Transitional Justice without Transition? Redressing Past Injustices under State Socialism

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„Historical issues can only be dealt with broadly, they cannot be dealt with in detail. As soon as they are dealt with in detail there will be delays, which is disadvantageous." This was Deng Xiaoping's advice to a selected group of party leaders in the weeks before the pivotal Third Plenum of the Eleventh Chinese Communist Party Central Committee in late 1978. He added: „The overall situation must take precedence."

Today, the Third Plenum is primarily remembered for what it was followed by: Agricultural reforms, economic liberalization, and foreign investment. According to a popular misconception, Deng Xiaoping succeeded where Mikhail Gorbachev failed, privileging economic changes instead of political reform. Amongst other important aspects, this caricature crucially neglects that before the Chinese Communist Party could „look towards the future", as Deng put it in 1978, it tried to close the book on the violence and persecution that had tainted the rule of Mao Zedong.

The Freiburg conference marked the end of a five-year-long project investigating an overlooked case of something that may be termed „transitional justice without transition": While the Chinese Communist Party did not fall from power after Mao's death, it deployed several of the measures that we today associate with the transitional justice paradigm. This effort to redress injustices, committed under the party's own rule, was one of the largest projects of historical justice in the twentieth century in terms of the sheer number of lives affected. In scope and key features, it was akin to the „thaw" that spread through the Soviet Union and Eastern Europe after Stalin's death in 1953. For this reason, the conference aimed to broaden the discus-

sion by bringing together scholars working on the Soviet Union, Romania, and North Korea with historians of the People's Republic of China.

In the keynote lecture, NANCI ADLER (Amsterdam) addressed continuities in the official handling of Stalinist repression from Khrushchev via Gorbachev to Putin. At the time of the Soviet Union's dissolution, many observers considered it inevitable that the Russian government would sooner or later expand efforts to confront the multiple regime abuses of the past. What was not expected was the persistence of a political effort to manage public memory by repressing, controlling, or even co-opting the memory of injustice. Although successive administrations have supported the immortalization of victims, compensation has remained limited, researchers have been arrested or harassed, and the discussion of perpetrators rebuffed as an attempt to „settle scores". Recently, the government has moved to co-opt the memory of the Gulag while bolstering popular nostalgia for the Soviet empire. The keynote addressed both the limitations of post-Soviet mechanisms to reckon with the past and made use of the Russian case to consider the analytical limitations of the transitional justice paradigm when dealing with entrenched cultures of repression.

Being devoted to the invariably contentious and drawn-out process of restitution, the conference's opening panel led to further reflection on the relation between rupture and justice. QIN SHAO (New Jersey) asked how the economic and political reforms of the post-Mao era mattered in the case of a Shanghai family twice dispossessed. Following years of petitioning, property lost under Mao's rule was finally returned, but the family was again forced from its home in 2005 to make way for a new luxury hotel. The matter of how to divide a heritage provided the starting point for ZHAOJIN ZENG (Pittsburgh), who showed that the nationalization of Chinese factories in the 1950s by no means put an end to property negotiations, which lingered on and were reinvigorated after Mao's death despite the lack of codified law. Turning to the bureaucratic side of things, PUCK ENGMAN (Freiburg) traced the administration of restitu-

tion in the Cultural Revolution to support his argument that the appearance of a post-Mao rupture in this process was the product of the Chinese Communist Party's selective recognition of illegitimate dispossession.

If restitution worked to create a link between individual life stories and national history, so did rehabilitation. ANDREI MURARU (Bucharest) compared the instrumentalization of rehabilitation under two Romanian dictators, Gheorghiu-Dej and Ceaușescu, and focused on how symbolic amnesties were used to cover up the secret police's continuous deployment of the very methods that were denounced in public. GUOQING SONG (Freiburg) provided a framework to make sense of the Chinese Communist Party's multifaceted approach in the aftermath of the Cultural Revolution mass killings. By distinguishing material from symbolic reparation, he untangled a reconciliatory process that drew on both disaster relief mechanisms and legal instruments in the punishment of perpetrators, compensation of survivors and families, and exhumation and reburial of remains.

Clearly, the societal importance of rehabilitation did not diminish with the death of the victim. This point was further underlined by SAMUEL CASPER (New York) in his presentation on how a convicted „wife of an enemy of the people" negotiated her late husband's exoneration. Her petitioning not only secured a prominent place in the historical record for the husband, but also became the basis to restore rights and property for herself and the family. LONG YANG (Oxford) zoomed in on the level of a Chinese village to show how cadres and villagers became active participants in the reversal of wrongful charges from the Socialist Education Movement of the 1960s. He argued that active involvement by the local community in the rehabilitation process was key to promote reconciliation between former accusers and those who had lived with false verdicts for over a decade. MARK CZELLER (Oxford) stressed the role of the official history by suggesting that changes to it can constitute a form of moral rehabilitation, especially when historiography is tightly controlled by the state. He then used this conceptualization to explain why an already ex-

onerated victim from southern China became so invested in how his case was recorded in the local annals.

The Chinese Communist Party spent significant resources to produce a univocal and „just" representation of the past. Historical revisionism, in other words, came at a material cost. MATTHEW WILLS (San Diego) contended that the righting of the past through censorship, specifically the Chinese publishing sector's pulping of books mentioning the disgraced Gang of Four, amounted to an unjustifiable waste of both man-hours and paper. The materiality of justice was also at the center of the paper presented by YI LU (Cambridge MA). He explained that while the Chinese state exacted control through the keeping of files, the Cultural Revolution turned the archives into a resource for Red Guards searching for „black materials" to discredit or incriminate their enemies. Because of this formal and informal use, the archives allow us to think beyond the simple binary of individual versus state culpability. QIAN HE (Seattle) turned to the recycling of imagery in the People's Republic of China to show how the visual indictment of the Gang of Four in cinema and caricatures borrowed from a repertoire of class justice that had been established decades earlier by struggle sessions against landlords in the period of agricultural reform.

Due to the Chinese Communist Party's authoritarian attitude toward its own past, testimonies diverging from orthodox accounts become radical by default. MAN ZHANG (Freiburg) examined the most unsettling of all accounts: those of perpetrators. Through interviews with persons who had been rebels in the Cultural Revolution she was able to distinguish four narrative scripts used by those held accountable for collective violence, so as to save their own biographies in the face of historiographical condemnation. SEBASTIAN VEG (Paris) turned to one of the spaces where admissions of guilt have been voiced and heard: A column in the popular periodical *Yanhuang Chunqiu*. In the early 2010s, this column constituted a rare public forum where authors could confess acts of violence while reflecting on both individual and collective responsibility. Under state censorship, such spaces are always precarious and the once

outspoken journal has been under close government control since 2016. Given the taboo surrounding the deadliest period in Chinese modern history, the Great Famine of 1958–61, FLORA LICHAA (Paris) proposed that two conditions must be met for the effective transmission of survivors' stories: the readability of testimonies and the triggering of empathy. She argued that Wang Bing's documentary film *Dead Souls* (*Si linghun*, 2018) owes its success in part to its extraordinary length, which gives ample time for detailed accounts of death and survival in a labor camp during the famine, reducing the distance between survivors and viewer over the course of its eight hour running time.

Throughout the conference, archival restrictions were cited both as evidence of the limits of historical justice and as a methodological obstacle for researchers. The most extreme case, that of North Korea, was examined in the final panel by MARTIN WEISER (Seoul). With limited material, he was able to demonstrate that the pattern of repression and rehabilitation recognizable from other socialist states can be found also in this least likely case. AGNES SCHICK-CHEN (Vienna) proposed the term „acknowledgement based explanatory justice" to imagine a program for justice that would seek to come to terms with why injustice came to be, rather than determine culpability. She contended that the absence of such explanatory elements in the Chinese program of rehabilitation can be linked to the broader ideological decline of the post-Mao era. Summing up the findings of the Maoist Legacy project, DANIEL LEESE (Freiburg) showed that the Chinese leadership's move to break with the Cultural Revolution drew on a long-established repertoire for dealing with historical wrongs, which included show trials against Japanese war criminals, mass campaign justice, and investigations of party and state functionaries' pasts. Instead of using external standards to assess if a transition *actually* took place after Mao's death, he proposed we examine how the party made use of history-writing, law, and the righting of past wrongs so as to frame the post-Mao moment *as if it were* an irrefutable rupture with the past.

The takeaways of the conference were summed up in a concluding roundtable and discussion, which raised some conceptual, ethical, and methodological tasks that must be confronted in the investigation of how socialist states dealt with illegitimate pasts. In order to go beyond two normative frameworks – one being that of the transitional justice, the other that of the state sources historians use – ISABELLE THIREAU (Paris) spoke of the merits of careful description of the practices that can be discerned from the relevant context: the naming of injustices, the voicing of claims, and the acknowledgment of entitlements. The challenge of comparison was addressed by STEVE SMITH (Oxford), who noted the marked differences in the patterns of violence in the Soviet Union and in China, and how these corresponded to variations in the methods of redress. In the Soviet case, the judiciary played a leading role in both repression and rehabilitation, whereas in China non-state actors, work units, and ad-hoc organs were important agents of both violence and reconciliation. Beyond direct comparison of the Soviet and Chinese cases, MARC ELIE (Paris) suggested identifying shared problems and common genealogies. In this way, he argued, one may work toward a history of the transnational flows of concepts, norms, and institutions involved in the redress of past wrongs in socialist countries.

To do research on historical justice is to confront the problem of how to do justice to history. In this sense, this conference did more than produce a diverse set of arguments about the past: It further encouraged contemplation on the ethos of the historical profession and how we relate to our object of study. This might entail public engagement by discrediting political falsification and misappropriation of history, even as we insist on the constant mutation and multiplicity of our pasts. But it might also mean committing ourselves to make sources accessible in the face of archival restrictions, while being mindful not to perpetuate violence against survivors when we move to „rescue" their life stories from obscurity. These are complex issues, but one thing is certain: Historical issues must be dealt with in detail, they cannot be dealt with broadly.

Conference overview:

Panel 1
Chair: Daniel Leese (University of Freiburg)

Qin Shao (The College of New Jersey): The Limit of Transitional Justice from Mao to Post-Mao: A Case Study in Shanghai

Puck Engman (University of Freiburg): What Protection of Ownership when Rebellion is Justified? Standards of Entitlement in Shanghai's Cultural Revolution and Beyond

Zhaojin Zeng (University of Pittsburgh): Between Mao's Revolution, Chinese Traditions, and Modern Law: Reclaiming Property Rights in Post-Reform China

Comments: Isabelle Thireau (EHESS Paris)

Panel 2
Chair: Marc Elie (EHESS Paris)

Andrei Muraru (National University of Political Studies and Public Administration Bucharest): The Rehabilitation Process in Communist Romania: From the „Thaw" under Gheorghiu-Dej to the Fake de-Stalinization under Ceaușescu. A Comparative Perspective

Guoqing Song (University of Freiburg): Reparation, Compensation, and Rehabilitation: The Case of the Guangxi Killings

Comments: Steve Smith (University of Oxford)

Panel 3
Chair: Qin Shao (The College of New Jersey)

Samuel Casper (Hunter College and The Cooper Union New York): Making Rehabilitation Work in the Post-Stalin Soviet Union: The Case of the Naneishvili-Kosarevs

Mark Czeller (University of Oxford): „Summarizing the Lessons of History": The Investigation and Criticism of Early-PRC „Leftism" in Guangdong during the Second Decade of the Post-Mao Era

Long Yang (University of Oxford): The Long Shadow of the Socialist Education Movement: Rural Cadres, Disciplinary Organs, and the Redress of Injustices in the Early Post-Mao Era, 1979-1983

Comments: Marc Elie (EHESS Paris)

Panel 4
Chair: Zhaojin Zeng (University of Pittsburgh)

Yi Lu (Harvard University): Red Revolution, Black Materials: Archival Self in Mao's China

Matthew Wills (University of California San Diego): Bibliographic Iconoclasm: Censoring the Cultural Revolution and the „Gang of Four", 1976-1980

Qian He (University of Washington): Unmasking as Justice: Image and the Trial of the „Gang of the Four"

Comments: Sebastian Veg (EHESS Paris)

Panel 5
Chair: Steve Smith (University of Oxford)

Man Zhang (University of Freiburg): Narrative Scripts and Voices of Alleged Perpetrators of the Cultural Revolution

Flora Lichaa (EHESS Paris): Bringing Illegitimate Memory to Life – An Analysis of the Documentary Films „He Fengming" and „Dead Souls"

Sebastian Veg (EHESS Paris): Confessing and Repenting: The *chanhuilu* Column of *Yanhuang Chunqiu*

Comments: Agnes Schick-Chen (University of Vienna)

Keynote lecture

Nanci Adler (University of Amsterdam/NIOD): The Future of the Soviet Past: Russia and the Challenge of the Age of Transitional Justice

Panel 6
Chair: Isabelle Thireau (EHESS Paris)

Martin Weiser (Seoul): Transitional Justice in North Korea: Contextualizing Limited Evidence for a Least-Likely Case

Agnes Schick-Chen (University of Vienna): Re-Theorizing Justice in Late Transition: Explanatory Justice and the Case of Socialist China

Daniel Leese (University of Freiburg): The Politics of Historical Justice after the Death of

Mao Zedong in Perspective

Comments: Nanci Adler (University of Amsterdam/NIOD)

Concluding roundtable

Steve Smith (University of Oxford)
Isabelle Thireau (EHESS Paris)
Marc Elie (EHESS Paris)

Moderator: Daniel Leese (University of Freiburg)

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