

THE CULTURAL REVOLUTION AS LEGACY AND PRECEDENT

AN HRIC BRIEF¹

The Cultural Revolution remains an open wound in the psyche of many Chinese in and outside of China. With the right political will, however, the lessons of this calamitous historical event could provide China with new direction for the present and future.

Since the period of “reform and opening” in the late 1970s, China has become an increasingly prominent political and economic presence on the international stage. It has expanded its bilateral relationships, joined numerous trade and security accords, and deepened its participation in key multilateral organizations. Substantive implementation of its international human rights obligations remains weak, however, and China remains a target of criticism by the United Nations and the broader international community. Improving its current international implementation of human rights also requires an accounting of past wrongs, including those perpetrated during the Cultural Revolution.

Communist Party Chairman Mao Zedong launched the Cultural Revolution in 1966 as a means of eliminating political opposition and securing “Marxism-Leninism-Mao Zedong Thought” as China’s dominant ideology. Mao’s main revolutionary tools were students and workers, whom he organized against Party bureaucrats, intellectuals and other recalcitrant figures of authority. Generally regarded as ending with the arrest of the Gang of Four in 1976, the Cultural Revolution is commonly referred to by Chinese as the Decade of Chaos. An estimated 100 million Chinese lives were destroyed during this period, with at least one million believed to have met unnatural deaths, and millions more subjected to public humiliation, criticism and self-criticism, illegal detention and torture. Five billion yuan in national income was lost, amounting to 10 percent of China’s 30-year investment in capital construction.

The passage of time since the end of the Cultural Revolution may allow for greater space for reexamining those events, and may also serve as a precedent for a reassessment of the crackdown on the 1989 Democracy Movement. This HRIC briefing paper outlines remaining issues of accountability and redress, along with non-judicial possibilities for pursuing jus-

tice for victims and promoting social healing from the culture of fear, self-censorship and distrust that the Cultural Revolution helped to engender.

Government-led initiatives for official accountability

Almost thirty years after the end of the Cultural Revolution, the facts regarding the events of that turbulent decade remain unclear, with significant obstacles blocking investigations and inquiries. Individuals or groups seeking to undertake research on the Cultural Revolution in China must have prior approval from the Press and Publication Administration.² Scholars who have attempted to conduct research into the history have faced harassment and imprisonment.³

At the same time, the Chinese government has made efforts to establish official accountability for the wrongs of the Cultural Revolution. On June 27, 1981, at its Sixth Plenary Session of the 11th Party Central Committee, the Chinese Communist Party (CCP) adopted a resolution placing most of the blame on Mao Zedong for the wrongs committed during Cultural Revo-



Even some former Red Guards hope for a full accounting of the Cultural Revolution. Photo courtesy of Li Zhensheng from *Red-Color News Soldier*.

lution.⁴ The document established some limited, non-judicial responses to the Cultural Revolution, such as rehabilitation (*ping fan*) of Mao's political opponents, including Liu Shaoqi, He Long, Tao Zhu and Peng Dehuai, and redress to others who had been wrongfully convicted. Other broader remedies during the post-Cultural Revolution period included the installation of People's Congresses in the provinces, allowing for the democratic election of their representatives, and the enactment of the Criminal Law.

Limited judicial responses were also provided—primarily, the trial of the Gang of Four, who were considered most responsible for the crimes of the Cultural Revolution, and who included Mao's widow, Jiang Qing, along with Zhang Chunqiao, Yao Wenyuan and Wang Hongwen.⁵ However, even former Red Guards, those most involved with the Cultural Revolution in its first phase, have expressed their frustration. One former Red Guard has stated, "I still resent [those who taught us] to follow blindly, to be single-minded, to not be more diverse and questioning in our thoughts."⁶ The govern-

Cultural Revolution Overview

The Cultural Revolution spanned ten years from 1966 to 1976, and can be roughly divided into three phases:

- **The Red Guards:** *May 1966–April 1969*
The period marked by the dominating role of the Red Guards in society, and during which most of the violence associated with the Cultural Revolution occurred.
- **"Up the Mountains and Down to the Villages":**
May 1969–August 1973
Shift in focus from ideology to power seizures dominated by workers. Young people, including Red Guards and educated youth, were sent to the remote countryside under the "Up the Mountains and Down to the Villages" program enacted to reeducate youth. In total, an estimated 20 million young people were relocated to rural areas, where many suffered serious human rights abuses.
- **"Gang of Four":** *September 1973–October 1976*
Domination by Shanghai leaders and activists who came to be known as the "Gang of Four."

The official end of the Cultural Revolution was marked by two major events: the death of Mao Zedong in September 1976 and the arrest of the "Gang of Four" the following month. The "Gang of Four" were tried and sentenced, and found responsible for framing and persecuting party and state leaders, causing the deaths of 34,800 innocents and the unwarranted persecution of 729,511 individuals, plotting to overthrow the government and plotting an armed rebellion in Shanghai.

ment's attempt to create resolution by placing responsibility on the shoulders of Mao and the "Gang of Four" remains inadequate for many of the victims.

In January 1981, the CCP also instructed the courts to review cases of wrongful accusation and conviction during the Cultural Revolution.⁷ In response to wrongful convictions, the government was directed to:

- Provide assistance to impoverished victims;
- Allow individuals sent to the countryside to return to the cities to reunite with their families; and
- Return all wrongfully seized private properties, land and houses to their rightful owners.

Remaining injustices and challenges

Despite the government's offer of some limited elements of redress and compensation to victims of the Cultural Revolution, compensation was not implemented equally, and was often grossly inadequate. To this day, many individuals are still unable to establish what happened to family members. Many individuals simply disappeared; their families were left without any information on the circumstances surrounding their deaths or even confirmation of their deaths.⁸ Even in the cases where individuals were confirmed to have died, family members were often unable to determine their final resting place. Regardless of, or perhaps in light of, these limited responses offered by the government, justice, truth and reconciliation over the Cultural Revolution still remain out of reach.

The need for truth

One of the main impediments to reconciliation over the Cultural Revolution is the lack of a complete historical record of human rights abuses during that period. The "Regulations Regarding the Publication of Books on the 'Cultural Revolution'" (*Guanyu chuban wenhua da geming tushu wenti di ruogan guidin*)⁹ state that publication of so-called "anecdotes," "secrets" and "insiders' information" on the Cultural Revolution are of detrimental influence to society, and stipulate that any book on the Cultural Revolution must first be scrutinized by the Central Publicity Department and the Press and Publication Administration.

Other regulations set stringent guidelines governing the public release of documents concerning the Cultural Revolution, stating that documents in the People's Courts pertaining to certain types of criminal cases will be permanently closed to public access. These include "any serious 'beating, smashing, looting' (*dazaqiang*) incidents during the 'Cultural Revolution'" and "cases involving false accusation, or wrongful convictions that have been reviewed and examined."¹⁰

Victims of the Cultural Revolution include not only the "Five Black Elements," (landlords, rich peasants, counterrevolutionaries, rightists and "bad elements") identified by Mao as targets for punishment during the Cultural Revolution,¹¹ but also Red Guards who meted out the prescribed punishment.¹² The complexity of the Cultural Revolution and other periods of massive abuse of human rights demonstrates the difficulty

of creating delineations between the categories of “victim” and “perpetrator.” A truth commission or other non-judicial investigatory and documenting organ might allow the flexibility needed to deal with thirty year-old abuses, incorporating a restorative perspective to uncover the full involvement of the Red Guards in abuses, as well as exploring manipulation of the Red Guards by others.¹³

More than simply passively dismissing the events of the Cultural Revolution, history needs to be reexamined to ascertain the involvement of the CCP and other actors in the movement.¹⁴ When interviewed, one victim remarked, “Don’t tell me that it was all the fault of the Gang of Four. If it was just the Gang of Four without the crowds, they could not have caused such massive evil.” Another individual has echoed that sentiment, stating, “The Gang of Four was too removed from ordinary people, [they were not the ones who harmed people], and it was the crooks in local units and government who brought actual harm to people.”¹⁵ Many still desire the truth, hoping that it will teach people not to repeat the mistakes of the past so that “they will not suffer the same sin.”¹⁶

Lack of legal recourse in Chinese courts

Recourse through China’s domestic courts is limited by legal and administrative obstacles, the scope of abuses committed and the large number of potential victims and perpetrators, as well as by the length of time passed since the Cultural Revolution. Although laws relating to compensation for abuses by the State exist—the Law on State Compensation (State Compensation Act) and the Administrative Procedure Law—they are limited by their Statutes of Limitations and by their practical implementation. The two-year Statute of Limitations in the State Compensation Act (article 32) for State compensation claims begins “from the day the exercise of the functions and powers by a State organ and its functionaries is lawfully confirmed to be in violation of law.”¹⁷ The Administrative Procedure Law (article 39) has a similarly short three-year Statute. Given that the Cultural Revolution occurred more than 30 years ago, these Statute of Limitations essentially bar the use of Chinese domestic courts.¹⁸ Factoring in the lack of judicial independence, victims who choose to invoke these laws have a very low probability of receiving compensation for their injuries.

While many victims have sought to petition the government on Cultural Revolution-related claims, the clogging of the petition system, as well as regular crackdowns on petitioners in Beijing, renders that possibility less than effective.

Revisiting the Cultural Revolution

Several efforts by the Chinese community outside of China have sought to establish some reassessment of the Cultural Revolution, including through online archives such as the *Virtual Museum of Cultural Revolution*,¹⁹ and the *Memorial for the Victims of the Chinese Cultural Revolution*²⁰ set up by Dr. Wang Youqin, which includes interviews of more than 1,000 eyewitnesses, the testimony of the victims and names of 700 victims. One plausible mechanism to build on the work of such archives in progress would be some form of truth commission or other non-judicial investigatory body. Whereas truth commissions have not



The Cultural Revolution leaves a legacy of distortion. Photo courtesy of Li Zhensheng from *Red-Color News Soldier*.

always been successful (even the most well-known have been subject to substantial criticism²¹), they offer an option to countries where judicial remedies are no longer an option. Furthermore, truth commissions can offer recommendations for the specific human rights abuses to which they are directed, as well as highlighting systemic failures and recommending measures for reform.

A mechanism that can effectively deal with the legacy of the Cultural Revolution needs to be established, but any mechanism established will only be successful if it is given the institutional space and independence in which to operate fully. A truth commission or other investigatory and truth-seeking body is one such possibility, but based upon experiences of other societies, international practitioners have noted that serious consideration must be given to:

- Complete independence;
- Victim-centered design and implementation, as well as participatory anonymity if desired;
- Independence of commissioners or other investigators;
- Clarity of mandate and powers;
- Adequate funding and resources;
- Independent and liberal access to files and government agencies;

- No blanket amnesty (grants of amnesty must be balanced against the need for justice); and
- Monitoring mechanism that ensures independence and monitors possible pressure against participants, staff and commissioners or other investigators.²²

Some recent changes suggest that a truth commission may not be completely out of the question in China. A substantial number of official records of the Cultural Revolution have been declassified,²³ and the director of the Guangdong Provincial Archives, Zhang Anping, suggested that documents pertaining to the Cultural Revolution period may be declassified and will no longer be considered state secrets.²⁴

Ultimately, however, the availability of historical records and information that will be essential for any successful truth or investigatory commission depends very much on the transparency, accountability and political will of the government, all of which are seriously lacking under the current regime. In addition, substantial resources and independent space must be devoted to the process of reassessment in order to move beyond the abuses of the past and towards a greater respect for and implementation of human rights. What remains certain, however, is that the Cultural Revolution affected too many people too seriously to remain ignored. Only through a full examination of the period, its origins and its crimes, can China heal its spiritual wounds and emerge from its lingering culture of fear, self-censorship and mutual distrust.

NOTES

1. The primary drafters of this brief were Zenobia Lai, Elisabeth Wickeri and Carol Wang. The primary research was carried out by Nathan Gin, Yuki Tsui and Seren Tang.
2. Press and Publication Administration, Notice on the methods to seek prior approval on the publication of topics of major topics in the form of books, magazine, video, or electronic media (*Guanyu yinfu <tushu, qikan, yinxiang zhipin, dianzichubanwu zhongda xuanti beian banfa> di tongzhi*), effective October 10, 1997; Publicity Department, CCCPC, and Press and Publication Administration, Regulations regarding the publication of materials relating to the Cultural Revolution (*Guanyu chuban "wenhua da geming" tushu wenti di ruogan guiding*), effective December 10, 1988.
3. See e.g., Song Yongyi, "A Prison Declaration: Why I Study the Cultural Revolution," *Mingpao Monthly* 39, March 2000.
4. Resolution on Certain Questions in the History of Our Party since the Founding of the People's Republic, Adopted by the Sixth Plenary Session of the 11th Central Committee of the Communist Party of China, *Beijing Review* 27 (July 6, 1981).
5. Edward R. Randle, "The Gang of Four Trial: Chinese Criminal Justice in Practice," *China Law Reporter* 1 (1980):173.
6. Feng Jicai, "Yige Lao Hongweibing di zhibai," *Yi bai ge ren de shi nian* ("The Confession of an Old Red Guard," *The Ten Years of One Hundred People* (Hong Kong: Xiangjiang chu ban you xian gong si, 1987) c.16.
7. Zhonggongzhongyang pizhuan zuigao renminfayuan dangzu <guanyu fucha jiucheng "wenhua geming" qijian cuopan sixing anjian di jidian yijian di qingshi baogao> (transmitted and issued with approval by the CCPCC on Supreme People's Court Leading Party Group's Request for Instruction on several concerns Reviewing and Correcting Wrongful Death Sentences passed during the Cultural Revolution) (Sept. 22, 1980), available at Index of the Chinese Cultural Revolution Database, edited and compiled by Editorial Board of the Chinese Cultural Revolution Database: Editor in Chief Song Yongyi, (Hong Kong: Universities Service Centre for China Studies, The Chinese University of Hong Kong, 2002) available in CD-ROM.
8. Wang Youqin, "Introduction," *Victims of the Cultural Revolution: An Investigative Account of Persecution, Imprisonment and Murder* (Hong Kong: Open Magazine Publishing, 2004), <http://www.chinese-memorial.org/>.
9. Publicity Department, Press and Publication Administration, Regulation regarding the Publication of Books on the Cultural Revolution (*Guanyu chuban wenhua da geming tushu wenti di ruogan guidin*), (effective December 10, 1988).
10. Regulations governing the time period for the preservation of court documents at the People's Court, (*guanyu renminfayuan susong dangan baoguan qixian di guiding*) Appendix, Section 1, paras. 48, 53, issued by the National Archive Ministry, Supreme People's Court, (January 4, 1984).
11. Compare this to the *Speech at the Enlarged Work Meeting of CCPCC* (30th Jan, 1962), preliminary document available at Index of the Chinese Cultural Revolution Database, edited and compiled by Editorial Board of the Chinese Cultural Revolution Database: Editor in Chief Song Yongyi, published by Universities Service Centre for China Studies, The Chinese University of Hong Kong, 2002
12. See e.g. Feng, Jicai, "Yige hongweibing di zibai," *Yibai geren di shinian* ("The Confession of a Red Guard," *The Ten Years of One Hundred People*), (Hong Kong: Xiangjiang chu ban you xian gong si, 1987), also available at http://www.boxun.com/hero/wenge/7_1.shtml.
13. A separate Amnesty Committee was set up in the South African Commission. Priscilla B. Hayner, *Unspeakable Truths: Facing the Challenge of Truth Commissions* (New York: Routledge, 2001), p. 43.
14. Michael Schoenhals, "Unofficial and Official Histories of the Cultural Revolution—A Review Article," *The Journal of Asian Studies* 48 (1989): 563.
15. Feng Jicai, "Ying Hanzi," *Yi bai ge ren de shi nian* ("Tough Guy," *The Ten Years of One Hundred People*) (Hong Kong: Xiangjiang chu ban you xian gong si, 1987) c.17; Feng, Jicai, "Fuzhou zhuyizhi," *Yi bai ge ren de shi nian* ("The champion of revenge," *The Ten Years of One Hundred People*) (Hong Kong: Xiangjiang chu ban you xian gong si, 1987), c.18.
16. Feng Jicai, "shuobuqingChu," *Yi bai ge ren de shi nian* ("Hard to Explain," *The Ten Years of One Hundred People*) (Hong Kong: Xiangjiang chu ban you xian gong si, 1987), c.19.
17. State Compensation Law, issued by the Standing Committee of the NPC on May 12, 1994, effective January 1, 1995, article 32.
18. Administrative Procedure Law, adopted at the 2nd Session of the 7th National People's Congress on April 4, 1989, effective October 1, 1990, Art. 39.
19. Virtual Museum of the Cultural Revolution: www.cnd.org/CR/english/about.htm.
20. Memorial for the Victims of the Chinese Cultural Revolution, www.chinese-memorial.org.
21. For a critical look at the process and functioning of the Truth and Reconciliation Commission, see Antji Krog, *Country of My Skull: Guilt, Sorrow, and the Limits of Forgiveness in the New South Africa* (1999).
22. See Priscilla B. Hayner, *Unspeakable Truths: Facing the Challenge of Truth Commissions* (2000).
23. Archival Law of the People's Republic of China, (effective July 5, 1996).
24. Guangdong Province made public Cultural Revolution files for the first time; most of the disclosed documents were from official files (*Guangdongxing dangangan shouci kaifang wenge dangan; kaifang dangan duowei guanfang wenjian*) *Nanfang Daily*, June 22, 2005,