

# The Pursuit of Transitional Justice from Below: A Case Study from Shanghai<sup>1</sup>

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In May 1949, when the Chinese Communist Party officially took over Shanghai, the Zhu family owned six houses. Their main residence was filled with priceless Chinese antiques, imported high-end consumer goods, and all the trappings of an upper-class family in that cosmopolitan city. By the end of 2005, they had lost all of them—the first five houses to Mao’s socialist reforms in the 1950s, the household contents to the Red Guards’ looting at the onset of the Cultural Revolution (1966-1976), and the main residence to post-Mao domicile in 2005 for commercial real estate development. All that remains are a few small items and a sixty-page inventory the Red Guards left behind.

The family has been petitioning for the 2005 loss ever since. What has sustained their effort was, in part, the measures the Chinese Communist Party (CCP) took from the late 1970s to mid-1990s to reverse and compensate for some of the wrongdoings of the Mao era. This transitional justice allowed the Zhus to reclaim their residence and a few of the confiscated objects. This limited restitution has nevertheless given hope to the Zhu family that someday the authorities will also reverse the ruling on the 2005 domicile. But fifteen years have passed, and their case remains unsettled. The family’s reference to the post-Mao transition for resolving their current housing dispute reflects a predicament. They have few other references of justice since the CCP does not routinely admit and correct its mistakes. In that sense, Beijing’s limited restitution in the immediate post-Mao era has given the Zhus false hope.

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In recent decades, the concept of transitional justice has generated much interest for scholars, policy and legal experts. However, it remains vague in its meaning. The much-cited definition of transitional justice, stated in a 2004 UN Secretary General's report, as "the full range of processes and mechanisms associated with a society's attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation,"<sup>2</sup> is more of an ideal prescription than an applicable measure. In many transitional societies, the "full range of processes and mechanisms" to correct the past wrong is often limited, as is the justice, accountability, and reconciliation such processes and mechanisms deliver. While the 2004 UN Secretary General's report emphasizes the importance of "a common basis in international norms and standards" regarding transitional justice, it also cautions against "one-size-fits-all formulas and the importation of foreign models."<sup>3</sup> Indeed, scholars have recognized that justice claims are "context sensitive" and should be understood under "a set of background conditions,"<sup>4</sup> and that the "context-dependence" of transitional justice is "an insuperable obstacle to generalization."<sup>5</sup>

Mindful of both the large picture of transitional justice and its specific context in China, this study examines the issue of transitional justice in the post-Mao era by focusing on the case of the Zhu family. The post-Mao reforms that started in the late 1970s have propelled China into a rapidly modernizing society. In the grand narrative of the rise of a new China, individual and family experiences such as the Zhus' have become invisible and even irrelevant. But at the heart

<sup>2</sup> United Nation Secretary-General, "The Rule of Law and Transitional Justice in Conflict and Post-conflict Societies: Report of the Secretary-General." (New York: 2004).  
<https://www.un.org/ruleoflaw/blog/document/the-rule-of-law-and-transitional-justice-in-conflict-and-post-conflict-societies-report-of-the-secretary-general/comm>, accessed October 22, 2019.

<sup>3</sup> Ibid, Summary.

<sup>4</sup> Colleen Murphy, *The Conceptual foundation of Transitional Justice* (Cambridge: Cambridge University Press, 2017), 12, 15.

<sup>5</sup> Jon Elster, *Closing the Books: Transitional Justice in Historical Perspective* (Cambridge: Cambridge University Press, 2004), 77.

of the Zhu story is how to deal with trauma and injustice experienced by millions of Chinese people who suffered during the Mao era. Because of the scope of CCP abuse and the limit of post-Mao restitution, many Chinese had to seek justice and deal with grievance in their own way. Their participation in the restitution and rehabilitation was an integral part of the post-Mao transition. Yet citizens' role in the process has not received enough attention in the study of transitional justice.<sup>6</sup> By focusing on the struggle of the Zhu family this study explores transitional justice granted from above and pursued from below, and the interaction between government policies and individual initiatives. It also examines the party state's new round of violation of private property in the reform era that has undone some of the transitional justice, and the impact of repeated dispossession and unresolved grievance on society.

### **The Zhu Family<sup>7</sup>**

The wealth of Zhu Guangze's family resulted from the combination of her own family's business success in Shanghai and her in-laws' landholdings in the countryside. The youngest daughter of a rich paper merchant and the only child by his second wife, Zhu Guangze (1922-

<sup>6</sup>Kevin McDermott and Klara Pinerova, "The Rehabilitation Process in Czechoslovakia: Party and Popular Responses," in *De-Stalinising Eastern Europe: The Rehabilitation of Stalin's Victims after 1935*, eds. Kevin McDermott and Matthew Stibbe (London: Palgrave Macmillan, 2015), 109-110.

<sup>7</sup> I have studied the Zhu family since 2005 and documented their 2005 domicile in my book, *Shanghai Gone: Domicide and Defiance in a Chinese Megacity* (Lanham, Maryland: Rowman & Littlefield Publishers, 2013). I have since continued to follow their pursuit of a solution to the housing conflict. My contact was mainly with the two women in the family, Zhu Guangze, the matriarch, before her 2017 death and her daughter-in-law, Zhang Xiaoqiu. Lu Youren, Zhu's son, has until recently avoided the subject of his family history. With a few exceptions, in the past fifteen years I have interviewed the two women (Zhu until 2015) in person at least several times a year. I have collected their various documents and filmed some of the interviews and one of Xiaoqiu's petition trips. In recent years, Xiaoqiu and I have used Wechat for more frequent exchange. My last in-person interview with Xiaoqiu was at their apartment in Shanghai on November 22 and 23, 2019. My last Wechat video interview with both Xiaoqiu and Lu Youren was July 14, 2020, specifically for the purpose of this article. This time, Lu agreed to my request for help in clarifying some of the details that Xiaoqiu provided in the past about the family's experience in the post-Mao restitution. Unless otherwise indicated, all the material about the Zhu family in this article is based on my field work and ongoing study since 2005.

2017) grew up with maids, chauffeurs and other luxuries. Upon graduation from St. John's University in Shanghai, she worked as a clerk in the Shanghai Municipal Bureau of Finance where she met her future husband. They married in 1947. By then her father had passed away. The newlyweds lived with Zhu's mother in the family house.

Lu Hongyou (1916–1998), Zhu's husband, came from a wealthy landlord family in a prosperous town in Wujang County, Jiangsu province. His father was known locally as “Lu the Half Town,” meaning that he owned half of the town. He spent his fortune indulging his life-long passion of collecting Chinese antiques. In 1946, Lu Hongyou, an economics major from Dongwu (Soochow) University, was appointed as a special commissioner in the National Party's (Guomindang, GMD) Ministry of Finance. With deep roots in the GMD government, the family intended to move to Taiwan at the end of the Chinese Civil War (1945-1949). But they eventually stayed because Lu's younger brother was too ill to take the journey.

The Zhu residence was built in the early 1900s. It consisted of a four-unit property on Taichang Road, between Huaihai Middle Road in the north and today's Xintiandi in the south in downtown Shanghai. These four three-story, independent units were what Shanghainese considered Western-style garden houses, completed with maids' quarters, garages, and a two-story storage house stretching along the main compound. Zhu Guangze's father married twice and had children with each of the wives. The four units were equally divided between the two wives. The Zhus had other property and business as well, including real estate, factories, and shops across Shanghai.

After the death of Zhu Guangze's father, the family property was divided among his children. Zhu Guangze's share included five rental properties scattered in the city, plus the two units that her mother owned. In the mid-1950s, the CCP launched the socialist reform movement

to nationalize private property in urban China. When it came to private houses, the policy in general stipulated that a private house used as a residence could remain in the family. But if the property was used as a rental, it would be subject to nationalization.<sup>8</sup> As a result, by 1958, Zhu Guangze's five rental properties were taken over by the state. Her family grew with the birth of a daughter in 1947 and a son in 1951. Zhu's mother passed away in 1965. Having fallen from among the elite in the GMD regime, Zhu Guangze became a middle school English teacher and Lu Hongyou worked at a hardware wholesale station. The family's class identity was functionary, (*zhiyuan*) that encompassed various professional and office positions.

The political turmoil in the 1960s would deprive of the Zhu family their last home. During the Socialist Education Campaign (1963-1966) that "re-emphasized" class struggle,<sup>9</sup> Lu Hongyou, a former GMD official, was investigated and later deemed as a "pre-liberation counterrevolutionary" (*lishi fangeming*), a political label for enemies of the people. In 1968, Zhu's work unit classified her as a "reactionary bourgeoisie element" (*fandong zichan jieji fenzi*), which also put her in the category of the enemy of the people. During the Cultural Revolution, these labels, instead of the more moderate class identity of functionary, came to define the family and subjected them to violent abuse. The Red Guards from Lu and Zhu's work units set up struggle sessions to beat them up so severely that Zhu once tried to commit suicide. In the fall of 1966 during the radical campaign of attacking the "four olds"—old customs, old habits, old culture, and old thinking—that could be broadly construed as anything that was connected to the pre-1949 era,<sup>10</sup> Red Guards began house searches to confiscate

<sup>8</sup> The inner working of the nationalization of private houses in urban China was much more complex. For a detailed study of this process in Shanghai, see Li Aiyong, "1950-1980 nian de Shanghai siyou zhufang: chengshi zhongde yishi xingtai, sifang quanli he zhufang kongjian" (Private housing in Shanghai: ideology, private property rights, and living space, 1950-1980) (PhD diss., East China Normal University, 2014), 51-82.

<sup>9</sup> Jonathan D. Spence, *The Search for Modern China* (New York: W.W. Norton & Company, 1999), 561.

<sup>10</sup> *Ibid.* 574-576.

and destroy the “four olds.” Those from Lu and Zhu’s work units ransacked their home multiple times, leaving them with a sixty-page inventory. The family still had the house, but not for long.

The “January Storm” in 1967 engineered by members of the Central Cultural Revolution Small Group toppled the party establishment in Shanghai.<sup>11</sup> The ensuing chaos threatened those private houses that were spared by the 1950s reform. Shanghai was swept by a “storm of house grabbing” (*qiangfang feng*) that continued well into 1967 and did not fully stop until 1971.<sup>12</sup> The various committees of the Cultural Revolution leadership, the Red Guards, other newly formed groups, and some residents took over the houses of the “enemies of the people.” Some of those “enemies of the people” were forced to pay rent to live in the most undesirable parts of their own homes--the kitchen, attic, and storage space.<sup>13</sup> In Shanghai, this “storm of house grabbing” affected around 20,000 private houses--families either lost their entire houses or parts of them.<sup>14</sup>

The Zhus’ sole remaining residence was in danger. In late 1966, the district housing bureau told them to empty some of the rooms in the house. In early 1967, one of their neighbors broke into a room on the second floor of the Zhus’ storage unit and squatted there. A few days later, the staff at a neighborhood production workshop smashed the windows of the Zhu house and took up a room on the first floor. The Zhus, like many families in similar positions, were too vulnerable to protest. In April 1968, shortly after Zhu, the owner of the family house, was deemed a “reactionary bourgeoisie element,” the rebels at the district housing bureau, according to Zhu Guangze’s account, “took a revolutionary act” to compel her to sign an “application” to turn her house to the “public”

<sup>11</sup> Elizabeth J. Perry and Li Xun, *Proletarian Power: Shanghai in the Cultural Revolution* (Boulder CO: Westview Press, 1997), 18; Maurice Meisner, *Mao’s China and After: A History of the People’s Republic* (New York: The Free Press, 1999), 329-330.

<sup>12</sup> For a detailed account of the “storms of house grabbing” in Shanghai and the various forces that shaped it, see *Shanghai fangdi chan zhi bianji weiyuanhui (A Gazette of Shanghai Real Estate Property Editorial Committee)*, ed. *Shanghai fangdi chan zhi* (A Gazette of Shanghai real estate property (Shanghai: Shanghai Academic of Social Sciences Publisher, 1999), 509-512; Li, “Private Housing in Shanghai,” 88-99.

<sup>13</sup> *A Gazette of Shanghai Real Estate Property*, 511.

<sup>14</sup> Li, “Private Housing in Shanghai,” 96; *A Gazette of Shanghai Real Estate Property*, 510, 512.

i.e., the government (*fangwu shenqing guigong dan*). The next step quickly followed. In late April, Red Guards from Zhu's school, together with the rebels at the housing bureau, evicted the family to an eleven square meter attic on a third floor of an alleyway house three blocks away. They would remain there for almost two decades.

## The Post-Mao Transition

In December 1978, the Third Plenum of the Eleventh Central Committee of the CCP officially inaugurated the Deng Xiaoping era of reform and opening. The Third Plenum vowed, among other matters, to “solve historical issues” and “firmly redress false cases, correct mistaken cases, and exonerate unjust cases.”<sup>15</sup> What followed was a national, systematic process of “fixing policy” (*luoshi zhengce*)—the policy of restitution and rehabilitation. It involved a series of policy directives and regulations from the central, regional, and local governments over a period of more than a decade. They were meant to restore a measure of justice to the victims of the Mao era, including the return of private houses and looted goods during the Cultural Revolution.<sup>16</sup>

The attempt for restitution of seized private houses had started much earlier, at a limited scale and with a targeted group. In 1968, the State Council transmitted a request by the Central Overseas Chinese Affairs Commission, known as Document 31, that raised the issue of returning confiscated houses of overseas Chinese families, except those among them who belonged to the families of five types: landlord, rich peasant, counterrevolutionary, bad element, and rightist.<sup>17</sup>

<sup>15</sup> “Zhonggong di shiyijie sanzong quanwei gongbao” (The communique of the Third Plenum of the Eleventh Central Committee of the Chinese Communist Party, December 22, 1978), [http://www.hnr.cn/news/xwzt/szqb/lj/201311/t20131105\\_689277.html](http://www.hnr.cn/news/xwzt/szqb/lj/201311/t20131105_689277.html), accessed August 29, 2020.

<sup>16</sup> For an excellent overview of the post-1978 rehabilitation, see Xiao Donglian, *Lishi de zhuangui: cong boluanfanzheng dao gaige kaifang* (Turning point in history: re-examination of the Cultural Revolution and the policy of reform and opening, 1979-1981) (Hong Kong: the Chinese University of Hong Kong Press, 2008), 83-164.

<sup>17</sup> Guowuyuan he huaqiao shiwu weiyuanhui, “Guowuyuan pizhuan zhongqiaowei guanyu chuli qiaohu bei chachao caiwu de qingshi” [State Council’s Transmission of Central Overseas Chinese Affairs Commission’s Request for

Known as “five types of black elements” (*hei wulei fengzi*), they were considered to be the enemies of the people. In 1973, a State Council document again allowed the return of seized houses that belonged to members of the CCP’s United Front Work. This document led to certain actions in Shanghai and, in 1975, the Housing and Land Bureau and other government agencies reported that Shanghai had returned private houses to 14 overseas-related families out of the 181 affected households (the affected number jumped to 1,660 in the early 1980s with a more thorough investigation).<sup>18</sup> After the Third Plenum the pace of restitution picked up and the scope expanded in Shanghai to all seized private houses.<sup>19</sup> In 1982, Shanghai formed a “Leadership Group on Fixing the Policy on Private Houses,” consisting of ten municipal agencies, to deal with this issue.<sup>20</sup> Throughout the 1980s and early 1990s, the central and regional governments nationwide issued numerous directives and regulations to address this issue. The party also set the CCP’s Thirteenth Party Congress in the fall of 1987 as a targeted time to complete the process of “fixing policy” for the majority of the cases. And by 1989, Shanghai claimed to have returned all the seized private houses.<sup>21</sup>

In reality, the restitution of seized houses was extremely complex and lingered well into the 1990s. Disinclined and incompetent local administrations were partially responsible for the slow pace.<sup>22</sup> In fact, the current occupants of those seized private houses included local

Instruction on Handling Confiscated Goods from Overseas Chinese Families], January 20, 1968, in MLD, item no. 2177.

<sup>18</sup> *A Gazette of Shanghai Real Estate Property*, 368-369.

<sup>19</sup> Xiao, *Turning Point in History*, 90-141; Li, “Private Housing in Shanghai,” 121; Shanghai fangchan guanli ju (Shanghai Municipal Housing Bureau), ed., *Shanghaishi fangchang guanli gongzuo wenjian huibian, 1949-1989* (Collection of Documents on Shanghai Real Estate Management, 1949-1989), Part Two. (Shanghai: Shanghai Municipal Housing Bureau Publisher, 1989), 414.

<sup>20</sup> *A Gazette of Shanghai Real Estate Property*, 369.

<sup>21</sup> *Ibid.*

<sup>22</sup> Zhonggong zhongyang bangongting, guowuyuan bangongting, “Zhonggong zhongyang bangongting, guowuyuan zhuanfa ‘guanyu luoshi huaqiao sifang zhengce zuotanhui jiyao’ deng sange wenjian” [Transmission of the Meeting Minutes “On Fixing Policy for Overseas Chinese Families’ Private Houses” and Three Documents by the CCP Central General Office and State Council General Office], October 21, 1982, in MLD, item no. 334.



government offices, work units, as well as individual squatters. Some of those houses were also rented out by local housing bureaus. The government had to first relocate those tenants during a severe housing shortage.<sup>23</sup> In one case, after a family in Shanghai was evicted from their home in 1966, eleven families moved into their house. It took the district more than a decade to resettle them, and the owners did not return to their home until 1992.<sup>24</sup>

With close relatives in the United States and Taiwan, the Zhus should have been qualified as the relatives of overseas Chinese families (*qiaojuan*) that Document 31 meant to protect. But their political status got in the way. While Zhu's "reactionary bourgeoisie element" label did not help, what complicated the matter most was Lu Hongyou's identity as a counterrevolutionary, which Document 31 and other similar regulations explicitly and consistently discriminated against. Quietly, though, the Zhus kept an eye on their house, since it was only blocks away from the attic to which they were relocated. In 1969 and 1970, the district housing bureau rented out rooms in the Zhu house to a textile workshop and three families, in addition to a family and a neighborhood production workshop that had moved in in 1967. Emboldened by the 1975 municipal report on private houses of overseas Chinese families, Zhu Guangze began pursuing the return of her house. She frequently wrote to and visited relevant offices petitioning her case, which compelled a district staff to inspect their living situation at the attic. Yet the staff concluded that compared with other families, the Zhus could wait. The Zhus believed that Lu Hongyou's counterrevolutionary status was the main reason of this dismissal.

In 1978, Zhu's daughter was getting married and the attic had no space for the newlyweds. Pressured by the family, the district housing bureau vacated a room in Zhus' house for the new couple. In 1981 Zhu's son also got married and the district allowed him a room in

<sup>23</sup> Shao, *Shanghai Gone*, 6-7.

<sup>24</sup> *Ibid.* 107-108.

their house as well. But Zhu Guangze and her husband had to remain in the attic, even after Lu Hongyou fell ill and was confined in a wheelchair in 1983, because the rest of the house was still occupied by others. In fall 1985, Lu Hongyou's sister came back from the United States for a visit for the first time in 40 years. She wanted to stay with her brother but neither the attic nor the family house could accommodate her. The Zhus used this situation to intensify their petitioning. Finally, in 1986, nearly two decades after the eviction, the district returned the entire house to the family. Equally important was that the government issued a title to reconfirm their ownership of the house, which the family had been forced to give up in 1967. For the Zhus, this document, like the house, was tangible proof of justice restored.

The return of the Zhus' ransacked household contents was less satisfying. As with the seized private houses, the CCP began to deal with looted goods almost immediately after the height of house raids. Between late 1960s and early 1970s, the majority of official documents on this issue reflected the Party's effort to handle the large amount of raided goods and to correct some of the Red Guards' excesses. In March 1967, the city of Wuzhou in Guangxi province requested instruction on how to handle (*chuli*) looted goods, out of concern that they could be damaged in the spring rains and that some of them were being stolen. In the same month, Beijing issued Document 107 that instructed the return of everyday necessities to the families of the five types. It also ordered the return of all the goods mistakenly seized from revolutionary and working people. But the Document warned the five types of elements not to use this opportunity to vent their grievance or they would be severely punished.<sup>25</sup> Document 107 thus maintained a hardline approach to the five types while trying to correct the excesses of Red Guards who seized

<sup>25</sup>Zhonggong zhongyang he zhonggong guangxi wuzhou shiwei wenge xiaozu, "Zhonggong zhongyang guanyu zai wenhua dageming yundongzhong chuli hongweibing chaojia wuzi de jixiang guiding" [A Few Rules by the Central Party on Handling Red Guards' Confiscated Goods during the Cultural Revolution], March 20, 1967, in MLD, item no. 2176.

even everyday items that most likely did not fit into the category of the “four olds,” and whose house raids even affected working people that constituted the party’s social and political basis. The two principles of Document 107—hardline towards the enemies of the people and correction of Red Guards’ excesses—became a guideline for the relevant documents in the next few years. For instance, in 1967, the official Group for Handling Seized Goods in Shanghai allowed the return of certain confiscated goods to the families of the five types to “maintain their subsistence.”<sup>26</sup> In a 1971 document, Beijing reaffirmed the “great historic achievement” of the Red Guards in attacking the “four olds,” while also instructed the return of confiscated items to those members of the United Front that were not deemed as the enemies of the people.<sup>27</sup>

The strongest impetus for restitution came in 1978 with an initial push from below. The death of Mao and the collapse of the Gang of Four sparked a high tide of petitioning and,<sup>28</sup> in August 1978, the Preparation Group of a National Petition Conference identified confiscated property as one of the nine common complaints among the petitioners. Another complaint concerned the damaging class and political labels,<sup>29</sup> an issue that was directly relevant to restitution, as previous policies for restitution discriminated against the five types. One of the early efforts during the post-Mao restitution and rehabilitation was thus the removal of those political and class labels. In 1978, Beijing approved a proposal from Shanghai known as “Eight

<sup>26</sup> Shanghai shi geming weiyuanhui chajia caiwu chuli zu, “Wuyue ershisanri shiqu chajia caiwu chuli gongzuo huiyi jiyao” [Minutes of May 23 Meeting on the Work of Handling Confiscated Goods in the City and Districts], May 23, 1967, in MLD, item no. 5546.

<sup>27</sup>Zhonggong zhongyang he zhongyang guojia jiguan tongzhan junguanzu, “Zhonggong zhongyang zhuanfa tongzhan junguanzu dui zaijing bufen tongzhan duixiang bei chachao caiwu de chuli yijian [The Central Party’s Transmission of Opinions on Handling the Confiscated Goods Belonging to Some of the Beijing Members of the United Front by the Military Control Group in the United Front], February 7, 1971, in MLD, item no. 2179.

<sup>28</sup> In early 1979, various central government agencies received more than 60,000 petition letters monthly, and 180,000 petitioners reached Beijing that year. See Xiao, *Turning Point in History*, 107-109.

<sup>29</sup>Quanguo xinfang gongzuo huiyi choubei zu, “Shanghai deng liusheng shiqu luoshi zhengce de qingkuang he jige dai pubianxing de zhengze wenti” [The Situation of Fixing the Policy and A Few Common Policy Issues in Shanghai and Six Provinces, Cities and Regions], August 24, 1978, in MLD, item no. 4839.

Rules” (*batiao guiding*) with favorable provisions for the restitution of the national bourgeoisie.<sup>30</sup> It also issued two documents to lift the label of rightist.<sup>31</sup> In early 1979, Beijing ordered the removal of the remaining four labels of the five types: landlord, rich peasant, bad element, and counterrevolutionary.<sup>32</sup> While the impact of these policies was uneven—nearly 80,000 people continued to live with the labels of the four types until late 1984<sup>33</sup>--these policies began gradually to remove the stigma attached to those groups and qualify them for the restitution.

But more than a decade had passed since the initial house raid, recovery of all looted objects was impossible. During the Cultural Revolution, for instance, the Group for Handling Seized Goods in Shanghai and the Shanghai Revolutionary Committee disposed relevant looted goods to the market, libraries, banks, and public security offices.<sup>34</sup> The 1978 report by the Preparation Group of a National Petition Conference identified a number of challenges regarding confiscated material. They included the lack of responsible parties, accurate inventories, proper estimates of the values of missing items, and the corruption and theft in handling these objects. The chaos of the Cultural Revolution, including staged exhibitions of raided objects by Red Guards, also caused the loss and damage of some of those goods.<sup>35</sup> As the process of national restitution unfolded, the central government began to provide more detailed directives. A 1984 document from Beijing proposed opening warehouses where such objects were stored and

<sup>30</sup> Xiao, *Turning Point in History*, 130-131.

<sup>31</sup> *Ibid.* 113.

<sup>32</sup> *Ibid.* 127-130,

<sup>33</sup> *Ibid.* 130.

<sup>34</sup> Shanghai shi geming weiyuanhui, “Shanghai shi geming weiyuanhui weijian” [Documents of Shanghai Municipal Revolutionary Committee], July 13, 1967, in MLD, item no. 5547; Shanghai shi geming weiyuanhui chajia caiwu chuli zu, “Guanyu chuli chachao zichanjieji fenzi caiwu de tongzhi” [Notice on Handling Confiscated Goods from members of the Bourgeoisie], December 15, 1967, in MLD, item no. 5554.

<sup>35</sup> Denise Y. Ho, *Curating Revolution: Politics on Display in Mao’s China* (Cambridge, UK: Cambridge University Press, 2018), 174-198, 206-207; Perry and Li, *Proletarian Power*, 12.

substituting lost items with those in the state warehouse of gifts.<sup>36</sup> Another 1984 document allowed owners to claim 25-33 percent of the 1966 value for their lost items.<sup>37</sup> In 1986, Beijing issued yet another directive. It stated that if the owner could provide information regarding the missing items, local government should try to find and return them.<sup>38</sup>

The return of the Zhus' possessions fell short of Beijing's instruction. In 1966, the Red Guards from Lu and Zhu's units searched their house six times and drove away seven truckloads as Lu's "criminal evidence." The sixty-page inventory the Red Guards left numbered around 1,500 items. Among the highlights were more than a dozen gold bars; about 25,000 yuan in cash, bankbooks, savings, bonds, US and Hong Kong dollars; eighty plus traditional Chinese paintings; hundreds of pieces of jewelry, silverware and other items in gold, diamond, silver, jade and ruby; rosewood, marble, and leather furniture; fur coats; and imported luxury goods.

**[Figure 1: One of the sixty pages titled: Inventory of Lu Hongyou's Criminal Evidence and Goods. The list includes American and Hong Kong dollars, gold bars, and jewelry]** The Red Guards from Lu's unit immediately placed some of the items at consignment shops. At the end of 1966, they provided the family with two sales records. One, dated November 8, was a list of 22 items of clothing sold for 15.78 yuan; the other, dated December 1, included six pieces of furniture sold for 115.75 yuan. The second sales record noted: "My [Lu's] unit will keep the

<sup>36</sup>Zhonggong zhongyang bangongting, "Zhuanfa 'zhongyang luoshi zhengce xiaozu kuoda huiyi jiyao' (jielu) [Transmission of the Minutes of the Central Party Fixing Policy Small Group's Enlarged Meeting (Excerpt)], July 6 and August 23, 1984, in MLD, item no. 152.

<sup>37</sup> Zhonggong zhongyang tongzhanbu, quanguo zhengxie jiguan dongzu, zhonggong zhongyang bangongting, "Zhongyang bangongting zhuanfa zhongyang tongzhanbu, quanguo zhengxie jiguan dangzu 'guanyu tuoshan chuli wenhua dageming zhong chachao caiwu yiliu wenti de yijian' de tongzhi" [Notice of the CCP Central General Office's Transmission of the Central United Front Department and the Party Group of the National Committee of the Chinese People's Political Consultative Conference's 'Opinions on Properly Handling Remaining Issues of the Confiscated Goods during the Cultural Revolution'], July 16, 1984, in MLD, item no. 824.

<sup>38</sup> Zhonggong zhongyang bangongting, guowuyuan bangongting, "Zhuanfa Guanyu jinyibu guanhe luoshi 'zhongyang luoshi zhengce xiaozu kuoda huiyi jiyao' de buchong yijian de tongzhi" [Notice on Transmission of Additional Comments on Further Implementing "the Minutes of the Central Party Fixing Policy Small Group's Enlarged Meeting"], February 22, 1986, in MLD, item no. 153.

money for the time being.” **[Figure 2: A sales record of the Zhus’ looted goods dated December 1, 1966].**

Things changed quickly after 1978. The restitution of the Zhus’ confiscated goods was resolved by 1982. The first step in the process was a notice from Lu’s work unit in 1979 for the family to collect a few pieces of antiques. This notice indicated the location, a warehouse across from the Jade Buddha Temple, and a date for the Zhus’ pickup of the items. Because of Lu Hongyou’s political label and poor health, Zhu and her son Lu Youren went to the warehouse. The staff there took them to “a small pile of material,” according to Lu Youren’s recollection, on a shelf with his father’s name attached: two flower vases in their individual cases from the Ming and Qing dynasty respectively and a few—six to seven, again, according to Youren’s recollection--scrolls of painting and calligraphy.**[Figure 3 and 4: A Vase from the Ming Dynasty that was returned to the Zhus]** Zhu was taken aback by the discrepancy between the dozens of the art work the Red Guards took and the few scrolls now presented to her. But she was told either to take them or leave them. The next compensation package the authorities provided came in the form of cash, 36,000 yuan for the rest of their goods. Evidence indicates that in the early 1980s, Lu’s work unit did try to locate some of the family goods. One record shows that in September 1968, Lu’s work unit turned over 214 items of seized goods from the family, including 73 pieces of Chinese paintings, to the District Group of Sorting out Cultural Relic and Books. That record also indicates that on November 4, 1980, Lu’s work unit “contacted [the District Group] and requested the return [of those items].” **[Figure 5: A record of the 214 items raided from the Zhus that were submitted by Lu’s work unit to the District Group of Sorting out Cultural Relic and Books in 1968 and a request for their return in 1980]** But the family never heard about the result of that inquiry. Then, in 1982, the authorities

offered the Zhus an additional 3,000 yuan, said to have reflected the increased price of gold. In the end, the vases and scrolls Zhu and her son brought home and the 39,000 yuan constituted the total restitution for the Zhus' looted goods.

The restitution in this case was clearly insufficient for a number of reasons. One is the timing. Restitution in 1979 was at a relatively early stage and the Zhus did not benefit from the more specific and favorable guidelines the central government provided throughout the 1980s, as mentioned earlier. The inadequate restitution also reflected political expediency in Shanghai, as the authorities tried to resolve such issues quickly. On the other hand, while some families persistently fought for the return of their goods,<sup>39</sup> the Zhus were engaged in a prolonged struggle for restitution and rehabilitation on multiple, interconnected fronts, with greater human consequence than the return of the material goods. In the late 1970s and early 1980s, what consumed the most of their energy—frequent letter writing and visits to relevant offices--were the rehabilitation of Lu Hongyou's counterrevolutionary status; the restitution of their house; and the return of their son from the countryside. Despite central instruction on the removal of political labels in 1979, Lu was one of those whose case lingered into the 1980s. As a result, he was denied retirement in 1977 at the age of 60, the official retirement age. Lu was finally rehabilitated in early 1983 and immediately retired. A few months later, he suffered a stroke and was confined to a wheelchair, which made living in the attic almost impossible and the return of their house all the more urgent.

<sup>39</sup> Zhonggong Liaoning shengwei zuzhibu, zhonggong liaoning shengwei tongzhanbu, "Guanyu zhuanfa 'zhongyang zuzhibu tongzi [82] 23 hao wenjian,' 'zhongyang tongzhanbu tongfawen[82] 600 hao wenjian'" de tongzhi" [ Notice of Transmission of "Central Organization Department's [82] no. 23 Document" and "Central United Front Department's [82] no. 600 Document"], August 23, 1982, in MLD, item no. 1112.

At the same time, the family faced another urgent and daunting issue. Their son, Lu Youren (1951-), spent ten years as a “sent down youth” in Northeast China and was denied a number of opportunities to return to the city because of his father’s “black” status. In 1979, Lu Youren was in a serious relationship with Zhang Xiaoqiu (1951-), which the Zhang family adamantly opposed, because Youren had no residency permit, no job, and no housing in Shanghai. The district told Zhu that if she could present her son’s marriage license, the district would give back a room in the Zhu house for him, just like it did for their daughter. But the family first had to bring Youren back to Shanghai and get him a job, which they finally accomplished in 1980. In June 1981, the district issued a permit for Youren to get his household registration at the address of the family house, which officially confirmed his resident status at and his return to their own home. **[Figure 6: A district document that granted Lu Youren’s household registration at the family house]**. In October, Youren and Xiaoqiu got married.

All these issues-- Lu Hongyou’s rehabilitation, the return of the house, and the end of the son’s exile--were intertwined and life-changing for the family. Zhu Guangze was convinced that Lu’s “black” political label was responsible for the many difficulties in their lives, including the slow pace in the return of their house and their son’s long exile. In one of the letters petitioning for the rehabilitation of her husband dated July 1978, Zhu pointed out that Lu’s status had affected the family and children in many ways and appealed for the authorities to understand their “heavy hearts.” **[Figure 7: Zhu’s petition letter for her husband’s rehabilitation, July 1978]**. The return of the house, which dragged on until 1986, was another priority, as it was crucial to secure the children’s marriages and, after Lu’s stroke in 1983, to their daily existence. In a protracted struggle to deal with all these challenges that affected the family’s well-being and



weariness from the stress of the Cultural Revolution, the Zhush, while fully aware of the inadequacy of their restitution, moved on.

### **The New Trauma and Justice Pursuit**

The post-Mao reform has produced a glaring contradiction in the CCP state's treatment of private property and ownership, at once legitimating and undermining it. Article 13 of the 1982 Chinese Constitution grants protection of "citizens' ownership rights to their legally owned...houses and other property," and of their "inheritance rights to private property."<sup>40</sup> The 2007 Property Law further affirms the legal protection of private property (Articles 64-66) and states that lawful expropriation of private property for "public interest" should protect the legal rights and ensure the living conditions of the expropriated person (Article 42).<sup>41</sup> The marketization of urban housing since the mid-1980s has dramatically advanced broad home ownership in China.<sup>42</sup>

However, since the early 1990s, the state has promoted large scale urbanization and commercial real estate development, a powerful engine of China's economic growth, that has threatened private property. In 2001, Beijing issued "Regulations on Urban Housing Demolition and Relocation," known as Document 305, and sanctioned the use of force in demolition. Item 16 of Document 305 permitted three months for residents who disputed a government compulsory ruling on a housing settlement to appeal their cases in court. Yet during the three

<sup>40</sup> Quanguo renmin daibiao dahui gonggao (National People's Congress Announcement), *Zhonghua renmin gongheguo xianfa* (The Constitution of the People's Republic of China), December 4, 1982. [http://www.npc.gov.cn/wxzl/gongbao/1982-12/04/content\\_1478495.htm](http://www.npc.gov.cn/wxzl/gongbao/1982-12/04/content_1478495.htm), accessed July 18, 2020.

<sup>41</sup> *Zhonghua renmin gongheguo zhuxiling* (No. 62) (Presidential Order of the People's Republic of China), *Zhonghua renmin gongheguo wuquanfa* (The Property Law of the People's Republic of China), March 16, 2007. [http://www.gov.cn/flfg/2007-03/19/content\\_554452.htm](http://www.gov.cn/flfg/2007-03/19/content_554452.htm), accessed July 18, 2020.

<sup>42</sup> See a discussion of housing marketization in Shao, *Shanghai Gone*, 8-9.

months, the document stipulated that the government could carry out the demolition, which means even a favorable court ruling would not have saved the disputed house. Item 17 allowed forced relocation of residents who held out.<sup>43</sup> Document 305, undermining the relevant principles of the Constitution and later the Property Law, served as the main guideline for urban development for a decade. Compounded by a culture of corruption, this document was responsible for much of the tension emerged in urban development in China. It permitted violent expropriation of private property, including the ones returned during the post-Mao restitution, and provoked persistent resistance.<sup>44</sup>

The seed that would ultimately unsettle the Zhus was planted in 1996, merely ten years after they had reclaimed their house. That year, the Shanghai government and the Hong Kong developer Vincent Lo decided to transform an area of 52 hectares in the south of Huaihai Middle Road into a high-end commercial and tourist attraction, which is known today as Xintiandi, the New World. This plan required the demolition of twenty-four alleyway-style neighborhood blocks and eight hundred work units, and the relocation of about 70,000 residents. The Xintiandi project, one of the best-known cases of gentrification in Shanghai, represented a transition in the city's urbanization process from piecemeal urban renewal to relieve Shanghai's crippling housing shortage to large-scale commercial real estate development meant to drive GDP.<sup>45</sup>

The Zhus' house was among the private properties on one of the twenty-four blocks designated for the Xintiandi project. But none of the residents was informed of the redevelopment plan. In 2002, demolition began on their block for the construction of the

<sup>43</sup> Falü cjubanshe fagui Zhongxin (The Center of Law and Regulations at the Law Press), ed., *Fangwu chaiqian fagui zizhu* (Self-help in Laws and Regulations on Housing Demolition and Relocation) (Beijing: Falü chubanshe, 2004), 23.

<sup>44</sup> See a detailed analysis of Document 305 and its impact, corruption in real estate development, and grassroots resistance in Shao, *Shanghai Gone*, 9-24.

<sup>45</sup> For the development of Xintiandi, see Shao, *Shanghai Gone*, 93-101,

Langham Hotel. Between 2002 and 2005 the Zhus tried to negotiate a settlement with the district. Central to their requests were to be re-settled within the same district and that each of the three families in the house—Zhu Guangze (her husband died in 1998), her son’s family, and her daughter’s family—be given separate settlements, as each of the three families had its own household registration. But the district assigned them apartments in a distant suburb and initially offered little for the daughter, both of which the family rejected. One morning in November 2005, a district demolition squad broke into their house, dragged Zhu Guangze out of her bed, and leveled the house.<sup>46</sup>

This domicile was a watershed moment for the family. Once again, the family was dispossessed, and an essential part of the post-Mao transitional justice undone. No longer were they silent. This time, the family, especially the two women, Zhu Guangze and her daughter-in-law Zhang Xiaoqiu, rose in protest. Zhu insisted that the district house her. She became a self-imposed hostage in a district-provided rundown flat for the next twelve years until her death in 2017 at the age of 95. Her son, Youren, declined to cremate her body until the district provided an explanation for her death. The district responded by simply taking away Zhu’s body. The family remains in the dark about its whereabouts. In the reform era, it is not uncommon to withhold contested corpses for years to assert various positions.<sup>47</sup>

Zhang Xiaoqiu has been petitioning for the family’s housing dispute ever since. Lu Youren has refused to deal with the conflict directly but has supported his wife’s work by taking care of their household. Xiaoqiu’s pursuit of justice, similar to those in other housing disputes, had to navigate the contradictions in the state’s laws and regulations. Adding to the murkiness

<sup>46</sup> The negotiation for the Zhus’ relocation was a complex process. See Shao, *Shanghai Gone*, 132-135.

<sup>47</sup> Qin Shao, “The Lingering Corpse in the Chinese Urban,” *The Newsletter*, no. 81 (Autumn 2018). The International Institute for Asian Studies, Leiden, the Netherlands.

was occasional official rhetoric that condemned violent demolition yet without denouncing Document 305. The Constitution, the Property Law, Document 305, and official rhetoric are not on equal footing. The overriding priority for the post-Mao state was economic growth, which Document 305 best served and was routinely employed by the court to defeat residents' cases in housing disputes.<sup>48</sup> Xiaoqiu and others in housing disputes tried to use the Constitution, the Property Law, and occasional official rhetoric to oppose Document 305 and defend their property rights, a typical case of "rightful resistance."<sup>49</sup> Many of them, like Xiaoqiu, have become long-term petitioners. While China's petition system is inheritably dysfunctional because it mostly turns over the cases it hears to local government that has caused the grievance in the first place, the system has inadvertently helped to form a community of petitioners who inform, sustain, and support each other. In Shanghai, for instance, most housing petitioners visit the main municipal petition office on Wednesdays and then meet for updates on their respective cases afterwards.<sup>50</sup>

Since the 2005 domicide and until the Covid-19 lockdown in 2020, with a few exceptions, Xiaoqiu took a weekly trip to the Shanghai municipal petition office and a monthly trip to various petition offices in Beijing. Xiaoqiu's persistent petitioning has been informed by not only the Constitution and the Property Law, but also the transitional justice the family experienced at the onset of the post Mao era. Xiaoqiu firmly believes that the 2005 eviction was illegal and that the government will once again correct the mistake. She does not expect to

<sup>48</sup> Among the dozens of cases in Shanghai I studied between 2004 and 2012 where the families sued the government, there was no winning record, because the court enacted Document 305 as law to defend government's actions. A 2003 article indicated that no single family had won its court case against forced demolition, see Tong Dahuan, "Meiyou yige chaiqianhu de guansi yinguo," (No single family has won a lawsuit over demolition) *Zhongguo jingji shibao* (China Economic Times) (September 23, 2003). <http://news.sina.com.cn/c/2003-09-23/10231798248.shtml>, accessed July 19, 2020.

<sup>49</sup> Kevin J. O'Brien and Lianjiang Li, *Rightful Resistance in Rural China* (New York: Cambridge University Press, 2006).

<sup>50</sup> See an analysis of the petition system and the community of the petitioners in Shao, *Shanghai Gone*, 19-21, 40-50.

recover the family house as her old neighborhood has vanished. But she has no doubt that the district should provide a just settlement for the lost house. On a few occasions when the two sides tried to resolve the matter, the district still insisted on its initial offer fifteen years ago by assigning them housing in the suburbs. It has not made any effort to address Xiaoqiu's demand and grievance. But Xiaoqiu's faith is unshakable, because, as she said, "Just think about the Cultural Revolution. The government did return our house in the end. It is a matter of time."

Indeed, Xiaoqiu's extraordinary patience in pursuing justice over such a long period of time is associated with the family's past experience. The family waited for near twenty years to finally reclaim their house the last time. Such restitution in the post-Mao period was a miracle to the family. Xiaoqiu believes that a miracle can happen again and is willing to pay a price for that, including endangering her own safety and health. Like many petitioners in China, Xiaoqiu has suffered abuse, detention, beatings, and injury by the authorities on her Beijing-bound petition journeys.<sup>51</sup> But to Xiaoqiu, suffering through the process is a necessary sacrifice. She often mentions how, for more than a decade her mother-in-law visited relevant offices multiple times a week and was similarly humiliated but still persisted. Xiaoqiu understands the pursuit of justice can be slow and painful.

In time, Xiaoqiu has also become critical of the restitution in the post-Mao era. She has tried to achieve what it had failed to do. In the late 1970s, at once traumatized and dispossessed by the Cultural Revolution, the Zhu family accepted the government's partial restitution of their seized goods. Xiaoqiu feels that her family was shortchanged. In post-Mao China, the CCP state's frequent declaration of a society ruled by law and its affirmation of citizens' rights, and the citizens' exposure to the outside world, have all contributed to Chinese citizens' growing

<sup>51</sup> For the Chinese authorities' treatment of the petitioners, see Shao, *Shanghai Gone*, 45-47.

awareness of their rights. The CCP's admission and correction of some mistakes under Mao have generated doubt in some people about the legitimacy of its overall policies since the 1950s. After the passing of the 2007 Property Law, networking among the housing petitioners led to the creation in Shanghai of a loosely connected "Group Demanding the Return of Our Houses" (*taofang tuan*). Among them are other families like the Zhus whose private properties were nationalized in the 1950s. They seek retrospective justice for their lost property in both the Mao and the post-Mao eras, which includes goods looted during the Cultural Revolution. On her petition trips Xiaoqiu often carries with her documents and images pertaining to not only the 2005 eviction, but also the five nationalized houses, the looted goods, and her missing mother-in-law's corpse. While Xiaoqiu's focus is on the last house, she also wants the officials to address what she considers to be other injustices the CCP has inflicted on the family.

Xiaoqiu's pursuit of justice has gone into dimensions largely neglected in the post-Mao restitution, namely a meaningful official apology that acknowledges not only the party's mistakes but also her family's suffering. Years of petitioning has expanded Xiaoqiu's understanding of justice. She recalls that the authorities have never apologized to the family for the 1966 looting or the 2005 domicile. To be sure, as part of the post-Mao restitution, there were apologies at local levels and the term "apology" (*daoqian*) did appear in official documents and speeches, but mostly in passing.<sup>52</sup> Given the colossal damage inflicted on the people under Mao

<sup>52</sup> Man Zhang, "From Denial to Apology: Narrative Strategies of a "Perpetrator" after the Cultural Revolution," in *Victims, Perpetrators, and the Role of Law in Maoist China: A Case-Study Approach*, eds. Daniel Leese and Puck Engman (Berlin/Boston: Walter de Gruyter GmbH, 2018), 167; Hu Yaobang, "Hu Yaobang zai geshengshi zizhi qu dangwei xuanchuan buzhang zuotanhui jieshush de jianghua"[Hu Yaobang's Speech at the End of the Meeting of Provincial, Municipal, and Autonomous Regions' Party Propaganda Department Directors], January 11, 1979, in MLD, item 2515; Zhonggong shaanxi shengwei, "Zhonggong shaanxi shengwei guanyu qunzhong laixin laifang zhong fanying de ruogan dai pubianxing de zhengce wenti he chuli yijian" [CCP's Shaanxi Provincial Committee's Opinions on Handling Some of the Common Policy Issues Reflected in People's Petition Letters and Visits], 1978, in MLD, item no. 4840.

and the countless directives that the state has issued about restitution and rehabilitation, the absence of any central directives that specifically address the importance of apology--taking direct moral responsibility for the party's wrongdoing and offering unequivocal apologies to all its victims—is incongruous.

Xiaoqiu now wants the government to admit and apologize for its mistakes; she wants accountability. She is not alone among Chinese petitioners, some of whom consider an official apology as a first step to any negotiation for monetary compensation. Such demand is fitting for our time, as since the late twentieth century and across the globe political apology has gradually become “one of the basic strategies in the toolkit of ‘dealing with the past,’”<sup>53</sup> for both the state to regain legitimacy and for the victims to begin the process of healing. But this emerging ritual that the state apologizes for the sins of the nation has largely escaped Beijing.

Despite the shortcomings, post-Mao restitution provided Mao's victims with certain compensation, hope, and also lessons. While that restitution took place in a society with a lower expectation for the protection of individual interest, the post-Mao reform has raised citizens' rights consciousness and their sense of entitlement to a fair treatment. To Xiaoqiu and some of the long-term housing petitioners, that the post-Mao regime has made new mistakes in violating their property rights is not in question, nor is the need for a thorough rectification. The post-Mao regime's perennial anti-corruption campaigns and the state's emphasis on the law have only strengthened their determination. Compared with the Mao era, now they see themselves more as agents of change and believe their persistent petitions will eventually compel the government to right the wrongs.

<sup>53</sup> Danielle Celermajer, *The Sins of the Nation and the Ritual of Apologies* (New York: Cambridge University Press, 2009), 2.

## Concluding Remarks

The restitution and rehabilitation in the Post-Mao transition achieved a measure of success. But the CCP's priority was to maintain its own power, which limited the scope and depth of the correction. As the Zhu case demonstrates, the government even missed out on some of its own stated targets. Such limited restitution served little deterrence for the party. The post-Mao leadership soon began to undo some of the correction it had implemented. In the name of economic development, it began once again to seize private property, sanction violent means, and impose a new round of injustices against private property rights, at the expense of its own gradually more progressive law and constitutions. The domicide of the Zhus' last house and the disappearance of Zhu Guangze's corpse speak to the consequence of the compromised justice in the post-Mao transition, when the CCP, like its counterpart in the post-Stalin Soviet Union, was "neither legally condemned nor morally indicted."<sup>54</sup>

The pursuit of justice from below has been critical in the post-Mao transition. The Zhu case indicates that even if the state had clear instructions on the restitution of seized property, the actual realization of such restitution still required active push from below and, in this case, the family petitioned for ten years to finally get their entire house back. The same goes to Lu's rehabilitation, which lingered on long after the state had lifted all the political labels. Nationally, the large wave of petitioners in Beijing and the millions of petition letters sent to the government throughout the late 1970s drove to the forefront issues such as the return of looted goods and the removal of harmful political labels. Similar to the rehabilitation in the post-Stalin Soviet Union,<sup>55</sup>

<sup>54</sup> Nanci Adler, *Beyond the Soviet System: the Gulag Survivor* (New Brunswick, NJ: Transaction Publishers, 2002), 3.

<sup>55</sup> Marc Elie, "Rehabilitation in the Soviet Union, 1953-1964: a Policy Unachieved," in Kevin McDermott and Matthew Stibbe (eds.), *De-Stalinising Eastern Europe: the Rehabilitation of Stalin's Victims after 1953* (London: Palgrave Macmillan, 2015), 26.



the rehabilitation in the post-Mao period were not merely a top-down process but was shaped by the interaction between affected people and the state.<sup>56</sup>

The post-Mao transition has had a complex impact on the relationship between the people and the state. Scholars elsewhere have pointed out “certain common bonds” between state and society where citizens’ reaction to even a repressive state could be characterized as “critical loyalty.”<sup>57</sup> Indeed, some victims of the Stalin era continued to identify with the party and its ideology.<sup>58</sup> In the post-Mao restitution, some of the elite members of the United Front expressed their “uneasiness” (*tante buan*) to receive compensation and their determination to “strengthen self-reform” (*jiaqiang ziwo ganzhao*), which was a grateful gesture to the CCP.<sup>59</sup>

But asked how they felt about the restitution, Lu Youren uses two analogies, one is “shameless bandits,” referring to the 1966 house raids, the 1968 eviction, and the 2005 domicile; and the other is from a well-known Chinese saying, “a prostitute who pretends to be a chaste lady.” Pressed to elaborate on his second analogy, Youren said, “They robbed our house. Decades later, they returned to us barely a change to the value of our loss and told us, ‘See, now we have compensated you.’ Really? What about the rest of our stuff? What about our suffering? Then they kidnapped my mother and leveled our last home that they had given back. Go figure.” Youren does not distinguish among the Maoist regime, the Red Guards, and the post-Mao state. He referred to them all as “they,” the party state in whose name his family has been repeatedly violated. The post-Mao measures of restitution and rehabilitation have failed to restore any sense of justice and reach any reconciliation for Youren. The 2005 domicile has only further hardened

<sup>56</sup> Xiao, *Turning Point in History*, 83-84.

<sup>57</sup> McDermott and Stibbe, *De-Stalinising Eastern Europe*, 124-125.

<sup>58</sup> Adler, *The Gulag Survivor*, 29-30.

<sup>59</sup> Xiao, *Turning Point in History*, 132.

him and, in his mind, it proves his view that the CCP state is no better than a “shameless bandit.” Youren thus holds little hope for justice and has not participated in petitioning.

Xiaoqiu’s take on the post-Mao restitution is a bit different. She has showed me family pictures taken after they were all reunited in the house in 1986. Xiaoqiu pointed to the new furniture they had purchased and commented on how her in-laws looked content then. Indeed, the return of the house had to be extremely meaningful to the family, which allowed the three generations—by then Zhu’s daughter and son each had a child—to live together and resume a sense of normalcy. This tangible justice, as well as the CCP’s ongoing claim of its commitment to a society ruled by law, has been a source of hope for Xiaoqiu’s decade-long petitioning. Such hope, however, has been a double-edged sword—it has sustained Xiaoqiu’s pursuit of justice but also subjected her to repeated disappointment as the system has failed to deliver that which she has sought.

Justice denied and grievance accumulated also have social and political cost. Hardened by repeated state dispossession and alienated by unresolved grievances, Xiaoqiu and other long-term petitioners have not been integrated into their new neighborhoods and are unlikely to contribute to their communities and society. This struggle is also intergenerational, transmitting a legacy of trauma from one generation to the next. The lingering grievances challenge the state’s priority in maintaining social and political stability. In recent decade, China has spent hundreds of billions of US dollars on “Stability Maintenance,” a separate budget item that exceeds China’s military spending.<sup>60</sup> It is used to police the public, including monitoring petitioners, rounding and

<sup>60</sup>Willy Lam, “‘Stability Maintenance’ Gets a Major Boost at the National People’s Congress,” *China Brief* vol. 19, Issue 6 (March 22, 2019): 6 <https://jamestown.org/wp-content/uploads/2019/03/Read-the-03-22-2019-CB-Issue-in-PDF-1.pdf?x31214>, accessed September 14, 2020.

locking them up, and bribing them.<sup>61</sup> This large budget attests to the party's sense of insecurity. The vulnerability of the party and the eruption of pent up anger were on display during the recent outbreak of the Coronavirus crisis. Some Chinese have called for severe punishment for those officials who failed in responding to the virus,<sup>62</sup> and others have used the crisis to demand more freedom of speech.<sup>63</sup> Denied justice and repressed grievance can become a source of scattered ruptures, large and small, on the street and in the cyber space, in rural and urban settings, reported or otherwise, in Chinese society today.

<sup>61</sup> The Chinese government routinely buys petitioners' inaction. Before the National Day celebration on October 1, 2019, to prevent Zhang Xiaoqiu from going to petition in Beijing, the public security bureau in Shanghai offered her two choices: either accepting 7,000 yuan and staying home or being sent to a detention center.

<sup>62</sup> Li Yuan, "Coronavirus Crisis Exposes Cracks in China's Facade of Unity," *New York Times*, January 28, 2020. <https://www.nytimes.com/2020/01/28/business/china-coronavirus-communist-party.html?action=click&module=RelatedLinks&pgtype=Article>, accessed January 30, 2020.

<sup>63</sup> In early February 2020, a hashtag #wewantfreedomofspeech# created on Weibo gained two million views and over 5,500 posts within hours. See Li Yuan, "Widespread Outcry in China Over Death of Coronavirus Doctor," *New York Times*, February 7, 2020. <https://www.nytimes.com/2020/02/07/business/china-coronavirus-doctor-death.html?referringSource=articleShare>, accessed February 10, 2020.

Figure 1: One of the sixty pages titled: Inventory of Lu Hongyou's Criminal Evidence and Goods. This list includes American and Hong Kong dollars, gold bars, and jewelry (p.13)

陸鴻猷的罪狀罪物清單

美鈔	捌拾壹元		
港印	壹佰元		
金摺頭	叁片		
金塊	陸塊	2.969 + 0.94 + 1.1 + 0.95 + 1 + 1.7359	
翡翠別針 (原裝)	壹只		
翡翠袖戒 原裝	壹只	假別針	壹只
翡翠戒子	壹只	假文耳環	式付
紅戒	壹只	假耳環	壹付
珠花	壹朵	假耳環	壹付
金鎖匙	壹只	假戒指	壹只
金項鍊雞心	壹條	假別針	壹只
金耳環	壹付	假耳環	肆付
金腳鐲	壹只	假別針	壹只
金戒子	陸只	銀酒杯壹隻	壹隻 1/14
手鐲	壹只	銀果盒	壹只
金鑲戒指	壹只	銀金匙	壹套 計七件
金鈴	式只	銀匙	式付
四叶別針	壹只	銀杯	式只 銀匙

(This could be an alternative page for Figure 1. Its value is that it was dated: September 3, 1966.)

日期: 1966. 9. 3 第 1 页

编号	品名	数量	编号	品名	数量
散-1	白金戒	一枚	散-22	红木靠背椅	1只
"-2	手枪子弹头	一粒	"-23	" " "	1只
"-3	子弹线	一粒	"-24	糖瓷烟盒	1只
"-4	红木茶几	1只	"-25	方夜桌箱(红木)	1只
"-5	"	1只	"-26	" " (")	1只
"-6	方夜桌箱(红木)	1只	"-27	单人日沙发	1只
"-7	" (红木)	1只	"-28	" " "	1只
"-8	单人沙发椅	1只	"-29	单人沙发椅	1只
"-9	"	1只	"-30	16" 奇岸松扇	1只
"-10	"	1只	"-31	红木单人靠背椅	1只
"-11	"	1只	"-32	" " "	1只
"-12	长方列红木柜	1只	"-33	" " "	1只
"-13	"	1只	"-34	" " "	1只
"-14	"	1只	"-35	" " "	1只
"-15	"	1只	"-36	" " "	1只
"-16	"	1只	"-37	单人靠背椅	1只
"-17	"	1只	"-38	" " "	1只
"-18	长方列矮桌	1只			
"-19	五斗橱(红木)	1只			
"-20	红木衣架	1只			
"-21	长方列书桌	1只			

经手人: 高... 见证人: 王祖... 被查人: 刘... 制单: 林...

Figure 2: A sales record of the Zhus' looted goods, dated December 1, 1966 (p. 14)

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品名	数量	编号	品名	数量
漆木架	1只	3920	漆木架	1只
漆木椅	74只	3921	漆木椅	74只
皮方椅	1只	415	皮方椅	1只
合计 115张元 (115张)				
以上款项由我单位暂收人收。				
准收人 李守进 收				
经手人	见证人	被查人	朱光斌	制单 吴集林

ure 2

**Figure 3 & 4: A Vase from the Ming Dynasty that was among the few antique items returned to the Zhous in 1979 (p. 14)**







Figure 5: A record of 214 looted items from the Zhus that Lu's work unit submitted to the District Group of Sorting out Cultural Relic and Books in 1968 and a note on the request of their return in 1980. (p. 14)

1968年9月26日上海五金采购供应站送交黄浦区文物普查清理小组陆鸣猷抄家物资材料  
 掣给清单(抄件)编号 15-24 (68.10.8)

字画类	73 件
铜器	13 件
陶瓷	12 件
玉石	7 "
竹木漆器	43 "
牙骨角类	24 "
杂类	42 "
<hr/>	
合计	214 件

1980.11.4 五金站袁顺林云  
 联系过要求发还

Figure 6: A district document that granted Lu Youren's household registration at the family house, June 15, 1981 (p. 16)

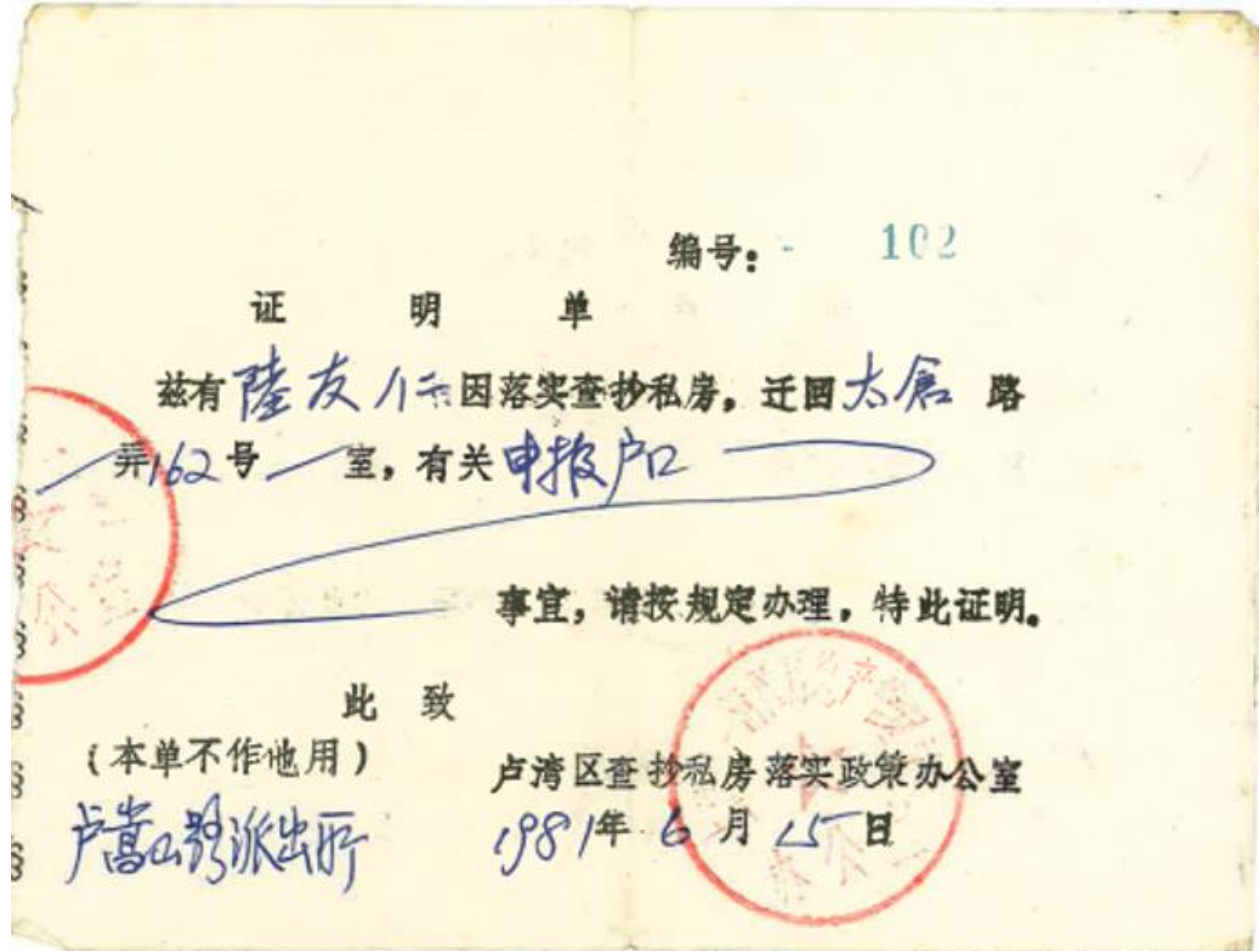


Figure 7: Zhu's petition letter for her husband's rehabilitation, July 1978 (p. 16)

商业一局复查组负责同志：

我是早市建南中学的教师。我丈夫陆鸿猷在你局五金站工作。由于他的改历问题在1965年四清运动中受审查，长期没有作出结论。到1971年八月，五金站突然宣布他为敌我矛盾，大反革命分子帽子。

据我所知，我丈夫解放以来奉公守法，认真工作，从未犯过什么错误。他的历史问题在四清运动以前早已向组织交代清楚，而七三年该站复查的结果也证明，四清运动中并没有发现什么新的问题。根据他过去改历的交待情况及他已完全交代清楚的事实，对他的问题究竟应如何处理，是否请求组织上再给予一次复查审议的机会。

八年来由于我丈夫的问题，家属子女各方面都受到影响，我们的沉重心情也是可以理解的。

在华主席和党中央的英明领导下，为贯彻落实党所团结一切可以团结的力量，调动一切积极因素并且化消极因素为积极因素的方针政策，我希望你们接受我的请求，并研究处理。此致

敬礼

朱光译敬上  
1978.7.  
住址产湾区西门路354号