

In Search of a Social Science Anchored in (Chinese) Realities

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Abstract

This article reviews the author's own research over the years from the question of how to relate Western theory and China research. The author has found through empirical research that Chinese realities generally run counter to Western theoretical expectations. And, further, that Western theories tend to overlook one side or another of dualities that coexist and interact in the real world—for example, the simultaneous resort to high moral values and practical actions in the Chinese justice system. Those findings have led the author to question the very nature and structure of the major Western social science theories, which exhibit a strong tendency to emphasize one or another side of binary oppositions, not just with regard to such binaries as subjectivism versus objectivism or voluntarism versus structuralism, but even with regard to theory versus experience, and the West versus the non-West. In the real world, however, the two sides coexist and interact within a single whole. Western theories have also shown a strong tendency to reject moral values as somehow irrational and un-modern, while the Confucian “golden rule” of “what you would not have others do unto you, do not unto others” has persisted through the ages down to the present. It still serves as a viable guide to practice. What we need is a method of research that would enable us to grasp accurately Chinese realities and to develop theoretical concepts that would be anchored on those realities.

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We live in a world of conflicting and mutually exclusive social science theories, including subjectivism versus objectivism, voluntarism versus structuralism, idealism versus materialism, even West versus East, universalism versus particularism, idealism versus empiricism/pragmatism, and so on. How do we go about deciding what/which theory to use when doing research? How do we choose among existing theories? The most common method of research employed today is to start with a given theory—often the one enjoying dominant influence due to current theoretical fads or the sponsorship of political power—then seek evidence to support, illustrate, elaborate on the theory, and then return to the original theory, ostensibly having tested it against evidence. This author holds that instead of such a method of scholarship, we should use existing theory as questions rather than (probable) answers (“hypotheses”). The purpose of research is not to demonstrate the validity of any given theory, but rather to test available and often conflicting theoretical formulations against empirical research, to use empirical evidence to choose among different theories, and to use theories as foils for developing new interpretations of the new empirical evidence gathered. The conflicting points of different opposed theories make for particularly good questions for research, as I have been telling myself and students for years. The purpose of scholarship is to attempt to best capture and understand the real world, not elaborate on one or another theory or ideology.

To be sure, we need familiarity with existing theory to undertake such research, but our purpose in research should be to place first priority on empirical findings, and choose and select, or revise, those theoretical formulations that best help capture, illuminate, or explain the real world that we come to see through empirical research. We should be ready to select or reject, or revise, any existing theoretical formulation. If and when necessary, we should be prepared to, indeed seek to, reformulate available theoretical notions or create new concepts to accord better with our new empirical findings.

In addition, given the mutually exclusive either/or oppositions among existing theories, we need to be aware of the limitations of almost any available theory. Most theoretical formulations tend to proceed from a single basic premise, then to employ deductive logic—often seen as unique to Western civilization—to develop a logically consistent and integrated theory, arguing

things to their logical conclusions, rather like in Euclidean geometry (for a detailed discussion, see Huang and Gao, 2015). This insistence on what is logically consistent tends to drive us toward either/or binary oppositions, depending on the premise from which we begin. That alone should alert us to the fact that, more often than not, theoretical formulations are one-sided simplifications of empirical reality, based in their origins on deliberately simplified or one-sided formulations of reality, in order to try to lift out some one aspect or another for elucidation. They should be understood as a method of knowledge, not reality itself. Yet such simplifications are then often idealized, or equated with reality, then absolutized with logic, with the most influential ones being further ideologized by political power and/or by Western-centrism. We should not accept such formulations as reality itself.

We need to see that either/or binaries, so often reflected in such theoretical oversimplifications, are in fact one-sided pictures of the world, in which reality generally involves the continuing interactions of both sides of the binaries, not just one side or the other. That applies to the binary of theory and experience, no less than of subjectivism and objectivism.

It is all the more true of the binary of West versus East. In the “modern” world, the West, as the erstwhile imperialist aggressor, is for the non-Western world at once hated enemy and admired model. The two in fact almost unavoidably coexist to make up the real world of the non-West. Yet Western social science theories, deliberately or not, generally overlook this dual character of the non-West, and insist, by force of deductive logic or more simply just Western-centrism, that the rest of the world must simply follow the Western model. As is typical of most binary oppositions, one side usually excludes the other, or completely absorbs or dominates the other, much as in one or the other binary of subjectivism versus objectivism, universalism versus particularism, and so on.

This article argues against such one-sided and one-dimensional approaches to understanding the real world. We need to see that either/or theories are at best merely tools that could be used when we want to highlight a singular dimension for clarity, but do not represent the real world itself. The latter can only be captured by looking at both sides of the opposed binaries, by seeking always to join theoretical questions and empirical realities, by seeking to grasp the interrelationships and interactions between almost all binaries. What we sorely need today is to turn our attention to how binary opposites coexist, interact, and reshape one another in the larger whole that is the real world.

What follows is the experience of this one author’s search for such an alternative approach to understanding the real world, for new conceptualizations that can more nearly capture the true world’s past and present, that more

nearly approximate the true world. This applies most of all to the binary of theory and experience. And it is not just for the purpose of better understanding the real world, but also to better guide us in our search for ways to help make the world better.

Paradoxical Realities and Theoretical Generalizations: The Social-Economic History of Rural China

The Peasant Economy and Social Change in North China

The author's first matured book was *The Peasant Economy and Social Change in North China* (Huang, 1985). The scholarly ideal and method advocated by the book is

to proceed from historical reality to theory and back to reality, rather than the reverse, as is sometimes the practice in contemporary social science. I have tried to look to the most down-to-earth information for the largest ideas, and then to return once more to empirical material—to avoid the tendencies of starting with a given model and then seeking only facts that would support the model or of attempting to build abstract models independent of historical context. (p. vi)

The overall purpose is to develop concepts that accord with empirical reality. As for theories, the book would seek deliberately to look at once to the two dominant traditions of neoclassical economics and Marxist political economy, as well as the “alternative” tradition of substantivism, to pick and choose from among those theories on the basis of empirical evidence, and to employ dialogues with all three to develop new analytical concepts.

On the basis of that research method, I started with the most systematic and detailed primary sources, especially the Japanese South Manchurian Railway Company's (Mantetsu for short) (“social and economic anthropology”) investigative reports, to use their detailed household-by-household information to learn about peasant household economy, supplementing those materials with a variety of other historical sources to develop a view of long-term historical change, and then to compare those findings with the major theoretical views. The conclusion that emerged was, first, that all three major theoretical traditions are illuminating and correct in part, each capturing one of the “three faces” of the peasants, depending on their social-economic position: the labor-hiring “managerial farmers” and “rich peasants” accorded best with the image of profit-seeking entities of neoclassical economics, while the hired long-term year-laborers and short-term “poor peasant” seasonal laborers accorded best

with the image of exploited laborers of Marxist political economy. But, after examining the long-term changes of those groups, the surprising discovery was that, under the processes of commercialization and population increase across three centuries in North China, what happened was not increased stratification between those two classes but rather the great persistence of the small family farms that combined small farming with handicrafts and or part-time hiring out as their “twin crutches” for livelihood. Those accounted throughout for the great majority of all rural households, while the labor-hiring managerial farms were never able to exceed 10% of the total cultivated land.

The managerial and the small family farms differed mainly in the way they used and organized labor but were basically the same in terms of output per unit land. The major difference between them was that the former could hire only as much labor as they needed, while the latter’s labor was a natural given. Under the mounting pressures of ever-smaller farm sizes, the latter could only resort to ever-more labor-intensive farming to meet their survival needs. The former, by contrast, could adjust the amount of labor they hired to more nearly optimal levels, while the latter were faced with steadily declining marginal returns to their labor. The two kinds of farms were essentially identical in other respects. From that, we can obtain a clear picture of what the otherwise nebulous concept of “population pressure” really meant. Of the three major theoretical traditions, it was actually substantivist theory spotlighting the different organizational logics and behaviors of small-peasant family farms as opposed to labor-hiring “capitalist” entities that best explained the empirical evidence: in terms of production decisions, the former’s were shaped at once by concerns of production and of family consumption (survival), not just of production; as for labor use, the former’s labor was a given, while the latter could adjust their labor as needed.

It will be clear to the reader that the research approach outlined above was, first, one of proceeding from empirical findings to analytical concepts/theory; second, using empirical evidence to choose among and make use of multiple theories. It was also a deliberate effort to see beyond ideologized theories.

The Peasant Family and Rural Development in the Yangzi Delta and “The Paradigmatic Crisis in Chinese Studies”

After the North China book, in the sequel study, *The Peasant Family and Rural Development in the Yangzi Delta, 1350-1988* (Huang, 1990), I followed the same basic approach and used once more the Mantetsu microscopic investigative materials, now supplementing those with my own on-site follow-up investigations. In terms of empirical findings, if the earlier ones of North

China felt unexpected, the new ones were startling. Here the degree of commercialization was much higher than in North China but, after the Ming-Qing transition, labor-hiring managerial farms basically disappeared, completely supplanted by highly commercialized and familized small-peasant farming that had turned from wet rice cultivation to either cotton-yarn-cloth farming or mulberry-silkworm-silk thread farming. Micro-level data show that farming here became thereby far more labor intensive than before, and of course also than in North China: cotton-yarn-cloth production required eighteen times more labor per unit land than rice, and mulberry-silkworm-silk, nine times.

On that basis, while borrowing once more from the insights of the two major traditions of neoclassical economics and Marxist political economy, I raised even more sharply reservations and critiques of some of their major tenets, especially with regard to their shared expectation that commercialization would lead to the development of capitalism. The book demonstrates a host of “paradoxical” phenomena in China’s rural economy: “commercialization without development” or “involutionary commercialization” (also “extractive commercialization” and unidirectional rural-urban trade, or a lopsided market) that runs counter to conventional expectations with respect to “marketization,” and “growth (increases in total output/value) without development” (defined as increased productivity per unit labor, measured in output/value), not the conjoining of the two as the major theoretical traditions expect. This is what I meant to capture by the concepts of “involution” with its high degree of “familization of farm production” (to refer to using low-cost supplementary family labor to absorb labor of diminishing returns), and the “involutionary commercialization” driven by it. Unlike grand theoretical constructions, this is something that can be documented by empirical evidence: namely, the increasing switch in this region from wet rice-cum-winter wheat production to cotton-yarn-cloth and mulberry-silkworm-silk reeling. That was unquestionably accompanied by diminishing returns to each work-day, or “involution” (for example, yarn spinning, which took up the lion’s share of all labor input, brought just one-third the return of rice farming per day). That kind of low return was borne by supplementary family labor.

Unlike *North China*, *Yangzi Delta* used detailed data from my own field investigation and materials provided by the local governments to extend the research down into the collective era and the early Reform years (the contemporary portion accounts for about half the book). To my great surprise, collective agriculture actually evinced the same “involutionary” tendencies as the earlier small family farming—its labor is a given and its production decisions are shaped also by consumption needs. And the reform period showed a “rural industrialization” process that was very different from Western experience—namely, “industrialization without urbanization.”

After *Yangzi Delta*, I continued with a follow-up article, “The Paradigmatic Crisis in Chinese Studies: Paradoxes in Social and Economic History” (Huang, 1991), to clarify further how, from the standpoint of major Western theories, Chinese phenomena are almost always paradoxical: pairs of phenomena that appear mutually exclusive from the point of view of major Western theories are actually both true and coexist. Examples are “growth without development,” “involutionary commercialization” (market development without capitalist development), “involutionary collectivization,” and “industrialization without urbanization.” These are all phenomena that run counter to the expectations of the two major theories; they are all phenomena that have not been considered by those theories and require new concepts to grasp and understand. What this means is the existence of a “paradigmatic crisis” in Chinese studies, one that requires new social science studies of China to develop new concepts and theories that accord more with Chinese realities. The concepts of involution and “involutionary commercialization” may be seen as attempts to move in that direction. This article itself may be seen as the methodological and theoretical summary of the research work done in the *North China* and *Yangzi Delta* books. At the time, the article and the books drew quite a bit of attention and discussion within China.¹

The key to the findings summarized above was the understanding that knowledge needs to be acquired by going from the empirical to the theoretical and then back to the empirical for reexamination, the opposite of the commonly used social science method of proceeding from theory to evidence back to theory. What the method asks for is that abstractions-generalizations be based on the foundation of solid empirical research—neither mere compilations of facts nor mere abstracted discussions, but rather the combination of the two, or what I have called “using both hands at the same time.” What is needed is deliberate avoidance of going from abstractions to idealized and universalized theories that run counter to reality. What I tried to accomplish instead was the truest conceptualization and understanding of historical reality, not the construction of universalist theory. This is what I meant by “seeking the most important of concepts from the most basic of factual material.”

Representation and Practice: The Study of Legal History

Civil Justice in China: Representation and Practice in the Qing

From 1989 on, I switched my main research focus for fifteen years to the study of legal history. Part of the reason was learning that archives of legal case records were opening for the use of researchers—I thought it was a good

opportunity to get deeper into research on Chinese society; another reason was that under the influence of postmodernist currents of thought, I had undergone some soul-searching about my own past implicit materialism and felt that I needed to incorporate the dimension of discourse—so much emphasized by postmodernists—into my research, and archival case records contain both the dimensions of discursive representations and of actual practice.

After carefully examining, recording onto index cards, sorting, and analyzing 628 cases I collected from three counties and comparing them against the *Great Qing Code*, what I learned was not that discourse was of paramount importance (as some postmodernists would have it), but rather that discourse/representation and practice were at once opposed yet coexistent, and that the interactions between the two shaped decisively the process of long-term historical change in the Chinese legal system. The conclusion I got from the empirical research was that the Chinese legal system comprised at once highly moralistic representations and highly practical actions and practices. The two together formed a single entity of “practical moralism” that comprised that opposed duality and yet also formed a single whole that was the Chinese justice system. That amounted to, in Chinese, that “what is said is one thing; what is done is another; but together they make up yet another thing” 说的是一回事, 做的是一回事, 合起来又是另一回事. The Chinese legal system must not be understood simply as a system of discourse/web of meaning, as Edward Said (1978) and Clifford Geertz (1983) might insist, but rather as a combined whole comprising the duality of representational discourse and actual practice.

Pierre Bourdieu's (1977, 1990) “theory of practice” helped me break through the either/or binary of subjectivism and objectivism (and voluntarism and structuralism, idealism and materialism), by seeing both dimensions as shaping forces in actual practice, thereby going beyond formal economic and sociological theory's lopsided emphasis on just one single dimension. Compared to those, the theory of practice is to me a major step forward, beyond the unidimensionality of dominant formalist theory as represented by Max Weber, as well as simple legal textualism. It enables us to see the coexistence of two different but interdependent logics within the single system of Chinese justice.

What I learned also from research in the archival case records was the disjunction and opposition between representation and practice, something not considered by Bourdieu. Long-term changes in China's legal history came largely from the interactions between the two dimensions, and not from just one side or the other. For this reason, my 1996 book *Civil Justice in China: Representation and Practice in the Qing* (Huang, 1996) constructed the concept of (opposed and yet unified) practical moralism to highlight that persistent and key characteristic of the Qing civil justice system. Where my

approach resonates with Bourdieu's is to view practice as the key to reality, as the sphere in which the subjectivist and objectivist, and voluntarist and structuralist dimensions come together and interact, but where it differs from Bourdieu is in seeing in addition the interactions between representation and practice as opposed and yet unitary within a single system, and as forming the key dynamic behind systemic change over the long term. Bourdieu, by contrast, does not consider long-term historical change nor the interactions between representation and practice.

The main theoretical foils and inspirations of the *Representation and Practice* book were formalist Weber, postmodernist Said and Geertz, and Bourdieu. What Weber represents is the view that the development of formal rationality lies at the heart of the Western legal system—that is, the theme of his narrative of global legal history, the core of the “ideal type” he constructed for the modern West, as well his own basic mode of thinking. What I took from Weber is his very broad comparative perspective as well as his insights into the role played by formal logic in Western jurisprudence. As for postmodernism, as was mentioned earlier, it taught me to take into account the representational layer of reality, and also develop critical insights into the modernism and Western-centrism of Weber. However, Bourdieu goes beyond both by emphasizing neither the theorized (and idealized) “ideal type” of Weber nor the “discourse” of postmodernism, but rather “practice” and its logic—that influenced me deeply in my efforts to formulate a “history of practice” research approach and method.

However, despite the multiple influences of the three on my thinking, where I differ from all of them is my fundamental commitment to the view that grasping and understanding historical reality, not the constructing of universalist theory, is the highest purpose of scholarship, while Weber, Said-Geertz, and Bourdieu are above all theorists bent on the construction of universalist theory. This basic attitude, in turn, lies at the core of my advocacy of a “history of practice.”

The approach I took for legal history studies is actually an extension of what I had done with social and economic history research. It is to start in the same way with large quantities of empirical research materials, to employ multiple theoretical traditions, and to rely on empirical evidence to decide on whether, and how to or not to, use and or selectively revise their different perspectives. Where the new work differs from my old is that, in addition to focusing on relating theory to experience, I have focused also on the relationship between representation and practice. Yet I have continued to reject a simple either/or choice between the two, but rather to emphasize how we must grasp and understand the interaction between the two. What we study should be rather how they are linked and mediated.

It was such an approach that enabled me to grasp an important weakness of Weber: when he encountered disjunctions between his constructed “ideal types” and the Chinese realities that he recounted, Weber the historian (distinguished from Weber the theorist) actually tried to reconcile them by calling simultaneously on two paradoxical ideal-type constructions he had developed: namely, of “patrimonialism” in the political system and of modern rational “bureaucracy,” to make up a new paradoxical category of “patrimonial bureaucracy” in governance. He even termed that a system of “substantive rationality”—also a paradoxical formulation. But, in the end, he returned in his narrative of historical change to single out formal rationality as the central direction of change in the West’s legal systems and employed that same formal-rational standard to conclude that China’s political-legal system was finally a system of “substantive irrationality.” He arrived at the same conclusion with respect to all other non-Western systems—revealing thereby a deep-seated Western-centrism, as postmodernists have pointed out, as well as idealism (Weber, 1978 [1968]; Huang, 1996: especially chap. 9; and Huang Zongzhi, 2014b, v. 1: General Preface).

Weber’s “formal-rational” ideal-type construct is one that rejects both moral values and informal justice. In his view, a highly moralized legal system such as traditional China’s could in the end only be “irrational” and would allow arbitrary outside authority to interfere with the law. By the same token, an informal justice system predicated on moral values (such as China’s community mediation system, which Weber did not consider) in his eyes could only have been non-rational and non-modern. His own ideal type of formal rationality is one that is thoroughly integrated by formal logic, and also one limited to a formal system (for more detailed discussion, see especially Huang, 2015; Huang Zongzhi, 2014b, v. 1: General Preface).

As for postmodernists, even though they have raised powerful criticisms of Weber’s variety of modernism and Western-centrism, they are largely limited, with respect to the issue of the relationship between discourse and practice, to one-sided emphasis on discourse. But I had learned that the Qing legal system can only be understood in terms of the changing relationship between its discourse and its practice, not just one or the other.

As for Bourdieu, his focus on and analysis of practice have influenced me deeply but, at the same time, I see also that he pays little attention to the problem of the interactions between practice and discourse, and to the problem of long-term historical change. In my view, “the logic of practice” must be understood not just in terms of a synchronic cross-sectional view of society, but also of a diachronic view of long-term historical change. Interactions between the two dimensions of discourse and practice have actually been the focus of my studies (of Chinese law), something Bourdieu paid little

attention to. This is the key difference between my “history of practice” and his “logic of practice.”

The core of the above-outlined method of research is that, in the face of the binaries of theory and experience, and representation and practice, what we need to avoid is falling into a simple choice of one or the other, or of collapsing one into the other, but rather come to see that in the real world, a focus on just one dimension or the other amounts to a lopsided, unidimensional view; what we need to focus on instead is the unending, interlinked, and interactive relationship between the two. This is not a problem that Weber and postmodernists have considered. As for Bourdieu, even though he emphasizes the interactive relationship between the subjective and the objective, and the voluntarist and the structural, he has overlooked that same kind of tension and interactive relationship between discourse and practice.

Code, Custom, and Legal Practice in China: The Qing and the Republic Compared

In *Code, Custom, and Legal Practice in China: The Qing and the Republic Compared* (Huang, 2001), what I was faced with was the big question of the collision and mixing of Western and Chinese law, indeed of the two civilizations. Starting from the code and large numbers of case records, what I discovered was that if we look only at codified law, or the level of representation and discourse, we would be misled into thinking that the legal system of the Republican period had completely rejected tradition and engaged in wholesale importation of Western law, and we would see only the changes in legal texts and a total rejection of traditional Chinese law by the nation’s leaders and legislators. But if we look to the actual practice or operation of the legal system, then we would see many, many examples of coexistence and interactions between the two: Republican Chinese law preserved important provisions of Qing law to accord with social realities and practices (most notably laws with respect to *dian* 典 rights, or conditional sale of land with the right to redeem), and also modified Western laws to adapt or merge them with Chinese laws and practices (such as familial ideals in property rights, maintenance of parents in their old age, and inheritance rights). There were also major areas of continuing, unresolved conflicts between the two, stemming from their forced coexistence: such as in women’s rights, in which the adoption of the principle of autonomous individual rights for women paradoxically caused the whittling down of protections that had been given to them by Qing law, such as a widow’s “right” to appeal to the court to stop her in-laws from selling her, because the new law simply presumed that women were autonomous agents deciding their own fate—therefore, nothing could be

done until after the fact. The mixing of Western and Chinese laws was most certainly not a simple matter of wholesale Westernization, nor of persistence of traditions, but rather one of continual coexistence and interaction. The book, therefore, highlights even more the necessity to attend to actual legal practice as well as historical change. It raises also the question of how best to join or integrate and synthesize the two.

From the perspective of practice and of practical use, it makes no sense to see codified law as existing independently just in a space of abstraction or idealization; in actual operation, it must adapt itself to social realities. Which is to say, the Weberian formal-rational ideal-type of universally applicable law is not merely an abstraction of reality, but also an idealization of it. While abstraction is surely a necessary step for knowledge, the idealization of reality is not, but is rather a departure from reality. This is true even if it were applied only to the Western world itself and is even truer when idealizations of Western abstractions are applied to the non-Western world. Any simple resort to transplanting Western laws to non-Western countries can only result in violations of existing realities. To study modern China's law, we must not limit ourselves only to legal texts, but must examine also their actual operation and the interrelationship between legal texts and actual practice. A given reality of modern China is the necessary coexistence of the Chinese with the Western, of history with present-day reality, of old customs with new legal texts. We cannot and should not resort to a simple either/or choice between Westernizationism versus "indigenous resources," but rather consider both tradition and social realities in making choices in legislation and the actual operations of the law.

Some Further Reflections on Method and Theory

Paralleling the two monographs above, I did some further methodological and theoretical reflections after the 1991 "paradigmatic crisis" article. First was the conclusion reached from my empirical investigation of Chinese legal history: a fundamental characteristic of the Qing legal system was the long-term coexistence and interaction between highly moralistic principles (statutes 律) in the Qing code and practical substutates 例. There was also the coexistence of court judgments, based mainly on codified law, with informal (societal) mediations of disputes, based principally on moral principles, whereas theories such as Max Weber's look only to the formal system without considering the informal. Furthermore, the formal and informal systems in the Chinese justice system interacted continually, to result also in an expanding "third sphere" of semiformal systems with distinctive characteristics. This was what my 1993 article "Between Informal Mediation and Formal

Adjudication: The Third Realm of Justice in Qing China” sought to demonstrate (Huang, 1993a).

After that was the article published in the same year on “Civil Society and Public Sphere in China? The Third Realm between State and Society” (Huang, 1993b). That article engaged in a dialogue with Jürgen Habermas’s idea of “public sphere,” and what was at that time the very influential related notion of “civil society” (juxtaposed against the state), to point out once more China’s paradoxical nature: there was not only the coexistence of a formal and informal system, but also the widespread evolution of a “third sphere” that resulted from their continuing interaction. On that basis, I pointed out once more the persistent tendency in Western theorizing to engage in either/or juxtaposition of binaries (in this case, of society vs. the state); what we need to see instead is not their simple opposition but rather their conjunction and interaction.

Then was the 2008 article “Centralized Minimalism: Semiformal Governance by Quasi-Officials and Dispute Resolution in China” (Huang, 2008). That article started with the fact that China’s system of governance had long been one of highly centralized (“despotic”) power at the central level but low penetrative (“infrastructural”) power at the basic levels of society (contrasted with low despotic central power and high infrastructural power in the United States—à la Michael Mann, 1984, 1986). That had given rise to the related “centralized minimalism” mode of governance, in which the state relied widely on unsalaried, “semiformal” “officials” (recommended by communities but approved by the state) to carry on local governance, the state intervening only in the event of disputes over their carrying out of their functions. That too is a key characteristic of the “third sphere.”

Outside of the above, the 1995 article “Rural Class Struggle in the Chinese Revolution: Representational and Objective Realities from the Land Reform to the Cultural Revolution” (Huang, 1995) examined the differences between representation/discourse and practice in the Land Reform and the Cultural Revolution. Both periods saw considerable emphasis on rural class struggle, which led to serious disjunctions and tensions between discourse and social reality. The article sought to demonstrate thereby that those two dimensions were at once (relatively) independent and yet also interactive. The extreme disjunction between the two during the Cultural Revolution led finally to the complete replacement of “class struggle” by “seek truth from facts.” Such changing relations between discourse and practice reveal more than a singular focus on one or the other. This article both benefited from the inspirations of Bourdieu and shows my differences from him—as discussed above, he did not pay attention to the disjunctions and interactions between the two dimensions nor to the long-term historical changes that resulted.

In the 1998 article on “Theory and the Study of Modern Chinese History: Four Traps and a Question” (Huang, 1998), I reflected in plain language on my own experiences with regard to the interrelationship between theory and history, where they were consistent and where divergent, to explain thereby my emphasis on the research method of empirical research to theory and back to empirical evidence, and also to point to the unresolved problem of how to answer the question of “whither China?” or “Chinese modernity?” The article emphasized once more that theory must not be left to uncritical or ideologized use, and the key to using theory is to rely on empirical realities to decide on whether or which parts of different theories to select, reject, or revise, and to grasp the paradoxical departures of Chinese realities from the expectations of major theories, without leaning simply to one or another side of binary theoretical formulations. Only then, I suggested, might we be able to make good use of the insights contained in existing theories.

There was also the article “Biculturalism in Modern China and in Chinese Studies” (Huang, 2000) in which I examined through modern Chinese history, Chinese studies in the United States and my own experiences with biculturalism to discuss the issue of collisions and mixings between Chinese and Western cultures, to provide real examples for them and also present a vision for merging and going beyond both. The article emphasizes that we must separate out the either/or political reality of imperialism versus nationalism from biculturalism-bilinguality, in which the West and China coexist, interact, and conjoin—something that is increasingly common among the younger generation of intellectuals in China and elsewhere. We need to see beyond and rise above the presumed either/or opposition between universalism (rationalism, scientism, positivism) and particularism (postmodernism, relativism, historicism), and look to their coexistence and conjoining.

The aforementioned articles both extended and further explained the main themes of the earlier parts of this essay, and also tell about unresolved issues, reflecting the gradual development of my own thinking. What runs through all of the above is the refusal to choose to view theory and experience, representation/discourse and practice, and China and the West as mutually exclusive binary opposites, and to emphasize instead the actual coexistence and interactions of both. What is needed in research is to understand that coexistence and interaction, and to focus on their interconnections and the intermediation between them.

Research with a Concern for the Present

Since retirement from the University of California in 2004, I have switched to teaching in China and have been writing mainly in Chinese, turning my

main attention from English-language readers to Chinese. With that transition, I have quite naturally changed my concerns for present-day China's problems from a kind of passive interest (to think about but not write about) into a more active one. In the process, linking up historical research with contemporary issues quickly became a major motive force for my own research. At the same time, in addition to emphasizing empirical research on the history of practice, I have become engaged also with two additional concerns: one is to search for ways to build theories and research methods that are anchored in the paradoxical realities of China, and the second is to explore ways to resolve the present-day problems of China.

First, in terms of scholarly research, the concern with present-day issues became a major motive force for completing the third volumes of my studies of rural China and of law. I have felt the need to explain to students just how my earlier research and understanding of changes since the Ming and Qing might contribute to an understanding of present-day problems. That has to do both with the question of methods of research and with the question of practical solutions for present-day problems.

At the same time, faced with the realities of massive migration of peasant-workers into the cities for work and the unfair treatment they have received, I have come to see the severe social crisis that China is faced with today, and have naturally also felt a strong sense of injustice and worry about the future of China, hoping to do what I can in the way of scholarly contributions to understanding the problems. In that way, I quite naturally came to extend my research from rural China to encompass the study of peasant-workers, making it the third of the major topics I am most engaged with, in addition to agriculture and law, writing a series of substantial articles on China's "informal economy" (i.e., employment with little or no legal protections and social benefits), including its most recent manifestation in the rapid spread of "dispatch work" (e.g., Huang 2009, 2011; Huang Zongzhi, 2013; Huang, 2017a, 2017b).

These three major research efforts all continued with the methods employed earlier, namely, of proceeding from empirical evidence to theory and then back to empirical evidence, picking and choosing from multiple theoretical resources, and avoiding ideological influences, all for the same purpose of best understanding Chinese realities, not to attempt to build any kind of universal theory. Therefore, the focus throughout has been on grasping both the empirical and the theoretical, the practice and the discourse, and the Chinese and the Western, seeing how those dimensions are necessarily conjoined, interactive, and interconnected, thereby to build analytical concepts that are more appropriate for Chinese realities. In addition, in order to explain to younger scholars just what kind of approach such research

represents and why, I have also written a series of methodological articles around the theme of practice and theory (collected and published in Huang Zongzhi, 2015).

Beyond the Left and the Right: Searching for a Path of Rural Development through the History of Practice

With regard to agriculture, I used once more the method of employing major existing theories as questions rather than answers and found that the pattern of recent changes again has been paradoxical. In the past thirty-some years, Chinese agriculture has undergone a profound revolution, but of a nature very different from past agricultural revolutions (and the theories based on them). It has not come from increases in output of certain crops as a result of more animal power and animal fertilizer use (such as that in eighteenth-century England). Nor has it come from expanded output of major crops through increased use of modern inputs (chemical fertilizer, scientific seed selection, and mechanization), as in the so-called “green revolution” of the 1960s and 1970s, because in China those modern inputs had not been able to raise productivity per farm labor unit—once more because of involution (under the collectives), in the same manner as before. The increases in output were largely eaten up by population increase and further labor intensification, such that output and income per unit labor did not rise noticeably. Transformative change came only in the 1980s and after.

Its motive force came not from what people customarily expect, but rather from the confluence of three gigantic historic changes. First was the changes in people’s food consumption patterns as a consequence of rising incomes from non-agricultural economic development—from an 8:1:1 ratio of grain, meat, and vegetables to a 4:3:3 pattern found today among the urban middle and upper middle classes and in Taiwan, and of the adaptation of agriculture to meet that consumption demand for higher-value meat-fish-poultry, higher-end vegetables, fruit, eggs, and milk. Those products are both “capital” (i.e., modern inputs of chemical fertilizer, seed selection, animal feed, biological enzymes, plastic tents and covers) intensifying and labor intensifying (e.g., vegetables, fruits, and combining of farming with animal raising, all require several times more labor input per unit land than grain), thereby raising farm incomes as well as absorbing more farm labor. The second is the decline in birth rates since 1980 (as a result of rigorous enforcement of fertility controls), such that by the turn of the century the number of new employable labor units finally began to drop. The third is the massive migration of peasants into the cities for work. The confluence of those three historic tendencies led to de-involution as well as dramatic increases in the total output value of

agriculture, which brought significant increases in agricultural incomes, for the first time in six centuries (Huang Zongzhi and Peng Yusheng, 2007). In terms of gross output value, agriculture advanced (in the period 1980 to 2010) at the rate of 6% a year, far more than earlier agricultural revolutions (in the agricultural revolution of eighteenth-century England, output advanced only 0.7% per year, and in the “green revolution,” only 2% to 3% per year). In terms of farm size, cultivated land per farm labor unit increased from about 6 mu to the more appropriate scale of about 10 mu.

Because these changes are not easily perceived, I have termed them the “hidden agricultural revolution,” occurring mainly in “lots of people but little land” countries (especially China and India), very different from the agricultural modernization of the “lots of land but few people” agricultural economies of the West (especially of the New World). These findings were presented in my 2009 book, the result of the first stage of my research on the subject (Huang Zongzhi, 2009; see also the updated summary in Huang, 2016b).

In subsequent follow-up research, I demonstrated in addition the multiple paradoxical characteristics of this kind of agricultural revolution. It was not a land (and capital) intensive “big and coarse” 大而粗 revolution but rather a “labor and capital dual-intensifying” “small and fine” 小而精 agriculture. Its main subject is not the labor-hiring capitalist farm of scale, but rather the modernized small-peasant family farm (especially the one, three, five mu “small,” “medium,” “big” tented vegetable farm, the fruit orchard of a few mu, and the ten or more mu farming-cum-animal raising farm). Their main modern inputs are not labor-saving machinery but rather land-saving chemical fertilizer and seed selection. Thus have they demonstrated a way to agricultural modernization fundamentally different from that of the West, especially of the New World United States, the two together making up the two major agricultural modernization models of the world. Very small but modernized peasant family farms have not only persisted in the already highly industrialized China of today, but actually make up a major part of that modernized China.

Because this hidden agricultural revolution runs counter to Western experience and theory, especially to mainstream economic theory, it has not yet been fully recognized by many scholars and policy makers. The thinking of many remains mired in orthodox theories and mistakenly assumes that agricultural modernization must rely on “economies of scale”: in the planned-economy collective era, the mistake had been to assume that modern agriculture must be large-scale planned agriculture; today, the mistake is to assume that modern agriculture must be large-scale labor-hiring capitalist agriculture. But the paradoxical reality is that the main driving force behind

China's new agricultural revolution has been the self-employed small-peasant family farm and its distinctive combining of principal and subsidiary labor within the family production unit. To be sure, with the decline in birth rates, the rise of off-farm employment, and the absorption of more labor by the new (labor and capital dual-intensifying) farms, farms have been moving toward more optimal combinations of labor and land (of between just fractions of an acre to several acres in size), but that is a very far cry indeed from the big mechanized farms of the West.

Precisely because policy makers and scholars have been deeply influenced by classical theories (both neoclassical and Marxist), they firmly believe that agricultural modernization must follow the same pattern as industrial development for its reliance on economies of scale, and therefore have not been able to grasp these basic paradoxical realities. For that reason, state policies have steadily favored agricultural enterprises and large farms, almost neglecting completely the small farms. Even the policy of supporting so-called family farms has in substance looked mainly to the larger (over 100 mu) farms (Huang, 2014). I have therefore repeatedly emphasized that small farms of a few mu to several dozen mu have been the main contributors to China's agricultural modernization of the past thirty-plus years. They urgently need full recognition by the state of the contributions they have made, and more active support from the government, as well as government leadership to help in the establishment of peasants-based agricultural cooperatives to help with the "vertical integration" (of production-processing-marketing, distinguished from "horizontal integration" for large-scale production). The key is to preserve more of the gains from the market for small peasants, not allow commercial capital to capture most of those gains, as is the situation at present (Huang Zongzhi 2014a, v. 3).

The actual mode of operation adopted by "capital" at present is in fact not the large-scale labor-employing farm enterprise intended by the government, but rather mainly commercial entities that use so-called contracts, agreements or (advanced) "orders" 订单 with small producers for actual farming, in order to take advantage of their low-cost subsidiary family labor and self-motivation. Many of those commercial operations are not really the "industry-ized" 产业化 large-scale production units intended by the government, but actually entities that pretend to be production units in order to gain government subsidies under its policy of "drawing in businesses and capital" 招商引资 to promote development. Through detailed research in the most reliable available data (the decennial agricultural censuses of 1996 and 2006),² my co-authors Gao Yuan and Peng Yusheng and I have demonstrated that hired-labor farming accounts for a mere 3% of all of farm labor. In other words, Chinese agriculture remains principally an agriculture of paradoxical "capitalization without

proletarianization,” which might also be termed modernization without capitalist development—in reality, of small-peasant household farming using more and more modern inputs (Huang, Gao, and Peng, 2012). Furthermore, the funding for the “capitalization” or modernization that has taken place has come principally from small-peasant earnings through their off-farm employment (especially by those who have “left the farm but not the village,” as opposed to those “leaving both the farm and the village”), not from state support and subsidies or commercial capital, as is commonly assumed (Huang and Gao, 2013). These facts further document and illustrate the crucial role that small-peasant farming has played in Chinese agricultural modernization, and of the counterintuitive and paradoxical nature of Chinese agriculture today. Those paradoxical realities run directly counter to the expectations of neoclassical economic theory as well as Marxist theory. It is for that reason that I chose for the main title of my third volume on Chinese agriculture *Beyond the left and the right* (Huang Zongzhi, 2014a, v. 3).

That study demonstrated that small-peasant families have been not only the mainstay of China’s agricultural modernization but also the mainstay of industrial production. Given those realities, solutions for the peasant problem require not just changes in agricultural policy, but also thinking anew about the economy as a whole. We need to recognize the basic and lasting paradoxical reality of the “part-worker part-peasant” 半工半耕 rural households, grasp the crucial contributions they have made to Chinese economic development, and also their huge potential for expanding China’s internal demand and domestic market.

We also need to recognize that forcing them into the position of second-class citizens (i.e., into the urban “informal economy”) is in fact an anti-economic, anti-development policy. At the level of legislation, what is needed is to provide for peasant workers the same levels of social benefits and legal rights as urban residents. Giving the peasant-workers equal treatment would be the best and fastest way to raise peasant living standards and hence also their consumption power, thereby expanding the domestic market. Raising the living standards of peasants and peasant-workers would in fact be a path of “social justice for the sake of development, and development for the sake of social justice,” which is particularly well-suited for China. It would be neither a policy of social justice under poverty, as had been the case during the collective era, nor a policy of “first development then social justice” as in recent decades.

Chinese Civil Justice, Past and Present

The principal division in the world of Chinese legal scholarship today is the either/or opposition between the advocates of “transplantationism” and those

of “indigenous resources,” one side believing in the universalism of Western law and the other emphasizing the particularism of Chinese history and realities. Even so, given the reality of the wholesale importation of Western laws today, the former is without doubt the mainstream opinion. That basic reality can be seen in the fact that the study of Chinese legal history has been declining steadily, its numbers of faculty, students, and courses becoming fewer and fewer. Chinese legal history research in fact has fallen into a kind of museum curator’s type of study, giving occasional exhibits of prized treasures, but bearing little relationship to the real world of the present, with little or no influence on actual legislation. Many legal historians have in fact given up any claim to a voice on such. Courses and research in jurisprudence are nearly all about imported theories and laws. Small wonder, then, that today the study of Chinese legal history and of legal theory/principles have become entirely separate endeavors/fields that have little to do with one another.

Faced with such a situation, my emphasis has been once more on practice, not imported legal texts. From the viewpoint of actual operations of the legal system, China’s legal system today is clearly a combination of three traditions: traditional Chinese law, revolutionary law, and imported law. In my 2010 book *Chinese Civil Justice, Past and Present* (Huang, 2010), the third volume of my legal history studies, I examined in detail some of the aspects of traditional law still evident in contemporary legal practice (such as mediation, familism in laws pertaining to maintenance of parents in their old age, to inheritance, and to property rights), also how contemporary practices have retained important aspects of the revolutionary tradition in law (especially with respect to marriage and divorce), and, finally, how many of the practices in the “third sphere” (born of the interaction of the formal and the informal spheres) of law introduced by the revolution (most especially court and administrative mediation) have persisted to the present. In addition, the book examined also examples of the merging of Western and Chinese legal thinking (such as in tort law). In the sphere of criminal justice, the persistent influence of traditional and revolutionary law is still more evident, especially in certain negative aspects such as the lack of protection for the rights of the accused, widely used “coercive interrogations,” and political interference in the legal process.

At a deeper level, the book also analyzed the fundamental differences in modes of thinking between Chinese and Western law, not just in traditional law but also in laws under the Republic and the present People’s Republic. Western law leans strongly toward logic and procedure, but Chinese law still evinces much emphasis on moral values and substantive truth. To be sure, from the point of view of actual operations of the law, both sides in fact contain elements of the other, such as, for example, the reality of court judgments

and procedures within the traditional Chinese legal system, and the upholding of certain substantivist moral values in formalistic modern Western law (we can ask Weber: Are human and individual rights really just established formal truths that have nothing to do with substantive morality?). This fact is even more evident if we consider American legal pragmatism (cum legal realism), with its advocacy of practical use and social reforms, which has long coexisted and contended with the “legal formalism” “classical orthodoxy” for influence, the two together making up to a considerable degree the actual substance of the American legal system (see Huang, 2010, 2007; see also Huang Zongzhi, 2014b, v. 3). To be sure, Chinese law has to date imported massive quantities of Western formalist laws. Even so, we can see clearly that the Chinese justice system still strongly emphasizes moral values and substantive truth, very different from Western justice.

At a still deeper level, the book points out that in addition to the moralistic mode of thinking evident in past and present Chinese jurisprudence, there is also a tendency toward pragmatism. Precisely because its guiding thought comes from moral values, which are about what ought to be rather than what is, Chinese legal thinking is not inclined to the same extent as Western formalism toward equating what ought to be with what is, toward turning legal abstractions into idealizations of reality, as is so evident in formalistic legal thought. The moralistic legal system of China is, by comparison, more readily accepting of the fact that its principles stand for an idealization of the real world; it will not as readily equate moral ideals with reality or established truth, will more readily acknowledge that gaps exist between ideals and reality, and more readily accept that a certain kind of intermediation is needed in between the two. This forms part of the core of what I have called “practical moralism.”

At the same time, Chinese law, especially traditional Chinese law but still evident today, also evinces an epistemological mode of thinking that goes from concrete experience to ideal/theory back to experience, to insist that abstractions be anchored in real, concrete examples, and that moral/legal principles be illustrated with concrete fact situations, in sharp contrast to the formalist legal tendency to push abstractions to idealizations or universal principles that are removed from substantive reality. To be sure, from the standpoint just of logic, the latter is simpler and clearer, while the former is fuzzier, more complex, and even illogical. However, seen in terms of the complexities of the real world, Chinese law is in fact closer to reality than formalist law. Even present-day Chinese law still evinces that kind of tendency. For example, Chinese tort law, even though it has adopted the Western legal principle that only with fault can there be a question of compensation, also acknowledges that civil damages are often incurred

without fault on the part of either party, and the law therefore has not excluded such fact situations from consideration nor presumed that they simply cannot exist. On that basis, Chinese law provides that the fault-less party might still be required to help compensate the damaged party—in order to help resolve a social problem. That amounts to seriously revising Western tort law.

On that basis, *Past and Present* argues that we need to start from the actual practices of the law, to identify therein real examples of how laws have actually been implemented and connected to social reality—an approach that I have termed “the history of practice.” The book argues that we can find in past examples both wise choices and poor choices. I have sought to identify those that have shown practical wisdom, and differentiate them from mistaken choices, to try to define a desirable direction for change. Those explorations have sought to demonstrate how best to find through the actual experiences in legal practice the best ways to conjoin and merge Chinese and Western legal principles and, on that basis, to define a path of lawmaking that accords more with Chinese realities.

In the expanded 2014 Chinese version of this third volume of my study of Chinese law, I included as appended articles also my 2010 article in Chinese “How to integrate Chinese and Western law? Morality, rights, and practical use,” which suggested a framework for such joining together, extending the analysis in a preliminary way also to criminal justice (Huang Zongzhi, 2010; 2014b: Appendix 2). In “Historical-social study of law: Inheritance law as an example of both historical continuity and novel legal principles,” I argued once more for establishing a new discipline of “historical-social study of law”³—a term I have used interchangeably with the study of the “history of practice” of law, this time using the example of the coexistence of familial and individualist principles in laws governing inheritance and maintenance of parents in their old age, pointing to concrete examples of the reconciling and integrating of Chinese and Western law (Huang Zongzhi, 2014b, v. 3: Appendix 2; see also Huang and Bernhardt, 2014a [Chinese version 2009]: Introduction, 1–22; and “The History of Practice Approach to Studying Chinese Law,” 25–46). Finally, “Reconceptualizing the Chinese laboring people: Historical change in China’s labor laws and the present-day informal economy” questioned the ever-greater departures from legal principles of labor laws adopted by the Chinese revolution. That piece joined together the author’s researches in social-economic history, peasant-workers, and the history of practice of Chinese law, pointing to the need for legal and social reform today (Huang Zongzhi, 2013; see also Huang Zongzhi, 2014b, v. 3: Appendix 3).

Adding Moral Values to the “History of Practice” Approach

Bourdieu’s “Logic of Practice”

As discussed above, concerns with present-day realities unavoidably drew me into prospective issues. My thinking on the question has been aided by both inspirations from and reactions to the ideas of Bourdieu, and also of Weber. What Bourdieu spotlights is “practice,” to go beyond both sides of the voluntarism-vs.-structuralism binary. What he analyzes is what he calls “the logic of practice,” and not the “ideal-type” of formal rationality of Weber or the class relations of Marx. He begins with critiques of the past thinking based on such binary oppositions and seeks to go beyond both sides. For example, his concept of “habitus” differs both from the traditional Marxist emphasis on objective class relations and from the subjectivist (voluntarist) emphasis on individual choice, by arguing that class background and position condition people into certain ways of habitual behavior and outlook (including how they dress, their body postures and movements, the way they talk and look at things, and so on), thereby predisposing them toward certain kinds of actions but, at the same time, practice is also determined by voluntaristic individual choices made under particular conditions and contingencies. In this way, he tries to go beyond the either/or, mutually exclusive binary of structuralism versus voluntarism (Bourdieu, 1977, 1990).

At the same time, through the concept of “symbolic capital,” he attempts to expand Marxism into the non-material “symbolic” sphere, arguing that symbolic capital (such as educational background, special skills, position and reputation, and so on) is readily convertible into economic capital, or the reverse (from our contemporary point of view, we can point especially to brand names as a concrete illustration), in a continuing two-way process. Here again, he is seeking to go beyond the simple either/or binary opposition between subjectivism and objectivism (materialism). He advances also the notion of “symbolic violence,” pointing out that the more powerful side in a two-way relationship is prone to adopt gift-like methods to cover up and/or consolidate its exploitation and oppression of the other, tantamount to a kind of “violence,” though in symbolic form. Here Bourdieu reveals to some degree what we might consider his inner Marxist core (Bourdieu, 1977, 1990).

Bourdieu’s “logic of practice” therefore deliberately tries to go beyond past conceptual tendencies toward either/or positions with respect to subjectivism and objectivism, and voluntarism and structuralism. The reader will see that this kind of theory, though possibly not as clear as Weber’s type of

formalist theory, is closer to the actual conditions of the real world than Weber's unidimensional "ideal types."

However, Bourdieu's logic-of-practice theory also has obvious weaknesses. In addition to the lack of a long-term historical perspective and of any consideration of disjunctions between practice and representation discussed above, he pays no attention to the nature and complexities of subjective choices made in practice. "Habitus" illuminates particular kinds of predilections conditioned by objective background, but, beyond habitus, just how are subjective choices actually made in practice? And, in terms of what ought to be, by what standards is one to make choices? Bourdieu's theory does not come with such a prospective dimension.

Immanuel Kant's "Practical Reason"

Here we can borrow from Immanuel Kant to propose the following concept: subjective choices might come from certain subjective ultimate goals (such as those stemming from religious or ideological beliefs), or they might be purely utilitarian (for the gains of oneself or a certain small group), or they can simply be particularist actions under particular objective conditions. What Kant proposed, however, was what he termed a "practical reason" that intermediates between "pure reason" and actual actions: people of free will, he maintained, can employ practical reason to choose among multiple moral principles by following the "categorical imperative": "Act only according to that maxim whereby you can at the same time will that it become a universal law." (For a more detailed discussion, see my "Morality and Law" article—Huang, 2015; see also Huang Zongzhi, 2014b, v. 1: General Preface.)

Kant's contribution here was to set a standard for choosing among multitudes of moral values. That is the core of his idea of practical reason. His analysis can provide for Bourdieu the moral dimension that his theory of the logic of practice lacks, providing a method for choosing among multiple logics of practice, thereby adding for him the prospective dimension that his theory lacks. Because Bourdieu does not consider the question of "good" and "bad," because he is concerned mainly with what has already occurred in practice, his theory can in the final analysis only be a retrospective one, or just one for detached anthropologists to apply to the communities they are studying and does not carry with it concerns for changing reality. Which is to say, Bourdieu's logic of practice is not sufficient for guiding actions and or policy choices. He himself, to be sure, was committed to the well-being of the laboring people and the disadvantaged (as shown by his political actions, most especially in his later years), but he did not try to systematize his own progressive feelings and views. His theory's lack of a moral compass is what

made it in the end only a retrospective one, not sufficient for guiding choices in law-making or public policy or economic strategy, with which we are concerned here.

As for Weber, Kant's practical reason is a powerful analysis, enough to point out the limitation of Weber's thinking about rationality—it is only concerned with theoretical reason ("pure reason") and does not consider either practical reason or moral reason (substantive reason). But it is the latter that Kant showed to be the crucial mediator between theoretical/pure reason and actual behavior. Weber, in other words, leans heavily toward pure, theoretical reason, with little concern for how to link it up with actual practice. This is one major reason why Weber is in the end a thinker fundamentally predisposed toward idealism.

Kant's thoughts about practical reason guided by his categorical imperative actually resonate with a core characteristic of Confucianism and Chinese civilization. What traditional and contemporary Chinese law shows is that Confucian moral thinking has been a most persistent characteristic of Chinese civilization. The core of it is captured by the golden rule of "humaneness" 仁, or "what you would not have others do unto you, do not unto others," which in turn underlies the moral ideal of humane governance 仁治. That was in fact the true key to the "Confucianization of the law" in the Han and is still widely observable and used in informal (societal) and semiformal, including court and administrative, mediations in China today. It can clearly be "modernized" into something akin to Kant's categorical imperative, something that would readily be accepted by a great majority of the people. It is also akin to Kant's thinking in that it is conceptualized as something involving moral choices coming from the inner subjective self, not as something existing in the objective world in the manner that earlier Western natural law had thought. And, even though past Confucian thought largely limited such moral choices to the "gentleman" 君子, it is something that can readily be projected to all citizens (indeed, Confucius himself had spoken of the ideal that "in educating there is no difference between groups and classes" 有教无类). It is something that can and ought to be explicitly used as a standard for choices in lawmaking today.

To be sure, Kant's point of departure was quite different from that of Confucianism. Kant proceeded from assumptions about the absolute value of individuals and their pursuit of reason, while Confucianism's point of departure was human relations and harmony therein. But even so, Kant's categorical imperative clearly also focused on human relations (do unto others as you would have them do unto you). Which is to say that the two golden rules share much in common, with considerable affinity for one another. For China, even more important is that this prospective moral ideal has in fact formed

the very core of the practical moralism that is the key to the Chinese legal system. It is also something that goes beyond the divides among the traditional, the modern, and the future—something that might be seen as a basic “characteristic” of the tradition of “the Sinitic justice system” (Huang, 2016a).

In this way, we can arrive at a clear path that rises above both Weber’s formal rationality and Bourdieu’s logic of practice, a path that relies on practical reason and moral reason to choose among different varieties of moral values, to be used as a guide for choices that can be applied to others, even all others.

“Practical Reason” and “Mao Zedong Thought”

We can also look at the history of the Chinese revolution from the point of view of this issue of the relationship between practice and theory. “Mao Zedong thought” was in fact centrally concerned with the issue of how to join practice with theory. We can imagine, at the time after the collapse of the “Great Revolution,” and also a time when the Chinese Communist Party greatly relied on the Comintern for funding and political leadership, how very difficult it was to challenge the “general line” set by the Comintern: to focus revolutionary actions on the proletariat and on seizing control of the large cities. To advocate instead, on the basis of the practical realities of the time, that the party focus on building rural base areas, on following a strategy of mobile guerrilla warfare, and of surrounding the cities from the countryside, required breaking through the many canons of Marxist-Leninist theory, required starting from practical realities to develop plans that accorded with real conditions, and to join by that method Chinese revolutionary practice with Marxist-Leninist theory (including the urban revolution experience of the Soviet Union that had now been made into orthodox theory). We can even use that period of revolutionary experience as further demonstration of the epistemological method being advocated here, perhaps even think of current advocates of blindly imitating the American economy and American laws as reminiscent of people like Chen Shaoyu (Wang Ming) and Qin Bangxian (Bo Gu) of those days.

Of course, the key to the triumph of the revolution was its ability to gain peasant support, crucially linked to the party’s emphasis, over and above the Marxist-Leninist theory of liberating the laboring people from class exploitation and oppression, on the moral ideal of “serving the people” as a guide to party actions. That moral ideal was perhaps most concretely expressed in rules of behavior toward the people 三大纪律、八项注意 that became standardized for the People’s Liberation Army, and also evidenced to some degree

in the so-called mass line of the party. It was an ideal closely linked to the long-standing traditional humane-governance moral ideal of “he who wins the hearts of the people will win the empire,” something that still plays an important role today. At the village level in traditional times, the moral ideal of humane governance had been most concretely manifested in minimalist governance and the morality-based community mediation system; in more recent times, it has been manifested ever more in the many forms of a “third sphere” stemming from the interactions between the informal system and formal governance, including mediations by village cadres, government agencies, the police, and the courts. Today, such part-society part-state practices could usefully be extended into the sphere of making and carrying out major public policies involving people’s livelihood, by setting popular participation as a requirement for them. Such measures could conceivably even make for a distinctively Chinese approach, coming from the party’s own mass-line tradition, to the avowed goal of “democratization” (or “societalization”) of governance (Huang Zongzhi, forthcoming).

However, we need very much also to point out that Mao Zedong thought was later deliberately turned from a method of acquiring knowledge into an ideology for control over the question of how to apply Marxist-Leninist theory to China, eventually becoming, in the terms of Franz Schurmann (1970 [1966]), an even more encompassing “practical ideology” than the “pure ideology” of Marxism-Leninism. Its eventual consequence was to claim authority over the crucial intermediate zone between theory and practice. To use its own metaphor, only Mao Zedong could be the archer who shoots the arrow of Marxism-Leninism on the target of Chinese realities. Then came the Yan’an period’s establishment of the “supreme leader” system of the party. Thereafter, it was Mao alone who had the final authority over people’s thought—from theory to practice to their intermediation.

That is, of course, very different from what is intended here: to use Kant’s practical reason or China’s practical moralism to set voluntary acceptance by the people as a standard for policy choices and lawmaking. The key insight of Mao Zedong thought was its clear grasp of what has been missed by so many theorists and scholars: the central importance of intermediation between theory and practice. That was a key to his and the Chinese revolution’s success. But the later absolutization of Mao Zedong thought in the Cultural Revolution gave rise to religion-like total control, of not only the people’s beliefs and reason, but also their moral values and practical choices—which ran entirely counter to Mao’s original spirit of resisting the mainstream ideologized theory of the Comintern and the party. To be sure, at a time of war and revolution-making, such absolutized thought might be understandable, but it is most certainly not suitable for China today. Mao’s thought in fact

needs very much to be made once more into a method of acquiring knowledge, not an ideology of absolute truths. In the end, we might say, Mao Zedong thought was an example and a demonstration of the validity of the method of knowledge and scholarship being advocated here, but it has also sounded the alarm against absolutized thinking. What I wish to advocate here is a method of knowledge, most certainly not a totalistic theory, much less an absolutist ideology.

The epistemological method above is obviously applicable not just to scholarly research, but also to policy choices by the government. Practical reason is no less necessary for the latter. It is that kind of practical reason, along with the moral ideal of humane governance, that can distinguish between “good” and “bad” choices. Are policy makers making choices for the people as a whole, or just for themselves or just a small group’s interest? That is, of course, of crucial concern to the people. We not only must not follow Weber’s dictate to reject any role for morality in lawmaking (or policy choices), but rather must borrow from this kind of moral standard to undertake prospective thinking about policies no less than in scholarship. (For a more detailed discussion, see Huang 2014b, v. 1: General Preface; see also Huang, 2015.)

Building Theories for a Social Science of Practice for China

Looking back on my own past 50-plus years of research, I can see that a key transition was the recognition that Chinese realities generally run counter to the major Western theories. Even though theories often originated as abstractions of certain (Western) experiences, the major ones were then idealized, and then further universalized and or ideologized. In their origins, they might have been abstractions that largely accorded with the realities on which they were based, or used as a method to focus on just one aspect of a topic, but they came to be absolutized by using deductive logic to push the abstractions to their logical conclusions, and were then universalized or adopted by political power to serve as ruling ideologies. Today, neoclassical economics and formal-rational jurisprudence, along with their multiple associated theories, have been imported into China wholesale, seen as the key to China’s modernization and “linking up with the standards of the West,” even for the study of China itself. In that kind of larger environment, it is all the more necessary that we insist on starting from the realities of Chinese experience or practice, not from Western theories. The latter can serve well as questions to be applied to the evidence, but never as given answers. We must not do what is being widely done today—which is to try to stuff Chinese historical and present

realities into Western theories. This is the fundamental reason for my long advocacy of inverting the common social science method of theory to experience to theory, and instead go from experience to theory back to experience. (Even with regard to the West itself, one needs to insist on making theory match experience, not separating one from the other, or allowing one to absorb or completely dominate the other, thereby falling into the trap of the either/or binary habit and framework of thinking. That, however, is not the main subject of this article.)

Later, through my research in legal history of the Qing and Republican periods, I further learned that while representation and practice might be consistent, they can also be opposed. The Chinese justice system (as well as its system of governance) has long deliberately combined highly moralistic ideals and representations with pragmatic practices, resulting in its core character of practical moralism. Under the dramatic changes of China's modern and contemporary periods, including the coming of the massive impact of the West, we must pay even more attention to the disjunctions between representation and practice, and the opposed yet interactive and interdependent entity that the two have formed. From the point of view of the invader West, this issue is understandably not a major concern. But it was the grasp of this point that allowed me to perceive an important weakness even in Bourdieu's theory of practice: he is understandably unlikely to consider such a Chinese reality of both imitating and yet resisting the West, both wanting Westernization and yet also indigenization. Such a split reality needs to be grasped by China's long-standing habit of looking at dualities as complementary opposites forming a single entity, so as not to fall into the Western theories' mode of viewing binaries as mutually exclusive either/or opposites. In my view, only if we see this fundamental contrast between the Chinese and Western modes of thinking can we really enter into the basic realities of modern China. To concern ourselves or side with just one or the other, whether wholesale Westernization or total indigenization, can only violate this fundamental reality of modern China.

Finally, we need to see that Bourdieu's logic of practice is in the end a mainly retrospective theory, without a prospective dimension, and is simply not sufficient for guiding our prospective thinking. In addition to merely distinguishing between effective and ineffective practices of the past, China needs also the prospective Confucian golden rule to serve as the standard for differentiating among good and bad laws, and good and bad public policies. It is something that bears resemblance to and affinity with Kant's practical reason and categorical imperative. It lies also at the heart of China's justice system through the ages, and still plays a major role today. Mainstream Western formalist theory, however, tends to see moral values as somehow irrational or premodern.

The summary above may be seen as outlining three major steps in my research and studies: first was coming to the understanding that one must grasp the paradoxical nature of Chinese realities before one can truly connect up Chinese realities with Western social science theory, and start to build a social science that comes with Chinese subjectivity and is anchored in Chinese reality; the second is coming to see that China's long-standing practical moralism in law and governance comes with moralistic representations that diverge from practical practices, that those two dimensions form a single entity in which the two are at once opposed, interactive, and interdependent, evincing thereby a fundamental proclivity in Chinese thinking toward viewing dualities as a unity of complementary opposites that is very different from the West's tendency to view them as mutually exclusive; the third step, finally, is understanding China's central moral ideal of humaneness, to appreciate that only with that standard can practice come with the prospective moral vision that it lacks, that would make possible the choosing and selecting among multiple moral values, set a standard for differentiating among different practices, and provide a principle for linking up China's past, present, and future. The first two volumes of my three volumes awaiting publication, "Whither China's new age peasant economy?" and "China's justice system, whence and whither?," are further attempts to answer the prospective question, in more concrete and empirically anchored ways (Huang Zongzhi, n.d.1, n.d.2). They make up in effect the fourth volumes of my two sets of three-volume studies separately of the peasant economy and the justice system. The third volume, "China's informal economy: practice and theory" (Huang Zongzhi, n.d.3), is also an effort to answer the question of whence and whither. All three attempt to extend the basic mode of analysis outlined above, even though their implications for my studies as a whole are as yet not completely clear, still a process in progress.

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1. *Shixue lilun yanjiu* 史学理论研究 (Historiography Quarterly) first published the article, holding back the second half (for political reasons), in 1993 (no.

- 1: 42–64). In five subsequent issues the journal carried a series of articles and reports discussing my article and the *North China* and *Yangzi Delta* books. The series began with brief comments from four scholars (1993, no. 2: 93–102), followed by another article (1993, no. 3: 151–55), followed by reports on two conferences on my work, one convened by *Zhongguo jingjishi yanjiu* 中国经济史研究 (Research in Chinese Economic History) titled “Discussion of Huang Zongzhi’s Economic History Research” (1993, no. 4: 95–105), and the second convened by the above two journals plus *Zhongguoshi yanjiu* 中国史研究 (Journal of Chinese Historical Studies) (all “top-tier” journals published by the Chinese Academy of Social Sciences), titled “Conference on Huang Zongzhi’s Scholarly Research” (1994, no. 1: 124–34). And, finally, a group of six substantial articles (1994, no. 2: 86–110). *Zhongguo jingjishi yanjiu* also published reports on the two conferences (1993, no. 4: 140–42; 1994, no. 1: 157–60).
2. Those of 2016 have yet to be released.
 3. Outside of my own research, examples of a “historical social study of law” may be found in the two volumes edited by me and Kathryn Bernhardt (Huang and Bernhardt, 2014a, 2014b). Those are part of a subseries of books under the overall rubric of “Social Sciences of Practice.” For the Chinese works in the large series, see http://www.lishiyushehui.cn/modules/books/cat.php?cat_id=81, and the English books, http://en.lishiyushehui.cn/modules/books/cat.php?cat_id=44.

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Author Biography

Philip C. C. Huang has three new books in Chinese under the general title of “Social Sciences of Practice and Research on China” that are awaiting publication. The first two volumes, separately on China's peasant economy and China's justice system, are in effect the sequel volumes to his two earlier three-volume sets on those subjects. The third volume is a study of China's informal economy. All three are intended to be illustrative of what he calls the “social sciences of practice” approach to studying the past, present, and future of China.