

BOOK REVIEW  
Jennifer Altehenger,  
*Legal Lessons:  
Popularizing Laws in the People's Republic of China, 1949–1989*  
(Cambridge: Harvard University Press, 2018)

Philip Thai, *Northeastern University*

In the decades since the 1980s, Western research on law in China has enjoyed a veritable boom.<sup>1</sup> Legal scholars and social scientists have traced the tremendous efforts by the post-Mao government to introduce new legal institutions, rebuild the legal profession, and incorporate international norms into domestic laws.<sup>2</sup> They have also explored the many ways Chinese citizens used new laws to assert their “rights” even under authoritarian rule.<sup>3</sup> During the same time, historians have mined newly opened archives to better understand the contrast between “laws in representation” with “laws in practice” in late imperial and Republican China. They have illustrated how ordinary Chinese subjects frequently and unreservedly employed laws, courts, and all sorts of legal expertise to settle disputes or seek protection.<sup>4</sup> Such findings challenged the previous scholarly consensus that traditional Chinese society was somehow averse to lawsuits and valued maintaining Confucian notions of social harmony above all else.<sup>5</sup> All of this research has demonstrated how law, legal institutions, and legal consciousness were tightly woven into the fabric of everyday Chinese life, thereby enriching scholarly understandings of state-society relations in China.

In contrast to this scholarly efflorescence, the volume of research on law in China under Mao has been more modest. Decades after the pioneering works of scholars like Jerome Cohen and Stanley Lubman, recent scholarship on this period has sought to look at law beyond the history of formal statutes and institutions.<sup>6</sup> Yet due to political sensitivities and archival restrictions, the legal history of the early People's Republic regrettably remains an understudied subject. Seen in this light, Jennifer Altehenger's study presents a valuable and urgently needed scholarly contribution. Melding extensive archival research with creative readings of propaganda materials, *Legal Lessons* offers a history of mass legal education focusing on Beijing and Shanghai during the first four decades of the People's Republic. It contends that the dissemination of legal knowledge has almost always been part of the Communist government's repertoire of political control, even as the formal legal system was dismantled during much of the Mao years. The promotion of legal propaganda was simply not a cynical ploy aimed at inducing compliance. Instead, it was a sincere effort aimed at fostering a new legal consciousness that fully accorded with the voluntarist ethic at the heart of the Chinese Communist Party's (CCP) mobilization. Shorn of its complex language and

introduced with state guidance, new laws in the official imagination would create new citizens ready to build a new China. How the state imparted its legal lessons and how individuals learned—or did not learn—such lessons are the key concerns of Altehenger's book.

Legal education, according to Altehenger, intersected with the core dilemma of governance in the People's Republic. On the one hand, the CCP certainly wanted to disseminate legal knowledge widely, persuading citizens to abide by laws and thereby better serve the state. Yet it also wanted to retain a monopoly on how laws were interpreted and used. Balancing these imperatives encountered numerous obstacles in the early years of the People's Republic. The dissemination of laws did not fit neatly within the ideological framework of governance based on the Marxist-Leninist canon and Mao Zedong Thought, neither of which had much to say about laws (chapter 1). This lack of clear ideological guidance thus required considerable improvisation by government and party officials throughout the country, non-professionals who were not always the most enthusiastic or the best equipped to teach the numerous laws promulgated by the new regime. The dissemination of legal knowledge was further confounded by other practical problems that accompanied the transition to the command economy. State-owned publishers, for instance, could not always produce legal propaganda in sufficient quantity or quality and had to rely on more efficient but politically suspect private publishers to meet urgent shortfalls (chapter 2). Despite the aspirations of top leaders, then, the rollout of mass legal education throughout China was far from smooth and far from uniform.

How did the CCP seek to exercise strict controls over the dissemination and interpretation of laws? And how did ordinary people respond to such efforts? Altehenger provides two illustrative examples: the campaign to publicize the 1950 Marriage Law (chapter 3) and the discussions over the 1954 Constitution Draft (chapter 4). The former fulfilled the CCP's vow to liberate individuals from “feudal” practices, while the latter burnished the regime's legitimacy by inviting mass participation to shape the country's legal foundations. Mobilizing local cadres and saturating the media, official efforts to promote the Marriage Law and the Constitution succeeded in realizing one of legal propaganda's aim—namely, making the learning of laws a part of everyday life. Yet these

efforts also produced many unpleasant surprises for the government. Citizens did not always arrive at “correct” interpretations when they, say, sought a divorce, or when they debated the meaning of the Constitution in their study groups to fit their mundane personal circumstances. Some even went as far as dismissing new laws as mere “empty words.” And even more vexing, the cultural workers, cadres, and censors on the front lines of popularizing new laws often struggled to translate abstract ideals into accessible information. Altehenger recounts numerous cases of publishers printing incorrect facts or censors bickering over seemingly minor semantics like “must” or “should” in explaining new laws (119–24). Such examples underscore both the seriousness with which officials approached their responsibilities as well as the difficulties of producing effective propaganda for legal education.

In the final part of her study, Altehenger crosses the 1978 divide to chart the popularization of law in the first decade of the reform era. The end of the Cultural Revolution renewed the urgency of legal education—but this time for a different goal. For officials, popular knowledge of law was necessary to help safeguard against the specter of “lawlessness” for an entire generation that came of age during the “ten years of turmoil” and were thus ostensibly unfamiliar with the benefits of stability through law (chapter 5). Meanwhile, in an ever-diversifying media landscape, officials needed to modify their message to reach an increasingly disaffected public buffeted by rising levels of crime and economic insecurity (chapter 6). Accordingly, legal education in the reform era proved to be a blend of old and new. The government revived Mao-era techniques of mobilization and dissemination, like publicizing new constitutions and even holding public trials. But it also promoted legal knowledge that balanced education with entertainment, such as producing law propaganda for the increasingly popular medium of television or sponsoring legal knowledge contests that made learning laws a nationwide fad during the 1980s. These efforts mirrored those pursued by China’s socialist peers worldwide, who also sought to bolster their authority with legal propaganda just before their own collapse (243–6).

The empirical core of Altehenger’s study rests on a diverse array of sources. It makes extensive use of archival materials—reports, plans, and instructions drafted by everyone from high-level officials to low-level functionaries. It also draws from newspapers, magazines, and *Neibu Cankao* (Internal Reference) reports to explore the presentation and reception of legal propaganda. But especially laudable is the study’s creative use and reading of visual propaganda—posters, photos, and cartoons—liberally inserted throughout. In her discussion of legal propaganda posters from the early reform era, for instance, Altehenger skillfully teases out their varied messages, revealing an emergent political discourse that linked voluntary legal learning with a modern, prosperous, and secure lifestyle (205–7). Besides providing a feast for the eyes, such visual sources offer a very intimate sense of law propaganda by letting readers see what the Chinese public itself saw.

Exhaustively researched and methodologically innovative, *Legal Lessons* is a must-read not only for PRC historians but

also for legal historians of China and elsewhere. It redresses a glaring paucity of scholarship in an important field and provides a deeply textured narrative of the continued tussle between state and society over the varied meanings of law. By crossing important epochal divides, it also places China’s ongoing legal reforms in their proper historical context to demonstrate how they were not exclusively inventions of the post-Mao government seeking to rebuild its political legitimacy and rejoin the global economy.<sup>7</sup> Instead, Altehenger notes, they were “anchored more deeply in the basic premises of socialist governance” and thus present at the creation of the People’s Republic (259). Officials have always held an axiomatic belief that the “correct” interpretation of laws invariably strengthened state authority, and this belief in turn has animated successive efforts at institutionalizing law and promoting the “rule of law.”

Altehenger’s study raises a host of tantalizing questions for readers. Her creative approach clearly charts the many possibilities for new perspectives on PRC legal history. Yet given the ever-tightening restrictions on research for this period, as well as concerns over politically sensitive issues and the release of personal information, how might other scholars continue work on PRC legal history? How might “garbology”—which has uncovered so many realities of everyday life at the grassroots and thereby contributed greatly to the social history of the early People’s Republic—be applied to the study of PRC legal history as well?<sup>8</sup> Also, as the 1980s still stand outside the temporal scope of most PRC histories, how might other historians build on the scholarship by a previous generation in the social sciences and at the same time treat the early reform era as *history*? And finally, one cannot read *Legal Lessons* without thinking of the developments in China today. From the consolidation of personal authority by President Xi Jinping to the tightening of social control across the country, the CCP has justified ongoing measures as being entirely constitutional and legal. How might this history of legal propaganda in the People’s Republic illuminate current efforts at leveraging the rhetoric of legality for political aims?<sup>9</sup>

In any case, CCP leaders never saw any contradictions in equipping citizens with legal knowledge while asserting the primacy of the party-state’s authority—then or now. If laws were promulgated with the aim of realizing state goals, the official thinking went, then educating the public to comply with these very laws merely facilitated governance. Yet as Altehenger’s study shows, fostering legal consciousness has also been a tricky affair for the state, generating a host of unintended and undesirable consequences. Even with the strictest official guidance, ordinary people have too often “misinterpreted” laws or arrived at “erroneous” interpretations. And not infrequently, they have taken official exhortations to “use law as a weapon” at face value, demanding that their government respect the letter and spirit of the very laws it promoted. Altehenger thus implicitly echoes another historian, who declared that law might well serve as an instrument of rule, but as it becomes a constitutive feature of everyday life throughout society, it also leaves open the possibilities for justice.<sup>10</sup>

<sup>1</sup> My thanks to Quinn Javers for his helpful feedback on an earlier version of this review.

<sup>2</sup> See especially: William P. Alford, *To Steal a Book is an Elegant Offense: Intellectual Property Law in Chinese Civilization* (Stanford: Stanford University Press, 1995); Stanley B. Lubman, *Bird in a Cage: Legal Reform in China After Mao* (Stanford: Stanford University Press, 1999); Randall Peerenboom, *China's Long March toward Rule of Law* (Cambridge: Cambridge University Press, 2002); and Pitman B. Potter, *The Chinese Legal System: Globalization and Local Legal Culture* (London: RoutledgeCurzon, 2001).

<sup>3</sup> Much of this extensive literature draws from the “law and society” tradition. For a survey of research produced up to the early aughts, see: Neil J. Diamant, Stanley B. Lubman, and Kevin J. O'Brien, eds., *Engaging the Law in China: State, Society, and Possibilities for Justice* (Stanford: Stanford University Press, 2005). For other notable works on law and society in contemporary China, see: Margaret L. Boittin, “New Perspectives from the Oldest Profession: Abuse and the Legal Consciousness of Sex Workers in China,” *Law and Society Review*, vol. 47, no. 2 (2013): 245–78; Mary E. Gallagher, *Authoritarian Legality in China: Law, Workers, and the State* (Cambridge: Cambridge University Press, 2017); Ching Kwan Lee, *Against the Law Labor Protests in China's Rustbelt and Sunbelt* (Berkeley, CA: University of California Press, 2007); Ethan Michelson, “Climbing the Dispute Pagoda: Grievances and Appeals to the Official Justice System in Rural China,” *American Sociological Review*, vol. 72, no. 3 (2007): 459–85; Kevin O'Brien and Lianjiang Li, *Rightful Resistance in Rural China* (Cambridge: Cambridge University Press, 2006); and Margaret Y. K. Woo and Mary E. Gallagher, eds., *Chinese Justice: Civil Dispute Resolution in Contemporary China* (Cambridge: Cambridge University Press, 2013).

<sup>4</sup> This literature also is quite extensive. For overview of the new Chinese legal history, see: Philip C. C. Huang, *Civil Justice in China: Representation and Practice in the Qing* (Stanford: Stanford University Press, 1996) and *Code, Custom, and Legal Practice in China: The Qing and the Republic Compared* (Stanford: Stanford University Press, 2002). On law, gender, and sexuality, see: Kathryn Bernhardt, *Women and Property in China, 960–1949* (Stanford: Stanford University Press, 1999); Margaret Kuo, *Intolerable Cruelty Marriage, Law, and Society in Early Twentieth-Century China* (Lanham: Rowman & Littlefield Publishers, 2012); Matthew H. Sommer, *Sex, Law, and Society in Late Imperial China* (Stanford: Stanford University Press, 2000) and *Polyandry and Wife-Selling in Qing Dynasty China Survival Strategies and Judicial Interventions* (Berkeley, CA: University of California Press, 2015); and Janet M. Theiss, *Disgraceful Matters: The Politics of Chastity in Eighteenth-Century China* (Berkeley, CA: University of California Press, 2004). On courtrooms and operation of law at the local level, see Daniel Asen, *Death in Beijing: Murder and Forensic Science in Republican China* (Cambridge: Cambridge University Press, 2016); Quinn Javers, *Conflict, Community, and the State in Late Imperial Sichuan: Making Local Justice* (Milton: Routledge, 2019); Bradley W. Reed, *Talons and Teeth: County Clerks and Runners in the*

*Qing Dynasty* (Stanford: Stanford University Press, 2000); and Xiaoqun Xu, *Trial of Modernity: Judicial Reform in Early Twentieth-Century China (1901–1937)* (Stanford: Stanford University Press, 2008). On legal culture, see: Robert E. Hegel and Katherine Carlitz, eds., *Writing and the Law in Late Imperial China: Crime, Conflict, and Judgment* (Seattle: University of Washington Press, 2007); and Melissa Macauley, *Social Power and Legal Culture: Litigation Masters in Late Imperial China* (Stanford: Stanford University Press, 1998). For works on the intersections of law and economy, see: Maura D. Dykstra, “Complicated Matters: Commercial Dispute Resolution in Qing Chongqing from 1750 to 1911” (PhD dissertation: University of California, Los Angeles, 2014); Philip Thai, *China's War on Smuggling: Law, Economic Life, and the Making of the Modern State, 1842–1965* (New York: Columbia University Press, 2018); Madeleine Zelin, *The Merchants of Zigong: Industrial Entrepreneurship in Early Modern China* (New York: Columbia University Press, 2005) and “A Deep History of Chinese Shareholding,” *Law and History Review*, vol. 37, no. 2 (2019): 325–51; Madeleine Zelin, Jonathan K. Ocko, and Robert Gardella, eds., *Contract and Property in Early Modern China* (Stanford: Stanford University Press, 2004); and Taisu Zhang, *The Laws and Economics of Confucianism: Kinship and Property in Preindustrial China and England* (Cambridge: Cambridge University Press, 2017). For the use of law in ethnic statecraft, see: Wesley B. Chaney, “Land, Trade, and the Law on the Sino-Tibetan Border, 1723–1911” (PhD dissertation: Stanford University, 2016); Pamela Kyle Crossley, Helen F. Siu, and Donald S. Sutton, eds., *Empire at the Margins: Culture, Identity, and Frontier in Early Modern China* (Berkeley, CA: University of California Press, 2006); and Ying Hu, “Justice on the Steppe: Legal Institutions and Practice in Qing Mongolia” (PhD dissertation: Stanford University, 2014).

<sup>5</sup> Though influential, interpretations produced by prior generations of scholars were hampered by limited access to legal archives. See especially: Derk Bodde and Clarence Morris, *Law in Imperial China: Exemplified by 190 Ch'ing Dynasty Cases* (Cambridge, MA: Harvard University Press, 1967); and T'ung-tsu Chü [Qu Tongzu], *Law and Society in Traditional China* (Paris: Mouton, 1961).

<sup>6</sup> More recent works that have addressed law in the early People's Republic include: Xiaoping Cong, *Marriage, Law and Gender in Revolutionary China, 1940–1960* (Cambridge: Cambridge University Press, 2016); Alexander Cook, *The Cultural Revolution on Trial: Mao and the Gang of Four* (Cambridge: Cambridge University Press, 2016); Neil Diamant, *Revolutionizing the Family: Politics, Love, and Divorce in Urban and Rural China, 1949–1968* (Berkeley, CA: University of California Press, 2000); Klaus Mühlhahn, *Criminal Justice in China: A History* (Cambridge, MA: Harvard University Press, 2009); Philip Thai, “Old Menace in New China: Coastal Smuggling, Illicit Markets, and Symbiotic Economies in the Early People's Republic,” *Modern Asian Studies*, vol. 51, no. 5 (2017): 1561–97; Glenn Tiffert, “Judging Revolution: Beijing and the Birth of the PRC Judicial System (1906–1958)” (PhD dissertation: University of California, Berkeley, 2015); and Fei-hsien Wang, *Pirates and Publishers:*

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*A Social History of Copyright in Modern China* (Princeton, NJ: Princeton University Press, 2019).

<sup>7</sup> For an earlier attempt place post-Mao legal reforms in historical perspective, see: Karen G. Turner, James V. Feinerman, and R. Kent Guy, *The Limits of the Rule of Law in China* (Seattle: University of Washington Press, 2000).

<sup>8</sup> The research of Yang Kuisong offers one example. See: Yang Kuisong, “How a ‘Bad Element’ was Made: The Discovery, Accusation, and Punishment of Zang Qiren,” in Jeremy Brown and Matthew D. Johnson, eds., *Maoism at the Grassroots: Everyday Life in China’s Era of High Socialism* (Cambridge, MA: Harvard University Press, 2015): 19–50 and *Eight Outcasts Social and Political Marginalization in China Under Mao* (Berkeley, CA: University of California Press, 2019).

<sup>9</sup> For one excellent scholarly debate on this issue, see: “Xi Won’t Go: A ChinaFile Conversation,” ChinaFile, February 25, 2018, <http://www.chinafile.com/conversation/xi-wont-go> (accessed June 13, 2019). For an overview, see: Kelly Hammond, Rian Thum, and Jeffrey Wasserstrom, “China’s Bad Old Days Are Back: Why Xi Jinping Is Ramping Up Repression,” *Foreign Affairs* Snapshot, October 30, 2018, <https://www.foreignaffairs.com/articles/china/2018-10-30/chinas-bad-old-days-are-back> (accessed June 13, 2019).

<sup>10</sup> See discussion “The Rule of Law” in: E. P. Thomson, *Whigs and Hunters: The Origin of the Black Act* (New York: Pantheon, 1975): 258–69.

## Response

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At the end of his review, Philip Thai points out that my book implicitly referenced E.P. Thompson's reflections on the rule of law, published in 1975: that any law, once enacted, will both be an instrument of rule and a potential instrument to achieve justice. I confess it had not occurred to me that I was channeling Thompson, and this was a happy realization. Thompson was of course himself channeling plenty of other scholars and non-scholars given that the concern for what law should, could, and eventually would do is millennia old, as is the concern for the relation between law and justice. It is, to put it much more simply, one substantial can of worms, and as I wrote this book I kept on feeling like I would not stand a chance to tame even some of the worms. Reviews such as Thai's are therefore a wonderful and inspiring way for me to keep thinking about the content of the book and my approaches, incomplete and at times flawed as they necessarily had to be, and to look ahead towards the next steps. I am grateful to him for taking the time to read and comment so thoughtfully, and for providing what is probably the most accessible summary of my book so far. I am also grateful to Wu Yidi and the editors of the *PRC History Review* for initiating this wonderful series (from which I have benefited much both as reader and author), and for giving me the opportunity to reflect on and respond to this review.

This last sentence of Thai's review also held my attention for another reason: it made me ponder once more—as I have often done in the past years—why it is that historians in general (not merely of China) have had much to say about law-making (“origin” histories, as one might call them) and the quest for justice (histories of “practice” and “implementation”), and less about how law-making has been translated into everyday legal knowledge and therefore the possibility of seeking justice. This is not to say that the topic of knowledge transmission has been absent, but the historical profession at large has been for a long time preoccupied with asking “What do people know about laws?” and “What do people do with laws?” Evidently, these are extremely important questions and we owe those who pursued and continue to pursue them a debt of gratitude for unearthing a wealth of materials that have given voice to the diversity of people who used laws in everyday life. Yet there are some related and equally crucial questions that—at least for some time—have not featured as prominently: “How do people know about laws?” and “What have states tried to do to get people to know about laws?” These are questions about process, institutions and institutionalization, cultural production, knowledge dissemination, governance and statecraft, and I am delighted to see that my book is part of a quickly growing conversation that seeks to link these four questions and explore what people do with legal knowledge once they have it, how this knowledge is created, mediated, circulated, and what role different historical agents actively or unintentionally play along the way.

For the case of the People's Republic of China this requires, as Thai writes, that we do not see the popularization of law as “a cynical ploy aimed at inducing compliance,” and that we take it seriously; revealing what the party and government's intentions were, how they had grown historically, what different steps they tried to take, and how things developed in different places. While law popularization did, to some extent, focus on generating compliance—it always does, in China and elsewhere—such compliance was often thought of as a way towards liberation and a better society. While this legal promise did not materialise for some—the problematic history of criminal justice, extra-judicial violence, and re-education camps should remain on the historian's mind at all times—it did for others and all perspectives ought to be taken seriously.<sup>1</sup> So I was glad that Thai thought *Legal Lessons* makes a contribution to helping us better understand the history of PRC laws and why they matter.

Towards the end of his review, Thai raises several important questions. He begins by asking how the diminished access to archives, restrictions on research, and issues of personal information and privacy will shape the historian's approach to laws post-1949 (and probably also before). This is a vital question many of us are considering at this point, and it is certainly not limited to the study of laws. I don't think the situation is quite grim yet, though the stakes have undoubtedly been raised. Although severely diminished, access to many Chinese archives has not been made completely impossible. Moreover, many of the resources I used to write *Legal Lessons* remain open to researchers. This includes—as Thai mentions—*Neibu cankao ziliao* but also, and perhaps more importantly, internal magazines such as *Gong'an jianshe* and other internal publications on cultural and propaganda work.<sup>2</sup> These are accessible in many libraries outside of China and anyone wishing to work with such materials can also benefit from expertise shared and resources made available on the PRC History website and also by efforts to assemble documents. There is, for example, Daniel Leese's European Research Council Project on “Maoist Legacies” at Freiburg University and the wonderful database that goes with it.<sup>3</sup>

Such internal materials of course need to be read in conjunction with openly published materials, including newspapers and magazines. They do not replace them. Open materials were often far more candid than one might expect about what was actually going on, a fact which partly explains why these, too, are now being censored in the course of digitization.<sup>4</sup> The famous *Neibu cankao ziliao*, moreover, only offers one perspective—albeit essential—and it can sometimes focus too much on what did not work where public sources often emphasize what did work. For this and other reasons, it is not an easy source.<sup>5</sup> Even reading public and internal sources together—the positive and the negative—only gives us part of

the story. That which was neither clearly negative nor clearly positive is more easily lost. “Garbology,” as Thai points out, and of course oral histories offer two remedies to this problem, and examples such as Puck Engman and Daniel Leese's recent edited volume or Yang Kuisong's forthcoming monograph demonstrate how much can be gained from this in the field of legal history.<sup>6</sup> At the same time, as Wang Zheng's recent book and Glenn Tiffert's work on the PRC judiciary have illustrated, we have comparatively few histories of the state, its institutions, and organisations. So while access has certainly diminished in many respects, there are a host of questions that we have yet to and can address with the sources we do have (some of which have maybe gone overlooked in recent years).

Thai also asks how we might treat the early reform era as *history* and build on the work of social scientists. I could not have written *Legal Lessons* without the invaluable research of colleagues in the social sciences and never sought to distinguish the two. I should also say that I did not set out to differentiate my work from theirs. This may partly be a result of my European training in “Modern Sinology.” Until taking up my first position in the UK, I had never been considered a historian, never mind the kind of sources I worked with or analytical questions I asked. As I constructed the book, working across 1978 and into the 1980s did not seem odd at all; it was something many of us did. Moreover, it seemed to me the reasonable approach in order to explain why law popularization became so important during the 1980s. I confess to a certain (read: likely significant) naiveté in this regard but this proved productive. As I started thinking and writing about the 1980s, I did so on the basis of what I knew about earlier decades, asking the same question of the 80s that I had asked of other periods. In the end, historians freely adapt from the social sciences, political sciences, and arts all the time in order to look afresh at the past and at our documents. I certainly did so in this book, and probably often without noticing. As we think about historiography of the post-1978 years, it would therefore be

<sup>1</sup> Some of the insightful work that touches on these questions includes, to name but a few examples from a longer list (some of which have also been helpfully cited in Thai's footnotes): Neil J Diamant, *Revolutionizing the Family: Politics, Love, and Divorce in Urban and Rural China, 1949-1968* (Oakland, CA: University of California Press, 2000), Gail Hershatter, *The Gender of Memory: Rural Women and China's Collective Past* (Oakland, CA: University of California Press, 2011), Jan Kiely, *The Compelling Ideal: Thought Reform and the Prison in China, 1901-1956* (New Haven: Yale University Press, 2014), Klaus Mühlhahn, *Criminal Justice in China: A History* (Cambridge, MA: Harvard University Press, 2009), and Aminda Smith, *Thought Reform and China's Dangerous Classes: Reeducation, Resistance, and the People* (London: Rowman and Littlefield, 2013).

<sup>2</sup> Michael Schoenhals has provided a helpful discussion of the journal *Gong'an jianshe* as part of the “Document of the Month” series on prehistory.org.

<sup>3</sup> See, for example, the “Document of the Month” series, the very helpful *CCP Research Newsletter* edited by Cheek and

exciting to consider what sort of questions should come next and what the step into the 1980s and 1990s can give us. Colleagues working, for example, in the field of European and global contemporary history have done this for a while, and China should form a more prominent element of this conversation; not least because the post-1978 story of socialist governance unsettles some infuriatingly unyielding assumptions about the recent “global” past.

This brings me to Thai's final question: how can this history of PRC law illuminate current efforts? There are many people who can give a better and far more erudite answer to this question. The short (and evasive) answer is that I hope it can point to existing repositories of experiences and strategies as well as anxieties and worries of all involved. It seems prudent to take seriously the “rhetoric of legality” that Thai mentions, and to seek to understand rather than dismiss it as mere propaganda (hardly anything is ever mere propaganda). The party-state has fairly consistently played a vital role in disseminating legal information and shaping legal knowledge, positively and negatively, and in this way has—as I also suggest in the conclusion—opened up and maintained a grey area of what constitutes “correct” interpretation of laws. There is much more that we need to discover and learn about this process, and there are invaluable new works that help in this regard.<sup>7</sup> Law and politics, moreover, cannot be seen as separate—and this goes for China and all other countries—which is maybe an obvious but also all too often forgotten fact. The exciting challenge is to see law, society, and politics as constantly linked and to examine the influence of this nexus on all aspects of life; this, I think, should to some degree always be the concern not only of legal scholars and legal historians, but of anyone interested in history.

also available on prehistory.org, and the “Maoist Legacy” project's database at <https://www.maoistlegacy.de>.

<sup>4</sup> Glenn Tiffert, “Peering down the Memory Hole: Censorship, Digitization, and the Fragility of Our Knowledge Base,” *The American Historical Review*, vol. 124, no. 2 (April 2019): 550-568.

<sup>5</sup> Michael Schoenhals, “Elite Information in China,” *Problems of Communism*, no. 34 (1985): 65-71.

<sup>6</sup> Puck Engman and Daniel Leese, eds., *Victims, Perpetrators, and the Role of Law in Maoist China* (Oldenbourg: DeGruyter, 2018), Yang, Kuisong, *Eight Outcasts: Social and Political Marginalization in China under Mao* (Oakland, CA: University of California Press, 2019), and also some of the chapters in Jeremy Brown and Matthew D. Johnson, eds., *Maoism at the Grassroots: Everyday Life in China's Era of High Socialism* (Cambridge, MA: Harvard University Press, 2015).

<sup>7</sup> A recent and rich account can be found in Yawen Lei, *The Contentious Public Sphere: Law, Media, and Authoritarian Rule in China* (Princeton University Press, 2018).