Remembering, forgetting and historical injustice

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HISTORICAL INJUSTICE AND DEMOCRATIC TRANSITION IN EASTERN ASIA AND NORTHERN EUROPE

Ghosts at the table of democracy

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INTRODUCTION
Remembering, forgetting and historical injustice

Robert Cribb and Kenneth Christie

The twentieth century which has just come to an end was marked by the emergence of a grand narrative in global politics which has come to be called ‘dealing with the past’. The expression itself, ‘dealing with the past’, is unsatisfactorily vague: the past is difficult to define and ‘dealing with it leaves open a huge range of possibilities, from amnesia to revenge-seeking. Nevertheless, the term has come to refer in particular to a process that puts to rest the social and international antagonisms created by historical wrongs. The process implies that somehow a line is drawn between the past and the present, so that debts of honour, blood and money need not be carried over from one generation to another in a way that distorts relations between social, national or ethnic groups. The aim is that former enemies – and their heirs – should be able to collaborate in building a civil order at every level of the global community, whatever injustices may have been committed in the past.

Before the twentieth century, sustaining the memory of historical injustice often seemed to be prudent rather than problematic. States and peoples which remembered the identity of their traditional enemies were better placed to keep those enemies at a distance. A deep-seated national memory of invasion and occupation by China undoubtedly helped the Vietnamese prepare to resist the continual threat from the north. Stalin’s preparations to resist Nazi Germany were clearly endorsed by historical memories of the Napoleon and Wilhelmine invasions. Within state borders, too, the memory of past injustices could reinforce acquiescence in the existing power relations. Only in the twentieth century did the idea begin to develop that war and repression might eventually be eliminated from the repertoire of state power, with the consequence, or perhaps the prerequisite, that the attitudes of fear, hatred and resentment which feed warfare could also be eliminated.

Dealing with the past, we argue, has a strongly instrumentalist element – the past is to be mastered so that it will not blight the future – but it also contains a powerful moral tendency. To ‘deal with’ the past is something very different from simply recognizing the historical reality of victory and defeat, conquest and annihilation, supremacy and subordination. It involves an attempt to rectify past injustices, some
effort to provide recompense, at least in symbolic, and perhaps also in material, terms to those who have suffered, and to their heirs by providing new judgement of the morality of acts in the past. 

Although the notion of dealing with the past has deep philosophical roots, its practical application can be dated to the war crimes trials held in Nuremberg, Tokyo and elsewhere in the aftermath of the Second World War. The Allies' management of victory was influenced by a widespread perception that the victory over Germany in 1918 had been mishandled: that in demanding savage reparations and imposing difficult economic conditions on Germany, the Treaty of Versailles had in fact contributed significantly to the circumstances which led to the Second World War. The emergence of the Cold War immediately after the Second World War only increased the need for some kind of reconciliation between the Allies on the one hand and Germany and Japan on the other. In some cases, the trials were little more than 'victor's justice', while in their broad aim they were an attempt to lay down the rules of behaviour for states and their leaders, which would make the world a more civil place in the future. A significant element in the construction of the trials, however, was the idea that they would limit the moral culpability of the losing side by targeting for trial and punishment only those specifically responsible for war crimes. In this way, it was hoped, what might otherwise be seen as the general guilt of the Germans and the Japanese would not damage international politics in the way that it had done after the First World War.

Of course the war crimes trials did not fully achieve this aim. First, it was clear that many guilty individuals escaped trial and punishment. An essential element in the logic of the settlement therefore was that these individuals should be pursued wherever and whenever they could be traced. Until the establishment of the international tribunals to try those accused of crimes against humanity in Rwanda and Bosnia, the pursuit of war criminals took place entirely within the framework of national laws, which were sometimes specially extended to claim jurisdiction over events in other countries. The most celebrated case was Israel's kidnapping and trial of Adolf Eichmann in 1961 but recently this element has also been reflected in a somewhat frantic pursuit of the last, ageing war criminals. In 1988, Australia amended its 1945 War Crimes Act to allow it to prosecute those suspected of crimes against humanity in Nazi-occupied eastern Europe; Britain passed a similar act in 1991, extending its jurisdiction to deal with crimes committed outside the United Kingdom and has since then taken some action to deal with these problems. In April 1999, Anthony Sowonuk who had been responsible for many Jewish deaths in Belarue in the 1940s, was finally brought to trial after living in Britain for more than fifty years; he was seventy-eight years old when he was finally brought to justice for his role in Holocaust atrocities. 

Second, clearing the slate has seemed to demand some kind of act of contrition from collectivities, especially nations as represented by states. Thus Germany's acknowledgement of at least residual guilt for the Holocaust has been widely regarded mature and constructive. Japan went further than Germany in constitutionally renouncing warfare as a tool of state policy (though this renunciation was imposed by MacArthur, rather than chosen by the Japanese authorities themselves), but Japan's reluctance to make the same admission of guilt as Germany had done – on the grounds that Japan itself was a victim and that its political agenda during the Second World War was honourable – has been widely seen as an obstacle to reconciliation in East and Southeast Asia. Still more problematic is this issue in the West where the United States' involvement in Southeast Asia. The Vietnam War, for instance, more than any other American overseas engagement, still raises tangled and bitter issues of guilt and responsibility. The suggestion that an apology by the United States to the Vietnamese people might be in order is anathema to the vast majority of the American population.

The settling of accounts within political units has emerged as an issue even more recently. In 1945, colonialism provided the most overtly destructive of grievances for a large part of the world, but within a decade it was clear that decolonization was taking place on a massive scale. Grievances which had been, in a sense, domestic to the British, French, Dutch or American colonial empires became international ones. There was, moreover, a pervasive confidence in a process called 'nation-building', in which modernization in the broad sense was expected to transcend ancient antagonisms. The sense of human progress which was still powerful in the world in the early 1960s gave the hope that the hostilities of the past would be left behind, without any special measures being needed to assuage them.

In the event, the latter process fell far short of these hopes. Instead, the second half of the twentieth century was marked by growing waves of violence. States faced revolutions, insurrections, riots and guerrilla warfare, and responded brutally, not only against their challengers but typically against helpless citizens. In armed conflicts since the end of the Second World War, over 90 per cent of the casualties have been civilians, an estimated 22 million people. These experiences have inflicted deep and abiding scars on ordinary people. Even early in the century, before some of the worst cases of genocide had taken place, one author could argue that the curse or privilege to be the most devastating or most bloody war century belongs to the Twentieth; in one quarter century it imposed upon the population a 'blood tribute' far greater than that imposed by any of the whole centuries combined. 

Paradoxically, on the other hand, the twentieth century was also one of democratisation. In 1900 there were only a handful of democratic states in the world, and the democratic credentials of most of these were compromised by limited franchise and other restrictions. By the end of the century, the public could choose their own governments in relatively free elections in most of the countries of Europe, the Americas and Oceania, in large areas of Asia (the major exceptions being China and Pakistan), and in some parts of Africa. Many of these elections left something or much to be desired in terms of the levels of public participation, the integrity of voting procedures, the role of money politics or the degree of real choice available to the electorate, but the contrast with the beginning of the
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In the broad historical perspective, we understand remarkably little and can explain even less of the consequences of atrocity. Historians can often enough identify the economic and political consequences of the destruction of cities and the devastation of countryside, and occasionally can identify that the extinction of a political possibility was brought about by an act of inhumanity. But the emotional burden which survivors carry from their experience of political trauma has remained largely unexplored, mainly because documents rarely exist to give us any insight into this terrain; interview work in this field is possible only for relatively recent events, and then it is enormously time-consuming, spiritually troubling and often fraught with political difficulties. Investigating the memory of terrible events is also plagued more than other forms of oral history by worries about reliability. The mind is not a tape-recorder, and the remembering of events can transform memory itself, perhaps distilling its essence, or nudging it towards a different essence.

Historical injustice is a particularly difficult moral and practical issue. First, it implies that some current realities are illegitimate because they are a consequence of atrocities in the past. Second, it implies that the relationship between the heirs of the perpetrators and the heirs of the victims is not governed by general rules of human relations but by specific obligations, such as atonement on one side and forgiveness on the other. The pronouncement that the realities of today are illegitimate because they depend on past crimes is problematic for several reasons. First, it can be difficult to apply the moral standards of today to social and cultural circumstances of the past when they were alien, unknown or even contested. Second, yesterday’s victims were often themselves the perpetrators of atrocity the day before: who owns the Middle East if we consistently apply the doctrine of prior possession? And third, the extent to which the present condition of any group can be credited to or blamed on historical events becomes increasingly uncertain as those events recede into the past. The proposition that the heirs of perpetrators have a special obligation to the heirs of victims is also problematic. What set of principles can possibly govern such obligations? If the original injustice cannot be reversed, can the obligation ever be exhausted? Is it also difficult to identify precisely who constitutes an heir: are the descendants of African slaves in the United States, or the descendants of early twentieth century Asian or European immigrants, heirs in a moral sense to the soldiers and settlers who slaughtered native Americans in earlier centuries?

In historical terms, the answer to injustice has usually been revenge. The troops of Chinggis Khan poured molten silver into the eyes of the governor of Otral in central Asia in revenge for his execution of the members of a Mongol diplomatic mission. English royalists dug up the body of Oliver Cromwell after the monarchy was restored in England in 1660 and hanged it at Tyburn to register their loathing of his execution of Charles I. Germany accepted the French surrender in 1940 in the same railway carriage where German generals had signed their capitulation at the end of the First World War. Revenge, however, was for victors only, and merely stored up a new set of bitter memories to be avenged when the opportunity arose.
ROBERT CRIBB AND KENNETH CHRISTIE

The distinctive feature of the world's attempts to cope with historical injustice since the Second World War has been the search for tools other than revenge as a remedy for historical injustice. Three elements have been prominent in this search. First, there has been an attempt to establish universal principles of human rights, to enthuse them in international law and to impose them by means of international tribunals. As mentioned, the war crimes trials which followed the Second World War were far from perfect, but they attempted to impose universal standards of human behaviour on a set of serious offenders. After a long gap, this effort has been continued with the creation of international tribunals to judge crimes against humanity in Rwanda and the former Yugoslavia, and may eventually reach a new level of activism with the creation of an International Criminal Court. Although there are still enormous difficulties in applying such measures to large states, the trend towards the international imposition of human rights law plays a role comparable to that of domestic criminal laws in taking the punishment of criminals out of the hands of vengeful victims and putting it in the hands of the state. This approach can clearly have a significant effect when the international community moves quickly to apprehend and try suspect criminals, but because it depends on identifying the guilt of individuals it can do little to address more ancient historical injustices.

Second, a strong belief emerged that a sincere and complete expression of contrition by the descendants of the perpetrators can play a major role in closing the book on past injustice. Apologies have been offered rather frequently during the past decade, especially by the leaders of Western countries including the Pope and Bill Clinton, but there are serious problems over who is entitled to apologize for whom, over the problem of whether an apology's sincerity is relevant, or indeed whether sincerity can be judged, and over whether even a sincere apology truly erases past sins. Nonetheless, it is clear that failure to apologize is often a major obstacle to reconciliation. Japan's relations with China and Korea in particular are bedevilled by its reluctance to make an unqualified apology for atrocities committed in these countries during its long wars in the region.

Finally, a widespread belief has developed that establishing the historical truth about past atrocities is an essential step towards consigning the memory of those atrocities to the past. Because of the growing public and international recognition of basic human rights, the concealment of atrocity was particularly common during the twentieth century. The power of human rights arguments was paradoxically one of the reasons for the emergence of death squads as a tool of repressive regimes in many parts of the world. Under these circumstances, a society's release from uncertainty or from deliberate ignorance can be a crucial step in allowing it to put a painful past behind it. Truth Commissions for instance have emerged as one of the more important tools for establishing a publicly acceptable account of historical truth and some twenty such commissions have been established around the world since 1974, in states as diverse as Argentina, Chile, Uruguay, Bolivia, El Salvador, Guatemala, South Africa, Zimbabwe, Malawi, Uganda, Rwanda, Chad, Ethiopia, Germany and the Philippines. Many of these commissions, however, have been vulnerable to the accusation that they are intended to uncover only part of the truth and may in fact be a device used by new regimes to create new, but equally false historical orthodoxies. Still more serious is an accusation that truth commissions reopen old wounds and thereby intensify enmities and antagonisms rather than soothing and reconciling them.

The dual nature of the state as an oppressive institution and protector of the social order and social values emerges clearly in the state sponsorship of historical investigation. On the one hand, mastery of the past is a tool of authoritarianism and dictatorship. The power to decide what will be remembered and forgotten is a potent tool of authority, almost on a par with the power to define crime and the power to wield violence. On the other hand, a state in transition needs to maintain political stability and to provide for national unity. It may therefore seek to uphold basic social values and reaffirm the rule of law by punishing perpetrators of heinous crimes under the old regime. Yet pursuing past crimes may encourage political violence, perhaps even civil war, which can weaken an already vulnerable democratic system. Many new governments are also constrained by virtue of inheriting the civil service and security apparatus of the former regime. Reconciliation presents a strong argument against prosecution in this instance. International law and the political constraints which form part of it allow for an affirmative obligation on the part of states to investigate and punish gross violations of human rights. Some have argued this means that amnesty provisions are strictly illegal under provisions of international law, while others argue for discretion on the part of individual states. Common to all these views is the notion that transitional governments are obliged to establish an accounting of their past history.

Connerton, however, has also warned us that the control of society's memory conditions the hierarchy of power. The way that collective memory is stored is not simply a technical, neutral matter but one that bears directly on the legitimation of power relations and its meaning. The question of control is a crucial political issue, in that control of the media and the control of the archives, are powerful instruments in remembering and forgetting. Images of the past then commonly legitimate the present social order through shared memory. Memory in this sense is material; it counts; it serves a purpose. Similarly, Ernest Renan argued that nation-building demands that history be forgotten in order for the past to be re-made in the image of the present. Karl Marx, too, summed up the power of the past with characteristic vigour:

Men make their own history but not of their own free will; not under circumstances they themselves have chosen but under the given and inherited circumstances with which they are directly confronted. The tradition of the dead generations weighs like a nightmare on the minds of the living.13

Humankind's experiment with applying truth and reconciliation to the problems of historical violence and injustice is perhaps too new for definitive conclusions.
ROBERT CRIBB AND KENNETH CHRISTIE

In this volume, however, we have sought to push the debate further by examining these issues in a number of countries in eastern Asia and northern Europe. Juxtaposing these two regions has been an experiment, as the two are seldom compared as equals, but we felt that scholars working in both regions might learn something useful from the comparison. In the event, the pattern that emerges is more complex. There is no clear Asia–Europe juxtaposition, but rather a set of five countries or regions – Finland, the Baltic States, Mongolia, China and Indonesia – which generate a multitude of different comparisons. In all these cases, unlike Rwanda, Kosovo or Cambodia, the perpetrators of violence remained in power for long after the worst of the violence, preventing any immediate effort to seek justice or reconciliation. In all five regions there has been some transition to democracy – thoroughgoing in the case of Finland, shaky in Indonesia, and limited to the level of local government in China. In Finland and Indonesia, the victors and perpetrators of historical atrocity were on the right, in the others they were on the left. In Finland, the killings came in the context of civil war and foreign threat. In Indonesia they developed in the context of intense internal political conflict between rival forces and a change of regime from Sukarno to Suharto. In China, the Baltic states and Mongolia, the killings were the work of established regimes.

The studies in this volume complement and are distinct from those discussed in a recent and stimulating volume, The Politics of Memory: Transitional Justice in Democratising Societies. In Spain and Portugal, southern and central America, South Africa and eastern Europe though to varying degrees, the repressive past was dealt with by means of trials, purges, amnesties and truth commissions. In no case did people imagine that these formal processes of transitional justice might fully resolve the legacies of the past, but in each case they were seen as playing a major role in enabling such a resolution. The cases in this book, by contrast, are largely beyond legal remedy. The perpetrators of violence in early twentieth-century Finland are no longer alive to account for their deeds before a court or a Truth Commission. The perpetrators of atrocity in the Baltic states and Nanjing are now elderly and mostly in another country. And the perpetrators of the Cultural Revolution in China and of the massacres in Indonesia are still important power-holders in their own society. Any reckoning with them will be a long time coming. These traumatic political and social dislocations took place well before terms like reconciliation and transitional justice had entered the vocabulary of international affairs. In each case, when the violence came to an end there was no systematic effort to resolve its legacies quickly, no attempt to learn from the experience of other countries how it might be possible to close the door on the past. In short, in contrast to Spain and Portugal, southern and central America, South Africa and eastern Europe; Finland, the Baltic States, Mongolia, China and Indonesia are cases where there has been no attempt at implementing transitional justice, while the attempts which followed the Rape of Nanjing were limited and undeveloped.

We have structured this book in reverse chronological order, the Chinese and Indonesian traumas which are still within relatively recent memory coming first,

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then the Baltic States, Nanjing and Mongolia whose histories were blighted by war and Stalinism in the middle decades of the century, then finally Finland, whose bloody civil war took place in the twentieth century’s second decade. Finland’s experience, now perhaps closest to resolution by virtue of the passage of time, is the most thoroughly discussed, partly also because it is so little known in the rest of the world. In most of the chapters we find clear reasons why people wish to remember the violence of the past. First, they remember it to be better able to prevent similar events from happening again. The Baltic states fear that Russia will be back, the Mongolians fear that Stalinisation will end in the further destruction of Mongolian culture and identity, and we all fear that authoritarianism and totalitarianism may return to plague mankind. We want to be able to recognize that small cloud on the horizon, which warns that the enemy horsemen are coming, the lapses in tolerance and freedom which may start us off on the slippery path towards authoritarianism. We want to stop these things now so that we do not have to fight another world war to destroy them at some stage in the future.

This instrumentalist view of learning from the past, of course, also has a dark side: oppressors use the memory of past atrocity as a way of disciplining their subjects. Suharto’s New Order used the memory of the 1965–6 killings to warn off political opposition, and the fear that such violence might recur was a serious brake on opposition to Suharto during his final months in 1997–8. Similarly, the Chinese government recalls the memory of the Tiananmen massacre to keep political order in a time of massive economic and social change. Alongside the instrumentalist reason for remembering, however, more psychological reasons also operate. There is an intense distress connected with the knowledge that precious things – people and culture – are gone forever. To grow up without a parent or grandparent is to be poorer for it. There is a deep sorrow in not being able to pass to one’s children the language of one’s ancestors or the songs of one’s own childhood, in not being able to show them the buildings or landscapes that give identity to a person, a family, a people. Of course, loss is also wrenching at an individual level. The sorrow of losing a child to meningitis or a lover to a car accident is no less acute than if the child or lover was slaughtered in some political conflict, and we have to be wary of creating a kind of aristocracy of suffering, in which the misery of those bereaved by political conflict is elevated to a higher level of nobility than that of those who lose their loved ones in more prosaic circumstances. Nonetheless, loss seems worse en masse and when other humans inflict it, partly because it challenges our notion of human morality, partly because it distorts the political order which follows, and partly because it reflects the state of humanity.

In some of the chapters we can see indications that victimhood has become fashionable. On reflection, however, it becomes clear that we are dealing with something more profound than fashion. The importance of asserting victimhood may be closely connected to the development of democratic practice in world affairs. However much we may accept such principles of democracy as majority rule, it is hard to escape the feeling that there is something wrong if we sanction
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Contrition by the perpetrators may consist simply of apology or can take the form of trial and punishment of a symbolic number of perpetrators. Sincere apology seems to be rather effective, but it often seems to come late or with qualifications which reduce its power. And identifying who should deliver the apology, in other words, who the perpetrators actually were and who their present heirs are, is generally very difficult in the kind of complex political and ideological conflicts which we are discussing. In the case of Mongolia, the purges could be blamed on Chuibalasan and Tsedenbal alone or on the Soviet Union, or on the MAIH. Trials of perpetrators were set up by the Nuremberg and Tokyo tribunals as an internationally recognized tool of achieving justice, but the probability that they can target only a few symbolic figures makes them vulnerable to a cynical process of scapegoating. The chapters of Jin Qiu and Wu Di suggested that the insincere scapegoating was an especial problem in the PRC, but it is also clearly a problem in Indonesia, where there is no clear public understanding of whose responsibility lies for the excesses of the New Order regime.

Finally, some form of compensation seems to be needed to give former victims the practical means to participate equally in a democratic domestic or international order. For ethnic groups, a separate state or at least special land rights would seem to be the most straightforward compensation. Establishing compensation at the right level in these and other cases is enormously difficult. Compensation cannot be seen as restitution, and it should not even approach this. In many cases it is derisory, as with a young Mongolian, described by Wu Di, who was paid 400 yuan in compensation for the deaths of each of his parents. Yet, compensation can also go too far: to assign a permanent second-class status to the Russians of the Baltic only provides the ground for a new set of injustices.

We know that time will eventually heal all these conflicts, but we also know that we do not want to wait for centuries. Here we discuss possible solutions in the humble knowledge that we do not know what will work, but that the effort is necessary if any progress is to be made and lessons are to be learned.

This volume is based on a selection of papers from the conference, ‘Remembering and forgetting: the political and social aftermath of intense conflict in Eastern Asia and northern Europe’, held in Lund, Sweden, and organized jointly by the Centre for East and Southeast Asian Studies of Lund University and the Nordic Institute of Asian Studies in Copenhagen, Denmark. The editors would like to thank Professor Michael Schoenhals and Ms Lisa A. Reynolds for their work in hosting the conference, and to acknowledge the contribution of other participants at the conference for the stimulating discussions which provided the information for this book.

Notes

3 Broader issues of conflicting historical perceptions in Asia are usefully discussed in Gerrit W. Gong, ed., Remembering and Forgetting: The Legacy of War and Peace in East Asia (Washington DC: Center for Strategic and International Studies, 1996).
4 See Kumar Rupasinghe (with Sunirm Namghi Anderlini), Civil Wars, Civil Peace: An Introduction to Conflict Resolution (London: Pluto Press, 1998), p. 24. We mention this figure as an indicative one only; the counting of casualties is enormously difficult and is commonly subject to massive over- and under-estimation.
8 George Shot, 'Ancient Wrongs and Modern Rights', Philosophy and Public Affairs, 10(1) (Winter 1981), 3–17, argues a philosophical case for a fairly steady diminution over time in the extent to which past wrongs can have a legitimate moral influence on present political and social relations. His main argument is that with the passage of time the malign effect of the original wrong is diluted by a host of other historical factors, eventually reaching a point at which its direct and identifiable effect is negligible.

2 VICTIM OR VICTIMIZER

The reconstruction of the Cultural Revolution through personal stories

Jin Qiu

The Chinese Cultural Revolution remains one of the most devastating experiences that the Chinese people have experienced in their modern history. Even the Chinese government had to acknowledge, five years after Mao died, that the Cultural Revolution was "responsible for the most severe setback and the heaviest losses suffered by the party, the state, and the people since the founding of the People's Republic". Several decades later, however, the Cultural Revolution still remains a subject that needs much study.

One of the major reasons for this is that the Chinese government still imposes heavy censorship on research about the Cultural Revolution in China. Scholars who insist on researching on topics related to the Cultural Revolution are subject to punishment, including dismissal from their jobs or imprisonment. A lack of access to archival materials and limited funding also form a major obstacle to the study of this topic. Even if some Chinese scholars managed to finish their much troubled studies, there is little chance for them to publish in China if their viewpoints do not follow the party line.

Neither is doing research on the Cultural Revolution an easy task for scholars outside China. The foremost problem is the difficulty in finding reliable materials. It was not until the mid-1970s that important works on the subject, mostly by political scientists, were published, largely based on the Red Guard publications available in the West. Among them are Hong Ying Lee's study of the Politics of the Cultural Revolution, Lowell Dittmer's study of Liu Shaoqi, and Roderick McFadzean's three-volume work about the origins of the Cultural Revolution. These studies capture the dynamics of the central power struggles and mass movements and remain the most important works on the subject. Thus, the political dimensions of the Cultural Revolution have been the focal point of most scholarly works. Few political scientists engaged in institutional studies of the Cultural Revolution, however, continue to research this topic and many have moved on to study more recent political and economic developments in China, such as the economic reform which