, or their own labor (Cao, 2019).²

Like their counterparts across China’s countryside, Liangshan’s residents had been pressed in 1958 to frenetic activity under the Great Leap Forward, a campaign to massively accelerate heavy industrial growth, infrastructural development, and agricultural production that lasted until 1962 (see, e.g., Chan, 2001; Thaxton, 2008; Yang, 2012). Under this centerpiece of the Chinese Communist Party’s (CCP) Second Five-Year Plan, people’s communes were established all over the country to pool rural labor power and resources toward government-mandated production goals, especially food for urban workers as the leaders of the People’s Republic sought to surpass the industrialized, capitalist West. Mass dining halls were set up for commune members to eat for free as they were tasked with massive projects, like turning Lake Dongping—a reservoir around which the legendary outlaws of the Ming novel Outlaws of the Marsh, set in Liangshan, had gathered—into a reservoir. From 1958 to 1959, thousands of villagers were recruited to create the reservoir, and 120,000 were evacuated from their homes to make space for it (Liangshan County Gazetteer, 1997: 73; You and Deng, 2009: 77).

About a year into the Leap, however, Liangshan’s communal kitchens began running out of food. Statistics from January 1959 showed that only twenty-five cafeterias, serving 1.13 percent of the county’s population, had enough stores to last the month. Six hundred and forty-nine dining halls were already exhausted, affecting 28.74 percent of the county’s residents (LCA [Liangshan County Archives] 2-1-126, Jan. 28, 1959). Matters worsened over the following months. An elderly farmer recalled that when he was a child of around ten there was no grain to eat at all for six months from 1959 to 1960; each morning, he dug for lotus roots in the mud of a pond in his village. “If it weren’t for the lotus roots we had, we’d be dead, too” (Interview LXB).³ Tens of millions would perish from hunger and abuse across the nation by the end of the campaign (see, e.g., Becker, 1998; Dikötter, 2010; Yang, 2012).
Facing imminent starvation, peasants in Liangshan and neighboring counties turned to small-scale trading, practiced since long before 1949. After famine began in early 1959, all manner of trade, especially for edibles, surged. Authorities in Feicheng county, two counties east of Liangshan, detected at least 750 cases of unauthorized trade between April 27 and May 4, 1959, involving 39,000 jin of sweet potatoes, over a thousand jin of peanuts and ginger, and over 21,000 jin of hemp (Neibu cankao, May 31, 1959: 10–11).

Liangshan county’s deputy party secretary, Teng Shidong, monitoring trade in three people’s communes on the border of Shandong and Henan near a ferry point across the Yellow River, discovered that over two hundred open sales of cornbread, a regional staple, had taken place in a single day at the market of one of these communes (LCA 2-1-136, April 25, 1959). Teng was aghast at this cornbread commerce because, since 1953, the “unified purchase and unified marketing” (统购统销) scheme put key agricultural products and industrial materials under the state’s monopoly, making it increasingly difficult for individuals and grassroots-level units of production to trade autonomously. By 1958, the new people’s communes and the units below them—production brigades, production teams, and of course individual citizens—were not to venture into the market at all, at the peril of ejection from the party or criminal charges (Central Archives, 1988–2013: vol. 26, Sept. 18, 1957: 187–200). But for all its promises of socialist revolution and its extension of a centralized, nationwide planned economy after 1949, the party-state never fully stifled all markets and trade in the countryside. Villagers resisted the government’s encroachments, including through group violence (Oi, 1989: 43–65; Li, 2009: 50–81; Gao, 2013: 91–96).

Additionally, some of the party-state’s own agents not only ignored, but even partook in illicit trade, enjoying the occasional feast as neighbors starved. As Lan Guangrui, party secretary of a production brigade—the lowest-level grassroots unit of the rural political economy—later recounted to county law enforcement, he encountered a former brigade leader, Wang Jixue, when returning home from a meeting late one night. Wang was carrying something, and Lan asked about it. “It’s nothing,” Wang replied. “Let me see it,” Lan persisted. It turned out to be a two- or three-jin piece of cooked pork. Wang told Lan he’d bought it from one of the villagers in his brigade, a known unlicensed butcher. “I also ate a bit,” Lan admitted. “It wasn’t very well-done” (LCA 53-3-1481[2-5-11]-P1260740, Jan. 8, 1960).

Another night in the coldest months, when “[folks] at the time were wearing their padded coats,” Lan again returned late from a meeting and saw a light on in the house of the unlicensed butcher. “So I went. I pushed open the door and went in, and saw Brigade Leader Wang Kui’an,” his colleague, as
well as the leader of a neighboring brigade, eating pork. “I also joined in and ate some,” Lan confessed. “That time we three ate three jin.” Wang Kui’an declared it was his treat (LCA 53-2-1481[2-5-11]-P1260740, Jan. 8, 1960).

Crucially, these grassroots cadres’ feasting could land them in court. Attempts to regulate China’s markets against “profiteering” 投机 and “villainous trading” 奸商 had appeared well before collectivization began. For example, in 1950 the Ministry of Trade issued a list of “instructions” censuring such acts as hoarding goods to drive up prices, selling adulterated products, and evading taxes; more vaguely, central bureaucratic organs condemned “disturbing the markets,” circularly defined as trade that “exceeded the parameters of business approved by the People’s Government” or that “did not follow the commercial administrative regulations set by local People’s Governments” (reprinted in Gao and Zhao, 1998: 437; Feng, 2015: 48–49). Profiteering appeared as a crime in the draft Criminal Code circulated among top leaders in June 1957: “in severe cases of those who profiteer and disturb the markets with illegal profits as the goal, the sentence shall be less than five years of penal labor or imprisonment; fines of no more than ten thousand yuan may be levied simultaneously or separately” (reprinted in Gao and Zhao 1998: 273).

But explicit, public definitions of illegal trade existed only in piecemeal circulars and directives. A report from the Central Administration of Industry and Commerce just after the Leap ended documented transparently arbitrary standards such as “easier on the obedient, tougher on the whiners; easier on the adults, tougher on the kids; easier on women, tougher on men” to punish unauthorized traders (Feng, 2015: 49).

As the state took control over almost all goods by the late 1950s, illicitly selling or buying could put individuals in legal jeopardy. Lan Guangrui’s account of his pork-sharing was recorded in one of fifteen cases from the Liangshan County Archives featuring seventeen men arrested for unauthorized trading between 1958 and 1960. These cases, brought by the Liangshan County People’s Procuratorate and adjudicated by the county People’s Court, form the empirical basis of this study. Though these files are few and leave out the potentially deadly extrajudicial consequences individuals could face from various grassroots cadres for “disturbing the markets” and other transgressions, they represent rare examples of local-level court proceedings from this era. These materials address concrete questions about the Leap’s “second economy”: What was its potential scale and profitability? How did traders conduct business? How did trade help individuals endure privation? Our cases also offer insight into how definitions of legitimacy put forth by the interrogators and the interrogated clashed and converged in the performative space of the county courtroom. More broadly, we use these
cases to build on existing research toward a micro-history of how the party-state maintained its power over local society in spite of the Great Leap’s widespread devastation. We suggest that two contradictory facts helped both peasant cultivators and the party-state’s moral and political authority survive the devastation wrought by the Great Leap Forward in Liangshan. First, our evidence corroborates, in great detail, research showing that many rural residents, including local officials, tolerated if not participated in a second economy at odds with the command economy that the party-state tried to impose (Dikötter, 2010: 197–200, 201–6; Brown, 2012: 72–75; Zhang, 2005: 81–84; Grossman, 1977, coined “second economy” for the Soviet case). This gray market helped people survive the Leap famine and, we posit, also reinforced the authority of grassroots state agents who allowed or contributed to it. The party center had overtly sought to supplant families in the countryside with its communalization policies, but particularistic ties among villagers, including grassroots cadres, became essential for survival and may have been reinforced by desperate scarcity. Second, though Liangshan’s courts formally prosecuted only a tiny proportion of profiteers, these cases helped the regime retain legitimacy through the Leap. Through them, Liangshan jurists displayed at least a semblance of legal process, projected the state’s power to the public, and discouraged individuals from growing too ambitious in their resistance to the command economy.

We thus confirm and add to ongoing studies using county- and sub-county-level sources to show how local, individual actions not easily detected in high-level sources complicate top-down interpretations of the Mao years (see, e.g., Cheng, 2008; Li, 2009; Cao, 2011, 2015, 2019; Brown, 2012; Ying, 2012; Guo, 2013; Liu, 2019). Our records corroborate the limits of efforts to control personal decision-making: villagers who knew full well the risks of unauthorized trade pursued it anyway, for income or for survival. Partly continuing understandings and usage of the law as “an outlet for expressing grievances” (Diamant, Lubman, and O’Brien, 2005: 6) that stretched back to the late imperial era (see, e.g., Huang, 1996), ordinary peasants who appeared as defendants and witnesses in Liangshan revealed the deadly gap between the courtroom display of order and justice and the realities of famine and even challenged outright law enforcement’s condemning them as “profiteers.” As existing scholarship demonstrates, such manifestations of individual agency among ordinary PRC (People’s Republic of China) citizens were never extinguished, even at the acme of high socialism (Brown and Johnson, 2015b: 6). When state categories of legitimacy conflicted with self-preservation, villagers risked the state’s punitive measures and, when confronted, defended their actions—or at least refused to cooperate (Oi, 1989; Thaxton,
2008; Gao, 2011). Such research has revised simplistic notions of party-state power and peasant acquiescence.

Yet ordinary people’s “counteractions” (Gao, 2011, 2013) or what Huaiyin Li calls “righteous resistance” (2009), did not necessarily add up to a coherent program of political opposition; they could in fact bolster the regime’s legitimacy. Tensions within our cases did not seem to counteract in any way the power Liangshan’s prosecutors, jurists, and grassroots functionaries wielded over ordinary villagers. In our materials, as in the local sources used by scholars in recent years (see, e.g., Yang and Cao, 2016), low-level cadres undermined their superiors’ agenda and took advantage of their power over local people. While millions perished, grassroots cadres used their social connections and local sway to benefit from the second economy in Liangshan as elsewhere (see, e.g., Cheng, 2008: 74). As we will see, grassroots officials could then criminalize middlemen, leading to years of unfreedom and lingering social and legal opprobrium. In short, though private trade during the Great Leap certainly represented the individual agency of everyday rural people in Liangshan and amounted to resistance to the state’s policies, their actions were part of a mutualism that ultimately favored the regime and its deputies, sustaining the party-state’s hold on power even as it allowed villagers to endure privation. This hold on power proved to be far more durable than a command economy “limp[ing] along thanks to the often desperate improvisation of an informal economy” (Scott, 1998: 351).

Next, we turn to the details of our materials. First, we raise key points about the files and how they were produced. Then, we examine through them the reach of the second economy in Liangshan county and its importance to the survival of villagers, including grassroots cadres. Finally, we explore how formal prosecutions of profiteers, though inconsistently defined and highly colored by factors beyond the second economy, such as individuals’ powerful connections or past behaviors, may also have buttressed the authority and legitimacy of the state during and after the Leap.

“Mass Line” Trials and the Projection of Justice

Court cases, as documents of clashes between “microsystems [. . . and] macrosystems of power and values,” offer rich data for historians but are also inherently incomplete, multilayered narratives contoured by hierarchies of sanctioned violence and by the historian’s own lens, with few clear truths” (Muir and Ruggiero, 1994: viii). As we delve into our cases, their format, their contents, and the context of their production warrant some caveats. These fifteen files, covering seventeen profiteers, are of variable length and detail; in even the fullest examples, much information is missing about the
individuals involved and their fate after sentencing. It is not always clear who actually performed the interrogations; even when county-level prosecutors and judges are named, we have found them untraceable. During the Leap, jurists were inveigled to travel with suspects and case files in tow, interviewing and surveying locals, then passing judgments “on the spot” (see Gelatt, 1982: 280) “in order to educate and motivate the masses” (LCA 53-1-12, 1960). Judicial officers’ visits to the villages were touted as an “important link in the adjudication process” (LCA 53-1-13, 1960). Thus it is possible that some of the trials were led by county officials in the home villages of the profiteers, but cases do not clearly indicate where interrogations were performed. This insistence on circulating trial proceedings to the public as part of the mass line would have, however, made the risks of engaging in private trade well-known to villagers.

The people of Liangshan knew that peddlers could face serious legal trouble: for instance, an Eighth Route Army veteran who admitted to buying pigs from a private peddler stated without elaboration that “I know going to other locales to buy pigs for profit is illegal” (LCA 53-3-1481[2-5-11]-P1260739, Jan. 8, 1960). The power of the state’s occasional punishments was amplified by social networks along which rumors and hearsay spread. “Profiteer” Zhang Yifang said of a business partner with whom he was known to be friendly that “[he’s] never at home, like me. I heard people from his village say he’d been held by the police twice already” (LCA 53-3-1488-P1380605, 1960). Our informant who lived on lotus roots asserted that, until 1970, the government prohibited all trading of grain and would confiscate food it found; yet villagers did have the concept of a “black market” (Interview LXB). Another villager, a young man of about twenty during the Leap, recalled that by 1958, “no one dared sell [grain] at the market. Privately they did sell it—is that called a black market? That was a black market then. If you were caught, [the grain] would be confiscated” (Interview SJY). By periodically singling out certain profiteers for formal scrutiny and punishment, and by making a public spectacle of lesser cases in the villages, local authorities projected both coercive power and an aura of legal consistency, both of which likely helped the party retain control through the Leap.

A 1961 police periodical endorsed sentencing high-stakes “villainous traders” at mass meetings alongside “criminals who should be sentenced to long prison terms” for acts such as homicide, robbery, and corruption (People’s Public Safety Editorial Committee, 1961: 2–3). Through such displays, Liangshan residents during the Leap would have had firsthand familiarity with the potential risks of “villainous trade,” even for cases not formally brought to court. For example, 1,375 of the 1,477 reported cases involving “evil merchants, big and small” in 1959 were not handled by professional
Liangshan jurists but “sent to the masses for debate” (LCA 53-1-13, 1960). Such “debate” could entail public denunciations and the potentially deadly violence that had become endemic in villages since 1949.8 There could also be print-based publicity campaigns, as in a case from 1960 of a man accused of secretly butchering seventeen pigs and sheep and selling the meat at profit. After being taken to his village by court officers for trial and a public statement of his alleged misdeeds, flyers about the case were distributed across the county to “propagandize the law” (LCA 53-1-12, 1960).

Perhaps because of the mass line, our cases include local colloquialisms such as sha 嘢 for “what” or jiao 叫 for “allow” spoken by both interrogators and defendants, which suggests that, in many testimonies, the text replicates what was actually said.9 However, it is not clear how extensively oral testimonies were edited or who transcribed them. Thus, these files are far from impartial, complete records of profit-seeking during the Great Leap, and they are a small sample. Still, we believe they provide a glimpse of how a local second economy helped both individuals and state legitimacy survive via the performance of justice.

Much of the fact-finding in these cases resembled other manifestations of what Julia Strauss calls the PRC’s “paternalist terror” (2002) and Klaus Mühlhahn dubs “paternalistic jurisprudence” (2009: 186). Without a formal criminal or civil code, early PRC legal proceedings were often regarded as formalities to ratify pretrial investigations and prosecutorial charges, a “tool of the ruling class placed in the service of politics” (Lubman, 1999: 88). Judges had great discretionary power, providing they conformed to political dictates (Cohen, 1968: 14–16, 483–87, 505–6). Judicial political correctness became especially vital by the Leap. After 1957, legal experts supporting the defendant’s right to remain silent and the presumption of innocence were regarded as rightists (Gelatt, 1982: 275–80); defense attorneys had virtually no role in court proceedings after the Anti-Rightist Movement in 1957 (Michael, 1988: 51). There was no presumption of innocence; instead, interrogators questioned suspects until they confessed. Defendants seem to have had no professional legal assistance. Individuals were infinitely capable of subjective transformation, but also infinitely subject to annihilation as the state required (see, e.g., Strauss, 2006: 909; Smith, 2013: 8–9).

The point of a trial was less to prove specific guilt for a particular crime than to tally up all evidence of miscreancy in the suspect, especially behaviors or affiliations linkable to “bad class background,” such as service under the Chiang Kai-shek regime or property ownership. Therefore, misdeeds not directly related to profiteering and not codified in any legal text, such as consensual extramarital liaisons, also entered the purview of prosecutors and
For example, interrogators questioning one Huang Liandeng for trading 400 jin of wheat, among other commodities in relatively large quantities, also doggedly rooted out details about his sexual relationships. Huang described how, six years earlier, he had either coerced or persuaded a woman fleeing famine from another county about sixty miles to the north to have an affair with him. He tried to have her stay, but she was “brought back by her people,” and Huang was locally detained for a fortnight but not otherwise punished or reported to county authorities (LCA 2-5-11[53-2-1472]-P1260166, Nov. 30, 1959). He then confessed to “improper sexual relations” with a woman surnamed Wu in 1956, whom he later brought back to Liangshan and married with her consent but without official documentation (LCA 2-5-11[53-2-1472]-P1260204, Oct. 11, 1958). The greatest level of detail appeared in Huang’s most recent liaison with a village neighbor named Qin: “that day as dusk was descending, I walked from home to the west end [of the village],” he began.

She asked me where I was going, and I said to the company, and she said “stay [overnight] then go,” and I said “I’ll stay,” and I ate in the cafeteria with her, then watched a show [. . .] We didn’t go to the meeting. We went back. We went to the little kitchen on the south side of my cousin’s house [. . .] across from the cafeteria (the number two cafeteria).

The man suffered the embarrassment of discovery by his cousin, the curses of his wife, and the threats of his uncle, who “wanted to destroy [him],” but suffered no formal consequences for this dalliance. As he finished narrating, the interrogators asked, “Do you have anything else?” “Nah,” Huang replied, but his interlocutors were unsatisfied, noting on the record that they wanted Huang to admit to all his sexual misdeeds. “You’re not being honest. You still have many hooligan problems, theft, and other issues you haven’t confessed.” Huang hesitated. “I don’t have any more. Uh, I’m thinking . . . Oh, I’ve thought of something . . . (I had relations another time with that girl).” The parentheses around Huang’s confession of another encounter with Qin may reflect the recorder’s editing of his original language, but the intentness of interrogators on gleaning every bit of Huang’s sex life, told in his own words, is clear. It is possible too that Huang’s amatory adventures stood out in a time when some villagers remembered babies, and even sex, being rare (Interview LXB).

Liangshan’s interrogators pursued similar levels of detail about profiteering activities as well, evidence of their focus on producing a politically and affectively stabilizing “epistemological certainty,” a priority for the Chinese state since at least the early Republic (Lam, 2011: 14). The appearance of
certitude in statistics remained a powerful way to legitimize state authority during the Great Leap; this was why local cadres across the nation inflated agricultural production figures to ultimately lethal levels. Our cases’ focus on enumerating the details of every exchange paints a picture suggestive of the extent of Liangshan’s gray market. Eight of our seventeen profiteers stayed within Liangshan county, but the rest traveled as far as the prefectural-level city of Handan and the markets of Zhangqiu county, each over 120 miles from Liangshan (LCA 2-5-11[53-2-1472]-P1260204, Oct. 11, 1958; LCA 53-3-1488-P1380587, Aug. 17, 1959). Wang Duren was said to have traded in everything from lotus powder, a popular sweet treat, to wheel bearings. He conducted more than twenty transactions, riding his bicycle dozens of miles to neighboring counties to do business (LCA 53-3-1475, 1476, Feb. 28, 1960). Guo Zhongqiu allegedly accumulated 800 yuan, the largest profits of our peddlers. In 1958, he sold 246 pigs, one ox, and two horses, and peddled sweet potato seedlings seven times; in 1959, he sold three bicycles and 60,000 sweet potato seedlings (LCA 2-5-5[53-3-1479]-P1260613, Nov. 26, 1959). But even peddlers who were brought to court for trafficking much smaller quantities of goods had their mostly edible wares recorded in hyper-precise detail—38 jin of water caltrops, 9 jin of cookies, 59 jin of *baijiu* spirits (LCA 53-3-1475, 1476, Feb. 28, 1960).

Jurists also tried to get every detail about the people with whom peddlers did business. These details speak to the extent of illicit trade and show that many rural people thought little of turning to it, especially in a time of dire need. They also make it clear that a vast majority of those who traded in the second economy in Liangshan during the Leap were not brought to court, and even a majority of those whose deeds were described before jurists were not prosecuted.

For example, the case of Xue Xiuchen, brought to trial in early 1958, included a litany of “crimes” spanning November 1956 to June 1957 that read like a ledger book or a roster of Xue’s neighbors: “1956 November, illegally bought 60 jin of soybeans (0.12 yuan per jin) from Zhang Lanfang,” “illegally bought 80 jin of soybeans (0.10 yuan per jin) from Xue Tingli,” “illegally bought 80 jin of soybeans (0.10 yuan per jin) from Zhang Yuanqi, illegally bought 40 jin of soybeans (0.12 yuan per jin) from Sun Zhanjia, and also 30 jin from Sun Zhanjia’s sister (0.10 yuan per jin)” (LCA 2-5-103[54-2-103]-P1630575, Mar. 14, 1958). But, according to the case files, Xue—who was given a two-year sentence—was the only one in this network who was punished.

Such data, recited months or sometimes years after the transactions allegedly occurred, are striking in their almost implausible precision. Profiteers,
who moved their wares by wheelbarrow, bicycle, or shoulder-pole at personal risk and for often small profits, would likely have been aware of how much material they were trading. Possibly they kept careful records of their business. But we believe it more likely that the interrogators placed what looked like precise, quantified data, extracted from defendants in haste and with coercion, above verifiable information. Intimidating, confession-based “paternalistic jurisprudence,” on top of state-sanctioned violence against fellow villagers since 1949, would have contributed to defendants saying what interrogators clearly wanted to hear. Similar dynamics have been described for the so-called White Lotus cultists of the late empire (ter Haar, 1991) and, further afield, confessions of the Spanish Inquisition (see Gitlitz, 2000: 55–59). It was far simpler to label a villager a criminal than to debate the applicability and parameters of that label. Systematic obfuscation of unpleasant information might be said to have been characteristic of the Leap; it also motivated low-level cadres to block starving villagers’ grievances from reaching their superiors (Cao, 2011; Liu, 2019).

Defendants sometimes commented on and challenged this inquisitorial pursuit of information that only sounded complete. One man’s blunt rebuffing of repeated questions about specific quantities of goods highlights the dubiousness of “facts” produced in the Great Leap courtroom. When asked “how much did you peddle in all,” the suspect retorted, “I was going back and forth—how am I supposed to remember?” (LCA 53-3-1473[2-5-11]-P1260355, June 26, 1960). Huang Liandeng, the “hooligan,” linked courtroom pressures with the hyperbole and high-pressure tactics of the Great Leap itself: when fellow villagers initially held Huang for public criticism in the summer of 1959, he rattled off a list of foodstuffs he had traded. He repeated the list, including 400 jin of wheat, in a county-level interrogation, but then interrupted a long series of questions about what he had done with the money he made: “These 400 jin of wheat, I didn’t have it.” Asked why he had falsely incriminated himself, Huang explained: “If you didn’t confess then [before the villagers], it wouldn’t do. If you didn’t say anything they’d debate you and run you through a strainer [until you confessed]” (LCA 2-5-11[53-2-1472]-P1260192, Mar. 14, 1960). When interrogators pressed him further, Huang replied, “I think I said I didn’t sell it, how come you got to keep asking again about why I said before and all that?” (LCA 2-5-11[53-2-1472]-P1260192, Mar. 14, 1960).

Not only did their pursuit of detailed statistics from profiteers generate potentially inaccurate data, jurists during the Leap also faced the same pressures for speed and volume as workers in sectors from steelmaking to film production. Individual court officers were expected to resolve up to a
hundred cases each month; 1.89 million criminal cases were closed in 1958, nearly three times the 1957 total (Tong, 2010). In Liangshan’s courts, of 458 criminal cases accepted in 1960, only ten took more than a month to be closed (LCA 53-1-13, 1960). In short, jurists were incentivized to speed through cases and process profiteers according to politically correct patterns that would allow the state to maintain an image of upholding law and order. They had little reason to pursue any independent ideals of facticity, or to clarify the boundaries of amorphously defined offenses such as profiteering. As a 1961 work summary for the Liangshan People’s Court during the Leap put it, jurists “didn’t dare reflect on the real conditions and followed along with what other people said” (LCA 53-1-13-P1430412, 1961).

In spite of all of this, the trappings of a legal process were not meaningless. It is significant that, deep in the famine and frenzy of the Leap, these demonstrations of justice still went on. If we see PRC jurisprudence as an instrument of the state for containing and channeling potentially destabilizing conflict (Diamant, Lubman, and O’Brien, 2005: 6–7), it becomes clear that a semblance of regular procedures and institutional coherence still carried great political value in China in the late fifties, for the state as for the people, just as citizens continued turning to the courts despite the great uncertainties in East Germany in the aftermath of World War II (Markovits, 2010). The prosecution of profiteers as potential threats to the entire Great Leap project helped the party-state justify coercion to ordinary citizens as well as to agents of its bureaucratic and judicial apparatus—to keep resisters in check while holding fast to the destructive top-down policy agenda, as Felix Wemheuer points out (2014: 83).

“We’re all in it together”: The Reach of the Gray Market

Even knowing the risks of being caught in private trade did not seem to have stopped people from engaging in the gray market, and even being confronted with the state’s power in formal court proceedings did not keep people from speaking in blasé ways about profiteering. Their matter-of-factness about private trading suggests that Liangshan villagers accepted illicit trade as common, saw the incentives to participate in it as obvious, and expected the interrogators to do the same. Some peddlers were helped by longtime friends in relatively close-knit, geographically proximate social networks. For example, Zhan Qinghai, a poor peasant in his forties, had known the prolific peddler Zhang Yifang for two decades, though the two were from different villages. When Zhang passed through Zhan’s village, Zhan offered his home
as a place for Zhang to talk with business partners and even let Zhang stay overnight four or five times, sometimes several nights in a row (LCA 53-3-1488-P1380605, 1959 or 1960). Others were pulled into the second economy by family. Peddler Zheng Xianlian’s older brother and sister both confessed to abetting their brother’s activities. The sister let Zheng use her home as a discreet trading center and helped him sell seeds and produce to neighbors, while Zheng’s brother sold grain ration tickets that Zheng procured from elsewhere. Zheng also asked him to help try to get back some items confiscated by village cadres in Yuncheng county, immediately to the west of Liangshan: “Because we’re brothers, he asked me to help” (LCA 53-2-1473[2-5-11]-P1260382m, June 13, 1960; LCA 53-2-1473[2-5-11]-P1260374, May 25, 1960).

Some villagers spoke neutrally about their participation in profiteering even while viewing themselves as members of a community of professional rural merchants. Three men who testified in the case of Sun Chengcai, the unauthorized butcher who had catered Lan Guangrui’s feasts, stated variously that “all the masses in my village know [about Sun], because I’m also a profiteer,” that “I often buy from him” because “we’re all in it together,” and “we two often chat at the market because I also often do business” (LCA 53-3-1481[2-5-11]-P1260751, Oct. 30, 1959; LCA 53-3-1481[2-5-11]-P1260750, Oct. 31, 1959; LCA 53-3-1481[2-5-11]-P1260759, Jan. 19, 1960).

Many of the most daring peddlers’ neighbors sought to trade with them. Two profiteers even hired fellow villagers as helpers. One man was paid up to two yuan a day to carry pigs and did so on four occasions (LCA 53-3-1488-P1380658, Dec. 10, 1959); another received eight yuan for walking three days to deliver an ox to a Yuncheng county village (LCA 2-5-5[53-3-1479]-P1260629, Nov. 26, 1969). A man let Zhang Yifang stay in his electric mill shop multiple times even though he knew of his guest’s buying produce and reselling it to other villagers at a profit (LCA 53-3-1488-P1380641, July 29, 1959). Again, villagers partook of the fruits of profiteering even as they recognized the legally suspect status of private trade. Some peddlers used aliases while conducting their trade (LCA 53-3-1488-P1380610, Aug. 1959; LCA 53-3-1473[2-5-11]-P1260368, June 14, 1960) or avoided giving their names altogether, signifying awareness that their actions were potentially illicit.

During the Great Leap, unlicensed commerce was widespread in rural areas as well as between villages and cities nationwide for practical and ideological reasons. Pragmatically, in the face of deprivation, trade helped famine survivors find needed resources. Ideologically, rural people shared in prioritizing the survival of ordinary people as a “moral right” (Gao, 2011: 291) and the foundation of the regime’s political legitimacy, ideas traceable to at least
the late imperial period (see, e.g., Will and Wong, 1991). Rural people had also been highly integrated into domestic and global markets before 1949 (Skinner, 1977; Huang, 1985; Gates, 1996). As Zhang Letian puts it, “revolutionary consciousness was a fashionable coat; peasants put it on and staged scene after scene from a traditional repertoire” (2005: 147). Diverse survival tactics, even the outright consumption of communal crops (Ying, 2012), could therefore be justified among rural people (Thaxton, 2008; Gao, 2013).

Villagers so firmly believed their survival to be a moral and political priority that they tried to leverage their vulnerability as a mitigating factor before investigators. Such a self-defense was not new, but it nonetheless bears witness to the particular suffering in Liangshan during the Leap as a result of long-term ecological decay and short-term human decisions. For example, in Guo Zhongqiu’s pig-dealing case, witnesses described the consequences of the flood of the Yellow River in July 1958. The threat was so grave that Zhou Enlai himself flew to rally more than 300,000 local residents and cadres to divert the floodwaters (Ministry of Agriculture, n.d. [2017]). After the flood, according to a deputy production team captain, villagers “were all secretly buying pigs” (LCA 2-5-5[53-3-1479]-P1260633, Nov. 27, 1959) due to what profiteers and grassroots cadres alike called the “chaos” caused by the disaster. Buyers asserted that this chaos meant that they were unable to identify the peasants who had sold them pigs (LCA 2-5-5[53-3-1479]-P1260613, Nov. 26, 1959). Similarly, many grassroots bureaucrats as well as ordinary peasants in our cases mentioned the exodus of residents from Liangshan, both at the behest of the state and in search of sustenance, linking flight to the pervasiveness of illicit trade. For instance, a production brigade leader and party member told investigators that “lots of our brigade’s people were sent away” [to work on the Lake Dongping reservoir project] so “I don’t know now who sold” pigs, grain, or other contraband (LCA 2-5-5[53-3-1479]-P1260634, Nov. 27, 1959). Two women who were young poor peasant wives during the Leap described how work team and brigade officials did nothing to stem the outward flow of refugees: “You didn’t need a permission slip [to leave]. You left and the team didn’t have to feed you anymore” (Interviews WRL and LFY).

Indeed, grassroots cadres were among the rural people who held that survival trumped political correctness. Local cadres were directly responsible for seeing to the day-to-day survival of the peasants, which involved such things as distributing government food rations to villagers, according to our interviewee who had been a young man of twenty during the Leap (Interview WJY). In other rural parts of the PRC that had been hard-hit during famines following collectivization, party members and low-level cadres led peasants
in unauthorized flight (Liu, 2019: 54–55) and concealed crops from government requisitions (Cheng, 2008: 70) even as their colleagues used public humiliation, deception, and violence to pursue top-down agendas. Surrounded by starvation in a countryside drained of resources to provide for cities and industry (Brown, 2012), low-level state agents not only tolerated gray markets but also participated in them. Our lotus-root digger described a deputy Liangshan county head sending a transport to fetch sugar from a Manchurian sugar-processing plant after a county resident had gone to work there, then giving half a jin of sugar to each surviving villager (Interview LXB). The divide between state and society in rural China during the Leap (and the Mao period generally) was far from clear-cut: grassroots officials like Lan Guangrui and the colleagues with whom he enjoyed a pork feast in the winter of 1959 were peasants themselves, and shared the same logic of survival as the villagers over whom they wielded authority, though their powers were granted by party superiors.13

We posit that grassroots Liangshan cadres’ participation in unauthorized trade also helped them, as well as the party-state, retain moral and political authority during and after the Leap. Party leadership had to balance centralizing economic production and pursuing Soviet-style industrialization with maintaining legitimacy down to the villages. Thus, in places and times in which the neediness of the rural majority spiked, PRC leaders allowed the gray market to make up for the inefficiency and anti-rural bias of their redistributive system and enable the party’s prioritization of urban centers and industrial development (White, 1978). As Anita Chan and Jonathan Unger’s work on Guangdong peasants in the 1970s reveals, the trading of commodities by villagers, production teams, and local cadres could become “dangerously ‘black’ in a better-off district,” but was tolerated by authorities in poorer areas as a gray market activity (1982: 458). Straitened state resources as well as the ubiquity and utility of private trading in the face of deadly scarcity meant that not prosecuting illicit trade too closely may have helped maintain a modicum of order. For example, again, villagers and cadres who described colluding with the defendants in profiteering activities were apparently not penalized in court. We cannot be certain of what is missing from the record; these other rural traders may have been among the majority of profiteers not tried in court but judged by “the masses” through “debate.” Perhaps prosecutors allowed them to go free in exchange for their testimony.

Our testimonies contain a grim instance of Liangshan’s second economy literally paving the way for the Leap’s frenzied policies. Sun Chengcai cheaply bought his neighbors’ doors in spring 1959, when they were ordered to move out of the county to make way for the Lake Dongping reservoir, and
then hired a man to make six coffins from the lumber. He sold two to a production brigade when a couple of its members died within three weeks of each other, and two more to other villages. The remaining pair, Sun told interrogators, he broke up and sold to people working on a massive dam project for footbridges (LCA 53-3-1481[2-5-11]-P1260746, Dec. 7, 1959; LCA 53-3-1481[2-5-11]-P11260732, Nov. 19, 1959).

Cadres who came before Liangshan county jurists seemed more likely to use official terminology to demonstrate their disapproval of profiteering. For example, a rural market-monitoring office wrote of Zheng Xianlian that he was an “incorrigible recidivist profiteer on the run who doesn’t participate in productive labor,” and that his “profiteering evil merchant standpoint is intractable” (LCA 53-3-1473[2-5-11]-P1260368, June 4, 1960). Similarly, a production brigade captain said of Zheng’s sister that she “habitually profiteers without participating in production” (LCA 53-3-1473[2-5-11]-P1260372, April 25, 1960).

But cadres also mingled their boilerplate critiques with acknowledgment that the gray market was widespread, or that they had personally enjoyed its fruits. A production team leader criticized Sun Chengcai by targeting the quality of his goods, not his illicit business: “everyone knows he sells pork; he does it where you can see, right on the western road”; “the pork that he fixes isn’t clean.” Dirty or not, the team leader confessed that he had eaten Sun’s pork and even abetted Sun’s business. In the spring of 1959, “I bought pork once from him, one buck for one jin. Then a piglet died in our team. [. . .] Tried to get the team members to eat it, they wouldn’t. [. . .] [Sun] asked me to give it to him. I knew he sells pork. [. . .] I gave it to him” (LCA 53-3-1481[2-5-11]-P1260739, Jan. 8, 1960). A party member, commune accountant, and company political instructor fled to Hebei to avoid the backbreaking work of the Great Leap in 1958 and 1959, where he bought a wagon and began to conduct his own private trade (LCA 56-22-1-5, 1960).

In addition to personally participating in the second economy, grassroots cadres defied their superiors’ definitions of illegitimacy by deputizing others to trade on their, or their communities’, behalf. A production brigade deputy party secretary in Xiaolukou Commune, for example, stood accused in 1960 of distributing 3,870 jin of commune-held wheat seedlings to his brigade members for planting, “instigating commune members to attack the party and demand aid,” “protecting bad elements and wicked profiteers (by allowing them to go out do to business),” and “destroying party-people relations” by opposing the state’s policy of buying up all farm produce and handicrafts (LCA 56-22-1-5, 1960). Zheng Xianlian reported his production team leaders giving him 25 yuan of grain ration tickets to exchange for cloth sacks (LCA
53-3-1473[2-5-11]-P1260350, May 2, 1960); Zhao Qingzhou told interroga-
tors that his production team had instructed him to privately raise some pigs
(LCA 53-3-1434[2-6-4]-P1260466, June 20, 1960). A production team cap-
tain named Yang not only allowed Zhang Yifang to trade goods in his village,
but also personally bought twice from Zhang (a total of over 5,000 sweet
potato seedlings) and even let Zhang sleep over at his home. Zhang even
claimed that Yang let him pretend to be the team captain in order to use a
permission note from Yang’s superiors to buy more seedlings from Dongping
county (LCA 53-3-1488-P1380610, Aug. 1959). As Cheng Fengting, another
production team captain, put it, “[Zhang] secretly bought, and I secretly sold
to him, too. Back then, the brigade let us sell to outsiders” (LCA 53-3-1488-
P1380662, Dec. 10, 1959).

In the case of the pig-dealer Guo Zhongqiu, testimony from a party mem-
ber, Red Army veteran, and business partner named Guo Zhugen under-
scores how, though everyone involved in the trade knew that Guo Zhongqiu’s
business was legally tenuous, grassroots authorities across jurisdictional
lines were willing to tolerate and even assist the traders. Guo Zhugen
described how Guo Zhongqiu carried two “introduction letters,” one from
the Yuncheng county Office of Industry and Commerce and the other from
prefecture-level leadership, saying that they would pay Guo Zhongqiu three
yuan a day to buy pigs for the county. Liangshan cadres did not permit the
men to buy in their jurisdiction but did let the men pass through; the county
grain office even gave them some feed for the pigs they sought to acquire.
Dongping county authorities also refused to let Guo buy there but allowed
the men to move through Dongping and acquire their pigs in Tai’an county,
to the east, and Wenshang county, to the south (LCA 2-5-5[53-3-1479]-
P1260623, 1960).

The involvement of grassroots cadres in Liangshan’s second economy is a
reminder that the party-state was not a monolith, either generally or in its
agents’ attitudes toward trade. If we regard the Great Leap-era PRC state as a
“hodgepodge” rather than a monolith instead (O’Brien and Li, 2005: 44),
then it makes sense that participants in the second economy would not have
been robustly and routinely prosecuted. Profound disagreements and political
struggles at the party’s highest ranks led to rules against private trade never
formally entering codified law during the Leap; they instead remained piece-
meal, often nebulous top-down instructions. Indeed, ambivalence and tension
regarding the Great Leap Forward program as a whole prevailed among the
leadership (MacFarquhar, 1983; Teiwes and Sun, 1999).

Furthermore, the literature makes it clear that Beijing’s policies did not
necessarily translate into actual practices or experiences at the local level,
even during moments of intense mobilization (see, e.g., Gao, 2013: 139–54; Brown, 2015; Cao, 2015). Top-down initiatives also had unintended consequences: some markets within and crossing the PRC’s borders flourished because of the party-state’s control efforts, as goods from food to wristwatches flowed into the mainland from Hong Kong, Macau, and Taiwan (Thai, 2017). Central leadership worried that local cadres would be so harsh when punishing profiteers, or so unfair in fixing commodity prices, that they would push even more peasants onto what was known to be a teeming, unlicensed market, especially for the staples that Beijing most wished to control. On the other hand, many feared the impact on the precarious availability of basic commodities if peasants were allowed to trade freely (Feng, 2015: 44). Much seems to have been left to the lowest-level functionaries, who could exert deadly extrajudicial violence on peasants, turn a blind eye to private trade or, also facing deprivation and the allure of profit, join in it themselves.

Individual Survival as Resistance

A few Liangshan profiteers more actively projected their own interpretations of their actions against those of their interrogators. In our cases, there were two main means of self-justification. First, contrary to the evidence we have seen of widespread knowledge that private trade was at best of shaky legal status, people professed ignorance of its illicitness. A former village cadre who had bought pigs from Zhao Qingzhou declared that “I just know that it’s good if I can buy the pigs; I didn’t know it was against the law” (LCA 53-3-1434[2-6-4]-P1260474, April 29, 1960). Second, villagers emphasized that they were simply trying to fulfill their moral obligation to their kin in the midst of destitution. Zhao Qingzhou, for instance, declared that he killed a piglet for forty jin of meat because his grandmother was ill (LCA 53-3-1434[2-6-4]-P1260466, June 20, 1960).

Prosecutors and judges did not dwell on these circumstances; they seem to have accepted their truthfulness. However, abject poverty did not impact the determination of guilt and subsequent punishments. To show leniency for the rare profiteer brought to county court would have been interpreted as puncturing both the Leap’s imaginary plenty and the fantasy of party-led justice that jurists were staging. In 1961, as the Leap staggered to a close, the Liangshan People’s Court circulated a “review of work in the last three years” that explicitly acknowledged the self-censorship of jurists in the face of peasant destitution: “especially when handling some cases of theft, [people] knew clearly that it had to do with living conditions at the time but still didn’t dare
speak their mind,” because if they did, “they were criticized for being ‘right-leaning’ and suspicious of the Great Leap Forward” (LCA 53-1-13-P1430412, 1961).

Zheng Xianlian’s case exemplifies how the Leap’s political priorities overshadowed recognizing genuine destitution, even in people of “good class background.” Zheng, designated a “poor peasant,” had begged as a child. Since age fifteen, he sold produce as a sideline (LCA 53-3-1473[2-5-11]-P1260370, May 24, 1960). When his family ran out of food around the 1960 Lunar New Year, forty-sui-old Zheng fled with his wife and ten-sui-old child to a village in Dongping county, about eighteen miles west of his native village in Liangshan, where some grain stores remained available.14 In Dongping, Zheng tried to sustain his family by trading their clothes and bedding for food and grain ration tickets. He realized that it was possible to make money by taking the food he could still get in Dongping to starving people in Liangshan or Yuncheng county. There, he could barter the food for more clothing and household goods such as mosquito netting, then return to Dongping and repeat the cycle, his wares dangling from a shoulder pole as he walked (LCA 53-2-1473[2-5-11]-P1260350, May 2, 1960; LCA 53-2-1473[2-5-11]-P1260355, June 26, 1960). When interviewed two years into his seven-year reform-by-labor sentence, Zheng stated baldly and repeatedly that he’d been trading because “there was nothing to eat”; this insistence on his desperation led Zheng’s overseers to suggest that his sentence be reduced (LCA 53-3-1473-P1260403, Nov. 22, 1962). This was approved, and Zheng’s sentenced ended in 1963 (LCA 53-3-1473-P1260339, Sept. 14, 1963).

The fact that jurists gave Zheng a sentence in 1960—without taking into consideration the small scale of his transactions or his family’s desperate straits—which, upon later review, was considered “too heavy,” suggests, again, that profiteering as deployed in the Liangshan courtroom became a useful way to paper over the gross failure of the party-state to ensure its subjects’ livelihood during the Leap. At the same time, this durable notion that guaranteeing survival was the most fundamental priority of government—and of each individual, if the state failed—opened spaces for some Liangshan profiteers to directly dispute the law and its enforcement.

Public protests and other counteractions had been frequent since 1949, as the regime progressively tightened its hold over all levels of society and economy. Rapidly escalating control sought by the government over all aspects of life during the Great Leap, from where one ate to where one slept (Wang, 2011), coupled with ecological damage and hunger, provoked further anger among Liangshan’s peasants. When prosecuted in court, simply
refusing to give authorities the information they so keenly pursued was a common form of self-assertiveness. Zhang Yifang, for instance, provided at least three rounds of confessions; in the first, he only admitted to dealing in rubber tires. Then, he added that he’d trafficked pigs, and finally revealed that he had traded in sweet potato seedlings, too. He had also given false names and false home villages when doing business (LCA 53-3-1488-P1380610, Aug. 1959).

At the same time, a manifestation of resistance to—or at least resentment of—state authority surfaced in villagers’ vehement assertion of the veracity of their testimonies. They declared their truthfulness in terms that seem almost mocking of the regime’s power over them, even as they acknowledged it: “I’ve told it all. [...] Everything I’ve said is true; if it’s not, I’m ready to be dealt with by the government” was a common refrain (LCA 53-3-1434[2-6-4]-P1260474, April 29, 1960; LCA 53-3-1473[2-5-11], 1960; LCA 53-3-1481[2-5-11]-P1260710, Jan. 23, 1960). Others were more aggressive: “I’ve never stolen in [my] home [village],” Zhang Yifang stated. “If you investigate and find [me stealing at home], putting me in front of a firing squad wouldn’t be unfair” (LCA 53-3-1488-P1380605, 1960).

Some questioned the state’s entire understanding of rural commerce on the basis of their belief in the state’s responsibility to ensure the people’s subsistence. After he was sentenced, Guo Zhongqiu, the tycoon among our profiteers, protested that he was a poor peasant and had “done a little business just to get by.” “How does this count as breaking the law? And now they’ve given me seven years” (LCA 2-5-5[53-3-1479]-P1260656, 1962). And Guo continued to reject the state’s definition of illicit trade while serving his sentence: in 1966, the prefectural reform-by-labor supervisory team reported that, though he expressed gratitude to the state for caring for his family and worked diligently, Guo was “relatively poor in maintaining discipline and team regulations, and has engaged in commodity profiteering” (LCA 2-5-5[53-3-1479]-P1260643, Nov. 11, 1966).

The Survival of Regime Legitimacy

The fact that some profiteers in our cases were heavily punished speaks to the limits of retrospectively interpreting profiteering as a form of resistance to the regime. As part of the PRC’s paternalistic jurisprudence, penalties were intended more to uphold the unquestionable authority of the party-state, to deter potential offenders, and reform those found guilty than to censure particular violations of the law in routine, predictable ways. Penalties on paper
ranged from a year and a half to a decade of imprisonment. But the correlation between the crimes presented in each case and the length of sentence was not transparent.

The temporal, geographic, and financial extent of transactions was one metric. Guo Zhongqiu received a seven-year sentence for his extensive dealings, while a man caught selling homespun nine times for only ten-odd yuan in profits got just two years. But other factors as well impacted judicial decision-making. The offender’s class background and his previous political alignments were key. A former Red Army guerilla fighter who was “caught many times” at different villages peddling 245 chi of homespun and 600 jin of wheat,¹⁵ making pancakes for sale, and who “not only did not submit, but instead cursed and verbally abused the cadres” was sentenced to just two years (LCA 2-5-109[54-2-109]-P1410349, Mar. 28, 1958). In another case, Chen Desheng, a “rich peasant” who had “become a collaborator” and joined a Nationalist-sponsored militia after being “struggled against” by Communist forces in 1945, was given four years, though he had trafficked only 300-odd jin of grain and displayed no open hostility against state agents (LCA 54-2-118-P1410162, April 23, 1958).

During the Leap, villagers pleading poverty before jurists took on a more poignant and politically critical edge. Their desperation revealed the gap between the campaign’s Sputnik promises and fatal consequences. Perhaps this is partly why Liangshan jurists during the Leap did not excuse profiteers, even when survival was clearly the motivation. Only in 1963, after the Leap’s end, and only in five of fifteen cases, was there evidence of jurists reevaluating their initial judgments. This highlights the power asymmetry in Liangshan’s courtroom. What was more, the court reduced the sentences of just two of the five. Though they were released four years early, authorities still considered both men as having done wrong (LCA 53-3-1434[2-6-4]-P1260464, June 26, 1963; LCA 53-3-1473[2-5-11]-P1260339, July 29, 1963). In the case of Zheng Xianlian, the overseers of his “reform-by-labor” brigade conceded that “the motive for his crime was entirely due to severe disaster and famine conditions in the area in 1960. His whole family had fled, and he was forced to sell clothing and food to survive” (LCA 53-3-1473-P1260403, Nov. 22, 1962). But they still insisted that Zheng’s selling food, grain ration tickets, and clothes “disturbed the market” and constituted a crime, for which he deserved the three years he had spent in “reform” by the time of the judicial review (LCA 53-3-1434[2-6-4]-P1260464, June 26, 1963). No other reparations were made.

In Zhao Qingzhou’s dossier, a terse “case reassessment form” from June 1963 merely commented that “the original sentence was too harsh; amended
to three years.” In two other cases, judges deemed the earlier judgment to have been imperfect but still did not shorten the sentences. After reviewing Huang Liandeng’s case, jurists initially posited that sentencing him as a “profiteer” and “villainous trader” was a “wrongful conviction,” given that many of the commodities he’d been trying to trade were not part of the state’s centralized procurement, and that he “did not have to be given a criminal sentence.” Yet they concluded eighteen days later that he should finish his five-year term after all (LCA 2-5-11[53-2-1472]-P1260182, July 11, 1963; LCA 2-5-11[53-2-1472]-P1260288, Jan. 22, 1965).

Similarly, in 1963 a jurist deemed Sun Chengcai to have been misjudged. Sun was sentenced to five years’ imprisonment in January 1960 for selling fruit, wheat, dried sweet potato, meat, and lumber. “The facts are clear and solid, but [Sun] is a petty peddler who should not have been tried as a profiteering evil merchant”; he “should not have been sentenced.” But, fifteen days later, a multi-judge panel upheld Sun’s sentence (LCA 53-3-1475, 1476, Feb. 28, 1960).

At the same time, being a grassroots cadre seems to have insulated people, even those with other misdeeds in their past, from formal charges. Three cadres brought to account for participating in the second economy in 1958 and 1960 were said to have variously had “improper sexual relationships” that were reported by villagers, given “landlord elements” the coveted position of brigade accountant, and served as mercenaries under Chiang Kai-shek, in addition to such “villainous trading” as selling and privately slaughtering livestock (LCA 23-22-1-2, 1958; 56-22-1-5, 1960). Only the alleged former mercenary was ejected from the party; one of his two colleagues was merely “severely warned,” and the other was removed from his position as brigade deputy party secretary in addition to receiving a “severe warning.” Though their backgrounds and supposed transgressions were not dissimilar to those of our other peddlers, none of them faced criminal prosecution, much less time in detention or reform by labor.

Not only did grassroots cadres who bought and sold on the gray market apparently enjoy protection from punishment not shared by their more ordinary neighbors, they also could use their neighbors as scapegoats to enter the market on a production brigade or team’s behalf. Cadres could thereby look after the livelihood of villagers under their watch and the well-being of their own families while reducing personal risk. Thus, peddlers who were punished for their actions in court or via “mass debate” were doubly used by agents of the state. First, they served as villains in the ritualized theater of socialist justice and social control. Second, they took on the risks and difficulties of the gray market trade that helped sustain a
collapsing rural economy, often disproportionately benefiting local cadres, who could in turn use their power to shield themselves and their families from punishment.

The convoluted case of Huang Liandeng, forced to make false confessions about trafficking wheat and to supply interrogators with painstaking details about his extramarital affairs, illustrates these points. Huang’s case is exceptionally detailed, but it is likely that there were many others like Huang who escaped formal prosecution, perhaps due to even more powerful allies, or because they were simply better at conducting their profiteering.

Huang’s main supporter—his uncle, party secretary of their production brigade—was apparently an effective advocate. In February 1958, Huang stole 200 jin of straw from another villager, something “many among the masses knew” because he left a rope at the scene, but, according to testimony, people were afraid to report him because of his uncle (LCA 2-5-11[53-2-1472]-P1260164, Nov. 30, 1959). Not only was Huang not punished, he was given special privileges: by July 1958, Huang had been allowed to acquire two of his own rubber-tired carts to move goods. As famine deepened, Huang’s uncle tasked him with buying and selling goods on behalf of the brigade. In May 1959, according to Huang’s uncle, the commune ordered the purchase of sweet potato seedlings, so he gave his nephew 200 yuan of the production brigade’s money. Twenty yuan were for Huang’s travel expenses, a handsome sum: at this point, ordinary peasants earned only about 50 yuan a year (LCA 53-3-1472, Dec. 1, 1960).

Despite the younger man’s ensuing financial losses, Huang’s uncle continued to authorize him to do business for the brigade. As another testament to the perquisites that Huang enjoyed thanks to his uncle, the case records and witnesses from Huang’s village were unclear even about how much money Huang cost the commune by dint of his failed trades (LCA 2-5-11[53-2-1472]-P1260260, Nov. 27, 1959; LCA 2-5-11[53-2-1472]-P1260254-259, Nov. 27, 1959; LCA 2-5-11[53-2-1472]-P1260166, Nov. 29, 1959; LCA 2-5-11[53-2-1472]-P1260164, Nov. 30, 1959; LCA 2-5-11[53-2-1472]-P1260174, April 3, 1960). This grassroots cadre used his nephew as an extension of himself, figuring that the benefits were worth risking what eventually befell him—a demerit on his record and being removed from his post. These consequences, of course, paled against Huang Liandeng’s five-year criminal sentence, during which his wife, whom he had brought all the way from Handan, divorced him (LCA 53-2-1472-P1260288, Jan. 22, 1965).
Conclusion: State, Society, and the Great Leap in Liangshan

Our cases show that the gray market was ubiquitous in Liangshan during the Great Leap Forward, and that it not only helped ordinary people survive but also supported the power of grassroots cadres and of the party-state as a whole in this ordinary corner of North China. That some of the seventeen Liangshan men sentenced in court managed to trade considerable quantities of goods across substantial distances many times indicates that rural commerce persisted and perhaps even grew during the Leap. The legal authorities did not file criminal charges against the vast majority of the people engaged with the second economy; recall that 1,477 cases of profiteering were recorded in 1959 alone. There were simply too many people involved and they were too closely aligned with local power holders’ interests. Liangshan’s prosecutors and jurists instead targeted a small number of profiteers to display the state’s authority and legal process for ordinary citizens as well as for their superiors. Given how prominently grassroots cadres seem to have been involved in profiteering, it is not farfetched to imagine that the prosecutors and jurists trying our profiteers benefited from unauthorized trade themselves.

Profit-seeking on rural markets helped people weather the deprivation of the Leap and prompted some to openly contest the judgments of cadres, jurists, and the entire legal system of public pressure and coerced confessions. Simply by pursuing their survival and income via private trade, villagers were protesting the Great Leap on the basis of practices and ideologies with roots stretching back to at least the late imperial period. At the same time, our seventeen profiteers were used by agents of the state. Their participation in rural markets gave grassroots cadres more access to resources, in turn granting some greater legitimacy among rural constituents; profiteers also shielded grassroots powerholders from prosecution. Their roles in the propagandistic courtroom drama that followed bolstered the legitimacy of the local juridical system. Just as the fabled Outlaws of the Marsh, in spite of their rejection of the Song dynasty’s corruption, became the regime’s servants, so too did what might seem like counteraction by their Liangshan descendants during the Great Leap ultimately contribute to the party-state’s grasp on authority.

Grassroots Liangshan jurists stripped these men of their freedom for years, forced them into unremunerated labor, saddled them with records that could bring discriminatory treatment to their entire families, and even broke up
their marriages. But, at the same time, state-backed efforts to criminalize the sheer will to survive in these men as well as that of their neighbors was incomplete; their arguments for themselves are preserved in spite of the coercive force against which they spoke. Our cases are few and our data limited: further research from other grassroots archives will allow us to find more evidence of how the party-state maintained its hold over Chinese society across the destruction of the Leap, as well as uncover more dimensions of the symbiosis between individual counteraction and party-state authority from the Leap down to the twenty-first century. Perhaps we will find after all, to borrow the words of scholars writing thirty years ago, that the party-state “came closer to the brink of disaster [ . . . ] than the outside world knew” (Wu and Michael, 1988: 291).

Appendix

![Map of Liangshan county and surrounding area.](image)
## Great Leap Profiteers Brought before the Liangshan County Court.

| Name          | Age (in yrs) | Class background | Family and personal details | Business details                                                                                                                                                                                                 | Period of activity | No. of months active | Profit (¥) | Location                     | Sentence               |
|---------------|--------------|------------------|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|----------------------|------------|-------------------------------|-----------------------|
| Xue Xiuchen   | 40           | Merchant; poor peasant | Farmed since age 10; began selling grain at 17, then soybean cakes at 29. Sold ginger and other items after government unified purchase policy began. Began selling produce in 1956. | Sold produce; purchased over 1,020 jin of beans and 30 jin of wheat from village neighbors in late 1956 and early 1957, took to sell in Feicheng county. | Nov 1956–Aug 1957 | 10                   | 46         | Own village; Feicheng co.    | Imprisonment from June 1958 to June 1960 |
| Liu Lixiang   | 27           | Peasant          | Went to school as child; joined Communist Children's League at 14. Intelligence officer during guerilla war in 1948. Went to work in Manchuria around 1949. Returned to farm in 1955. Found gambling 3x around Lunar New Year in 1957. | Bought 100⁺ jin of wheat and 20⁺ jin of white flour in 1956, made and sold buns; 1957, bought 600⁺ jin of wheat and made flatbread; also made fried dough sticks with 320 jin of wheat and sold them; sold 245 chi of homespun. Caught multiple times by cadres and cursed them. | Late 1956–Aug 1957 | 9                    | 2⁺         | Own village                  | Imprisonment from Feb 1958 to Feb 1960 |
| Jie Jinzhu    | 43           | Merchant; middle peasant | Illiterate                  | Sold homespun 9 times, up to 600 chi.                                                                                                                                                                                   | Jan–Aug 1957       | 8                    | 10         | Liangshan co.                | Imprisonment from Feb 1958 to Aug 1959 |
| Cheng Ligong  | 47           | Merchant; peddler | Attended upper elementary school. | Trafficked 4,030 jin of mung bean noodles, obtained “self-production sale permits” under false pretenses and evaded 120 yuan in taxes; complained that confiscating cadres were no better than bandits. | Mar–Aug 1957       | 5                    | 120        | Local and to Handan co.      | Repayment of 120 yuan; imprisonment from Feb 1958 to Feb 1960 |
| Yan Zinxiao   | 31           | Middle peasant   |                             | Together with several other men, sold plow animals (24 oxen), 1 donkey, 12 live pigs. Evaded 140⁺ yuan in taxes.                                                                                                                                                                   | July–Oct 1957      | 4                    | 140        | Liangshan, Yuncheng, Shen (Hebei) cos. | Imprisonment from Feb 1958 to Feb 1960 |
| Zhang Yifang  | 40⁺          | Merchant         | 9 people in household; left school at 18 and opened teashop, then opened restaurant, then a sundry-goods shop. Traded on behalf of village in 1955 but fired for diluting liquor. Affairs with two married women before 1956, attempted to rape another in 1956. | Sold live pigs, sweet potato seedlings, turnip seeds (by handcart and by bicycle), tires (since 1957); theft. | Jan–Sept 1958; Jan–Aug 1959 | 19                   | 670        | Liangshan Co., Zhangqu and Dongping cos., Jinan | Imprisonment from Feb 1960 to Feb 1970 |
| Chen Desheng  | 31           | Rich peasant     | “Struggled” against in 1945, entire family fled. Became “collaborator” until surrendered to PLA in 1948. Cooperated with Chen Deshen and Chen Yushu.                                                                                                                                   | Trafficked in grain 15 times (over 300 jin); unsuccessfully tried to sell a felled poplar tree in 1957.                                                                                                                    | Feb–Apr 1958       | 3                    | 20⁺        | Liangshan co.                | Imprisonment from Apr 1958 to Apr 1963 |

(continued)
| Name               | Age (in sui) | Class background | Family and personal details | Business details | Period of activity | No. of months active | Profit (¥) | Location         | Sentence |
|--------------------|--------------|------------------|-----------------------------|------------------|-------------------|---------------------|-------------|------------------|----------|
| Chen Desheng       | 27           | Landlord         | Cooperated with Chen Desheng and Chen Yushu | Trafficked in grain 20 times (over 600 jin). | Dec 1957– Apr 1958 | 5                   | 42+         | Liangshan co.    | Imprisonment from Apr 1958 to Apr 1960 |
| Chen Yushu         | 57           | Middle peasant   | Cooperated with Chen Desheng and Chen Desheng | Trafficked in grain 18 times (over 1,000 jin). | Dec 1957– Apr 1958 | 5                   | 70+         | Liangshan co.    | Imprisonment from Apr 1958 to Apr 1962 |
| Meng Xianhun       | 47           | Ox trader; rich peasant | Ox-seller since age 30; 6 people in household | Bought oxen for production team and hid profits (105 yuan), swapped own oxen with commune's for profit (175 yuan), colluded with commune cadres to get commune funds (655 yuan total) for ox trade. | Mar–Sept 1958 | 7                   | 280         | Own commune      | Imprisonment from Apr 1958 to Apr 1962 |
| Guo Zhangju        | 44           | Merchant; poor peasant | Married with 3 children (2 daughters, 1 son); 4-room home; Never went to school; Dung-picker until age 16/17; Sold tires in Jinan; Helped supply 8th Route Army for 10 years from age 23/24; still had 1,000+ yuan remaining of profits; Opened pub with Guo Anren for about 1 year around age 34, then sold things to 8th Route Army again for 3–4 years. Sold blue dye, cloth patches, and straw hats in Jinan during slack seasons. | Trafficked 15,000 sweet potato seedlings by boat and handcart (no profit because rotted), live pigs (sow and 8 piglets, "not sure how much made from them"), plow oxen, 3 horses (1 died), 1 mule (at a loss), 2 bicycles. | Mar 1958– Sept 1959 | 19                  | 800 (Some uncertainty about how much profits were made) | Liangshan, Yuncheng, and Dongping cos | Imprisonment from Apr 1958 to Apr 1962; fine of 700 yuan. Released in 1967 with "bad element" label. |
| Meng Zhaoxin       | 33           | Merchant / Peddler | Illegally purchased grain, sold grain ration tickets, grain, pigs. | | Aug 1958 | 1                   | 54         | Own commune       | Imprisonment from Apr 1958 to Apr 1962 |
| Sun Chengcai       | 38           | Merchant; poor peasant | Farmer since childhood but continuously conducted trade, at first with father. At age 17/18 slaughtered sheep. Sold pelts for a few years; also sold tofu and ran an eatery. Has older brother and sister-in-law, living apart since age 17. Widower with 4 children (oldest 12, youngest 4). Allegedly had affair with an unnamed woman. | Sold fruit, wheat, dried sweet potato, raw sweet potato, home butchured pork, mutton, and cooked sheep gizzards; made coffins from door panels for sale at high prices (16–19 yuan each). | Jan–Nov 1959 | 11                  | 140 ( Says is not sure how much earned in total, spent on food and clothing) | Own commune | Imprisonment from Jan 1960 to Jan 1965; 2,700 jin wheat stalks, 2 lengths of lumber, and 4 door panels confiscated |
| Name       | Age (in sui) | Class background | Family and personal details | Business details | Period of activity | No. of months active | Profit (¥) | Location | Sentence                 |
|------------|-------------|------------------|-----------------------------|------------------|-------------------|---------------------|-------------|----------|--------------------------|
| Wang Duren | 38          | Merchant; poor peasant | Butchered sheep and peddled since youth; served as licensed salesman for 8 mos. at age 30. Returned to farming in 1956. | Butchered 41 sheep with another man in 1958; conducted commerce via bicycle 20+ times in spring 1959; profiteering via trafficking in food, liquor, grain, tire beads; stole 3 pigs, 3 ducks, and 2 chickens from neighbors and commune for butchering, stole sweet potatoes (50 jin) and fodder (100 jin). | Sept 1958; Mar–Dec 1959 | 11 | 69+ | Yuncheng, Dongping, Feicheng, and Shouzhang cos. | Imprisonment from Feb 1960 to Feb 1969 |
| Huang Liandeng | 30 | Merchant; poor peasant | Wife married without registration, no children. (Divorced during Huang’s prison term.) Uncle is brigade party secretary. Farmed with small-scale trade on the side since youth. Parents still living, no siblings. Detained 5 mos. in 1958 for selling rubber-tired cart and “kidnapping women.” At least one extramarital affair. | Sold sweet potato sprouts, sorghum, green onion sprouts, vegetable seeds (lost money or had goods confiscated by cadres). Theft (wheat stalks in 1958); appropriated commune property. | Mar–Aug 1939 | 6 | 54 | Handan, Dongping, Ningyang, and Liangshan cos. | Imprisonment from Mar 1960 to Mar 1965. No “bad element” label. |
| Zhao Qingzhou | 35 | Middle peasant | Farmed and herded goats since youth; worked in an oil shop at age 21. Joined Youth League in 1953 but was kicked out for being “unenthusiastic.” Lives with mother, wife, 4 children in 6.5 rooms. Claims grandmother ill in 1960, thus butchered pig. | Theft in 1959 (1 hemp sack, 1 wooden boat, 2 planks from millwheel, pair of doors, two mattresses); private purchase and sale of pigs (9) and pork (10 jin) in 1959–1960, unauthorized butchering of a pig in 1960, sold cotton seeds 2x in Hebei (104 jin); goods confiscated second time. | Sept 1959–Mar 1960 | 7 | 126 | Own commune to Shouzhang co. | Imprisonment from Feb 1960 to Feb 1969 |
| Zheng Xianlian | 40 | Pedieller; poor peasant | Begged as child; worked in mountain excavation team, peddled yams, fruit, and vegetables since 15. | Profiteered via bartering clothing (100+ pieces) for food; sold produce (700+ jin, incl. sweet potatoes, beans, wheat); grain ration tickets (300+ jin) | Jan–May 1960 | 5 | 400–500 (estimate) | Liangshan, Yunchang, and Dongping cos.; Liangcun and Xucheng townships | Imprisonment from June 1960 to June 1967 |
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Notes
1. See the map in the Appendix.
2. One mu is 0.17 acres.
3. All the interviews cited in the article were conducted by the first author on December 14–15, 2019. The interviewees’ names are abbreviated to protect their anonymity.
4. One jin is about 1.3 pounds.
5. See the Appendix for details about the cases and their outcomes.
6. A worker at an electric mill where Zhang and company stayed recounted that Zhang, this man, and another “always ate together” (LCA 53-3-1488-P1380641, July 29, 1959).
7. On public denunciations as terroristic political theater in the early PRC, see Perry, 2002; Strauss, 2002; Guo, 2013: 97–100, 103. On such spectacles as an extension of the legal system, see Mühlhahn, 2009: 180–85.
8. On grassroots violence during the Leap, see, e.g., Dikötter, 2010: 292–303; Yang, 2012.
9. Thanks to Yu Wang for his feedback on jiao in this context.
10. The last draft of the Criminal Code before the Leap contained stipulations against bigamy, various types of sexual assault and rape, but no mention of consensual adultery (Gao and Zhao, 1998: 274–75, 277).
11. Indeed, even the stated goals of the late 1950s party-state for economic centralization, autarky, and a utopian leap into socialist communalization (tacitly) echoed those of the late imperial bureaucratic state, whose legacy it vocally disavowed, as well as resonated with visions put forth by late Qing and early Republican thinkers (Weigelin-Schwiedrzik, 2011: 34).
12. Also see, for example, Qing and Republican subjects detained for selling “licentious” media claiming to have been driven by desperation (Wang, 2014: 366).
13. Unlike higher levels of leadership, brigade and work team cadres farmed and ate alongside ordinary villagers, and arguably were more likely to be punished both during and after the Leap for not hewing to Leap policies or engaging in harsh and corrupt actions (Cheng, 2008).

14. These ages are given in *sui*; by traditional counting, newborns were 1 *sui* at birth and gained another *sui* every Lunar New Year. Thus, someone who is 15 *sui* could be as young as 13 years old.

15. One *chi* equals approximately one foot.

16. For example, Guo Zhongqiu was labeled a “bad element” upon his release in 1967 (LCA 2-5-5[53-3-1479]-P1260643, Nov. 11, 1966).

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