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DEMOCRACY BEHIND BARS: FORCED LABOR IN THE CHINESE PRISON SYSTEM: PAST, PRESENT, AND PERSPECTIVES ON THE FUTURE

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BITTER WINDS: A MEMOIR OF MY YEARS IN CHINA'S GULAG.

[I]f a person's life has no value, then the society that shapes that life has no value either. If the people mean no more than dust, then the society is worthless and does not deserve to continue. If the society should not continue, then I should oppose it.1

I. INTRODUCTION

The Chinese labor reform system is unlike any other country's prison system.2 The systematic internment of citizens into the seemingly endless Chinese gulag does not correspond to the convictions of criminals in the United States into state and federal prisons. It is therefore difficult for Americans to comprehend the plight of untold numbers3 of political detainees who are arrested, convicted, and sentenced in one step without even a hearing. This is what happened to Harry Wu Hongda, a promising young geology student and baseball

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1 Harry Wu & Carolyn Wakeman, BITTER WINDS: A MEMOIR OF MY YEARS IN CHINA'S GULAG 129 (1994).

2 See id. at 56, 278. China's labor reform system, the Chinese Gulag, with its many prisons and detention centers, is a complex, carefully developed system of forced labor which, beginning at its inception, has incarcerated millions of Chinese citizens, many without trial or sentence. See id. at 278. Prisoners are forced to admit their crimes, and accept their punishment. Id. at 56. Punishment takes the form of labor which is seen by the Communist leaders as an effective part of reforming the thoughts and attitudes of prisoners. See id. at 284. The Chinese gulag has been compared to the Nazi concentration camps and the Soviet gulag. See id. at 278.


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player, in China in the late 1950s. The practice of targeting members of China’s elite, intellectual class began in the early to mid-1950s during the transition to socialism. Intellectuals like Wu, who were reluctant to play an active role in the political process, or who perhaps kept a correspondence with a friend or family member who lived outside the country, were immediately suspect and vulnerable to the label counterrevolutionary rightist. Having received this label, the accused were stripped of fundamental civil rights and often sent away to reeducation through labor in China’s labor reform prisons. Wu entered the Chinese gulag in 1960 and didn’t emerge until 1979.

_Bitter Winds_ chronicles the brutal conditions of Wu’s incarceration in the Chinese prison system during this tumultuous time. It is a vitally important piece of work because it captures the nearly twenty years of imprisonment through an intensely personal voice. With this book, the system of oppression created by Chairman Mao’s teachings is revealed in careful detail for those who have no way of imagining it. Wu is the first person to take his story to the public and expose the abuses and violations of human rights within the Chinese prison system. His story is compelling and real, and without it, the secrets of the Chinese gulag might have remained forever hidden.

There is extensive evidence that the Chinese labor reform system has not changed significantly since the years of Wu’s detention. In

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4 See _Wu_, _supra_ note 1, at 12.
5 See _id._ at 16. In the spring of 1955, the Communist leadership launched the Elimination of Counterrevolutionaries campaign. _Id._ Thousands of Chinese citizens were interrogated, many arrested, and some even executed. _Id._ As early as 1952, Harry Wu’s father was abducted without warning from his family for interrogation and detention lasting one full month. _Id._ at 9. The Communist leadership was suspicious of him because he may have owned property and had been somewhat successful in the banking business before the revolution. _See id._ at 9, 14–15.
6 _Id._ at 16. During the 50s, 60s, and to a less extent the 70s, “counterrevolutionary rightist” was a label for someone whose opinions the Communist party believed were contrary to the goals of the Revolution. _See id._ at 26–27. To be labeled a counterrevolutionary rightist one didn’t have to work actively against the Party. _Id._ at 23. There just needed to be some basis for suspicion that the accused didn’t have total loyalty to Mao Zedong. _Id._ at 27. Wu’s brother was arrested and detained for five months because of suspicions arising from occasional letters he received from their sister living in Hong Kong. _Id._ at 23. He was beaten and interrogated day and night. _Id._ After he was released he was assigned work in Inner Mongolia, one of China’s most remote and backward provinces. _Id._ at 22.
7 _Id._ at 45–46.
8 _See id._ at 45, 260.
fact, it is part of established Chinese law that individuals who are deemed dangerous to the security of the state, or who are seen to "seriously endanger public security" can be subject to arrest and imprisonment. There are vague charges, no legal representation, and often indefinite sentences for these "crimes." The purposes of forced labor when Wu was imprisoned were mainly punishment and indoctrination.

Today, forced labor has taken on a more sophisticated pur-
with one instance when he had extended a home leave beyond his allotted time without asking for permission, were enough to label him a rightist and an enemy of the people.\textsuperscript{31}

According to the constitution and the laws of China at the time, once a citizen is labeled a counterrevolutionary rightist, he or she is subject to internment.\textsuperscript{32} At the discretion of Party officials, those accused can be sentenced to reeducation through labor.\textsuperscript{33} Neither formal charges nor hearings are necessary, and there is no avenue for appeal.\textsuperscript{34} This is an official policy which has endured even to the present.\textsuperscript{35} After Wu was labeled a rightist, he was forced to turn over his personal diary as possible evidence of his reactionary thoughts.\textsuperscript{36} Wu protested saying that his constitutional and human rights had been violated.\textsuperscript{37} His protest was later used against him.\textsuperscript{38} What Wu failed to understand was that under the stigma of the rightist label, he no longer had these rights.

Wu and other citizens labeled counterrevolutionary rightists were sentenced at the discretion of low-level Party officials who made their decision without any formal procedure whatsoever.\textsuperscript{39} The length of the sentences extended indefinitely; rightists could be released when party officials subjectively felt their attitude had been corrected.\textsuperscript{40} This potentially meant a long and uncertain detention for citizens like Wu who had been convicted on the basis of minimal suspicion. For many Chinese who were accused of being rightists there was no hearing, no formal charges, and no right to representation.\textsuperscript{41} In the spring of 1960, Wu was sentenced to reeducation through labor.\textsuperscript{42} He was never in-
formed of the accusations against him, and there was no limit set to his term.\textsuperscript{43} He protested the arrest, claiming he had a right to be informed of his crimes, but was informed he had no such right.\textsuperscript{44} He was forced to sign his arrest papers but was not allowed to read them.\textsuperscript{45} By signing the papers he implicitly agreed with the decision to imprison him; effectively pleading innocence was not an option.\textsuperscript{46} The officer who arrested Wu told him he would possibly be released in three to six months.\textsuperscript{47} In fact, he remained in detention for nineteen years.\textsuperscript{48}

III. LABOR: "OBLIGATION, PUNISHMENT, AND REWARD"\textsuperscript{49}

A sentence of reeducation through labor can still mean an indefinite stay in one of the many labor reform camps located throughout China today.\textsuperscript{50} For Wu it meant being sent to one prison after another, the relocation depending on conditions of overcrowding.\textsuperscript{51} In 1960, China's zealous scourge on counterrevolutionary rightists and "historical counterrevolutionaries"\textsuperscript{52} caused the prisons to overflow but there was no relaxation of the policy.\textsuperscript{53} The goal of reeducation through labor is for the prisoner to admit his or her crimes, demonstrate willingness to reform his or her thoughts, and show discipline and devotion to the Communist ideals through labor.\textsuperscript{54} Because labor is such an integral part of the Communist system, it is seen by the Communist leadership as a simultaneous reward and punishment.\textsuperscript{55}

The conditions which Wu describes, particularly in the first two to three years of his internment, were unimaginably abysmal.\textsuperscript{56} The Great

\begin{itemize}
\item \textsuperscript{43} Id. at 45–46.
\item \textsuperscript{44} Id.
\item \textsuperscript{45} Id. at 45.
\item \textsuperscript{46} See id. at 46.
\item \textsuperscript{47} Id.
\item \textsuperscript{48} See id. at 260.
\item \textsuperscript{49} Id. at 56.
\item \textsuperscript{50} See Lee, supra note 9, at 42.
\item \textsuperscript{51} See Wu, supra note 1, at 66.
\item \textsuperscript{52} Id. at 56. Historical counterrevolutionaries were prisoners whose "crimes" preceded the establishment of the People's Republic in 1949. Id. Many of these individuals had worked in some capacity for the Nationalist government. Id. at 96.
\item \textsuperscript{53} See id. at 65–66.
\item \textsuperscript{54} Id. at 56; see id. at 45–46. Labor can take the form of farming, factory work, mining, or construction. See id.
\item \textsuperscript{55} Id. at 56. The reward aspect is the relief from the monotony of prison life. See id. When not laboring, prisoners are generally inactive, or involved in political study meetings. See id. at 48, 49, 56.
\item \textsuperscript{56} See id. at 65–67.
\end{itemize}
Leap Forward had been a complete economic disaster and had precipitated a famine which severely affected Chinese citizens. The famine was keenly felt by the prisoners, and countless numbers of prisoners died of starvation. In their weakened, malnourished condition, labor was often impossible. Many factories and mines at labor reform camps were shut down due to the economic collapse which left no work to do. In this state of near starvation, human life in the camps withered away to meaninglessness.

The hardships suffered by Wu during the years of his imprisonment exemplify countless experiences of prisoners in the gulag. Wu endured treatments which were routine and acceptable under Chinese law but which violated international human rights policies. Solitary confinement is one example of the inhumane treatment of prisoners who resist thought reform. During the spring of 1964, Wu was sentenced to solitary confinement for secretly participating with other prisoners in writing letters to Chairman Mao and to the Communist Party Central Committee, to protest the injustice of their incarceration. Solitary confinement meant being placed outside in a six foot by three foot by three foot cement cell. He remained in the cell for eight days, being intermittently interrogated and beaten. Not until the fourth day was he allowed a drink of water and a bowl of porridge. This practice was not unusual and it effectively served the purpose of destroying a prisoner’s resistance to discipline. One of the teachings

57 See id. at 55. The agricultural techniques Mao had believed would increase the yield of crops had actually greatly reduced it. See id. This was one major precipitating factor of the famine. See id.
58 See id. at 122–23.
59 Id. at 118–19.
60 See id. at 72–73.
61 See id. at 121, 129. During the most severe months of the famine in 1961 and 1962, the seriously ailing prisoners spent their time simply trying to avoid death. Id. at 120–21. Eventually the only way to distinguish the living from the dead was the dead failed to sit up at mealtime. Id. at 122.
62 See id. at 286.
63 See id. at 178–79.
64 Id. at 179, 182.
65 Id. at 175–76. They chose this time to speak out because three years earlier, in 1961, Mao officially announced that all rightists would be released within the next three years. Id. at 169. As of 1964, very few had actually been released and those who remained in labor reform were offered no future date of release. Id. at 171.
66 Id. at 180.
67 Id. at 182–83.
68 Id. at 181.
69 See id.
of the Communist party was “Our Great Leader Chairman Mao teaches us that Revolution is not a dinner party.”\(^{70}\) This motto was an example of a broader ideology: prisoners were forced to study and memorize the works of Mao to demonstrate their devotion to Mao Zedong thought.\(^ {71}\) This motto could be used to justify any cruelty, and the authorization came from the highest authority, Mao himself.\(^ {72}\)

IV. LABOR REFORM TODAY: A BOOMING ENTERPRISE

Since 1989 and the terror of the Tiananmen Square incident, some scrutiny, by the United States in particular, has been placed on China’s human rights record, specifically on its methods of arrest and imprisonment.\(^ {73}\) What that scrutiny has revealed is disturbing. Many of the labor reform camps in which Wu was imprisoned are still operating and still use many of the barbaric practices Wu writes about, like beatings and solitary confinement.\(^ {74}\) Labor still serves the ideological purpose it served during Wu’s imprisonment: a means for prisoners to reform their thoughts and attitudes.\(^ {75}\) Prison labor also serves a practical purpose: the sixteen to twenty million people currently serving time in China’s prison camps are vitally important to the Chinese economy.\(^ {76}\) Their forced labor provides goods which are secretly manufactured in prison specifically for export to Germany, Japan, and the United States.\(^ {77}\) These numbers include prisoners who are political dissidents, arrested under the same types of vague charges and lack of process as in the 1960s.\(^ {78}\)

\(^{70}\) Id. at 225. This motto was repeated often during the Cultural Revolution, beginning in 1966. Id. The Cultural Revolution was an extreme campaign of violence and destruction meant to advance the revolution and stamp out any lingering reactionaries. See id. at 199-200. Although the Red Guards of the Cultural Revolution ravaged Chinese cities in their effort to rid the nation of its bourgeois past, it had little effect on daily life in the labor camps. Id. at 199. Occasionally the Red Guards visited the prison camps to demonstrate their power by singling someone out and beating him, but for the most part, the Cultural Revolution remained outside the gates of the camps. See id. at 200-01.

\(^{71}\) Id. at 203.

\(^{72}\) Id. at 225. This was the line that Wu heard before he was severely beaten in 1968. Id. His crime was hiding some of his childhood books rather than offering them to be destroyed during one of the directives of the Cultural Revolution. Id. at 222. This directive called for the destruction of all “reactionary” materials, particularly books. Id.

\(^{73}\) See Lee, supra note 9, at 42; Youmin, supra note 41, at A10.

\(^{74}\) See Sun, supra note 9, at A36.

\(^{75}\) See Wu, supra note 1, at 56, 284.

\(^{76}\) See Epstein, supra note 13, at A14.

\(^{77}\) See Lee, supra note 9, at 42.

\(^{78}\) See id. The practice of arresting suspected rightists and dissidents is perfectly legal under
China has admitted to keeping 3500 political dissidents detained in its gulag today. In the first five months of 1994 alone, at least 100 dissidents were arrested. These are individuals whose lives are lost to virtual slavery after their arrest. Sentences vary but even after release, most prisoners retain the status of resettlement prisoners or forced job placement personnel. Under this label, prisoners are still not free to travel or live like normal citizens. They must labor indefinitely for insignificant wages at whatever job they are assigned. Wu spent ten years under this label and, for him, this status was very similar to that of an ordinary prisoner. When Wu returned to China in 1991, armed with a hidden camera to film the present conditions of the gulag, he met an ex-prisoner who had been arrested as a counterrevolutionary rightist, had served an eight year sentence, and had been a resettlement prisoner for twenty-seven years. This resettlement prisoner told him that one third of the population of Qinghai province is comprised of resettlement prisoners and their families. These prisoners provide a valuable and cheap work force to build roads, dams, and work in the mines.

Political dissidents who work in the labor reform camps produce a variety of products for export. The Washington Post reported two years ago that at Qinghe Farm, where Wu spent about five years, prisoners were producing latex gloves for export to the United States. Prisoners produce shoes, hardware, flashlights, silk flowers, and textiles. The value to the Chinese economy of this practice is significant.

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Chinese law. Chinalaw No. 12, supra note 32. The charges which warrant arrest and imprisonment can be as seemingly innocent as writing to human rights organizations to expose abuses by officials. See Youmin, supra note 40, at A10.

79 See Beijing Frees Foe, supra note 3, at A10.
80 See Youmin, supra note 41, at A10.
81 See Lee, supra note 9, at 43.
82 See id.
83 See Wu, supra note 1, at 233.
84 See Lee, supra note 9, at 43.
85 See Wu, supra note 1, at 233.
86 Id. at 283.
87 Id.
88 Id.
89 See Youmin, supra note 41, at A10.
90 See Sun, supra note 9, at A36. It was reported that a 50 year old prisoner who was caught trying to slip a note into a box of latex gloves for export was beaten with electric batons and put in solitary confinement. Id. Qinghe Farm was the site planned as a showcase for China's camps at the International Committee of the Red Cross convention. Id. The Red Cross ultimately chose to have their convention elsewhere. Id.
91 See Lee, supra note 9, at 42.
92 Id.
Prisoners provide a skilled work force which has no choice but to work long hours for little or no pay.\textsuperscript{93} Prison production and earnings from prison exports grow every year.\textsuperscript{94} China itself admits to earning $100 million each year in the prison export business, and this is substantially understated.\textsuperscript{95} The importation of prison-made goods into the United States violates American law, so the Chinese deny exporting prison-produced goods to the United States.\textsuperscript{96} The fact that China has a $10 billion trade surplus with the United States, combined with the multitude of evidence that many products coming into the United States are made in Chinese prisons, show that the United States is importing an untold dollar amount worth of prison-made goods produced at the hands of exploited prisoners, including political dissidents.\textsuperscript{97}

V. CONCLUSION

Up until the spring of 1994, the United States had struggled to adopt a strategy to deal with the ongoing human rights abuses in China, and in their prison system specifically.\textsuperscript{98} Before this point, the United States attempted to force China into compliance with the Universal Declaration of Human Rights by threatening to withdraw their Most Favored Nation (MFN) trading status.\textsuperscript{99} The United States presented an ultimatum to China in 1993: either improve your human rights record in seven specific areas, number one being the export of prison-made goods, or we will revoke MFN status.\textsuperscript{100} Unfortunately, this ultimatum proved futile, and rather than alienate American businesses with interests in the Chinese market, the Clinton administration made

\textsuperscript{93} See id.
\textsuperscript{94} See id.
\textsuperscript{95} Id.
\textsuperscript{96} Id.
\textsuperscript{97} See id. Many United States companies that do business with China report that they were given tours of Chinese prison factories when the Chinese were trying to solicit their business. Id. When dealing with countries which do not outlaw the importation of prison-made goods, like Japan and Taiwan, the Chinese advertise their prison labor and the buyers find it an attractive selling point because of the low prices. See id.
\textsuperscript{98} See Tyler, supra note 3, at 1.
\textsuperscript{99} Bill Nichols, Clinton Likely to Renew China Trade Status/Human Rights Violations Are the Only Hitch, USA TODAY, May 19, 1994, 10A; see Beijing Frees Foe, supra note 3, at A10.
\textsuperscript{100} See Nichols, supra note 99, at 10A. The seven target areas were 1) ending the export to the U.S. of prison-made goods, 2) permitting dissident family members to leave China, 3) allowing free access in China to the radio and T.V., 4) protecting Tibet, 5) accounting for and releasing political prisoners, 6) adopting humane treatment for prisoners, and 7) generally observing the U.N. Declaration of Human Rights. Id. The bulk of these concerns center around treatment of prisoners and the arrest policies for political dissidents. Id. Harry Wu has contributed significantly
the decision to de-link human rights abuses and MFN status. Those who support the continuation of China's MFN status claim that keeping the markets open between China and the United States will facilitate the free flow of democratic ideas to China. There is little evidence that this is true, and most activists involved in the struggle for human rights in China fear that this decision will allow China to continue to ignore human rights issues. In fact, many political analysts have reached the conclusion that China actually "called the U.S.'s bluff," in regard to the MFN ultimatum, because on the eve of the United States's decision, China actually charged its most prominent political activist with counterrevolutionary crimes and imprisoned him.

Although the writings of Harry Wu have exposed much of the brutality of the Chinese penal system as it existed during the time of Mao, and although the evidence he has offered reveals an ongoing system of oppression and exploitation of Chinese dissidents, the United States, and the rest of the world, have failed to act in any meaningful way to curb the abuses. Perhaps the development of the Chinese economy and the growth of a free market will open the previously closed Communist system to Democratic ideals, as Clinton and the American business community believe. However, it seems more likely that the advantages provided by the cheap and skilled work force of prisoners in China's labor reform system will cause China to continue on its present course rather than voluntarily abolish it.

by his efforts to expose the Chinese Gulag. See Wu, supra note 1, at p. 6 of pictures. The evidence of abuses occurring in Chinese prisons that he presented to the U.S. Congress in the fall of 1991 could not be ignored. Id.


103 See id.

104 See Tempest, supra note 101, at A1. The title of this article reveals the belief that China knew all along that the United States had no intention of revoking MFN status, and that human rights issues are always superseded by economics. See id.

105 See Hamilton, supra note 102, at B3.