

RESEARCH ARTICLE

Between Civil Dispute and Political Crime: Property Rights and Denunciation in Maoist China

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Abstract

This article uses a legal dispute between two families over a small building in semi-rural Jiangsu, and the political scandal it led to during the Socialist Education Movement (1963–1966), as a lens through which to explore the Mao era legacies of two prominent themes in the historiography of late imperial China: concepts and practices of property and contract, and the use of false accusations to enlist the coercive power of the state in economic disputes. It argues that over the course of the 1950s, norms of ownership in rural China were gradually undermined. This went beyond what was intended by the Party leadership, and was followed, in 1961–1962, by an effort to stabilize the conventions of who could own what in socialist China. The article then goes on to consider how the pursuit of property claims through accusations of political crime in the Mao era compares to such practices in the late imperial period.

Keywords: property; denunciation; litigation; Great Leap Forward

In early 1962, Geng Dingfa, an instructor at the Harbin Institute of Military Engineering, travelled to Shanghai for a family reunion. The family, four siblings and their widowed mother, took this opportunity to visit their ancestral home, Quxia Town (Taixing County, Central Jiangsu), which they had all left ten years before.¹ They were greeted by cadres in charge of the People's Commune that the town had become part of, who promised that they would help the Gengs resolve a more than decade-long dispute over a small building on the town's high street. During the early 1940s, Geng Dingfa's mother had agreed for the acquaintances of a relative, the Wangs, to use this building at no cost, on the understanding that they would maintain it and move out when requested to do so. But when they were asked to vacate the building in 1950, the Wangs refused. This led to a series of escalating court cases at the county, prefectural, and provincial levels, all of which

¹Liu Danian 刘大年, "Guanyu pingfan Geng Dingfa deng fangeming anjian de huiyi" 关于平反耿鼎发等反革命复辟案件的回忆, in *Huihuang de licheng: Jiangsu sheng gaoji renmin fayuan jianyuan wushi zhounian jinian wenji* 辉煌的历程: 江苏省高级人民法院建院五十周年纪念文集, edited by Ding Qiaoren 丁巧仁 (Nanjing: Jiangsu Sheng Gaoji Renmin Fayuan, 2003), 57–63.

found that the building belonged to the Geng family and called on the Wangs to move out, or, in the final case—in 1955—to enter into a rental agreement. The Wangs ignored this decision, and the Gengs could not pursue the matter, as by 1952 they had all moved away.² When the Gengs returned in 1962, the commune and the county court jointly agreed to dispatch cadres to accompany the Gengs to settle the matter. When the Gengs began moving the Wangs' possessions from the main building to the annex that the Wangs had built, one of the Wangs threatened to commit suicide. Eventually, with local cadres and villagers acting as mediators, an agreement was reached according to which the Wangs would buy the building from the Gengs for the very substantial sum of 2,050 yuan.³

The members of the Geng family had apparently thought that it was within their rights to seek to enforce their claim to this building, as did the cadres who helped them secure it, and the courts that had decided in their favor between 1950 and 1955. But their decision to pursue this claim was a fateful one: just two years later, Geng Dingfa was expelled from the Party and the military as a “class alien element” who had assisted his “tyrannical landlord” mother in seizing back property, and all of his siblings lost their jobs.⁴ The case was communicated throughout the military as a warning, and it was used in the Jiangsu Provincial Class Education Exhibition as an illustration of the intensity of “class struggle.”⁵ After his attempts to reverse the verdict on the case in 1966–1967 failed, Geng and his mother were sent to prison, with Geng narrowly escaping execution.⁶ Why was it that, in 1962—half a decade after the transition to socialism—the Gengs and the cadres who assisted them thought it was legitimate for them to enforce their claim to the ownership of a building in their ancestral home that they had left a decade prior? And why, in turn, was this relatively minor episode concerning a three-*jian* property (about 50 square meters) in a small town in Taixing County elevated to provincial and even national-level significance?⁷ This article uses these questions as a lens through which to explore two enduring themes in Chinese history, and their complex manifestations in the Mao era: first, conceptions of property and contract, and second, the use of political accusations to enlist the coercive power of the state in economic disputes.

The protracted nature of this case, together with the fact that it is very well-documented, make it especially suitable for exploring these issues, even in the absence of direct access to the case files. The basic facts of the case can be traced using two independent sets of sources. The first are the recollections of an official from the Jiangsu Higher Court who was involved in re-investigating the case in 1979.⁸ The second are the texts of the legal judgments pertaining to the case made by courts between 1950 and 1979, which are reproduced in an autobiographical volume written by Geng Dingfa and

²Liu, “Guanyu pingfan Geng Dingfa,” 60.

³For comparison, the average annual wage of an industrial worker at the time was between 600 and 700 yuan; Andrew Walder, *China under Mao: a Revolution Derailed* (Cambridge, MA: Harvard University Press, 2015), 327. It would have been impossible for a rural household engaged only in collective farming to produce this amount of money. However, the Wangs were running a restaurant from this well-located building, which must have played a role in its valuation.

⁴Liu, “Guanyu pingfan Geng Dingfa,” 58.

⁵Teng Xuyan 滕叙兗, *Yinghan Geng Dingfa 硬汉耿鼎发* (Beijing: Zhongguo Qingnian Chubanshe, 2016), 114–15, 129–30.

⁶Teng, *Yinghan Geng Dingfa*, 184–87.

⁷The “*jian*” or “bay,” is the basic spatial unit of traditional Chinese housing. The size or amount of housing often continued to be reckoned in *jian* during the Mao era, especially in rural areas.

⁸Liu, “Guanyu pingfan Geng Dingfa.”

published in Hong Kong in 2013.⁹ Relying on these sources, in close dialogue with relevant higher-level policies and discourses, it is possible to trace the developments of the case, as well as the political and legal logic behind them, with a high degree of precision. In terms of the perspectives reflected in the sources, when the case was treated as a civil dispute (i.e. before the Gengs were reclassified as “enemies” in 1963–1964, and then again when the case was re-investigated in 1979), those working in the legal system sought to attain a mediated settlement, and as such, the legal judgments made about the case during these periods aimed to take account of the reasonable claims of both parties, while also reflecting the judgments of the investigators and court officials.

Although centered around a single case, this article uses it as an entry-point to explore issues that were relevant throughout China, and does so primarily using national-level sources. The building at the center of this case happened to be in Taixing County, Jiangsu, but there was nothing about the building as such, or the dispute that developed around it, that was specific to this county or province. The article’s main empirical contribution lies in tracing some of the key tensions and developments in national-level CCP policy, discourse, and practice concerning property rights: highlighting the discrepancies between rural and urban areas, demonstrating the ambiguous situation in small towns that did not clearly fall on either side of the urban–rural divide, and drawing attention to an important and hitherto largely overlooked initiative by the Party Centre to re-establish rural residents’ entitlement to property in the wake of the Great Leap Forward. In addition to these specific empirical contributions, the article takes a broader view by considering property rights and denunciation in the Mao era as issues with significant legacies from the late imperial era.

Late imperial China was characterized by a highly sophisticated economic culture, with institutions—usually maintained through popular practice but given support by the imperial state—that made contracts and property rights widely enforceable.¹⁰ In the late Qing and Republican eras, modern Western notions of rights and obligations under a constitutional government came to pervade political and legal discourse, an approach fully embodied in the 1929–1930 KMT Civil Code and its earlier drafts. But, as Philip Huang has argued, the adoption of this approach was facilitated by the fact that non-political civil rights pertaining to property and contract had in fact already been protected in late imperial legal practice.¹¹ While the KMT Civil Code implied many substantial changes in how property rights were conceptualized (e.g. being vested in individuals rather than families, pertaining to entire plots of land rather than being divisible into topsoil or subsoil), the limited reach of the KMT state meant that popular practices often continued from the late imperial period.

⁹Geng Dingfa 耿鼎发 et al., *Geng-Liu shi he ta de ernümen* 耿刘氏和她的儿女们 (Hong Kong: Zhongguo Guoji Wenhua Chubanshe, 2013). There is little reason to doubt the authenticity of the reproduced documents, whose details accord entirely with the recollections of Liu Danian, the provincial court’s investigator. In the case of the (presumably more legible) later documents, photographic reproductions are included in the volume. See Geng et al, *Geng-Liu shi*, 160–65; 306–7.

¹⁰Philip C.C. Huang, *Civil Justice in China: Representation and Practice in the Qing* (Stanford: Stanford University Press, 1996); Madeleine Zelin, Johnathan K. Ocko, and Robert Gardella, eds., *Contract and Property in Early Modern China* (Stanford: Stanford University Press, 2004); Taisu Zhang, “Land Law in Chinese History,” in *Routledge Companion to Chinese Legal History*, forthcoming. Version of March 27, 2020, available at SSRN, <https://ssrn.com/abstract=3547494>.

¹¹Philip C.C. Huang, *Code, Custom and Legal Practice in China: The Qing and Republic Compared* (Stanford: Stanford University Press, 2002), 56.

What became of this complex heritage after 1949? Recent scholarship has considerably deepened our understanding of how notions of ownership and contract persisted through the Mao era. Byungil Ahn has shown that inheritance disputes were regularly brought to court and ruled on throughout the Mao era, despite the absence of a codified law of inheritance.¹² Such disputes were numerous even after collectivization, for, as Ahn points out, people in rural China still owned things like houses and fruit trees, as well as personal belongings like furniture and household goods.¹³ Puck Engman has shown how the dispossession carried out by Red Guards in Shanghai during the early Cultural Revolution had already begun to be contested, and addressed by authorities, well before the official watershed date of 1976, while Zhaojin Zeng has shown how belief in rights pertaining to debt obligations from before 1949 could persist through the upheavals of the Mao era into the 1980s, leading to inheritance disputes among descendants.¹⁴ Qin Shao, meanwhile, has traced how a family retrieved housing confiscated during the 1967–1971 “storm of house grabbing” in Shanghai after the post-Mao transition, only for it to be expropriated and demolished some two decades later as part of an urban redevelopment project.¹⁵

This article adds to this growing body of scholarship on property and civil justice in the Mao era, emphasizing the distinct trajectory that these issues took in urban and rural China, and focusing on the Great Leap Forward and its aftermath rather than the Cultural Revolution. I argue that, where in urban China practices of dispossession before the Cultural Revolution were sufficiently delimited and orderly to avoid undermining norms of ownership in general, this was not true in much of rural China: over the course of the 1950s, these norms were gradually undermined, reaching a high-point in the systematic infringement on rural residents’ housing, furniture, and other material possessions during the Great Leap Forward. This outcome was not intended by the Party leadership, and was followed by a major initiative to re-establish basic norms about who could own what in the collectivized countryside. Policies were introduced to establish the inviolability of rural residents’ entitlement to what was called their “means of subsistence” (*shenghuo ziliao* 生活资料)—in contradistinction to the means of production (*shengchan ziliao* 生产资料), which were mostly collectively owned. It was in this context, in early 1962, that the Gengs and the cadres supporting them thought it was legitimate for them to enforce their claim to their building in Quxia Town.

However, just two years later, the Geng family’s actions were reinterpreted from being a legitimate defense of their rights to being a political crime, that is, an attack on the ideological or institutional foundations of the polity, or what in the PRC was referred to, until 1997, as “counterrevolutionary crime” (*fan geming zui* 反革命罪).¹⁶ During the

¹²Byungil Ahn, “Searching for Fairness in Revolutionary China: Inheritance Disputes in Maoist Courts and Their Legacy in the PRC Law of Succession,” *Modern China* 47.1 (2021), 49–84.

¹³Ahn, “Searching for Fairness,” 50.

¹⁴Puck Engman, “What Right to Property When Rebellion Is Justified?: Revolution and Restitution in Shanghai,” in *Justice After Mao: The Politics of Historical Truth in the People’s Republic of China*, edited by Daniel Leese and Amanda Shuman (Cambridge: Cambridge University Press, 2023), 45–72; Zhaojin Zeng, “Between Revolution and Law: Merchant Families’ Struggles for Property Rights and Justice under Mao and Deng, 1949–1984,” in *Justice After Mao*, ed. Leese and Shuman, 23–44.

¹⁵Qin Shao, “The Pursuit of Transitional Justice from Below: A Case Study from Shanghai,” in *Justice After Mao*, ed. Leese and Shuman, 73–96; see also Qin Shao, *Shanghai Gone: Domicide and Defiance in a Shanghai City* (Lanham, MD: Rowman & Littlefield, 2013).

¹⁶My definition of political crime draws on Philip Kuhn’s: “a transgression against the values or institutional foundations of the polity”; Philip Kuhn, “Political Crime and Bureaucratic Monarchy: A Chinese Case of 1768,” *Late Imperial China* 8.1 (1987), 85. However, it is meant to be narrower, in order to exclude acts

Mao era, this broad category of crime included a sub-type that referred specifically to those dispossessed during land reform attempting to retrieve property that had been confiscated from them. Usually referred to as “counterattacking and settling accounts in reverse” (*fangong daosuan* 反攻倒算), this concept emerged during Civil War era land reform and appeared regularly in political and legal discourse through the Mao era.¹⁷ During the Socialist Education Movement (1963–1966), narratives of counterrevolutionary menace became ever more intense, with *fangong daosuan* appearing prominently among the supposed threats, creating both pressures and opportunities to reinterpret minor civil disputes as major political crimes.¹⁸ The process through which this took place reflected features of Maoist political culture and practice, some of which it shared with other modern mass dictatorships—notably the state’s receptiveness to and encouragement of political denunciations by its citizens, which they could exploit in order to settle private disputes.¹⁹ However, as a number of scholars have argued, late imperial legal culture also provided means through which ordinary people could enlist the coercive powers of the state to settle personal scores.²⁰ While the ideological content and

that constitute transgressions against the values of the polity but would not normally be considered political crimes (e.g. many and perhaps most ordinary crimes). On the development of the concept of “counter-revolutionary crime” in twentieth century China, see Wang Qisheng 王奇生, “Beifa shiqi de diyuan, falü yu geming: ‘fangeming zui’ zai Zhongguo de qi yuan” 北伐时期的地缘、法律与革命: “反革命罪”在中国的缘起, *Jindai shi yanjiu* 近代史研究, 2010.1, 38.

¹⁷“Jiehe fan ‘daosuan zhang’ kaizhan youji zhan” 结合反“倒算账”开展游击战, *People’s Daily*, November 19, 1946. This is the first use of this term in the *People’s Daily*. It was regularly referred to during subsequent years, and its meaning was assumed to be understood, as it was not given an explicit definition in any policy or legal document. For example, the relevant clause in the 1963 draft criminal law simply read: “landlord and rich peasant elements or other reactionary elements who engage in *fangong daosuan* or other restorationist activity [复辟行为] should be sentenced to a prison term of 1–7 years, or in serious cases, a prison term above 7 years”; Gao Mingxuan 高铭喧, *Zhonghua renmin gongheguo xingfa de yunyu yu dansheng* 中华人民共和国刑法的孕育与诞生 (Beijing: Falü Chubanshe, 1981), 147–48, i.e. no explication of the term was given. For a recent case study of the use of this category as a political crime in the mid-1950s, see Jing Wenyu 景文玉 and Cao Shuji 曹树基, “Tudi chanquan yu 20 shiji 50 niandai de ‘funong daosuan’: yi Shandong L xian Li Xuhai daosuan an wei zhongxin” 土地产权与 20 世纪 50 年代的“富农倒算”—以山东 L 县李绪海倒算案为中心, *Zhongguo jingji shi yanjiu* 中国经济史研究, 2019.4, 56–68; and during the Great Leap Forward, Jing Wenyu, “Cadres, Grain, and Rural Conflicts: A Study of Criminal Cases in a Village during the Great Leap Forward,” in *Revolutionary Transformations: The People’s Republic of China in the 1950s*, edited by Anja Blanke, Julia C. Strauss, and Klaus Mühlhahn (Cambridge: Cambridge University Press, 2023), 39–247 (where it is translated at “re seizure”).

¹⁸See point 3.1 of the first guiding document of this movement, “Zhonggong Zhongyang guanyu muqian nongcun gongzuo zhong ruogan wenti de jue ding (cao’an)” 中共中央关于目前农村工作中若干问题的决定(草案), May 20, 1963, in Song Yongyi, ed., *Database of the History of Contemporary Chinese Political Movements* (Hong Kong, 2014), hccpm.usc.cuhk.edu.hk (hereafter CCPM).

¹⁹See Jan T. Gross, “A Note on the Nature of Soviet Totalitarianism,” *Soviet Studies* 34.3 (1982), 367–76, for the argument that enabling citizens to engage in political denunciation for private gain was a distinctive feature of modern totalitarian states, and Ethan Shagan, *Popular Politics and the English Reformation* (Cambridge: Cambridge University Press, 2003), 14–15, for an application of Gross’s argument in a pre-modern context. I will take up Gross’s argument in greater detail in the last section of this article.

²⁰Melissa Macauley, *Social Power and Legal Culture: Litigation Masters in Late Imperial China* (Stanford: Stanford University Press, 1998); Quinn Javers, “The Logic of Lies: False Accusation and Legal Culture in Late Qing Sichuan,” *Late Imperial China* 35.2 (2014), 27–55; and Yue Du, “Policies and Counterstrategies: State-Sponsored Filiality and False Accusation in Qing China,” *International Journal of Asian Studies* 16.2 (2019), 79–97.

institutional context were very different, there were certain parallels in how people could weaponize accusations of political crime to pursue their private interests.

The article is structured as follows. The first section provides an overview of CCP discourse and policy on property rights prior to and immediately after its rise to power, noting that it did not call into question the validity of property rights *per se*, only of those excluded from the community of the People. The second section explains how, against this background, the Geng–Wang dispute was dealt with by the courts in the early PRC. The third section looks at how CCP discourse and policy during the socialist transition (1955–1956) addressed the issue of property, arguing that the Party took care to at least nominally respect ideas of ownership. The fourth section demonstrates how norms of individual ownership were systematically undermined in rural China during the Great Leap Forward (1958–1961), through widespread infringement on rural residents’ housing and personal possessions. The fifth section looks at the measures taken by the Party leadership to re-establish norms of ownership in the wake of the Leap, and shows how this provided the context in which the Geng family’s claim to their building was considered legitimate. The sixth section traces how this claim became a political crime during the early Socialist Education Movement (1963–1966), and the final section explores the logic of this process, arguing that it exhibits features of both late imperial legal culture and more distinctively modern and Maoist elements. The conclusion reviews the article’s findings and briefly discusses how the connection between property disputes and political crime was severed in the post-Mao era.

Property rights and revolutionary transformation

Systems of property function to identify who owns what: they enable people to form expectations about their access to scarce goods, and in this way incentivize effort, since people can have a reasonable expectation that they will reap the benefits of applying their labor to, for example, a particular plot of land or building.²¹ Anne O’Donnell has recently argued that the largely unregulated seizure of houses and their contents in urban Russia during the revolutionary upheavals of 1917 to 1920, while in theory aimed at the “bourgeoisie” and other enemies of the new order, had wide-ranging consequences for the institution of property in general:

dispossession did not cease action at the borders of the bourgeoisie or others targeted as enemies of the new order. It ricocheted through Russian society from top to bottom, thrusting losers and winners alike, up to and including the institutions of the revolutionary state, into a general condition of propertylessness—not in the sense of having or not having things, but in the sense of knowing how, why, and who could possess what.²²

Following its rise to power, the Chinese Communist Party proceeded far more cautiously than the Bolsheviks had. During the late 1920s, “anti-red” propaganda portrayed the CCP as an organization that had no regard for private property whatsoever,

²¹ Carol Rose, “Property and Expropriation: Themes and Variations in American Law,” *Utah Law Review*, 2000.1, 2–3; as Rose writes, in Western legal thinking this rationale is usually attributed to Jeremy Bentham.

²² Anne O’Donnell, *Power and Possession in the Russian Revolution* (Princeton: Princeton University Press, 2024), 7–8.

accusing it of wanting to enact a program of “common property, common/public wives” (*gongchan gong/gong qi* 共产共/公妻).²³ As far as agricultural land was concerned, the Jingtangshan Land Law of December 1928 adopted under Mao’s leadership did in fact call for the confiscation of all land in the name of the government, with farmers only being given use rights, and all purchase, sale, and leasing of land was prohibited.²⁴ A 1930 land law promulgated under the leadership of Li Lisan did not endorse such wholesale confiscation, but was nevertheless radical in banning all transactions in land. Soon thereafter, however, the Comintern criticized this as premature, and these provisions were removed.²⁵ In a February 1931 letter, Mao noted that as a result of previous policies, peasants felt that “the land was not their own and that they had no right to do as they wished with it. Consequently, they did not settle down to plowing the fields. The situation is very bad.”²⁶ Mao therefore called for property rights to be recognized, in order to incentivize production.

In a later, 1941 comment on the early radical policies, Mao described these as “mistakes of principle that were later corrected.”²⁷ By this time, the CCP had embraced the rhetoric of constitutional governance and civil rights that pervaded political discourse in Republican China, as part of its anti-Japanese United Front and the framework of “New Democracy” that accompanied it. While the actual practice of land reform during the civil war, especially in 1947, was very radical, the CCP’s regulations during this time did not attack the institution of property as such either.²⁸ In 1949, as the CCP swept to victory in the civil war, it issued its Common Program, which proclaimed that the new state would protect the “economic interests and private property” of all the classes constituting the People—the workers, peasants, the petite bourgeoisie and the national capitalist class—while abrogating all the “special privileges” of the imperialists, confiscating bureaucratic capital, and abolishing the “feudal and semi-feudal system of landownership.”²⁹ In other words, while the revolution was to bring about major changes in who owned what, it was portrayed as involving the abrogation of an illegitimate subset of property rights, namely those connected with imperialism, bureaucratic capitalism and feudalism, against a background in which the institution of property itself remained in place.

As a general matter, the abrogation of a subset of property rights, even a large one, is not necessarily incompatible with the institution of property. As the American legal

²³See Shi Yan 石岩, “‘Gongchan gongqi’ yaoyan zai Zhongguo de shengcheng yu zaoqi liubu” “共产公妻” 谣言在中国的生成与早期流布, *Suqu yanjiu* 苏区研究, 2019.1, 98–118, for a recent study of how this slogan emerged and developed from the mid-20s to the mid-30s.

²⁴“Jingtangshan Land Law,” in *Mao’s Road to Power: Revolutionary Writings, 1912–1949*, edited by Stuart R. Schram and Nancy J. Hodes (hereafter MRP), vol. 3 (Armonk: M.E. Sharpe, 1995), 128.

²⁵Tso-liang Hsiao, *Revolution in China, 1930–34* (Seattle: University of Washington Press, 1969), 19–20, 38–39.

²⁶“Letter from the General Political Department of the Central Revolutionary Military Commission to the Soviet Government of Jiangxi Province: The System of Private Ownership of Land During the Democratic Revolution (February 27, 1931),” in MRP vol. 4, edited by Stuart R. Schram, Nancy J. Hodes and Stephen Averill (Armonk: M.E. Sharpe, 1997), 18–21.

²⁷See Mao’s note on the “Jingtangshan Land Law,” MRP vol. 3, 130.

²⁸The 1947 Outline Land Law proclaimed the abolition of the property rights of all “landlords,” and the redistribution of confiscated land on an egalitarian basis to individuals; “Zhongguo tudi fa dagang” 中国土地法大纲, *People’s Daily*, December 28, 1947.

²⁹“Zhongguo renmin zhengzhi xieshang huiyi gongtong gangling” 中国人民政治协商会议共同纲领, *People’s Daily*, September 30, 1949. See also Neil Diamant, *Useful Bullshit: Constitutions in Chinese History* (Ithaca: Cornell University Press, 2021), 7.

scholar Carol Rose has argued, no property regime can operate without the possibility of disruption, and even extraordinary disruptions do not necessarily undermine the entire institution of property.³⁰ Focusing on the United States, Rose notes that the numerous episodes of large-scale disruption to the property order—the expropriation of loyalists during the American revolution, the expropriation of land from native Americans, and the emancipation of slaves—did not undermine the institution of property itself, because the targets of expropriation were understood as “nonmembers of the community: outsiders, outcasts, and outlaws.”³¹ This was precisely what the CCP tried to do during its New Democratic Revolution, restricting hostile expropriation—what it called “confiscation” (*moshou* 没收), as opposed to “requisitioning” (*zhengshou* 征收)—to those declared nonmembers of the new politico-moral community of the “People,” while affirming the legitimacy of the property rights of the members of the People.³²

The implications of this for the property order were very different, however, in urban and rural China. While it is true that a substantial amount of property came under the control of the new PRC state in urban areas, the majority of it was not expropriated *from* anyone actually still on the mainland. Much of it was taken over from the KMT state, which had made considerable efforts to centralize industrial production.³³ As for private owners of urban capital, those who chose to remain on the mainland were almost all *ipso facto* part of what the CCP called the “national capitalist class,” a group that was included among the People, and whose property rights were deemed legitimate within the period of New Democracy.³⁴ The ownership and rental of urban housing was also deemed to be “capitalist” in nature, and therefore protected.³⁵ This was why, to give a particularly striking example, as late as 1955, the descendants of the late-Qing politician and diplomat Li Hongzhang still owned and rented out over 100,000 square meters of housing in Shanghai.³⁶ The circumstances in which the confiscation of urban property from residents of the newly established People’s Republic was officially sanctioned were quite limited, consisting primarily in a form of punishment against those designated war criminals, collaborators, or counterrevolutionaries of a sufficiently high rank.³⁷ This was understood as a form of criminal punishment, the proceeds of which would go directly to the state rather than being redistributed to the “masses.” It was only during the

³⁰Rose, “Property and Expropriation,” 5.

³¹Rose, “Property and Expropriation,” 25–30.

³²“Zhonghua Renmin Gongheguo tudi gaige fa” 中华人民共和国土地改革法, *People’s Daily*, June 28, 1950.

³³William C. Kirby, “Continuity and Change in Modern China: Economic Planning on the Mainland and on Taiwan, 1943–1958,” *The Australian Journal of Chinese Affairs* no. 24 (1990), 128–32; Puck Engman, “Shanghai’s Dispossessed: The Capitalist Problem in Socialist Transition” (PhD diss., Freiburg University, 2020), 52–55.

³⁴Engman, “Shanghai’s Dispossessed,” 50.

³⁵This was laid out most clearly in the pages of the *People’s Daily* in August 1949: “Guanyu chengshi fangchan, fangzu de xingzhi he zhengce” 关于城市房产、房租的性质和政策, *People’s Daily*, August 12, 1949.

³⁶Tianjin Shi Fangdichan Guanliju 天津市房地产管理局, ed., *Fangdichan guanli zhengce wenjian xuanbian* 房地产管理政策文件选编 (Tianjin: Tianjin Shi Fangdichan Guanliju, 1977) (hereafter FGZX), 171.

³⁷“Zhengwuyuan guanyu moshou zhanfan, hanjian, guanliao zibenjia ji fangeming fenzi caichan de zhishi” 政务院关于没收战犯、汉奸、官僚资本家及反革命分子财产的指示, 1951.2.4, in *Xinhua Yuebao* 新华月报 1951.2; “Zhengwuyuan guanyu moshou fangeming zuifan caichan de guiding” 政务院关于没收反革命罪犯财产的规定, *People’s Daily*, June 23, 1951.

Cultural Revolution that the urban home became the site of mass revolutionary action; as Puck Engman writes of the Red Guard house raids, “no prior movement had given the masses mandate to bring class struggle into private homes.”³⁸

But this was not the case in rural China, where class struggle did already enter the private home during the New Democratic Revolution. Land reform involved the expropriation of much property other than land, including housing, furniture, grain, clothes, and precious metals, often through the use or threat of physical violence.³⁹ As for land itself, the ownership of surplus rural land was widely dispersed among millions of small-scale landlords and wealthier farmers, who owned their land as part of a complex system of contractual arrangements, and, unlike noble landowners in Russia, were not an already socially distinct “other.”⁴⁰ As a result, much more than in urban areas, the revolution in rural China did threaten to produce a condition of “propertylessness,” that is to say, it called into question “how, why, and who could possess what.”⁴¹

The CCP sought to counteract this danger in two ways. The first, which was a key element of the broader process of rural revolution, was to draw clear boundaries between those labelled landlords and the rest of the community.⁴² The second was to systematically issue documentation to serve as evidence of rights to newly obtained property, a phase of land reform that was repeatedly insisted on and illustrated in propaganda materials, such as seen in Figure 1, from a play about land reform in China’s Jiangnan region.⁴³

The caption to these images was: “The People’s Government issues land deeds, and [as a result], there is greater security in carrying forward production.” Or as a *People’s Daily* commentary on the importance of the issuance of—and payment for—land deeds put it, in very similar terms to Mao’s comments from 1931: “fixing land rights and issuing land deeds is the last step in land reform; carrying this work out well is of great significance for stabilizing and raising the peasants’ enthusiasm for production.”⁴⁴

The Geng–Wang dispute: Between the urban and the rural

Neither the building that became the subject of the dispute between the Gengs and Wangs, nor the two families themselves, clearly fell on either the urban or the rural side of

³⁸Engman, “What Right to Property When Rebellion Is Justified?,” 46.

³⁹Yang Kuisong 杨奎松, *Zhonghua Renmin Gongheguo jianguo shi yanjiu* 中华人民共和国建国史研究, vol. 1 (Nanchang: Jiangxi Renmin Chubanshe, 2009), chaps. 1–2; Cao Shuji 曹树基, Li Wankun 李婉琨, and Zheng Binbin 郑彬彬, “Jiangjin xian jianzu tuiya yundong yanjiu” 江津县减租退押运动研究, *Lishixue bao* 历史学报 4 (2013), 798–813.

⁴⁰For a recent summary of the institutions of landownership, see Zhang, “Land Law in Chinese History.” On the interaction between this complex system and the process of land reform, see Cao Shuji 曹树基 and Liu Shigu 刘诗古, *Chuantong Zhongguo diquan jigou ji qi yanbian* 传统中国地权结构及其演变 (Shanghai: Shanghai Jiaotong Daxue Chubanshe, 2015).

⁴¹O’Donnell, *Power and Possession*, 8.

⁴²For a recent, empirically detailed and theoretically sophisticated account of this process, see Jeffrey A. Javed, *Righteous Revolutionaries: Morality, Mobilization, and Violence in the Making of the Chinese State* (Ann Arbor: University of Michigan Press, 2022).

⁴³*Jiangnan nongmin da fanshen di er ce* 江南农民大翻身第二册 (Shanghai, 1952), image nos. 181–82. For a similar image from a land reform exhibition held in Wuhan, see Brian DeMare, *Land Wars: The Story of China’s Agrarian Revolution* (Stanford: Stanford University Press, 2019), 136.

⁴⁴“Ren zhen zuohao banfa tudizheng he zhengshou zhengfei de gongzuo” 认真做好颁发土地证和征收证费的工作, *People’s Daily*, March 14, 1951. This commentary referred back to a November 1950 directive from the Ministry of Interior on issuing land deeds.



Figure 1. Scenes of a peasant receiving a land deed, from the early PRC dance drama *Jiangnan Nongmin Da Fanshen*.

the revolution, since they were located in a small town in which many people were involved in the processing and circulation, rather than the direct production, of agricultural goods. Such towns were spread throughout China, between villages and county towns.⁴⁵ When land reform was first carried out in this area in 1946, Quxia Town was divided into eight administrative villages. Of these, five were entirely agricultural, and so land was redistributed and the population were systematically given class designations. In the remaining three, including where the Gengs and Wangs lived, many households were engaged in commerce and small-scale industry, and there was comparatively little agricultural land. As a result, with the exception of a few households that owned lots of land elsewhere or were politically “counterrevolutionary,” most households, including the Gengs and Wangs, were left unaffected and were not given class designations.⁴⁶

At the time, the Geng household consisted of the widowed Mrs. Geng-Liu and her four children, of whom two had apprenticeships in Shanghai, and two were still young.⁴⁷ Mrs. Geng-Liu’s husband, who had run wine and grain businesses in the town with his four

⁴⁵The classic exposition of this structure is William G. Skinner, “Marketing and Social Structure in Rural China (Part 1),” *Journal of Asian Studies* 24.1 (1964), 3–43.

⁴⁶Liu, “Guanyu pingfan Geng Dingfa,” 59.

⁴⁷The following is based on Liu, “Guanyu pingfan Geng Dingfa,” 59–60.

brothers, had died in 1932, and the family business was divided up in 1942. Mrs. Geng-Liu's branch was left with twelve *mu* of land, of which she rented out 10 *mu*, as well as 26 *jian* of housing, of which she rented out 8 *jian*. Mrs. Geng-Liu farmed the remaining 2 *mu* of land herself. According to the nationwide regulations on class status of 1950, Mrs. Geng-Liu's designation should probably have been "small land rentier" (*xiao tudi chuzuzhe* 小土地出租者), a classification that the Party developed precisely to avoid designating people like Mrs. Geng-Liu, who rented out relatively small amounts of land that they could not work themselves, as class enemies.⁴⁸ But in practice, she was simply not assigned any class label—either when land reform first took place in the area in 1946, or when land reform reinvestigation took place in 1951.⁴⁹ It seems that classifying the population was not a priority in areas where there was not much land to redistribute. Contrary to the perception in much existing scholarship that virtually the entire Chinese population was systematically given a class designation during the early years of the PRC, this situation was probably quite common in non-agricultural areas.⁵⁰ The Wangs were poorer than the Gengs, but they had even less involvement with agriculture. Wang Shengkang, the head of the household, moved to Quxia in 1913, and worked as a chef in a restaurant (initially for Geng senior's father, then elsewhere, and finally running his own restaurant), while his wife worked as a peddler.⁵¹

The sequence of events that led to the dispute began in 1942.⁵² The building in question, a shopfront on the town's main street, had been severely damaged by the Japanese. Mrs. Geng-Liu hoped that her sons would eventually continue their father's wine trading business from it, and so carried out significant repair work. At the same time, one of Mrs. Geng-Liu's relatives asked if her acquaintances, the Wangs, could temporarily use it, as they had been left without a home (perhaps due to wartime destruction, though this is not clear). Mrs. Geng-Liu agreed that the Wangs could stay in the building at no cost, as long as they took care of the building and were willing to move out when Mrs. Geng-Liu's sons were ready to restart the business. This state of affairs continued for almost a decade, until late 1949. As the PLA swept to victory, the new government began urging people to restart commercial activity, and the Wangs proceeded to build a shack at the front of the building from which to run a restaurant, without first asking Mrs. Geng-Liu. Mrs. Geng-Liu then asked them to vacate the building, since her sons were going to return and needed it, but the Wangs refused, on the grounds that they had looked after the building for all these years and should therefore be allowed to stay in it.⁵³ After mediation by the local government failed, Mrs. Geng-Liu took the matter to the county court; although she was illiterate, she was able to get the county court involved after numerous trips to the county town some 30 kilometers away.⁵⁴

⁴⁸On the logic of this category, as summarized by someone who had been involved in land reform at the time as the head of the Central-South Region's land reform committee, see Du Runsheng 杜润生, *Zhongguo de tudi gaige* 中国的土地改革 (Beijing: Dangdai Zhongguo Chubanshe, 1996), 293–94.

⁴⁹Liu, "Guanyu pingfan Geng Dingfa," 60.

⁵⁰As a 1964 document by the Ministry of Public Security noted, "in cities and towns, there have basically been no mass movements involving systematic class struggle, nor have class labels generally been assigned." "Gonganbu taolun didui jieji fenzi de gaizao wenti" 公安部讨论对敌对阶级分子的改造问题, *Gongan Jianshe* 公安建设 1964.15, 6.

⁵¹Liu, "Guanyu pingfan Geng Dingfa," 62.

⁵²Liu, "Guanyu pingfan Geng Dingfa," 60.

⁵³These details on the Wangs' motivations for building a shack and their grounds for refusing to leave are from the 1950 county court verdict, which is reproduced in Geng, *Geng-Liu shi*, 46–47.

⁵⁴Geng et al., *Geng-Liu shi*, 45–46.

In October 1950, the county court passed the first of numerous civil verdicts on the case.⁵⁵ It stated that Mrs. Geng-Liu had already displayed “great kindness” in allowing the Wangs to use the building for so long at no cost, and that there was “no legal basis” for the idea that their having taken care of the building entitled them to stay longer. It therefore called on the Wangs to vacate the building within six months. The Wangs appealed, but their appeal was rejected by the Subei Prefectural Court. At this point, the Wangs began claiming that the building had in fact been confiscated from the Geng family during land reform in 1946, and that what they were asking for was their property rights to be confirmed.⁵⁶ The Subei Prefectural Court addressed the issue as part of the concurrent “legal reform” (*sifa gaige* 司法改革) campaign in 1952, carrying out a series of interviews with locals about the dispute. Following the investigation, the court issued a revised verdict which affirmed that the house belonged to Mrs. Geng-Liu, but maintained that since the Geng family did not really have a need for the building, while the Wang family’s livelihood depended on it, it was a mistake to call on the Wangs to move out within six months.⁵⁷ The revised verdict instead called on the two parties to enter a rental agreement of two years, after which the Wangs were to remove the extension they had built and vacate the building. Thus, while the court began taking considerations other than property rights into account, it did not negate the validity of the rights, explicitly affirming that the “People’s government protects property rights [*baozhang chanquan* 保障产权].”⁵⁸

The Wangs appealed, this time to the East China Branch of the Supreme People’s Court, alleging once again that the building had been redistributed to them during land reform, also claiming that they had paid taxes on it for a number of years, and adding the further explosive accusation that Mrs. Geng-Liu was an “evil tyrant landlord.”⁵⁹ The case was transferred to the Jiangsu Provincial Higher Court, which found, in its judgement of March 1955, that all of these claims were false: Mrs. Geng-Liu had not been assigned any class label (and was therefore certainly not an “evil tyrant landlord”), the building had not been redistributed, and taxes on it had been paid by Mrs. Geng-Liu.⁶⁰ However, it reaffirmed that the Geng family had no need for the building, while the Wangs relied on it to make a living, and called on the two sides to enter a permanent rental agreement, at a relatively low rent of 2.6 yuan per month.⁶¹

Although this verdict was passed in 1955, the Gengs did not find out about it until 1962, when they returned to visit their hometown—they had all moved away from Quxia Town, and the local cadres did not transmit the decision to them.⁶² In the meantime, the town had become part of a People’s Commune, and when the Gengs returned in early 1962, commune cadres and the county court assisted them in enforcing their claim to this building.⁶³ Why did they do this, given that, in the intervening years, the Chinese

⁵⁵For the text of the verdict, see Geng, *Geng-Liu shi*, 46–47.

⁵⁶Liu, “Guanyu pingfan Geng Dingfa,” 60.

⁵⁷For the text of this verdict, see Geng, *Geng-Liu shi*, 51–52.

⁵⁸Geng, *Geng-Liu shi*, 51.

⁵⁹The Wangs’s grounds for appeal are indicated in the Jiangsu Provincial Court’s verdict, which is reproduced in Geng, *Geng-Liu shi*, 84–85. On the category of “evil tyrant landlord,” see An Shaofan, “The Making of “Evil Tyrant Landlords”: A Microhistory of Moralized Class Division during Land Reform in Beijing’s Suburbs, 1949,” *Twentieth-Century China* 48.3 (2023), 189–207.

⁶⁰Geng, *Geng-Liu shi*, 84–85.

⁶¹Geng, *Geng-Liu shi*, 84–85.

⁶²Liu, “Guanyu pingfan Geng Dingfa,” 60–61.

⁶³Liu, “Guanyu pingfan Geng Dingfa,” 61.

economy undergone socialist transformation? Why, in other words, did both the Gengs and the cadres assisting them think that, in socialist China, it was legitimate for them to enforce claims to a building that they had a title to from the pre-socialist past, and which was located in a town they had all left? In order to understand this, it is necessary to review the complex transformations in China's property regime that took place before, during, and after the Great Leap Forward. As I will argue, it was the Great Leap that first produced a widespread condition of "propertylessness" in the People's Republic, to which the Party leadership responded by attempting to systematically re-establish norms concerning how, why, and who could possess what.

Property rights in the socialist transition

New Democracy was initially presented as a stage that would last for an unspecified but long period of time. However, in 1953, the "general line for the transitional period" was announced; the 1954 Constitution enshrined as state objectives the "gradual elimination of the rich peasant economy" and the "gradual replacement of capitalist ownership by state [*quanmin* 全民; lit. "entire-people"] ownership."⁶⁴ At the same time, and rather in tension with the latter aim, the constitution also pronounced that the state "protects capitalists' property rights in their means of production and other capital," and also had clauses proclaiming the protection of the property rights of farmers, handicraftsmen, and other "individual laborers" in their means of production, and of all citizens in their "legal income, savings, housing, and all kinds of means of subsistence."⁶⁵

The socialist transformation nominally respected these property rights. In both urban and rural areas, a multi-stage process was followed, in which the first stage was supposedly voluntary entry into a co-operative arrangement in which property rights were maintained (public-private partnerships and lower-stage co-operatives, respectively). Lower-stage co-operatives were described as "basically or largely maintaining members' ownership rights in land and other large means of production"; dividends from the co-operative was partly tied to the amount of land one had contributed, and was not to be set too low, in order to "respect peasants' notions of private ownership of land."⁶⁶ These arrangements were then transformed—sooner than planned—into fully socialist arrangements (state ownership and advanced co-operatives, respectively). In urban areas, this involved the state "buying out" capitalists, who would be compensated with dividends for a certain number of years.⁶⁷ In rural areas, the transformation from lower to higher-level agricultural co-operatives was to be the consequence of a "rise in productivity and in peasants' level of political awareness," but peasants' loss of their individual titles to their land was not compensated.⁶⁸ However, the land in a higher-stage co-operative was

⁶⁴"Zhonghua Renmin Gongheguo xianfa" 中华人民共和国宪法, *People's Daily*, September 21, 1954, articles 8 and 10.

⁶⁵"Zhonghua Renmin Gongheguo xianfa," 中华人民共和国宪法, *People's Daily*, September 21, 1954, articles 10, 9 and 11, respectively.

⁶⁶"Guanyu nongye hezuohua wenti de jueyi" 关于农业合作化问题的决议, *People's Daily*, October 18, 1955.

⁶⁷For a recent overview, see Zeng, "Between Revolution and Law," 25–26.

⁶⁸"Nongye shengchan hezuoshe shifan zhengcheng" 农业生产合作社示范章程 March 17, 1956, CCPM.

portrayed as belonging collectively to its members, *not* to the state. As Liao Luyan, Minister of Rural Affairs, explained in June 1956: “Why do advanced co-operatives implement collective rather than state ownership? This is because this arrangement will be more easily accepted by the peasantry ... If we implement state ownership, it could lead to misunderstandings by the peasants.”⁶⁹

As the socialist transformation of the means of production was being carried out, the fact that much housing in cities was owned and rented out by private individuals or companies became politically untenable. According to a 1956 report approved by the Party Centre, the largest urban rentiers were “the descendants of feudal nobles, the descendants of warlords and bureaucrats, and former speculators.”⁷⁰ Socializing this property was seen as part of the broader socialist transformation, and it was to be carried out following the same principles as for capitalist enterprise: “in a manner similar to buying them out, the state will, for a certain period, pay a fixed rent [to the original owners], so as to gradually transform the system of ownership.”⁷¹

According to these policies, the building that was the subject of the Geng–Wang dispute should perhaps have become subject to “socialist transformation”—that is to say, ownership of the building should have been transferred to the government, with the Gengs receiving a fixed rent for a certain number of years. While it was not clearly above the threshold for socialization in terms of its size, it was partly a commercial rather than a residential building, and, at least according to some regulations, all non-residential buildings rented out were subject to socialization, regardless of size or the class label of its owner.⁷² However, Quxia was a small town, and in such areas (as opposed to larger cities), policy implementation was very slow—only a third of small towns had carried out socialist transformation of real estate as late as 1963.⁷³ Thus, as a threshold case in a small town, the legal status of this building did not undergo any official change as the Chinese economy was socialized.

The Great Leap’s assault on rural property

In many villages across China, chaotic transformations of the property order were about to unfold, as many among the rural “masses” came to be deprived of their homes and personal possessions. These infringements were carried out in pursuit of ambitious goals of economic progress and collective life promoted by the Party Centre, and against the background of campaigns that had empowered local cadres to forcefully intervene in the distribution of rural property. During land reform, cadres and activists were authorized to

⁶⁹“Guanyu gaoji nongye hezuoshe shifan zhangcheng (cao’an) de shuoming” 关于高级农业合作社示范章程(草案)的说明, *People’s Daily*, June 15, 1956.

⁷⁰FGZX, 171.

⁷¹FGZX, 169.

⁷²The size above which rented-out residential buildings were subject to “socialist transformation” was set by provincial authorities within certain broader parameters; in small towns, it was to be between 50 and 100 square meters (FGZX, 202). The building in question was three *jian* or “bays,” from which it is impossible to conclude its size in square meters. A later document indicates that 50–100 square meters was roughly equivalent to 3–6 *jian*; so this building was certainly a threshold case in terms of size (FGZX, 207). On non-residential buildings being subject to nationalization without a minimum threshold, see FGZX, 62.

⁷³FGZX, 207.

ransack the homes of a minority of the population labelled as landlords, and during collectivization, farmers were pressured to renounce their ownership of their plots of land. Now, meeting targets for steel production was taken to justify the confiscation of farmers' pots, pans, and other metal objects.⁷⁴ Less well-known but similarly consequential was the reallocation and demolition of large amounts of housing.⁷⁵ This was done partly to supply fertilizer (from old mudbrick and thatch), construction material for mess halls and other new facilities, and fuel, and also as part of the Great Leap project to collectivize everyday life. In August 1958, Mao had made the following comments about the future of rural housing under communism:

[within a certain number of years, rural areas] will move from a collective system of ownership to a communist system of ownership, coming to resemble factories—food, clothing, and accommodation will all be publicly owned. While the Soviet Union is still encouraging private individuals to build houses, we are going to abolish the private ownership of housing.⁷⁶

However, in the absence of plans and resources to construct sufficient new housing, the result was generally to force people to live in crowded or makeshift accommodation.

Widespread incursions on the property of villagers had already come to the attention of Party leaders in late 1958,⁷⁷ and at the Zhengzhou Conference of February 1959, Mao offered a qualified criticism of the excesses of what was called the “communal wind” (*gongchan feng* 共产风). Although he made clear that he thought most of what had taken place involved voluntary contributions to communally owned facilities, Mao acknowledged that in some cases, people had been forced to give up property without compensation, and explained that this was unacceptable. Mao explained this by reference to what he portrayed as the Party's very careful approach to property in the past:

We do not accept the uncompensated seizure of the product of someone else's labor. Just look at our history. The only kinds of property we expropriated without compensation were the means of production belonging to the Japanese, German, and Italian imperialists, to the feudal landlords, and to the bureaucratic capitalists, as well as part of the landlords' means of subsistence, like houses and grain. None of this constituted an infringement on the fruits of anyone's labor, because all of these targets of expropriation profited without working for it. As for the means of production belonging to the national capitalist class, we did not carry out

⁷⁴Felix Wemheuer, *A Social History of Maoist China: Conflict and Change* (Cambridge: Cambridge University Press, 2019), 125; Zhou Xun, *The Great Famine in China, 1958–1962: A Documentary History* (New Haven: Yale University Press, 2012), 75.

⁷⁵The most sustained treatments of this issue in English are Wang Yanni, “An Introduction to the ABCs of Communization: A Case Study of Macheng County,” in *Eating Bitterness: New Perspectives on China's Great Leap Forward and Famine*, edited by Felix Wemheuer and Kimberley Ens Manning (Vancouver: UBC Press, 2011), 150–60; and Frank Dikötter, *Mao's Great Famine: The History of China's Most Devastating Catastrophe, 1955–1962* (London: Bloomsbury, 2010), 163–73.

⁷⁶“Ba yue sanshi ri shangwu de jianghua” 八月三十日上午讲话, in “Mao Zedong zai Beidaihe huiyi shang de jianghua (jilugao)” 毛泽东在北戴河会议上的讲话(记录稿), August 30, 1958, CCPM.

⁷⁷Li Ruojian 李若建, “Anquanfa: siqing yundong de qian gongneng” 安全阀:四清运动的潜功能, *Kaifang Shidai* 开放时代 2005.1, 115.

uncompensated expropriation, but a policy of buying them out. They are exploiters, but they were also allies in the democratic revolution, and they do not oppose socialist transformation ... Comrades, our policy towards an exploiting class [i.e. the national capitalists] is like this, so how could we possibly seize the fruits of the labor of the working People without compensation?⁷⁸

As Mao noted here, the only situation in which Party policy had condoned the systematic confiscation of anyone's "means of subsistence" was the confiscation of the housing, furniture, and other belongings of those designated as landlords during land reform.

The similarity of what was happening to some members of the People to what had happened to class enemies during land reform was noted by a rural resident cited in a report from Jiangsu in the same month, from a brigade where a third of the households had been forced to move from their homes over the course of one night, who asked: "I'm not a landlord, so why I am being expelled from my home?"⁷⁹ Two months later, a report from elsewhere in Jiangsu quoted a poor peasant as saying: "During communization, my house was demolished and my furniture was taken away; I was treated just like the landlords and rich peasants. The CCP doesn't even care about the poor people any more."⁸⁰ The following year, after peasants in one commune near Shanghai were encouraged to "donate" their tools, complaints included the following: "it's being called donation, but in reality, we're being treated no different to landlords and rich peasants!"⁸¹

The partial retreat from the excesses of the Leap in late 1958 and the first half of 1959, which Mao had agreed with and partly proposed himself, were undermined by his decision to double down on the policies of the Leap at the Lushan plenum of July–August 1959.⁸² Infringements on homes and other property continued, exacerbated by campaigns to uncover hidden grain that took place in many parts of China in late 1959 and early 1960, during which militias searched the homes of rural residents.⁸³ It is difficult to quantify the extent of infringement on housing and other property during these years, but it clearly took place on an enormous scale. In a letter to Mao in May 1961, Liu Shaoqi reported that "according to comrades from the Hunan provincial committee, 40 percent of [rural] houses in the province have been demolished," and an unspecified further

⁷⁸"Mao Zedong zai Zhengzhou huiyi shang de jianghua (butong banben)" 毛泽东在郑州会议上的讲话 (不同版本), March 18, 1959, CCPM.

⁷⁹"Shengwei zhengshe jianchayatuan Yangzhou fentuan zai gongzuo zhong suo gandao de ji ge wenti gei Jiangsu shengwei de huibao" 省委整社检查组扬州分团在工作中所感到的几个问题给江苏省委的汇报, February 12, 1959, CCPM.

⁸⁰Cited in Liu Sen 刘森, *20 shiji 60 niandai Jiangsu sheng guomin jingji tiaozheng yanjiu* 20 世纪 60 年代江苏省国民经济调整研究 (Hefei: Hefei Gongye Daxue Chubanshe, 2015), 139.

⁸¹Cited in Xing Enyuan 邢恩源, "Ke Qingshi yu renmin gongshe hua yundong" 柯庆施与人民公社化运动, *Jiangsu daxue xuebao (shehui kexue ban)* 江苏大学学报 (社会科学版) 16.6 (2014), 37.

⁸²See Thomas P. Bernstein, "Mao Zedong and the Famine of 1959–60: A Study in Wilfulness," *The China Quarterly* 186 (2006), 421–45; and, in greater detail, Frederic Teiwes with Warren Sun, *China's Road to Disaster: Mao, Central Politicians, and Provincial Leaders in the Unfolding of the Great Leap Forward, 1955–1959* (Armonk: M.E. Sharpe, 1999).

⁸³See Ralph Thaxton, *Catastrophe and Contention in Rural China: Mao's Great Leap Forward Famine and the Origins of Righteous Resistance in Da Fo Village* (Cambridge: Cambridge University Press, 2008), 187, for the situation in Henan province, and Bernstein, "Mao Zedong and the Famine," 434, for the political context.

proportion had been requisitioned by state organs and communes.⁸⁴ This figure is likely on the higher end, and is difficult to imagine being accurate as an average for the scale of demolition, but it is clear that confiscation and demolition on a major scale took place in many parts of the country. A provincial sample from Sichuan in 1961 reported that on average, 40 percent of rural homes had been subjected to some kind of “reallocation,” and that over half of those in turn had been demolished.⁸⁵ The same year, the First Party Secretary of Yunnan sardonically described forced re-locations and home demolitions as a “specialty” (*techan* 特产) of his province that had created problems that needed to be urgently addressed, and reported that over one million *jian* of rural housing had been taken over (*zhanyong* 占用) in the province, and another one million *jian* demolished.⁸⁶ The Jiangsu Provincial Committee reported similar numbers, with one million *jian* taken over and 1.5 million *jian* demolished, and estimated that the total value of housing, land, tools, and other property that had been incorrectly reallocated amounted to about 60 yuan per rural resident, equivalent to the annual rural income at the time.⁸⁷

Re-establishing norms of ownership in rural China after the leap

These developments systematically violated both official and popularly held ideas about ownership, and a key priority of Party leaders in the aftermath of the Leap was to re-establish a stable system of what belonged to whom. In his letter to Mao of May 1961, Liu Shaoqi reported that he had asked some commune members why they hadn't planted sweet potatoes, taro, or beans on uncultivated mountain land, and was told that by his respondents that they didn't think it was worth the effort, since it would be stolen anyway. In effect, he was noting that one of the most basic functions of a stable property order—to motivate people to work, since they could reasonably expect to reap at least some reward from their labor—was not being met.⁸⁸ Liu then wrote:

The reason for this atmosphere of chaotically taking other people's things is firstly that there's not enough to eat, and secondly, the “communal wind” of these past few years has shaken the foundations of both commune members' individual property and of state and communal property. Some commune members said to the work team, “if they [cadres] can take other people's things without compensation, then why can't I?” People thus take things from each other at will, leading to chaos. For this reason, the things that have been taken without compensation must be resolutely returned or compensated . . . Previously we thought that this could be done in a couple of months, but it's impossible. To manufacture the things that have been destroyed, and especially to rebuild the many houses that have been demolished, will take at least three to five years.⁸⁹

⁸⁴“Liu Shaoqi gei Mao Zedong de xin” 刘少奇给毛泽东的信, May 11, 1961, CCPM.

⁸⁵“Sichuan sheng tupei gongzuo qingkuang jianbao” 四川省退赔工作情况简报, August 8, 1961, CCPM.

⁸⁶“Yan Hongyan zai Yunnan shengwei sanji ganbu huiyi shang de zongjie baogao” 阎红彦在云南省委三级干部会议上的总结报告, August 12, 1961, CCPM.

⁸⁷Cited in Liu Sen, *20 shiji 60 niandai Jiangsu*, 136–37.

⁸⁸For this basic logic, see Rose, “Property and Expropriation,” 2.

⁸⁹“Liu Shaoqi gei Mao Zedong de xin” 刘少奇给毛泽东的信, May 11, 1961, CCPM.

The Party Centre's emergency directive of November 1960 had already called on "all kinds of belongings" that had been reallocated without compensation in previous years to be "resolutely returned," and affirmed that "means of subsistence belonging to individuals will remain theirs in perpetuity."⁹⁰ In June 1961, the Party Centre issued further regulations on returning or compensating property that had been "reallocated" since the communization movement in 1958, both from individuals and from production teams and brigades (by organizations at higher levels, primarily the commune).⁹¹ It proclaimed that "in all cases where the fruit of someone else's labor has been taken without compensation, it must be returned to the original owner without hesitation," and listed objects, from hoes and axes to pots and bedding, that were to be urgently returned to rural residents. It further stipulated that all housing belonging to individuals that had been occupied by government organs, communes, brigades, or teams was to be returned without exception, and that rent be paid for the period during which it was occupied. If the owner truly had a surplus of housing then it was permissible to rent part of it if the owner agreed, but property rights remained with the original owner.

Less than a week earlier, on June 15, 1961, the Revised 60 Articles had been promulgated.⁹² This document is best known in its further revised, September 1962 form, which, in Philip Kuhn's words, was "a kind of constitutional document" that would "define the essentials of China's rural order for the next seventeen years," and which included the key provision that the production *team*—corresponding to the lower-stage co-operatives—was the basic unit of collective ownership and accounting.⁹³ However, it also included important clauses on individual ownership, which were already present in the version promulgated in summer 1961. It stated that "commune members' housing belongs to [those] commune members in perpetuity, and they have the right to buy, sell, and rent housing." "No organization or person," it went on to declare, "can be allowed to force a commune member to move house."⁹⁴ Separately, it also declared that "all means of subsistence belonging to commune members, including housing, furniture, clothes, bicycles, sewing machines, deposited funds, and tools, belong to them in perpetuity, and cannot be infringed upon by any person." The immediate aftermath of the Leap thus saw a major effort re-establish norms of individual property ownership—norms that had been partially eroded by land reform and collectivization, and which had been systematically undermined during the Great Leap.

It was right at this time, in early 1962, that the Geng family returned, for the first time in a decade, to their hometown of Quxia. They were received by commune cadres, who, as was generally the case, had been appointed from the outside the area, and had no past

⁹⁰"Zhonggong zhongyang guanyu nongcun renmin gongshe dangqian zhengce wenti de jinji zhishi xin" 中共中央关于农村人民公社当前政策问题的紧急指示信, November 3, 1960, CCPM.

⁹¹"Zhonggong zhongyang guanyu jianjue jiuzheng pingdiao cuowu, chedi tuipei de guiding" 中共中央关于坚决纠正平调错误、彻底退赔的规定, January 6, 1961, CCPM.

⁹²"Nongcun renmin gongshe gongzuo tiaoli (xiuzheng cao'an)" 农村人民公社工作条例(修正草案), June 15, 1961, CCPM; "Zhonggong zhongyang guanyu taolun he shixing 'Nongcun renmin gongshe gongzuo tiaoli (xiuzheng cao'an)' de zhishi" 中共中央关于讨论和试行《农村人民公社工作条例(修正草案)》的指示, June 15, 1961, CCPM.

⁹³Philip Kuhn, *Origins of the Modern Chinese State* (Stanford: Stanford University Press, 2003), 110. For more on the history of the Sixty Articles, see Xin Yi 辛逸, "'Nongye liu shi tiao' zhiding yu xiugai de lishi kaocha" 《农业六十条》制定与修改的历史考察, *Zhonggong dangshi yanjiu* 中共党史研究, 2013.1, 30–38.

⁹⁴"Nongcun renmin gongshe gongzuo tiaoli (xiuzheng cao'an)."

connection with either the Geng family or with the Wang family (the latter, to recall, had been occupying the Gengs' building since about 1942, when Mrs. Geng-Liu had agreed that they could temporarily use it). The cadres did, however, have possession of the Jiangsu Provincial Court's 1955 verdict concerning the dispute, which, like two earlier judgements from the county and prefectural levels, established that the building belonged to the Gengs.⁹⁵ As noted above, there might have been a basis in policy for the building to be subject to "socialist transformation" (i.e. transfer to government ownership with some compensation in the form of annual payments), but as in many other small towns, this policy had not actually been implemented in Quxia. From the perspective of the commune level cadres dealing with this matter in early 1962, the Party Centre had recently made clear that seizure of ordinary people's property was not acceptable, and that people had the right to rent out property that legitimately belonged to them. The Jiangsu Provincial Court had established in 1955 that this building belonged to the Gengs, and nothing had happened in the meantime to change this: no legal (or quasi-legal) act had taken place that removed the rights to this building from the Gengs and transferred it to the Wangs, while the documentary evidence of the Gengs' ownership was very robust, originating from a provincial court. The commune cadres therefore concluded that "this is clearly a case of seizure without justification [*wuli bazhan* 无理霸占]," and approved the Geng's request to take possession of the building.⁹⁶ As a commune cadre reportedly put it, "It's great that you [the Gengs] have come back to visit your relatives, as we can take this opportunity to finally resolve this case. We can't allow the Wangs to act as if they were above the law, as it sets a terrible precedent [lit. the effect is terrible]."⁹⁷

The Gengs, accompanied by brigade cadres and equipped with a document bearing the stamp of the commune and the county court, proceeded to take possession of their building, but when they began moving the Wangs' property from the main building to the annex that the Wangs had built, one of the Wangs threatened to commit suicide.⁹⁸ With local cadres and villagers acting as mediators, an agreement was reached and a contract signed according to which the Wangs would buy the building from the Gengs for the substantial sum of 2050 yuan. This high valuation, which corresponded to about three years' wages for an industrial worker, must have been connected to its value as a restaurant, from which the Wangs were apparently able to make their living. Of the total, the Wangs paid 1650 yuan, including 850 yuan obtained by disassembling and selling part of the roof and the wall.⁹⁹ That, it seemed, would be the end of this protracted dispute. However, the changing direction of national politics would soon lead to the reframing of what had happened in very different terms: from a relatively minor, and satisfactorily resolved, civil dispute, to a case of counterrevolutionary restoration carried out by a class enemy who had sneaked into the military.

From civil dispute to political crime

In September 1962, Mao pronounced that class struggle would continue for a long time under socialism, and early the next year, he launched the Socialist Education Movement

⁹⁵Liu, "Guanyu pingfan Geng Dingfa," 61.

⁹⁶Liu, "Guanyu pingfan Geng Dingfa," 61.

⁹⁷Teng, *Yinghan Geng Dingfa*, 86.

⁹⁸Liu, "Guanyu pingfan Geng Dingfa," 61.

⁹⁹Liu, "Guanyu pingfan Geng Dingfa," 61.

(SEM). The objectives of this movement and the meaning of class struggle in Mao's thought are complex, but they certainly included a renewed focus on the threat posed by those who had been expropriated over a decade prior during land reform.¹⁰⁰ The first manifestation of class struggle identified by the Former Ten Points, the first guiding document of the SEM, was the following: "the overthrown exploiting classes—landlords and rich peasants—are always seeking to restore their power, waiting for a chance to *fangong daosuan*, to carry out class vengeance, and to attack poor- and lower-middle peasants."¹⁰¹

Fangong daosuan—literally, "counterattacking and settling scores in reverse"—referred to class enemies trying to turn back the clock on the revolution by retrieving property confiscated from them during land reform. After collectivization, this was mainly not about land, but housing, furniture, fruit trees, and other "means of subsistence" that remained individually owned in the collective economy, and its effect was to connect relatively minor disputes over property to the security of the entire revolutionary order.¹⁰² In August 1963, the Supreme People's Court noted that in the foregoing years, there had been a notable rise in the number of disputes concerning property.¹⁰³ After listing principles concerning a number of more specific issues—notably, affirming that it was legitimate for citizens to "collect a fair and reasonable rent on property that belongs to them"—the court concluded by listing separately the following: "landlords and rich peasants engaging in *fangong daosuan* are to be resolutely attacked, and are not to be dealt with as ordinary housing cases."¹⁰⁴

In 1963, the Nanjing Teacher Training College, like other institutions throughout China, organized its students and teachers to "recall the bitter and ponder the sweet."¹⁰⁵ One student, Wang Fengchun, spoke of how a landlord had tried to seize back his family's property just the previous year with the help of her son Geng Dingfa, who was employed by the army as an instructor at the Harbin Institute of Military Engineering. Incensed by this instance of "class vengeance," Wang and his classmates proceeded to write to the institute to call on them to take action.¹⁰⁶ A cadre at the institute tasked with political security began an investigation in the spring of 1964, and found that, indeed, the house in question had been redistributed to the Wang family during land reform in 1947. The Jiangsu Provincial Court yielded to the pressure, revoked the judgments made between 1950 and 1955 that affirmed the Geng family's ownership of the building,

¹⁰⁰Graham Young, "Mao Zedong and the Class Struggle in Socialist Society," *The Australian Journal of Chinese Affairs* 16 (1986), 41–47.

¹⁰¹"Zhonggong zhongyang guanyu muqian nongcun gongzuo zhong ruogan wenti de jue ding (cao'an)" 中共中央关于目前农村工作中若干问题的决定(草案), May 20, 1963, CCPM.

¹⁰²This is especially clear from the following newspaper editorial, a comment on the case of a county official who had been labelled a rightist after assisting elderly "landlords" in regaining some of their confiscated housing: "Dan'gan fan'an! Jian lun nongcun li de niuguisheshen" 胆敢翻案!——兼论农村里的牛鬼蛇神, *People's Daily*, August 3, 1957.

¹⁰³Zhang Shijin 张世进, ed., *Zhonghua Renmin Gongheguo falü guifanxing jieshi jicheng* 中华人民共和国法律规范性解释集成 (Changchun: Jilin Renmin Chubanshe, 1990), 411.

¹⁰⁴Zhang Shijin, ed., *Zhonghua Renmin Gongheguo falü*, 414.

¹⁰⁵On these practices, see Guo Wu, "Recalling Bitterness: Historiography, Memory, and Myth in Maoist China," *Twentieth Century China* 39.3 (2014), 245–68.

¹⁰⁶Teng, *Yinghan Geng Dingfa*, 96. Liu, "Guanyu pingfan Geng Dingfa," 58, is less detailed, but the basic facts—Wang was a student at the Nanjing Teacher Training College, and wrote to Geng Dingfa's work unit to accuse him of "restorationist activity"—are identical.

pronounced invalid the purchase agreement made in 1962, and called on Mrs. Geng-Liu to return the 1650 yuan that the Wangs had already paid.¹⁰⁷

Two weeks later, Geng Dingfa was expelled from the Party and the military.¹⁰⁸ These decisions, and an account of the investigation, were then communicated at a large meeting that all students and teachers at the institute were obliged to attend.¹⁰⁹ All of Geng's siblings lost their jobs, and the case was communicated throughout the military as a warning, and it was used in the Jiangsu Provincial Class Education Exhibition as an illustration of the intensity of "class struggle," with Mrs. Geng-Liu, an illiterate widower, being portrayed as a great "tyrannical landlord."¹¹⁰ After his attempts to reverse the verdict on the case in 1966–1967 failed, Geng and his mother were sent to prison, with Geng narrowly escaping execution.¹¹¹

The logic of denunciation

This was one of many instances during the Mao era in which apparently minor conflicts or legal cases became prominent "models" of great political significance, after being picked up, re-narrated, and promoted by higher-ranking cadres seeking to provide exemplars for the Party-state's priorities. As Liu Yajuan has argued, the CCP relied extensively on the practice of "setting up models" (*shuli dianxing* 树立典型) as an efficient means of promoting both positive and negative exemplars, and in this process, the empirical truth about particular cases often became a casualty of the propaganda objectives of the Party-state.¹¹² Liu writes in detail about the case of Zhang Shunyou, who spent months travelling to various authorities in North China in 1951 trying unsuccessfully to denounce a "counterrevolutionary." While an investigation into Zhang revealed that his motives for denunciation involved an interpersonal conflict with the target of denunciation, and that Zhang's own past was complicated, when Zhang became a "model," these inconvenient facts disappeared, and he was portrayed as a righteous denouncer whose quest for justice had been obstructed by unresponsive bureaucrats. Similarly, extensive investigation had established that Mrs. Geng-Liu had never been designated a "landlord" and the house in question had not been redistributed to the Wangs, but in the context of the hunt for unrepentant class enemies that had been initiated by the Party Centre, it was possible for the investigator at the Harbin Institute to suppress these facts, and reinterpret the case to fit the Party Centre's narrative.

While both of these cases involved intermediate-level agents of the Party-state "setting up models" in accordance with narratives promoted by the Centre, the raw materials for these models were provided by ordinary people engaging in acts of denunciation. In her work on letters of denunciation under Stalinism, Sheila Fitzpatrick distinguishes practices of denunciation based on the motivations of the denouncer, his or her position of power relative to the denounced, and the type of accusation being made.¹¹³ On this basis, she

¹⁰⁷This judgement is reproduced in Geng, *Geng-Liu shi*, 163–65.

¹⁰⁸These decisions are reproduced in Geng, *Geng-Liu shi*, 160–62.

¹⁰⁹Teng, *Yinghan Geng Dingfa*, 109.

¹¹⁰Teng, *Yinghan Geng Dingfa*, 114–15, 129–30.

¹¹¹Teng, *Yinghan Geng Dingfa*, 184–87.

¹¹²Liu Yajuan 劉亞娟 "'Zhang Shunyou shijian': yi ge dianxing de 'shu dianxing' ge an" 「张顺有事件」：一个典型的「树典型」个案, *Zhongyang Yanjiuyuan Jindaishi Yanjiusuo jikan* 中央研究院近代史研究所集刊 84 (2013), 159–200.

¹¹³Sheila Fitzpatrick, *Tear off the Masks!: Identity and Imposture in Twentieth-Century Russia* (Princeton: Princeton University Press, 2005), 209–21, 226–29.

identifies three ideal types: the purely political denunciation, usually of the target's political disloyalty or historical background; the subaltern denunciation, in which ordinary people denounced abuses of power by those higher up; and the private interest denunciation, in which the denouncer seeks to attain some kind of personal objective (such as the elimination of a professional rival, or the eviction of a neighbor) by relying on whatever accusation seems most likely to stick. With respect to the private interest denunciation, Fitzpatrick goes on to refer to an argument of Jan Gross, according to whom a distinctive feature of twentieth-century totalitarian states is that, by welcoming denunciations from their citizens, they enable people to recruit the state's coercive powers to help them settle private disputes.¹¹⁴ According to Gross, denunciation in such societies can be understood as a service rendered by the state to citizens, "providing an individual citizen with prompt settlement of some private dispute in his favor," and giving citizens "direct access to the coercive apparatus of the state, unmediated by lengthy and complicated procedures."¹¹⁵

As suggestive as Gross's argument is, the notion of "direct access" to the state's coercive apparatus through denunciation seems overstated, at least if understood as a general claim rather than one pertaining to specific periods of heightened political mobilization. Recent work on the Mao era indicates that there was certainly not always a straight line from denunciation to punishment.¹¹⁶ Investigators sometimes faced great pressures, or had great incentives, to find people guilty on the basis of flimsy evidence, but official discourse also emphasized the importance of proper investigation. In the Geng case, too, we can see that it required a quite specific conjuncture of factors for the Gengs to be punished on the basis of the false accusations made against them. As early as 1952, the Wangs had begun claiming that the building had been redistributed to them during land reform, and in 1954, further claimed that Mrs. Geng-Liu had been designated as an "evil tyrant," but the courts had found that these claims were ungrounded.

We might also ask whether the possibility of settling private scores through denunciations appealing to key state narratives was really an innovation of modern mass dictatorships. In his analysis of 1786 soulstealing panic, Philip Kuhn writes:

Our study of eighteenth-century society will have to take into account a widespread perception of ambient evil, of unseen forces that threatened men's lives ... [but] as an overture to China's modern age, the soulstealing panic strikes one particularly sour note to the observer of Chinese society: the widespread release of social hostility in the form of score-settling ... Once the state campaign against sorcery began in earnest, there arose splendid opportunities for ordinary people to settle scores or to enrich themselves. Here was a loaded weapon thrown into the street, one that could

¹¹⁴Fitzpatrick, *Tear off the Masks!*, 236; Gross, "A Note on the Nature of Soviet Totalitarianism."

¹¹⁵Gross, "A Note on the Nature of Soviet Totalitarianism," 375.

¹¹⁶For cases from the Cultural Revolution decade, see Jeremy Brown, "A Policeman, His Gun, and an Alleged Rape: Competing Appeals for Justice in Tianjin, 1966–1979," in *Victims, Perpetrators, and the Role of Law in Maoist China: A Case-Study Approach*, edited by Daniel Leese and Puck Engman (Berlin: De Gruyter, 2018), 127–49; and Wang Haiguang, "A Different Category of Life: The Counterrevolutionary Case of a Rural Schoolteacher," in *Victims, Perpetrators and the Role of Law*, ed. Leese and Engman, 75–97. For cases from the early PRC, see Brian DeMare, *Tiger, Tyrant, Bandit, Businessman: Echoes of Counterrevolution from New China* (Stanford: Stanford University Press, 2022), 103–30; and Aminda Smith, "Letters from the People: The Masses and the Mass Line in 1950s China," in *Revolutionary Transformations*, ed. Blanke, Strauss, and Mühlhahn, 221–23.

as well be used by the weak as by the strong, by the scoundrel as by the honest man. Malicious imputation of “soulstealing” was a sudden accession of power in a society where social power, for ordinary people, was scarce.¹¹⁷

Chinese society in the Mao era, particularly after the failure of the Great Leap and the initiation of the Socialist Education Movement, was likewise characterized by a “widespread perception of ambient evil,” one that was systematically cultivated in official discourse; and in the Mao era, too, “state campaigns against deviants” offered ordinary people access to what Kuhn calls “free-floating social power.”¹¹⁸

Importantly, even before the eventual escalation in 1963, the Wangs had derived some benefit from their use of political accusations: they were able to have the prefectural court overturn the county court’s original ruling that they vacate the building within six months, and in 1955, the provincial court ruled that they could rent the building indefinitely at a relatively low rate. While the provincial court noted that the Wangs’ prior refusal to pay the rent stipulated by the prefectural court’s 1952 ruling was “not correct,” it gave no indication that the Wangs’ act of falsely accusing Mrs. Geng-Liu of being an “evil tyrant” was punishable.

This feature of the case also invites comparison with late imperial China, specifically, the apparently widespread use of false accusations as a litigation strategy, which functioned as a “tool of social empowerment.”¹¹⁹ Most recently, Yue Du has explored the use of false accusations of unfiliality, arguing that such accusations were very effective as a way of getting magistrates involved in economic disputes that they would otherwise probably ignore, since magistrates feared the consequences of failing to properly handle such cases that concerned the state’s basic ideological foundations (“fundamental human ethics,” as it was termed).¹²⁰ She further suggests that the reason the Qing state was tolerant of such strategies, even when they involved evident dishonesty, was that they contributed to the Qing state’s broader ideological goals of sustaining the parent–child hierarchy.¹²¹ Both of these mechanisms seem to have been at play in the case under study. If the Wangs hadn’t claimed that their dispute concerned a class enemy trying to seize back property, it is much less likely that the prefectural and then provincial courts would have devoted the time and resources they did to investigating it. That the Wangs had been dishonest in claiming that the house had been distributed to them, and that Mrs. Geng-Liu had been labeled a landlord—much less an “evil tyrant landlord”—became clear through the courts’ investigations, but it seems that they were reluctant to censure people for using the regime’s language and categories, even if they did so in ways that were evidently dishonest.

But if the original denunciations are probably best seen as involving the largely cynical use of state categories to pursue private economic ends, this is less true of that which led to the 1963 reframing, which originated not from the senior Wangs, but from their son, who wrote a letter to Geng Dingfa’s work unit in the context of the Socialist Education Movement. The young Wang had been a child at the time of land reform, and there is no reason to be sure that he ever got a truthful version of events from his family. It seems

¹¹⁷Philip A. Kuhn, *Soulstealers: The Chinese Sorcery Scare of 1768* (Cambridge, MA: Harvard University Press, 1990), 228–29.

¹¹⁸Kuhn, *Soulstealers*, 230.

¹¹⁹Macauley, *Social Power and Legal Culture*, 228. See also Javers, “The Logic of Lies”; Du, “Policies and Counterstrategies.”

¹²⁰Du, “Policies and Counterstrategies,” 90–91.

¹²¹Du, “Policies and Counterstrategies,” 81, 95.

entirely possible that when he made the link between the financial burden imposed on his family after a cadre from the military had come to visit in 1962, on the one hand, and the pervasive narrative that class enemies were sneaking into the Party and trying to turn back the clock on the revolution, on the other, he was really motivated by feelings of both injustice and ideological zeal; in Fitzpatrick's terms, he thought of himself as making a political and subaltern denunciation, not a private interest one. At the very least, these ideas were probably intermingled with financial considerations, and would have been strengthened by his classmates, who wrote the letter to denounce Geng together with him.

Here, we cannot overlook a fundamental distinction between the late imperial and Maoist state. Where, as Kuhn writes, basic to the outlook of the late imperial state was the "political passivity of the commoners," the Maoist state was highly committed to their political activity, so long as that activity proceeded along the lines envisaged by the Party-state's leaders.¹²² Among the key aims of the Socialist Education Movement was to inculcate Wang junior's generation with revolutionary narratives and emotions, which they were to link with their own lives and experiences, and this could well have been what Wang junior thought he was doing. Thus, if the senior Wangs' attempt to frame the Gengs is probably best seen, like false accusations of unfiliality or malicious imputations of soulstealing, as a largely cynical attempt to use state narratives to pursue one's economic interests, Wang junior's denunciation was a more distinctly modern phenomenon, involving a revolutionary state that systematically encouraged its population to engage in righteous denunciations against variously defined enemies.

Conclusion

China's late imperial heritage encompassed complex economic institutions sustained by a combination of popular practice and state backing, institutions that made contracts and entitlements to property broadly enforceable. The CCP did not reject these institutions in any general way: it abrogated the property rights of those it labeled enemies, but portrayed the new state as a guarantor of the legitimate rights of the members of the People. As a member of the People, Mrs. Geng-Liu believed the People's Government would support her claim to the building that she had allowed the Wangs to stay in, and as judgments by courts at three levels between 1950 and 1955 indicated, those working in the legal system agreed. The Wangs—probably with the help of literate, Mao era equivalents of the Qing-era "litigation master"—attempted to press their case with a written appeal to the East China sub-branch of the Supreme People's Court, claiming that Mrs. Geng-Liu was an "evil tyrant landlord" whose house had been redistributed to them. The investigators found no evidence of this and upheld Mrs. Geng-Liu's ownership rights, while also recognizing the Wangs' economic dependence on the building and calling on the two sides to enter a long-term rental agreement.

The socialization carried out in 1956 fundamentally transformed the Chinese economy, but it did not involve any generalized negation of the idea of individual or family ownership rights, with urban businesses and rented housing being subject to compensated buying out, rather than uncompensated seizure or requisitioning. While the Party's insistence that land in agricultural co-operatives belonged to its members collectively,

¹²²Kuhn, *Soulstealers*, 231. As Kuhn writes in the next sentence (presumably referring to the Cultural Revolution): "That explosive combination in which vindictive leader and aroused masses gang up on common enemies (the hallmark of the modern political 'campaign') lay far in the future. The eighteenth-century bureaucracy was not exposed to that deadly cross fire."

and not to the state, may not have made a great practical difference, it also reflected the Party's understanding that notions of individual and family ownership were deeply embedded in Chinese society. During the Great Leap, these notions were systematically violated through widespread infringement on rural residents' housing, furniture, and other "means of subsistence." In the pursuit of the Party Centre's objectives of economic progress and communization, local cadres felt empowered to force people out of their homes and confiscate their personal belongings, as they had done to those labeled landlords during land reform. When the scale of these infringements, and the condition of general "propertylessness" it had given rise to, became clear to Party leaders, they took decisive measures, calling on all property confiscated during these years to be returned or compensated, and declaring that "all means of subsistence belonging to commune members ... belong to them in perpetuity, and cannot be infringed upon by any person."¹²³ It was in this context that the Geng family returned to Quxia Town and sold their building to the Wangs, in a process that both they and the local cadres evidently thought was legitimate.

What the Gengs had no way of knowing was that within a year, the orientation of Chinese politics would shift from rectifying the mistakes of the Great Leap to the prosecution of "class struggle," and that this would lead—through considerable manipulation of the facts, to be sure—to the reclassification of the conflict between them and the Wangs from an ordinary civil dispute to a major political crime, a manifestation of the struggle between revolution and counterrevolution. In this way, the Wangs' attempt to use state narratives to gain possession of the building eventually proved successful, but through different channels: through their son's and his classmates' denunciation letter to Geng's work unit. If the earlier stage of the Geng–Wang dispute can be connected to China's late imperial legacy of litigation, its transformation into a major political case depended on the interaction between more distinctly Maoist phenomena: righteous denunciation from below instigated by a political campaign, and a higher-level cadre's incentive to establish a "model" corresponding to the key narrative of that campaign.

Following the post-Mao transition, a series of guidelines were established for dealing with property disputes connected to the political campaigns of the Mao era, the overriding objective of which was to establish continuity with the policies and regulations of the pre-Cultural Revolution period.¹²⁴ As such, the legitimacy of redistribution during land reform could not be called into question, nor was housing that had been subjected to "socialist transformation" to be returned, as long as it had been dealt with in accordance with policy guidelines. But this was not the case with the Geng family and their building: liminally positioned between the rural and the urban, the Geng family had not been labeled "landlords" during land reform, and their building had not been subject to "socialist transformation" either. As such, the only possible conclusion was that the Geng family's property rights in this building remained valid. In 1979, the Jiangsu Provincial Higher Court responded to the Geng family's appeals by organizing a joint investigation group, which found that the 1962 sale was "a legitimate transaction, not [counterrevolutionary] restorationist behavior." It therefore concluded that the Wangs

¹²³"Nongcun renmin gongshe gongzuo tiaoli (xiuzheng cao'an)" 农村人民公社工作条例(修正草案), June 15, 1961, CCPM.

¹²⁴See e.g. Wang Hongcai 王洪才, *Zenyang chuli fangwu zhajidi jiu fen* 怎样处理房屋宅基地纠纷 (Beijing: Zhongguo Zhanwang Chubanshe, 1986), 6–22. On the broader efforts to draw a line under the "lawlessness" of the Cultural Revolution and to establish a continuity with the 1950s, see Jennifer Altehenger, *Legal Lessons: Popularizing Laws in the People's Republic of China, 1949–1989* (Cambridge, MA: Harvard University Press), 172–74.

had to pay the sum agreed upon in 1962 if they wanted to acquire property rights to the building.¹²⁵

From 1978 onwards, the threat of counterrevolutionary restoration by old class enemies no longer permeated official discourse, and class enemy labels were removed *en masse*. Surviving “landlords,” “rich peasants,” and other former enemies, as well as their descendants, were now unambiguously members of the People.¹²⁶ As Minister of Public Security Zhao Cangbi explained in 1979:

They ought to enjoy all of the rights of citizens outlined in the Chinese constitution, and must not be subjected to any direct or indirect discrimination ... if they make mistakes, they are to be dealt with using the methods of criticism and education used to handle contradictions among the People.¹²⁷

As a result, property disputes involving those dispossessed during the revolution had lost the enormous political significance they once had. Such disputes certainly did take place: through the 1980s and 1990s, some former class enemies and especially their descendants tried to retrieve houses and other property that had been confiscated from them decades before. This was a possibility that the Party unambiguously rejected. As late as 1995, the Office of the Party Centre circulated a notice on such cases, even continuing to use the Mao-era term “*fangong daosuan*,” and stressing that there could be no ambiguity about the need to “protect the great achievement of the New Democratic and Socialist Revolutions.”¹²⁸ However, it did not mention the possibility of these cases constituting counterrevolutionary crimes, and the term “*fangong daosuan*” had in fact been deliberately omitted from the Criminal Code that had come into effect in 1979.¹²⁹ As such, most cases were to be dealt with using persuasion, mediation, or administrative sanctions, unless they involved acts that violated some specific clause of the Criminal Code. In a development that would have been unthinkable in the Mao era, most cases of *fangong daosuan* had become mere contradictions among the People.

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Competing interests. The author declares none.

¹²⁵The judgement is reproduced in Geng, *Geng-Liu shi*, 306–7.

¹²⁶Michael Schoenhals, “Demonising Discourse in Mao Zedong’s China: People vs Non-People,” *Totalitarian Movements and Political Religions* 8.3–4 (2007), 478–80.

¹²⁷“Shishiqiushi de jiejie hao sileifenzi zhaimao wenti: gonganbu buzhang Zhao Cangbi tongzhi da ben bao jizhe wen” 实事求是地解决好四类分子摘帽问题—公安部部长赵苍璧同志答本报记者问, *People’s Daily*, January 30, 1979.

¹²⁸Li Gengchen 李庚辰, ed., *Zhongguo gongchandang xianxing fagui wenjian quanji di er juan* 中国共产党现行政法规文件全集第二卷 (Beijing: Changcheng Chubanshe, 2000), 457–59.

¹²⁹See Gao Mingxuan, *Zhonghua renmin gongheguo xingfa*, 147–48.

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