

China's Law and Government in the Mao Years (1949–1976)

By Harold M. Tanner

On June 30, 1949, with victory over the Nationalist government assured, Chairman Mao Zedong observed that the Chinese Communist Party now faced a new challenge: ruling all of China. The People's Republic of China (PRC) would learn from the Soviet Union, which had already “built a great and splendid socialist state.”¹ China, too, would establish a government and legal system designed to serve the Communist Party's political purposes. By the late 1950s, Mao had rejected the Soviet model. In the late 1960s, he encouraged young Red Guards to attack bureaucracy, judges, the police, and even Party leaders. Despite those upheavals, the Soviet-style law and government established in the early years of the PRC persisted (though not without change) and is a significant part of the heritage of post-Mao China.

A Soviet-Style System with Chinese Characteristics

In 1949, the Chinese Communist Party took control of a country with a weak, inflation-plagued economy, a failed government, and a history of more than one hundred years of foreign invasions, imperialist domination, banditry, regional fragmentation, and civil wars. By 1956, the Party had restored order, unified China (except Hong Kong, Macao, and Taiwan), and was well under way with the transformation from capitalism to socialism. The construction of a government and legal system based on selective adaptation of Soviet institutions played a significant part in this successful transition. But assumptions, practices, and interests specific to China's situation meant that the resulting system, and the way it worked, was something more than an imitation of the Soviet model. Continuities with Republican and even Qing institutions, and cultural assumptions and adaptations to the context of China, were as much a part of the new government and legal system as were Soviet-style government organs and laws.

The new Chinese state included a legislative branch (the National People's Congress), an executive branch, the State Council, and its various subordinate ministries, including the Ministry of Public Security (police), and two legal organs: the Supreme People's Court and the Supreme People's Procuratorate. The Supreme People's Court ex-



1951 poster. Translation: The Soviet Union is our example. Image and caption source: From the collection of Prof. S.R. Landsberger, Sinological Institute, Leiden University, The Netherlands.

ercised the power of adjudication. The Supreme People's Procuratorate functioned as a state prosecutor, but also supervised the legality of the actions of the various organs of the State Council, local governments, and government personnel in general. Provincial, municipal, and county governments followed the same pattern of organization, each having its own people's congress, government, court, procuratorate, and public security organ.

The courts, procuratorates, and public security systems were vertically organized bureaucracies. For example, county-level public security offices reported to their provincial public security bureau, which, in turn, reported to the Ministry of Public Security in Beijing. Lower level courts and procuratorates reported to higher level courts and procuratorates, and ultimately, to the Supreme People's Court and Procuratorate in Beijing.² The Constitution specifically stated that the

courts were to adjudicate cases independently, based solely on law, and that the procuratorates were to act independently of their local governments. The constitution also included a list of citizens' rights: equality before the law, freedom of the press, speech, association, travel, protest, and religious belief. Property rights (farmers' rights to their land, artisans' rights to their tools, and capitalists' rights to their factories, and so on) were promised protection “according to law.”

So far, so good: few in the modern world, East or West, liberal or conservative, would disagree with judicial independence, independent oversight of government organs, and recognition of citizens' civil and property rights. But in practice, the new institutions of law and government were viewed from the philosophical perspective of legal instrumentalism: “Law is politics. It is a means to political ends.”³ Government organs at all levels, laws, and law enforcement were all viewed as instruments the Chinese Communist Party could use to further its goals—consolidation and defense of the revolution, construction of socialism, economic development, and the reform of Chinese culture and society. Party members were to wield the “weapon of law,” their actions guided, not simply by law, but by Party policy, which was



1953 poster. Translation: Freedom of marriage, happiness, and good luck.
Image and caption source: From the collection of Prof. S.R. Landsberger,
Sinological Institute, Leiden University, The Netherlands.



1956 poster. Translation: March forward along the road of socialism!
Image and caption source: From the collection of Prof. S.R. Landsberger,
Sinological Institute, Leiden University, The Netherlands.

understood to be superior to law. In practice, citizens could only exercise their constitutionally-guaranteed civil rights within the limits imposed by the Party; changes in law and policy could (and did) completely undermine property rights.

The Communist Party had around three million active members in 1949. They were predominantly poorly educated men of farming backgrounds. Most were veterans of the war against Japan and the civil war against the Nationalists.⁴ The Party had a Party Congress (over one thousand delegates), a Central Committee (membership fluctuated from nearly 100 to nearly 200), and a Politburo (fourteen to twenty-four members). But real power was exercised by the five or six members of the Standing Committee of the Politburo, headed by Chairman Mao. At the provincial and local levels, small Communist Party committees directed government activity.⁵ Throughout the Mao years, China's top leaders were a small group of increasingly old, often poorly educated men (and a few women) whose main qualification was political reliability, earned by participation in the revolution. The many Party members and bureaucrats of the central, provincial, and local governments, who actually designed and implemented policy and law were, however, much more diverse in regards to age, gender, and training.

Party leaders at all levels maintained lists of government posts (and posts in many non-governmental institutions, such as research units and universities) to which only Party members would be ap-

pointed. Party leaders drafted laws for the legislative organs to approve, and established policies that would guide government officials in the implementation of law and in their daily work. At the county level, the secretary of the local Communist Party Committee often reviewed and passed judgment on legal cases. Party leaders at the local level implemented laws, but Party policy, set at the Party Center in Beijing, guided them. In many cases, action was determined purely by policy, with laws sometimes being drafted afterwards.

Party policy and law were often implemented by involving ordinary people in the tasks of monitoring their neighbors and mediating conflicts. Over the course of the 1950s, the regime built a system of residents' committees, mediation committees, and local informers to assist the police and the Party in keeping tabs on suspicious persons and activities.⁶ Common people were also drawn into the process of identifying and punishing social and political deviance by means of the campaign or "mass movement." In these campaigns, Party leaders mobilized all of or particular segments of the bureaucracy, the Party, and the people to pursue a defined goal, which could be anything from killing flies to punishing counterrevolutionaries. In the process of participation in campaigns, the people themselves would be remolded as they contributed to the remolding of China's economy, society, culture, and politics.

The first half of the 1950s saw a series of campaigns, including the Land Reform Campaign (1950–52), the Campaign to Suppress Coun-

Both the Land Reform Campaign (1950–52) and the Campaign Against Counterrevolutionaries (1951) mobilized large numbers of ordinary people to participate in the denunciation, public humiliation, and punishment of men and women accused of being landlords, spies, former Guomindang officials, counterrevolutionaries, bandits, members of religious sects, or simply hoodlums.



鎮壓反革命，保障好光景

1951 poster. Translation: Suppress counterrevolutionaries, safeguard good circumstances!

Image and caption source: From the collection of Prof. S.R. Landsberger, Sinological Institute, Leiden University, The Netherlands.

counterrevolutionaries (1951), the campaign to implement the Marriage Law (1950), the Three-Antis/Five-Antis Campaigns (1951–52), and many campaigns aiming at the re-education of intellectuals and at transforming China from a capitalist to a socialist economy. From 1957 through 1976, China underwent major campaigns, which were closely associated with factional struggles at the highest levels of the Party. A short list would include the Hundred Flowers and Anti-Rightist campaigns (1957), the Great Leap Forward (1958–61), the Four Cleanups (1963), and the Cultural Revolution (1966–1976).⁷

The Party's technique of using campaigns to implement policy and law, combined with the leaderships' fundamental distrust of intellectuals, meant that relatively few laws were drafted and promulgated during the Mao era. Between 1949 and 1956, 845 laws were drafted or issued; there were less than 200 per year between 1957 and 1959, and fifty or fewer per year in the 1960s and 1970s, when, for ideological reasons, law and lawyers were generally despised as remnants of bourgeois society.⁸ Most notably, China did not have criminal or civil codes or a criminal or civil procedure law during the Mao era.

Law and Daily Life

Although few laws were promulgated, campaign techniques meant that the law and legal organs (courts, procuratorates, and public security) had a dramatic, often tragic, effect on ordinary people. We will consider a few specific examples.

Both the Land Reform Campaign (1950–52) and the Campaign Against Counterrevolutionaries (1951) mobilized large numbers of ordinary people to participate in the denunciation, public humiliation, and punishment of men and women accused of being landlords, spies, former Guomindang officials, counterrevolutionaries, bandits, members of religious sects, or simply hoodlums.⁹ At these mass meetings, carefully prepped representatives of the masses leveled virulent criticism against selected landlords and “counterrevolutionaries.” Many sessions ended with formal executions. Others descended into vicious beatings and even spontaneous killing. While there are no reliable data on the number of people killed, scholars estimate that anywhere from one to five million died during these two campaigns.¹⁰

The Three-Antis/Five-Antis Campaigns (1951–52), while less violent, were also essential to the Communist Party's remolding of China's economy and society. The Three Antis was a fairly restrained attack on “corruption, waste, and the bureaucratic spirit” among government and Communist Party officials. The Five-Antis movement involved government investigation of business persons accused of bribery, tax evasion, fraud, theft of government property, and stealing state economic secrets. Over 450,000 private commercial and industrial enterprises, especially in Shanghai, were investigated. Ordinary people, particularly employees of capitalist enterprises, were encouraged to submit denunciations of the capitalist bosses—either in person or anonymously. The resulting fines and other penalties seriously weakened these businesses, forcing them to become joint state-private enterprises—which was, of course, the first step toward nationalization.¹¹ Communist Party policy, not law, was the guiding force behind these campaigns. In fact, some key laws of the early 1950s were closely linked to campaigns. The “Act for Punishment of Corruption” (1952) and the “Regulations Regarding the Punishment of Counterrevolutionaries” (1951) drew on the experience of the campaigns.

Not all laws, however, were the products of campaigns. For example, the new Marriage Law, which went into effect in 1950,¹² drew on a number of sources: Marx and Engels, Soviet law, the experience and laws of the pre-1949 Chinese Communist base areas, and the laws of the former Guomindang regime.¹³ The law was designed to revolutionize China's rural culture and economy by re-defining marriage as a relationship “based on free choice of partners, on monogamy, [and] on equal rights for both sexes.”¹⁴ Husbands and wives were to have “equal rights in the possession and management of family property,” and women were given significant rights to property, maintenance, and their children after divorce. The provisions of this law were so revo-

The campaigns of the early 1950s built mass support for the new Communist state by attacking well-defined targets that most people could be trained to hate (if they did not despise them already): criminals, spies, counterrevolutionaries, landlords, corrupt businessmen and elite intellectuals.

lutionary that the campaign ran into significant resistance in the rural areas from some men and older women.¹⁵ Party leaders moderated the implementation of the law in order to prevent rural men from becoming alienated from Party rule. Nonetheless, the Marriage Law of 1950 marks the beginning of a significant change in the legal and social status of Chinese women.¹⁶

While they did not generally involve laws, there were also a number of campaigns against intellectuals (i.e., people with any sort of higher education or professional qualification). One campaign specifically targeted legal workers (lawyers, law school professors, judges, and prosecutors). These people had been educated under and employed by the Guomindang government and were therefore suspect. Other campaigns targeted scholars and writers. The Campaign to Criticize Hu Feng is a notable example.

Hu Feng (1903–1985), a poet and literary theorist who had been involved in left-wing literary movements in the 1920s to 1940s, was the de facto leader of a loosely knit group of twenty to thirty authors. While generally supportive of the Communist Party, Hu and his friends disagreed with the increasingly rigid literary orthodoxy imposed by the Party’s cultural leadership (which was dominated by a man with whom Hu had a bad personal relationship). Because he and his friends expressed their dissatisfaction in published articles and in private correspondence, in 1955 Hu was criticized, then tried and sentenced to fourteen years in prison on charges of counterrevolution.¹⁷ His sentence was later extended. He was not released until 1980.¹⁸

By involving ordinary Chinese in mass movements to implement laws and policies, China’s Communist Party leaders transformed their country’s economy, politics, and society. The campaigns of the early 1950s built mass support for the new Communist state by attacking well-defined targets that most people could be trained to hate (if they did not despise them already): criminals, spies, counterrevolutionaries, landlords, corrupt businessmen, and elite intellectuals.

By contrast, the campaigns of the late 1950s, which linked to factional struggles within the Party, defined their targets more loosely. In the Hundred Flowers Campaign, Chairman Mao called on intellectuals to offer their honest criticisms of the government and the Communist Party. When the critics (including many law students, lawyers, and legal scholars) began criticizing the one-Party system and Marxism-Leninism, the Party responded with the “Anti-Rightist Campaign.” “Rightism” was vaguely defined, and Party leaders suggested that around five percent of intellectuals were “rightists.”¹⁹ As a result, terror reigned in institutions of learning and research, in literary and artistic circles, and



大办民兵师

1960 poster. Translation: Organize contingents of the People’s Militia on a big scale. Image and caption source: From the collection of Prof. S.R. Landsberger, Sinological Institute, Leiden University, The Netherlands.

among professionals, including government officials. In the end, over 300,000 intellectuals were labeled as “Rightists,” their careers ruined. Many spent most of the next thirty years in prisons and labor camps or were sent to the countryside to “learn from the farmers.”²⁰

Many more Chinese suffered terrible injustices in subsequent campaigns throughout the 1960s, and particularly in the Cultural Revolution. Space does not allow for a discussion of these campaigns here. This was more a matter of factional politics and social tension than of government and law, narrowly defined. Indeed, law, government, and the Communist Party itself were targets of the Cultural Revolution. Nonetheless, the government bureaucracy and legal system established in the first half of the 1950s continued to exist and operate throughout the Mao era. For better or worse, it was this system that handled policing, trials, and punishment of common criminals and political offenders alike.

Criminal Justice in the Mao Years

Throughout the Mao era, the theory and practice of criminal justice changed in response to changes in Party policy. From 1950 to 1956, and again from 1962 to 1966 when a relatively moderate line prevailed, legal experts worked actively on drafts of the Criminal Law and Criminal Procedure. From 1957 to 1961 (the years of the Anti-Rightist Cam-



1965 poster. Translation: Never forget class hostility. Grasp the gun tightly. Image and caption source: From the collection of Prof. S.R. Landsberger, Sinological Institute, Leiden University, The Netherlands.

paign and the disastrous, anti-intellectual “Great Leap Forward”), and again during the Cultural Revolution, the Party actively discouraged the use of law, preferring instead the flexibility of policy. Despite these changing attitudes toward law, there were elements of continuity in China’s socialist legal system. These included fundamental assumptions about the nature and purposes of law, the politicization of criminal justice, and the use of reform through labor as a punishment.

As noted above, China’s legal system was based on the idea of “instrumentalism.” Chinese leaders preferred laws that were purposely drafted in simple, flexible language and applied under the guidance of Party policy, that could be changed to respond to changing conditions. In handling criminal offenses, Chinese prosecutors and courts were free to apply laws and policies *ex post facto*. They could punish offensive behavior that was not prohibited by law by drawing analogy to a similar offense that was prohibited. “Bad” class background (for example, being from a family of former capitalists or Guomintang officials) could be regarded as an aggravating circumstance.

Although the 1956 Constitution stated that the courts were to decide cases solely on the basis of law, legal theory and practice firmly rejected the concept of judicial independence. Party leaders directed and coordinated the work of the public security, courts, and procuratorates. They also rejected as “unscientific” the concept of “innocent

Party leaders directed and coordinated the work of the public security, courts, and procuratorates. They also rejected as “unscientific” the concept of “innocent until proven guilty.” If you had been investigated, arrested, and charged with a crime, then obviously, you were guilty.

until proven guilty.” If you had been investigated, arrested, and charged with a crime, then, obviously, you were guilty. Nonetheless, not all trials ended in guilty verdicts. Data from 1957 to 1960 suggest that fourteen percent of trials ended with the defendant found not guilty or, though guilty, not punished.²¹

Because justice was so highly politicized, and statistics often falsified or simply not collected (particularly during the Cultural Revolution), it is impossible to give an accurate quantitative picture of how the criminal justice system worked. Available data suggest that 24,477,591 cases (10,744,448 criminal; 13,733,143 civil) were opened in Chinese courts from 1950 to 1965. Most of the civil cases were marriage disputes and divorces. The criminal cases included both counterrevolutionary offenses and common crimes (assault, theft, rape, robbery, and so on).²² In addition, many more civil disputes and minor criminal cases would have been handled outside the courts by state-appointed mediators. Under the Security Administration Punishment Act (SAPA), the police could also impose administrative sanctions (including sentences of up to three years of “re-education through labor”) for offenses against public order (including some political offenses) that were not serious enough to warrant criminal charges.²³

Whether criminal offenders were brought to trial or punished directly by the police, the aim of the state was not merely to punish, but to reform. The most heinous offenders, of course, were executed. In many cases, death sentences were announced in mass meetings and the offenders were publicly displayed before being taken to the execution grounds and dispatched with a single bullet to the back of the head. Here, the intention was clearly to educate the public and, often, to show that the state was doing justice and protecting the people by killing criminals guilty of offenses such as murder or rape. But in the vast majority of cases, the criminal was the target of reform.

The process of reform began with interrogation. “Leniency to those who confess, heavy punishment for those who resist,” read a slogan often displayed prominently in police stations and repeatedly drummed into the heads of suspects. Confession was regarded as the first step toward reform. Although it was not legally required, it was, in practice, an almost essential part of any criminal proceeding. This emphasis on confession resonated with the theory and practice of imperial Chinese law, which had required confession, and with Soviet law. It also fit well into the practical needs of the poorly trained and poorly equipped police, who found it easier to force confessions than to accumulate evidence through investigation. The use of torture to obtain confession, though illegal, was (and remains) common.

As a result, most trials were simply ceremonious occasions in which the accused confessed his or her crime and asked for lenience.

Failure to confess was considered evidence of a bad attitude. To appeal one's sentence, too, was evidence of resistance to the dictatorship of the proletariat. Such resistance generally resulted in a heavier sentence. Following the Soviet example, trials were inquisitorial: the judges interrogated and sentenced the accused, symbolically enclosed in a cage-like box displayed in front of them.²⁴ In most cases, there was no defense. In practice, the trial was merely a show: the sentence had been decided ahead of time, either by the judges, working in cooperation with the procuratorate and the police, or by the secretary of the local Communist Party committee. This was informally referred to as "first sentence, then trial."

The guilty could be fined, sentenced to probation, or to a term of "reform through labor." As mentioned above, the police could also sentence lesser offenders with up to three years of "re-education through labor." In practice, reform through labor and re-education through labor were substantially the same—both based on the Marxist belief that an individual's material conditions of life and work determine his or her subjective consciousness. By engaging in collective labor, prisoners were supposed to reform themselves, wiping out the selfish, individualistic, bourgeois thought that had led them to commit crimes, and becoming "new socialist persons," and "useful timber" for the construction of a new China.²⁵ In both its theoretical basis and its use for imprisoning political offenders, China's reform through labor strongly resembled the Soviet "Gulag Archipelago" so vividly described by Aleksandr Solzhenitsyn. Harsh conditions and forced labor were common to both. In the Chinese camps, prisoners were also subject to intense psychological pressure intended to reconstruct their personality and values.²⁶

While there were labor reform camps in many parts of China, a disproportionately large number of prisoners were sent to camps in the Northwestern provinces of Qinghai, Gansu, and Xinjiang. This placed prisoners far away from the centers of Chinese society and from the supportive networks of friends and family, throwing them into complete reliance on the state—a reliance made more complete when, as was very common, prisoners were forced to settle in areas near the camps, even after completion of their sentences. In Xinjiang, a large area in which the majority population were Muslims of Turkic Uighur ethnicity, the policy of settling Chinese prisoners, both to remove them from their home environment and to increase the Chinese ethnic component in the area, went back to Qing (eighteenth century) times.²⁷

In practice, labor reform camps inflicted a good deal of misery on their inmates, but seem to have accomplished little else. Prisoners were poorly fed and clothed, especially during the famine years of the early 1960s that followed the disastrous Great Leap Forward of 1959.²⁸ In theory, the labor reform camps were supposed to both rehabilitate criminal offenders and produce economic benefits for the state. In practice, there is little evidence to suggest that the camps truly reformed prisoners. In the 1980s, Chinese experts on criminal justice considered them no more than schools of criminality. While some labor reform camps were profitable, on the whole the system became an economic burden to the state.²⁹

Conclusion

When discussing problems such as corruption, police torture, the difficulty of winning civil suits, and of enforcing court orders if one *should* win, contemporary Chinese often lament that "our legal sys-



1965 poster. Translation: We'll strictly follow instructions! Strictly follow!
Image and caption source: From the collection of Prof. S.R. Landsberger, Sinological Institute, Leiden University, The Netherlands.

tem is not yet completely constructed" (*fazhi hai mei jianquan*). In a sense, they are right. China's body of civil law and its private legal profession are still struggling to come up to the levels necessary to manage a booming, internationalized economy. China's police and court personnel, while much more professional than during the Mao period, are still poorly educated, poorly trained, and poorly equipped.

Nonetheless, the strongest characteristic of China's legal system is its design, not a lack of 'completeness.' Although the campaigns of the Mao era are gone, the fundamental structure of China's legal system is still based on the ideas and institutions of the 1950s. The legal apparatus of public security, courts, and procuratorates are still tools in the hands of the ruling Communist Party. The people's congresses at national, provincial, and lower levels have more power than they had in the Mao era, but in the final analysis, the business of government is still dominated at the center and at the local levels by small groups of (mostly male) Party leaders.

These leaders can still exercise overall leadership over police, courts, and procuratorates, thus undermining any theoretical checks and balances between these three organs of criminal justice.³⁰ Government and law post-1979 have had a far more positive effect on the



選好人 辦好事

1953 poster. Translation: Elect good people to do good things.
Image and caption source: From the collection of Prof. S.R. Landsberger,
Sinological Institute, Leiden University, The Netherlands.

lives of average Chinese than during the years of Mao Zedong's misrule. For better or worse, many government and legal institutions and techniques established in the 1950s are still a part of China today. ■

NOTES

- Mao Zedong, "On the People's Democratic Dictatorship," in *Selected Readings from the Works of Mao Tsetung* (Peking: Foreign Languages Press, 1971), 380, 386.
- Zhang Yimou's film "The Story of Qiu Ju" (*Qiu Ju da guansi*), although set in post-Mao China, portrays the legal system's geographical hierarchy, from village to county town to provincial capital. I thank Kristin Stapleton for bringing this aspect of the film to my attention.
- Cai Yunling, *What Is Law?* (Hubei renmin chubanshe, 1955), excerpt in Wang Yongfei, ed. *Reference Materials on the Theoretical Bases of Law*, Vol. II. (Beijing: Beijing Daxue chubanshe, n.d.), 27.
- A. Doak Barnett, *Communist China: The Early Years, 1949–55* (New York: Frederick A. Praeger, Publishers, 1966), 6–7.
- Kenneth Lieberthal, *Governing China: From Revolution Through Reform* (New York: W.W. Norton & Co., 2004).
- Jerome Alan Cohen, *The Criminal Process in the People's Republic of China, 1949–1963: An Introduction* (Cambridge: Harvard University Press, 1968), 97–169.
- See Lieberthal, *Governing China*, 67, for a longer (but still simplified) list of campaigns.
- Wu Jianfan, "Building New China's Legal System," in John R. Oldham, ed. *China's Legal Development* (Armonk: M. E. Sharpe, Inc., 1986), 7–13.
- Julia Strauss, "Morality, Coercion, and State Building by Campaign in the Early PRC: Regime Consolidation and After, 1949–1956," in Strauss, ed. *The History of the PRC (1949–1976)* (Cambridge: Cambridge University Press, 2007), 46.
- Strauss, "Morality, Coercion, and State-Building," 47; Maurice Meisner, *Mao's China and After: A History of the People's Republic* (3rd edition) (New York: The Free Press, 1999), 72. Brief footage of a struggle session against a landlord can be found in the "History Channel" documentary film "China Rising" (Yorkshire Television, 1991).
- Meisner, *Mao's China and After*, 86–87; Barnett, *Communist China: The Early Years*, 136–137.
- An English translation of this 1950 law is available on the UCLA Center for East Asian Studies Web site at <http://www.isop.ucla.edu/eas/restricted/marriage.htm>.
- Elisabeth Croll, *Feminism and Socialism in China* (London: Routledge & Kegan Paul, 1978), 230–234.
- Marriage Law of the People's Republic of China (1950), Chapter 2, Art. 3.
- Croll, *Feminism and Socialism*, 235–237. See also Carma Hinton and Richard Gordon's documentary film "Small Happiness: Women of a Chinese Village" (Wayne, NJ: New Day Films, 1994).
- Neil J. Diamant, "Re-examining the Impact of the 1950 Marriage Law: State Improvisation, Local Initiative, and Rural Family Change," *China Quarterly* 161 (March 2000), 171–198.
- For a description of the Hu Feng Campaign, see Merle Goldman, *Literary Dissent in Communist China* (Cambridge: Harvard University Press, 1967), 129–157. Excerpts from Hu's correspondence and Mao Zedong's criticisms of Hu are translated in Patricia Buckley Ebrey, ed. *Chinese Civilization: A Sourcebook* 2nd ed. (New York: The Free Press, 1993), 422–428. It should be noted that Hu, though a critic of the Party's literary orthodoxy, was not an advocate of literary freedom. He himself criticized other authors for failure to adhere to the Party line and reportedly had one rival group of authors banned from writing poetry. Bonnie S. McDougall and Kam Louie, *The Literature of China in the Twentieth Century* (New York: Columbia University Press, 1997), 263.
- Stefan Landsberger, "Hu Feng," <http://www.iisg.nl/~landsberger/hf.html>.
- Merle Goldman, "The Party and the Intellectuals," in Roderick MacFarquhar and John King Fairbank, ed., *The Cambridge History of China, vol. 14, The People's Republic, Part I: The Emergence of Revolutionary China 1949–1965*. (Cambridge: Cambridge University Press, 1987), 257; Jung Chang, *Wild Swans: Three Daughters of China* (New York: Anchor Books (Doubleday), 1992), 214–215.
- Jonathan D. Spence, *The Search for Modern China* (second ed.) (New York: W.W. Norton & Co., 1999), 542–543.
- David Bachman, "Aspects of an Institutionalizing Political System: China, 1958–1965," in Strauss, ed., *The History of the PRC (1949–1976)*, 89–90.
- Bachman, "Aspects of an Institutionalizing Political System: China, 1958–1965," 82–90.
- Cohen, *The Criminal Process*, 200–237.
- David Bachman, "The inquisitorial system is, of course, not unique to China or to Communist legal systems: its roots are in European continental law.
- See Michael Dutton, *Policing and Punishment in China: From Patriarchy to "the People"* (Cambridge: Cambridge University Press, 1992).
- Robert J. Lifton. *Thought Reform and the Psychology of Totalism: A Study of "Brainwashing" in China* (New York: W.W. Norton & Co., 1961).
- Joanna Waley-Cohen, *Exile in Mid-Qing China: Banishment to Xinjiang, 1758–1820* (New Haven: Yale University Press, 1991).
- For vivid descriptions of life in the labor reform camps, see Bao Ruowang (Jean Pasquolini) and Rudolph Chelminski, *Prisoner of Mao* (New York: Coward, McCann and Geoghan, Inc., 1973); Harry Wu and Carolyn Wakeman, *Bitter Winds: A Memoir of My Years in China's Gulag* (New York: John Wiley and Sons Inc., 1994). There are also many Chinese works of fiction and reportage literature dealing with the labor reform camps. For a discussion in English, see Philip F. Williams and Yenna Wu, *The Great Wall of Confinement: The Chinese Prison Camp Through Contemporary Fiction and Reportage* (Berkeley: University of California Press, 2004).
- James D. Seymour and Richard Anderson, *New Ghosts, Old Ghosts: Prisons and Labor Reform Camps in China* (Armonk: M.E. Sharpe, 1998), 210–211.
- Susan Trevaskes, *Courts and Criminal Justice in Contemporary China* (Lanham: Rowman & Littlefield Publishers, 2007).

HAROLD M. TANNER is Associate Professor of History at the University of North Texas. He is the author of *Strike Hard! Anti-Crime Campaigns and Chinese Criminal Justice, 1979–1985* (Cornell East Asia Series, 1999), and of various articles on crime, punishment, and war in twentieth century China.