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### Introduction

The most famous trial in Chinese history took place in Beijing in the winter of 1980–1, four years after the death of Chairman Mao. Ten recently deposed leaders stood before a special tribunal, indicted on charges of orchestrating a counterrevolutionary conspiracy to seize control of the Chinese Communist Party (CCP), its state apparatus the People's Republic of China (PRC), and its military force the People's Liberation Army (PLA). The ten defendants had carried out the radical politics of Chairman Mao's Great Proletarian Cultural Revolution (1966–76), and now stood accused of hijacking the movement as a vehicle to persecute rivals and usurp power.

Among the accused were five military officers implicated in an alleged coup d'état and assassination attempt against Chairman Mao in 1971. The alleged leader of the plot was Lin Biao, then the supreme commander of China's military and Mao's designated successor. (Lin, along with his wife and grown son, died in a plane crash fleeing the country after the plot was hastily aborted.) Also on trial was Mao's former political secretary, Chen Boda, who had been purged in a leadership struggle between radical factions in 1970. Most notorious of all, however, was the "Gang of Four," a clique of radical cultural revolutionaries that fell from power shortly after Mao's death in 1976. It was this small but extraordinary clique – led by Mao's then wife (now widow) Jiang Qing – that gave the trial of the Lin Biao and Jiang Qing counterrevolutionary groups its colloquial misnomer: the "Gang of Four" trial. Absent from the dock, of course, was the late Chairman Mao, whose legacy soon would be dealt with in a separate but related CCP resolution on the history of the party.

The basic facts about the Gang of Four trial were well publicized at the time in China and abroad, and have long been available to Western readers in the Chinese-produced propaganda work, *A Great Trial in Chinese History*.<sup>1</sup> The lengthy indictment, prepared by a special prosecutor, listed

<sup>&</sup>lt;sup>1</sup> A Great Trial in Chinese History (Beijing: New World Press; dist. by New York: Pergamon Press, 1981); English reprint edition (Honolulu: University Press of the Pacific, 2003); versions were also published in French, German, and Spanish translation.

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forty-eight charges in four categories: (1) the systematic framing and purging of party, state, and military leaders up to the very highest levels; (2) the persecution of more than seven hundred thousand lowerlevel party cadres and regular citizens, resulting in the unlawful death of nearly thirty-five thousand people; (3) the unconsummated assassination and military coup (in which the Gang of Four proper was not involved); and (4) the Gang of Four's failed plan to stage an armed rebellion in Shanghai during the succession crisis that followed Mao's death. The case was tried by a Special Court, established under the auspices of China's Supreme People's Court. The court worked six days a week for six weeks, from late November to late December, examining the 10 accused, hearing testimony from 49 witnesses, and weighing 651 items of evidence.<sup>2</sup> The defendants were generally compliant, with the notable exception of Mao's widow Jiang Qing, who defended herself vigorously. "To rebel is justified!" she announced in open court, arguing that her actions had taken place in a heroic revolutionary context beyond the reach of legal codes. She also provided the trial's most memorable moments. Describing herself as Mao's dog, she summoned his ghost in her defense: "To vilify me is to vilify Mao!"<sup>3</sup> The verdict, issued in late January following four weeks of deliberations, found all ten defendants guilty. The court imposed sentences ranging from sixteen years of imprisonment to death, though the death sentences for Jiang Qing and one other defendant were suspended and later commuted to life imprisonment. From beginning to end, daily broadcast and print coverage brought the legal drama to a mass audience, providing a curious Chinese public with the most detailed picture yet glimpsed of the destructive political intrigues of the Cultural Revolution.<sup>4</sup>

<sup>&</sup>lt;sup>2</sup> "Zuigao renmin fayuan tebie fating guanyu shenpan Lin Biao, Jiang Qing fangeming jituan an zhufan de xiaojie" [Brief summary of the trial of the main culprits in the Lin Biao and Jiang Qing counterrevolutionary groups by the Special Court under the Supreme People's Court] (February 9, 1981), Zhonghua rennin gongheguo zuigao rennin fayuan tebie fating shenpan Lin Biao, Jiang Qing fangeming jituan an zhufan jishi [Records of the Special Court of the Supreme People's Court of the PRC trial of the main culprits in the Lin Biao and Jiang Qing counterrevolutionary groups] (hereafter abbreviated as TBFTJS) (Beijing: Falü chubanshe, 1982), pp. 480–92.

<sup>&</sup>lt;sup>3</sup> Jiang Qing's most combative testimony does not appear in the redacted transcripts of *TBFTJS*, but can be heard in television footage broadcast overseas. See "Washington Whispers," *US News and World Report* (December 15, 1980), p. 14; John Brecher and Melinda Liu, "Mao's Widow Hangs Tough," *Newsweek* (November 17, 1980), p. 63. The relevant excerpts can be viewed onsite at the Vanderbilt University Television News Archive (Nashville, TN).

<sup>&</sup>lt;sup>4</sup> Selected English translations of Chinese media coverage can be found in the Foreign Broadcast Information Service (Daily Report) for China (FBIS-CHI). Selections of courtroom testimony from Hong Kong television coverage can be found in David Bonavia, *Verdict in Peking: The Trial of the Gang of Four* (London: Burnett Books, 1984).

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The Special Court faced enormous challenges. The trial was expected all at once to model a reformed system of socialist law, determine criminal liability for mass harm, triage open wounds and mend a tattered social fabric, assign meaning to dimly understood historical events, and usher in a new era of sober rationality. The political challenges alone were formidable. It was easy enough to shield Mao from a posthumous legal reckoning, because the late chairman could not be called to testify in court about the events that he had set in motion. But it was impossible to separate the Cultural Revolution from Mao, or Mao from the larger history of Chinese socialism. (A subversive joke from the time of the trial referred to the Gang of Four with four fingers held up and a wiggling thumb outstretched.) During the Cultural Revolution, the floodgates of violence had been opened in the name of "continuing the revolution," and the resulting ruin left the legitimacy of Chinese socialism badly damaged. In the wake of disaster, it was now imperative for Chinese socialism to offer justice. Inevitably, the trial that ensued was inadequate to meet all of these challenges. Nevertheless, the court's orderly legal proceedings posed a stark contrast to both the extensive violence imposed by repressive military and administrative apparatuses and the rough summary justice handed out by unruly mobs during the Cultural Revolution.<sup>5</sup> The trial announced a new political culture and a new way of dealing with the sharpest contradictions in society. Outside the courtroom, this spectacular legal event became the focal point for a larger cultural conversation about history, justice, and the fate of Chinese socialism.

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Although the Gang of Four trial was both the most important legal case and also the most memorable cultural event of the post-Mao transition, its historical significance has gone largely unexamined. In China, the political situation at the time of the trial made it all but impossible to express any view divergent from the official interpretation of the event's meaning. More troubling, historians have limited access to the facts of the case, and those facts available to us have been carefully curated by the Chinese party-state. The most important primary sources relating to the trial that are available are official documents and state media reports. The Research Office of the Supreme People's Court has compiled many official documents from the trial, including photographic reproductions of procedural documents, records of internal court

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<sup>&</sup>lt;sup>5</sup> Andrew Walder, "Rebellion and Repression in China, 1966–1971," *Social Science History* 38.3–4 (2014), pp. 513–39.

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meetings, and several hundred pages of partially redacted courtroom transcripts.<sup>6</sup> The present study is the first to make extensive use of this valuable and previously classified material. Official documents are voluminously supplemented by Chinese media reports, consisting of print media such as newspapers, popular magazines, and specialized journals, as well as audio-visual materials such as radio and television broadcasts.<sup>7</sup> Unfortunately, researchers do not have access to official archival materials relating to the trial, which are at present secreted away in Beijing's inaccessible Central Archives and most likely will remain so for several decades to come.<sup>8</sup> Therefore, it will not do to simply produce a more detailed chronology of the "facts" as they have been made available. That task is best left to future researchers, who it is hoped will have better materials with which to work.

More recent Chinese accounts belong to the hybrid genre called "documentary literature" (*jishi wenxue*), a distinctly Chinese form of popular nonfiction consisting of insider accounts of actual events presented with varying degrees of literary license. Examples include memoirs by a judge, a prosecutor, and a defense lawyer, as well as several shorter pieces written by other participants in various aspects of the case. These retrospective sources add color and detail to our knowledge of the trial, but rarely diverge from the themes and interpretations first established by official sources and the genre must be used with caution.<sup>9</sup> This historical study mainly analyzes how the trial was presented and received in its own time, and so affords strong preference to contextualized readings of older sources produced contemporaneously with the trial. This is the first book in English to make use of both older and newer Chinese sources on the trial.

- <sup>6</sup> Zhonghua renmin gongheguo zuigao renmin fayuan tebie fating shenpan Lin Biao, Jiang Qing fangeming jituan an zhufan jishi [Records of the Special Court of the Supreme People's Court of the PRC trial of the main culprits in the Lin Biao and Jiang Qing counterrevolutionary groups], Zuigao renmin fayuan yanjiushi, ed. (Beijing: Falü chubanshe, 1982). I am grateful to Professor Tom Bernstein for making a copy available to me.
- <sup>7</sup> Some of this material can be found in two published compilations: *Lishi de shenpan: Shenpan Lin Biao, Jiang Qing fangeming jituan an fan jishi,* 2 vols. (orig. 1981 and 1985; reprint edn., Beijing: Qunzhong chubanshe, 2000) (hereafter cited as *LSSP*); and Zhonggong yuanshi ziliao bianji weiyuan hui, ed., *Zhonggong shenpan "Lin Jiang jituan" an*, Zhonggong yuanshi ziliao xuanji zhuanti lei 1, 2 vols. (Taibei: Zhonggong yanjiu zazhi shehui, 1981).
- <sup>8</sup> As a relatively recent and politically sensitive event, the Gang of Four trial has the attributes of an inaccessible archival topic. Recent restrictions on previously open archives do not encourage optimism that previously closed archives will suddenly open; see Maura Cunningham, "Denying Historians: China's Archives Increasingly Off-Bounds" (August 19, 2014), http://blogs.wsj.com/chinarealtime/2014/08/19/denying-historians-chinas-archives-increasingly-off-bounds/.
- <sup>9</sup> For a critical discussion of Chinese documentary literature, see Mobo Gao, *The Battle for China's Past: Mao and the Cultural Revolution* (Ann Arbor, MI: Pluto Press, 2008), pp. 59–64.

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The best scholarly work on the topic consists of a set of essays published a few months after the trial. In his editor's introduction, James C. Hsiung argues that the trial was "probably the most significant political development in China since Mao's death in 1976 and is likely to have far-reaching effects," and that it "symbolized, first of all, the formal reversal of the course into which the People's Republic had been launched since Mao's Cultural Revolution of 1966–1976."10 The three main essays explore the trial from different angles. H. Lyman Miller assesses the political implications of the trial, seeing it as a way for the Deng Xiaoping regime to restore organizational regularity and to promote all-around modernization.<sup>11</sup> Hungdah Chiu catalogues the many legal problems evident in the conduct of the trial, concluding that it was "essentially a political proceeding and, in fact, an act of vengeance by the officials currently in power against the losers of a political struggle."12 Lillian Harris further cautions that the trial did not uphold the high standard of individual human rights hoped for by Western liberals, nor even the lower standard of procedural justice set by the socialist state.<sup>13</sup> Hsiung concludes from these essays that "the political significance ... was more important than the legal significance of the trial proceedings."<sup>14</sup> These initial judgments are sound, but by no means do they exhaust the possibilities suggested by Hsiung's introductory premise that "the trial can be studied for its larger meanings."15 Another notable contribution is found in the conclusion to Ross Terrill's biography of Jiang Oing, which depicts Madame Mao as the flawed protagonist of a tragic drama - a Nora (after the fashion of Ibsen's The Dollhouse) - punished for trying to escape a suffocating edifice not of her making.16 Terrill provides a

- <sup>10</sup> James C. Hsiung, "Introduction," in James C. Hsiung, ed., Symposium: The Trial of the "Gang of Four" and Its Implication in China. Occasional Papers/Reprints Series in Contemporary Asian Studies 40 (Baltimore: University of Maryland, 1981), p. 1.
- <sup>11</sup> H. Lyman Miller, "The Cultural Revolution in the Dock: The Trials in Political Perspective," in James C. Hsiung, ed., *Symposium: The Trial of the "Gang of Four" and Its Implication in China*. Occasional Papers/Reprints Series in Contemporary Asian Studies 40 (Baltimore: University of Maryland, 1981), pp. 5–26.
- <sup>12</sup> Hungdah Chiu, "Certain Legal Aspects of the Recent Peking Trials of the 'Gang of Four' and Others," in James C. Hsiung, ed., Symposium: The Trial of the "Gang of Four" and Its Implication in China. Occasional Papers/Reprints Series in Contemporary Asian Studies 40 (Baltimore: University of Maryland, 1981), p. 38.
- <sup>13</sup> Lillian Craig Harris, "Images and Reality: Human Rights and the Trial of the Gang of Four," in James C. Hsiung, ed., *Symposium: The Trial of the "Gang of Four" and Its Implication in China.* Occasional Papers/Reprints Series in Contemporary Asian Studies 40 (Baltimore: University of Maryland, 1981), pp. 40–56.
- <sup>14</sup> Hsiung, "Introduction," p. 2.

<sup>&</sup>lt;sup>15</sup> Ibid., p. 1.

<sup>&</sup>lt;sup>16</sup> Ross Terrill, Madame Mao: The White-Boned Demon, revised and expanded edn. (Stanford, CA: Stanford University Press, 1999), pp. 13–19, 374–94.

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salutary reminder that the trial took place within the broader cultural context of twentieth-century China, in which reformers and revolutionaries understood their situation as a struggle to assert agency against the tyranny of existing social structures. Now, more than three decades after the courtroom drama ended, it is possible to reexamine some initial assumptions about the trial and resume the search for larger meanings.

Despite being perhaps the most memorable moment China's post-Mao transition, the trial is not featured prominently in academic studies of modern China. For example, Maurice Meisner's classic history of the PRC, *Mao's China and After*, treats the trial in just one-and-a-half pages.<sup>17</sup> Roderick MacFarquhar and Michael Schoenhals's narrative history of the Cultural Revolution, *Mao's Last Revolution*, devotes only two of its nearly seven hundred pages to the Gang of Four trial.<sup>18</sup> Richard Baum's masterful study of post-Mao politics, *Burying Mao*, gives only a brief overview of the trial.<sup>19</sup> The event barely rates a mention in leading studies of post-Mao legal reform, such as Stanley Lubman's *Bird in a Cage* or Randall Peerenboom's *China's Long March toward Rule of Law.*<sup>20</sup>

In the relative absence of scholarly work on the trial, images crafted by popular media have framed perceptions of the trial. Chinese propaganda lavished praise on the trial uncritically. Chinese media sources cannot be taken at face value, but neither should they be discarded. Contemporary Western media reports were much more skeptical, but these too need to be approached with care. Though well-informed, Western skepticism could be tinged with condescension, as in this postscript to the trial from the pages of *Newsweek*:

To no one's surprise Jiang Qing [and the others] were convicted. After all, the Chinese are still running a dictatorship. But the trial was a signal that the legal system is important, a reminder that perhaps in China the law can evolve, guaranteeing a modicum of liberty for its citizens. It's not Jeffersonian democracy, but for the people who live there it's no small accomplishment.<sup>21</sup>

For many outside observers, seeing a socialist court press former socialist leaders on charges of counterrevolution recalled the notorious Moscow

<sup>&</sup>lt;sup>17</sup> Maurice Meisner, Mao's China and After: A History of the People's Republic (New York: Free Press, 1986), pp. 461–3.

<sup>&</sup>lt;sup>18</sup> Roderick MacFarquhar and Michael Schoenhals, *Mao's Last Revolution* (Cambridge, MA: Belknap Press of Harvard University Press, 2008), pp. 454 and 459.

<sup>&</sup>lt;sup>19</sup> Richard Baum, Burying Mao: Chinese Politics in the Age of Deng Xiaoping (Princeton, NJ: Princeton University Press, 1994), pp. 113–16.

<sup>&</sup>lt;sup>20</sup> Stanley Lubman, Bird in a Cage: Legal Reform in China after Mao (Stanford, CA: Stanford University Press, 2000); Randall P. Peerenboom, China's Long March toward Rule of Law (New York: Cambridge University Press, 2002).

<sup>&</sup>lt;sup>21</sup> ARIC Press, "China Lays Down the Law," Newsweek (September 7, 1981), p. 47.

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Trials of the 1930s and other kangaroo courts. Without a second thought, most critics in the Western media wrote off the trial as a crude Stalinist farce adapted to the Chinese stage – a political show trial. However, this assumption is an analytical black hole: powerfully attractive, but unilluminating.

First of all, it must be emphasized that the political show trial interpretation was and is entirely reasonable. The Gang of Four trial was a purge of disgraced political leaders, a legal spectacle staged by an authoritarian state with a well-deserved reputation for grand political theater. The selective prosecution of politically palatable defendants, the retroactive application of laws, the numerous procedural irregularities, the widespread assumption of guilt, the limited opportunities for defense, the strongly pedagogical tone - these elements rightly contributed to the impression that the Gang of Four trial used the barest of legal trappings to conceal a raw demonstration of political power. Hindsight further confirms the suspicion of contemporary observers that the trial was far less important legally than is was politically. The trial failed to establish a robust and lasting precedent for socialist rule of law, as proponents claimed it would, and criminal prosecution continues to be used in China today as an instrument to suppress political opposition. In all of these ways, the Gang of Four trial typified the type of rough political justice that Otto Kirchheimer famously called "trials by fiat of successor regimes."22

Nevertheless, the standard interpretation of the Gang of Four trial as a political show trial, correct as far as it goes, is also severely limited. Unlike the worst of the Soviet show trials, the content of the Gang of Four trial was not "just a show" in the sense of a mere fiction spun by the state. David Bonavia, a journalist who followed the proceedings as closely as any Western observer, concedes in his book-length account that the trial was "[not] even remotely a fair one," but still the show seemed to be "only to some extent stage-managed" and was "rooted in fact, even if tendentiously presented."<sup>23</sup> While the circumstances surrounding the alleged plot to assassinate Mao remain mysterious, much of the trial dealt with very real and painful events in the living memory of the Chinese people.<sup>24</sup> Yet the pejorative "show trial" deems whatever the trial purported to show as unworthy of serious consideration. The implication is that the trial was not a *real* historical event but merely a staged

<sup>&</sup>lt;sup>22</sup> Otto Kirchheimer, Political Justice: The Use of Legal Procedure for Political Ends (Princeton, NJ: Princeton University Press, 1961), pp. 304–47.

<sup>&</sup>lt;sup>23</sup> Bonavia, Verdict in Peking, p. 12.

<sup>&</sup>lt;sup>24</sup> Stephen Uhalley Jr. and Jin Qiu, "The Lin Biao Incident: More Than Twenty Years Later," *Pacific Affairs* 66.3 (Autumn 1993), pp. 386–98.

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pseudo-event – that is, a performance "staged or managed (or co-opted) by an existing configuration of power or authority, rather than spontaneously generating any new such configuration."<sup>25</sup> While a staged event is different from a spontaneously occurring one, the action on the stage may still have profound effects on its audience. Even the most clumsily staged trials play out political and cultural values; if anything of historical value is to be learned from such an event, then it is necessary to take the "show" seriously.<sup>26</sup>

These shows can be quite complicated. As historian Lawrence Douglas has observed, trials of the perpetrators of mass violence are intended to carry out a number of important social functions:

Staged as exercises in collective pedagogy, these trials claimed to provide detailed and accurate representations of the larger sweep of historical forces that issues in acts of mass atrocity. In addition, these trials aimed to teach history lessons – they were orchestrated to locate in the historical record clear morals that could serve to shape the terms of collective memory. Finally, these trials aimed more concretely to honor the memory of victims and survivors, by providing a solemn public space in which anguished remembrance could take the form of legally probative testimony.<sup>27</sup>

Whereas Kirchheimer emphasized the destructive goals of victor's justice, Douglas has featured the didactic role that trials play in shaping collective memory of the past. Trials can even be used as a process to decide between competing political visions and interests. Devin Pendas and Jens Meierhenrich have rightly proposed that studies of political trials must be attentive to the dynamic interplay between political power, legal procedure, and cultural performance.<sup>28</sup>

The Gang of Four trial staged new possibilities for the relationship between politics, law, and culture in post-Mao China. The Gang of Four trial was an expression of justice inseparable from its transitional context, the transition from the Cultural Revolution to the post-Mao era. It was a political show trial to be sure, but the historian must take this fact as the impetus for further inquiry and not as the final judgment. To press forward, a more capacious interpretive framework is needed – one that allows us to understand the greater significance of the event in

<sup>&</sup>lt;sup>25</sup> Scott Newton, "Post-war to New World Order and Post-socialist Transition: 1989 as Pseudo-Event," in Fleur Johns, Richard Joyce, and Sundhya Pahuja, eds., *Events: The Force of International Law* (London: Routledge, 2011), pp. 106–7.

<sup>&</sup>lt;sup>26</sup> An exemplary study is Elizabeth A. Wood, *Performing Justice: Agitation Trials in Early Soviet Russia* (Ithaca, NY: Cornell University Press, 2005).

 <sup>&</sup>lt;sup>27</sup> Lawrence Douglas, "The Didactic Trial: Filtering History and Memory in the Courtroom," *European Review* 14.4 (2006), pp. 513–14.
<sup>28</sup> Jens Meierhenrich and Devin O. Pendas, "Political Trials in Theory and History," in

<sup>&</sup>lt;sup>28</sup> Jens Meierhenrich and Devin O. Pendas, "Political Trials in Theory and History," in Jens Meierhenrich and Devin O. Pendas, eds., *Political Trials in Theory and History* (Cambridge University Press, forthcoming), np.

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its political, legal, and cultural contexts. That framework – transitional justice – will be introduced further on.

A history dealing with a topic as sensitive as the aftermath of the Cultural Revolution necessarily entails a considerable methodological challenge. Faced with the unavailability of reliable sources and the unreliability of available sources, a conventional approach to the history of the trial is blocked.

This does not mean, however, that it is necessary to abandon the important question of the trial's place in the post-Mao transition. On the contrary, it is the responsibility of historians to pursue problems and questions beyond those deemed safe or acceptable by the state; to act otherwise is to consign history hostage to the demands of political regimes. Of course, the lack of available archival sources does pose a real and formidable obstacle, as it prevents us from answering with confidence some very basic types of questions about the trial. For example, in developing a narrative account of the trial, we can say little about the quality of the evidence produced in court and even less about what really happened behind the scenes. Nevertheless, this frustrating roadblock does not close off all empirical avenues. Those official sources that are available can be subjected to a form of close reading and interpretation.

In socialist China, language was (and to an extent, still is) an indispensable index of political ideology. Beginning in the revolutionary days, Mao shaped the communist party into a discourse community that took language and ideology as the rudiments of identity formation and political power.<sup>29</sup> This language-obsessed regime then established a socialist state that became, in the estimation of Ji Fengyuan, a "laboratory in which Mao conducted easily the biggest experiment in linguistic engineering in world history, and one of the most rigorously controlled."<sup>30</sup> China's communists used language and symbolism purposefully and advisedly to express their ideological views and political aspirations. In this context, all political actions – no matter how seemingly minor, whether constructive policy initiatives or destructive attacks on rivals, and no matter whether motivated by personal, economic, diplomatic, or other goals – had to be justified and explained using the correct terminology and narrative codes before they could be considered legitimate and acceptable. Under

<sup>&</sup>lt;sup>29</sup> David E. Apter and Tony Saich, *Revolutionary Discourse in Mao's Republic* (Cambridge, MA: Harvard University Press, 1994); Franz Schurmann, *Ideology and Organization in Communist China* (Berkeley: University of California Press, 1968); Michael Schoenhals, *Doing Things with Words in Chinese Politics: Five Studies* (Berkeley: University of California at Berkeley, Center for Chinese Studies, 1992).

<sup>&</sup>lt;sup>30</sup> Ji Fengyuan, *Linguistic Engineering: Language and Politics in Mao's China* (Honolulu: University of Hawai'i Press, 2004), pp. 2–3.

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Chinese socialism, and especially during the politically perilous era of the Cultural Revolution, speakers and audiences were constantly alert to the heavy freight of meanings that words (so easily dismissed by outsiders as empty jargon) could convey.<sup>31</sup> Much of our work here on the trial will consist of unpacking linguistic and symbolic freight and examining its hidden contents.

The research in this book is based on two distinct source bases, which are interleaved in the chapters that follow. The chapters directly about the trial are based on sources immediately relevant to the legal trial and its political context. A close examination of formal legal documents and Chinese media accounts will explore official meanings assigned to the trial. Even as these official meanings were being produced and disseminated, however, they were also being framed, interpreted, or contested by other discourses that reflected on China's larger post-Mao predicament. Therefore, the chapters on the trial alternate with chapters based on the only other contemporaneous documents comparable in their liveliness, complexity, impact, and scale: namely, literary works tacitly in conversation with the trial in its broader cultural context. Each of these source bases is problematic in its own way; their full value will emerge only when they are examined closely and in relation to their shared concern for the problem of justice in the post-Mao transition. Analyzing these two very different source bases side by side will answer the central question posed by this book: What did it mean for the Chinese to use a legal trial to address the injustices of the Cultural Revolution? To understand the legal and literary responses to the Cultural Revolution (1966–76), and the relationship of these responses to each other, it is first necessary to understand the events and issues at the heart of that decade-long conflict.

### The Core Dilemma

The Cultural Revolution and its aftermath belonged to an age of Chinese revolutions. The conflict was waged as a factional struggle, driven at times by personalities and petty interests, but it was also an attempt at working through a core dilemma of modern Chinese history. Since the late nineteenth century, modernizers in China have launched revolution upon revolution, each with the aim of remediating, deepening, expanding, or

<sup>&</sup>lt;sup>31</sup> Lowell Dittmer and Chen Ruoxi, *Ethics and Rhetoric of the Cultural Revolution*, Studies in Chinese Terminology 19 (Berkeley: Center for Chinese Studies, Institute of East Asian Studies, University of California, 1981). On the continued use of jargon today, see Qian Gang, "Watchwords: The Life of the Party," The China Media Project, http://cmp.hku .hk/2012/09/10/26667/.