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Justice Restored?

Between Rehabilitation and Reconciliation
in China and Taiwan

EXTRACT



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Introduction: Coming to Terms with the Past on Both Sides of the Taiwan Strait: Historical and Political Context

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Abstract

This introductory paper argues for a comparative approach to the issue of coming to terms with a past of political persecution and suppression in the PRC and in the ROC on Taiwan. It provides a short overview of the history of purges, campaigns and other forms of authoritarian rule on both sides of the Taiwan Strait and reflects on their consequences in terms of political legitimization and social fragmentation. The fear of adverse effects on reform and democratization after 1979 and 1987, respectively, is seen as the main motivation for the governments in Beijing and Taipei to introduce policies of redress and rehabilitation as well as commemoration and compensation. Finally, the discrepancy between the political intention behind measures taken in this respect and the emotional needs and expectations of people affected is identified as a major obstacle to justice being restored.

Introduction

When the leadership of the People's Republic of China (PRC) and the Republic of China (ROC) on Taiwan embarked on the adventure of economic and political change in the early and late nineteen eighties, respectively, they were confronted with one common obstacle: the legacy of decades of politically motivated accusations, condemnations and punishments that had left parts of their populations and their elites excluded from political, economic and cultural development (Chen/Deng 1995: 39; Rubinstein 1999: 388–391). Misjudgments of individuals, groups and their ideas had diminished the trust in the political parties in charge and therefore compromised their claim to lead country and people into a period of drastic reforms and a new non-revolutionary or democratic era. How to handle the memories and

negative consequences of their own paradigms and incriminating actions of the past was a crucial question for both the Chinese Communist Party (CCP) (*Zhongguo Gongchandang*) and the Kuomintang KMT (*Guomindang*) [Nationalist Party], both continuing to act as autocratic regimes—at least in the first years¹—after Mao Zedong’s and Chiang Ching-kuo’s death.

Despite these seeming similarities, the approaches taken towards the challenging question of how to come to terms with past traumata that could not be addressed without taking note of the involvement of venerated leaders and people close to them² were quite diverse on both sides of the Taiwan Strait. On the one hand, the reasons for diverging policies and manners of implementation can be traced back to forms and dimensions of former purges and persecutions. On the other hand the objectives, forms and dynamics of rehabilitation and compensation measures were related to the respective political and social developments they were integrated in and based on. Nevertheless, concurrent changes such as the democratization in Taiwan (Alagappa 2001: 12–21), the disentanglement of party and state on the mainland (Zheng 1997: 191–214; Chen/Deng 1995: 47–48) and a turn towards the rule of law on both sides of the Strait (Peerenboom 2002; Wang 2005: 3–38) did not always have the impact one might expect. The primary intention of any policy targeting former errors and injustices undertaken by the political leadership in Taipei and Beijing was to restore political trust and create social cohesion, in order to avoid inner tensions and turmoil and regain international status³.

As the dividing lines and conflicts caused by political fighting in both societies were deep, the only way to reach the above mentioned internal consolidation was to adhere to a new common national enterprise encompassing all political and social strata and show their results to the world. After having bid a more or less reluctant farewell to revolution and recapturing the motherland, a market economy, democracy and national identity became

1 In the ROC on Taiwan the KMT remained in power until the year 2000 when it lost the presidency to the Democratic Progressive Party DPP (*Minjindang*) (Alagappa 2001: 4–6).

2 These were Mao Zedong, the Gang of Four and some of their close allies in the PRC and Chiang Kaishek and his extended family clan in the ROC on Taiwan.

3 The PRC had decided to make up for the years of self-chosen isolation and catch up with the industrialized world. The ROC had to defy a constant decline of diplomatic recognition after losing its membership in the United Nations in 1971.

the new visions pursued in the PRC and the ROC on Taiwan. Nonetheless, at the same time, these endeavors required the commitment of all parties involved, which led back to the question of people qualified and willing to manage and participate in these new national enterprises.

In order to understand why a corporate attitude desperately needed for reforms could not be taken for granted by the leadership on either side of the Strait, in spite of—or rather because of—decades of propaganda work and social mobilization or exclusion, it is necessary to examine the styles and consequences of former campaigning and leadership practices of the CCP and the KMT.

Distortion of Truth and Justice in Times of Political Struggle

Political thinking in the PRC as well as its practical implementation, which had a major impact on everyday life in Mao Zedong's China, were built on the ideological foundation of a strict distinction between those supporting and those betraying the revolution. Those who did not believe in and adhere to Mao's ideas and principles or even acted against them were declared a danger to the cause of building communism and the eventual realization of socialism. They had to be eliminated or at least disarmed and dispelled from society in order to shield and pave the way for the revolutionary forces (Strauss 2009; Dutton 2005: 23–70). When their leadership came to the conclusion that the risk of sabotage from the outside had been reduced to a degree that allowed for a new phase of ideological development, those within the party elite that were used to formulating questions and questioning beliefs and practices were invited by Mao Zedong to do so—without his anticipating the promptness and intensity of their critique.⁴ This experience instigated an acute fear of the enemy within the own ranks and prompted a realignment of and new focus to the friend-enemy dichotomy underlying most of the CCP's campaign work (Dutton 2005: 3–21). After having fought the specters of the past represented by individuals or groups of persons whose

4 As a consequence the campaign “Let one hundred flowers bloom” was followed by the Anti-Rightist Campaign (1957–1958) (Teiwes 1993: 166–260; Chinese Anti-Rightist Campaign (1957-) (CD-ROM). Hong Kong: Universities Service Center 2010).

roots could somehow be traced to the KMT, to the West, to a family of landlords or entrepreneurs, for some time, the new challenge was to define, detect and destroy the evils of the present. Due to constant factional fighting and changes in the party line, personal connections and leadership alignments were unstable and the number of people implicated by political persecution rose dramatically. The lifetime of a political judgment declined and there were no other guidelines for a verdict on a person and his or her deeds than the political slogans of the day. Due to a complete control of politics over law that was both a legacy of traditional legal culture and a basic notion of Communist theory the process of establishing the truth was usually left without the corrective of legal investigation in a proper sense and the objective findings of an independent judiciary (Zheng 1997: 69–78; Lubman 1999: 71–100).

This development finally culminated in the Great Proletarian Cultural Revolution,⁵ an initiative that was meant to commit the diverging interests within the CCP to the ideas of Mao Zedong and make use of the power of the masses one more time for the sake of the leadership of Chairman Mao. The inexorable fighting of the rivaling groups resulted in the complete opposite, though, leaving irreconcilable rifts within Party organizations, state institutions and families which finally led to a loss of trust and vision in the Party, state and society. A great number of cadres as well as non-party members from all social levels but especially from the group of intellectuals were accused and condemned in mass trials or in direct attacks by rebel groups like the Red Guards (Lin 1991). Except for cases in which the punishment resulted in the death of the accused, the result of being convicted as an “enemy of the people” ranged from losing one’s work to detention in labor camps or other forms of forced labor.

While the Cultural Revolution is usually described as the final showdown and the tragic climax of a long sequel of psychological and physical violence against political enemies in the PRC, the history of political persecution and suppression in Taiwan started right off with the event that later would be deplored as its most distinctive event and negative symbol. Taiwan’s politi-

5 For a comprehensive analysis of the events and developments that led to the Cultural Revolution see Roderick MacFarquhar’s trilogy on “The Origins of the Cultural Revolution” (Vol. 1 published 1974 by Columbia University Press, Vol. 2 Oxford University Press 1983, Vol. 3 Oxford Univ. Press and Columbia Univ. Press 1997).

cal history after the end of Japanese colonialism and the reinstatement of Chinese government on the island started off with an incident that was seen as the defining factor of the development of government–society relations in the following decades. Waves of resentment against the military government elicited by the harsh treatment of a young woman selling tobacco without permission led to a violent insurgence that was put down in an equally violent and merciless manner. The event that was named February 28 or 2–28 Incident (Fleischauer 2008: 49–88) after its date of occurrence in 1947 was the outcome of a situation in which a government that heralded itself to have freed its people from colonialism and a population that expected new opportunities to open under these changed circumstances realised that they did not really know or trust each other. The communication and interaction between the Taiwanese who were somehow detached from their Chinese past and had an ambivalent attitude towards their former colonizers and Chiang Kaishek's (Jiang Jieshi) men who had suffered from Japanese aggression on the mainland and did consider Taiwan a place that needed to be re-sinised were supposed to have a difficult start. The situation was aggravated and escalated, but not caused by the experience of the 2–28 Incident and the ensuing crackdown and suppression.

In the period that is now known under the name of White Terror (Fleischauer 2008: 163–182), the GMD was fighting on two fronts in Taiwan. One of the enemies to be feared and attacked was the concept of a Taiwanese nation that on the one hand had been evoked in times of and in reaction to Japanese colonialism, but at the same time was considered not entirely free of Japanese influences. The second risk to be eliminated was communist infiltration leading to a defeat against the CCP if successful. In the latter case political persecution was directed not only against those Taiwanese suspected of political dissent, but also against mainlanders who had come to Taiwan after 1949. The persecution of those suspected of questioning the legitimacy of KMT rule or of instigating actions that endangered the political and military goals of the ROC government was implemented with the means provided for by the provisions of martial law that had been proclaimed in 1949 and the Temporary Provisions Effective during the Period of Mobilization for Repression of the Communist Rebellion of 1947. Contrary to the development on the mainland, the laws and the standards of legality were not denied or abolished but circumvented by delegating any case that was categorized political in the above mentioned sense to the military courts instead of