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Special Issue

State, Governance and Civil Societal Response in Contemporary China: Critical Issues in the 21st Century

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**State, Governance and Civil Societal
Response in Contemporary China**
Critical Issues in the 21st Century

Special Issue Editor
Emile Kok-Kheng Yeoh

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Special Issue Editor

Emile Kok-Kheng Yeoh

International Journal of China Studies

Notes for Contributors

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Introduction

Governance, Civil Societal Response and the Chinese State

With the 18th National Congress of the Communist Party of China concluded on 15th November 2012 and the birth of a new Politburo Standing Committee, the Party thus completed its second orderly hand-over of power in more than six decades of its rule over this most populous country in the world, and today, the world's second largest economic entity. Nevertheless, also marking the year 2012 are various other poignant events that have further strained State-civil society relations in this vast country: the suicide of Zha Weilin, the mysterious death of Li Wangyang, the daring escape of Chen Guangcheng from captivity in Shandong, the intensification of public protests apparently emboldened by the encouraging solution to late 2011's Siege of Wukan, and the continuing self-immolation of Tibetans since 2009. Among these, most undoubtedly epitomizing the contemporary sociopolitical dilemmas of the People's Republic of China (PRC) is the proliferation of public protests mainly related to forced demolition and relocation, industrial pollution and official corruption, and related to this, State response to civil rights-defending *weiquan* activism and its treatment of such activists as part of the wider dissident community. The continued unfolding of this systemic crisis has, indeed, to be properly placed in the overall environmental context of the problem of increasingly acute socioeconomic inequality, including its ethnoregional dimension, which in many ways constitute the epitome as well as the root of China's social ills resulted from her recent decades of continuous, astounding economic *tour de force* while having stagnated are the modernization and democratization of its political structure and sociopolitical power configuration. The deep-seatedness of such stagnation is conveyed to us in David McMullen's opening article of this special issue, "Memorials and Essays: Political Protest in Late Medieval China". While placing the Tang dynasty tradition of political criticism in its historical context as an aspect of the traditional administrative structure in China, McMullen has shown how besides established channels both for internalized dissent and for independently initiated protest at that time, provisions were developed for the emperor to be aware of dissenting views from the common people, though the paternalistic and largely symbolic nature of such channels should be noted.

While pointing out the deep historical and ideological roots of remonstrance and the principle of open access to the throne of the Tang period, McMullen also highlights the later developments in State response to political dissent in post-Song China which were often characterized by far harsher imperial dynastic intolerance of dissenting views, along with increasing despotism. From the gruesome suppression of the Donglin movement to the imperial courts' co-opting the Confucian literati while continuing to monitor and police the intellectual community by codifying the learned tradition, such later developments would not fail to evoke a sense of *déjà vu* for reader of papers in this special issue subsequent to this historical proemium.

Moving from the historical perspective of the preceding paper to the contemporary era, Merle Goldman in her article, "Citizens' Struggles in China's Post-Mao Era", traces the development of intellectual dissent in modern China, beginning with a look at Mao Zedong's totalitarian rule before proceeding to the post-Mao authoritarian decades. Goldman's paper, moving through the Hu Yaobang, Zhao Ziyang, Jiang Zemin and Hu Jintao-Wen Jiabao administrations, brings into focus the ebb and flow of the plight of dissidents, the uneasy co-existence of pluralistic discourse and openness to foreign ideas and continued tight surveillance and purges and persecution of dissenting intellectuals, including Liu Xiaobo, the key founder of Charter 08. Nevertheless, Goldman notes that while persecution of dissident public intellectuals continues even after the country's transition from a totalitarian to an authoritarian polity, the rule of the Chinese Communist Party (CCP) is today admittedly less repressive than during the Mao era, and together with China's increasing participation in the international community, making it possible for intellectuals to speak out periodically and publicly on political issues, with an impact beyond their immediate intellectual circles. Continuing the discussion on contemporary Chinese dissent and political repression is Arif Dirlik and Roxann Prazniak's paper, "Social Justice, Democracy and the Politics of Development: The People's Republic of China in Global Perspective", which provides a critical analysis of the subject in a global context, urging for the need to see China's problems as the world's problems, and *vice versa*, the world's problems as China's too. From outsider's complicity based on market and related considerations of economic gain¹ to their tacit condoning of political repression stemming from their enthusiasm for the authoritarian "China model" wherein domestic plunder and exploitation could ironically be good for business for the transnational corporations, Dirlik and Prazniak provide a scathing evaluation of the phenomenon and root causes of contemporary Chinese political repression in a global context which is of utmost importance in searching for solutions that would go right to the core of the systemic sources far beyond mere surface phenomena.

Such linkages between the external and the internal in understanding Chinese dissent and State-civil society relations also constitute the focus of Jeffrey Wasserstrom's article, "Learning from Chinese National and Nationalist Spectacles". Juxtaposing the two ostensibly contrasting spectacles of the anti-Japanese protests that erupted in mid-2012 and the lavish gala held to open the Beijing Olympic Games on 8th August 2008, and carefully unveiling the role and aim of the Party-State in overseeing and orchestrating such spectacles, the role of the participants, comments of domestic intellectuals and the international responses, Wasserstrom argues against accepting the idea of a single unified Chinese worldview put forward by the Chinese government and occasionally also by foreign commentators. It is interesting also to compare such State-orchestrated, or partly State-orchestrated, spectacles with the large-scale spontaneous gatherings of the masses such as the proliferating "mass incidents" across the Chinese provinces, and 2012's consecutive gatherings and demonstrations in Hong Kong against the CCP regime's encroachment into the enclave's political and civil liberty and its introduction of "brain-washing" curriculum into the Special Administrative Zone (SAR)'s education institutional framework. The most impressive gathering of all has to be the commemoration gathering upon the 23rd anniversary of June Fourth that was held in Victoria Park, attended by the largest number ever of 180,000 people, whose poignant image of over a hundred thousand candles burning in vigil of those slain in the brutal repression two decades ago makes the cover of this special issue.

In comparison with the victims of State repression in June 1989, whether slain on the Chang'an Avenue, or languished in jail like Li Wangyang, or forced into exile like the many students, academics and labour activists, today's *weiquan* (rights-defending) activists on the other hand represent a community who are trying to work within PRC's politico-legal system to defend the civil rights of the downtrodden masses and victims of official corruption and abuse of power and a mode of development obnoxiously tainted by *guan-shang goujie* (State-business collusion). At the forefront of this new breed of dissidents are the *weiquan lüshi* (rights defence lawyers) who top the list of subversive forces highlighted in a recent article in the overseas edition of the *Renmin Ribao* (*People's Daily*), and who form the focus of Feng Chongyi, Colin Hawes and Gu Ming's paper, "Rights Defence Lawyers as Dissidents in Contemporary China". Against the backdrop of China's economic, social and political transition, Feng, Hawes and Gu explore the emergence of these "rights defence lawyers", with emphasis on the politically charged environment for China's legal profession, how these rights defence lawyers could turn into political dissidents when defending clients whose rights are violated by the Party-State, and their quest for the rule of law and democratic political reforms through their interaction with the

wider *weiquan* activism. Indeed, for the powerless, the dispossessed masses at the lower stratum of society, who have no effective channel to have their grievances redressed by voicing out, these rights defence lawyers emerge to be the main people to whom they could possibly turn for help – who, such as Chen Guangcheng, ironically often become themselves the target of State persecution as they take up cases of victims of State action or of State-business collusion – other than resorting to the currently proliferating street protests, euphemistically called “mass incidents” in official parlance.

On the issue of such “mass incidents”, some months prior to the momentous record gathering at Victoria Park’s June Fourth commemoration, about a hundred and twenty kilometers east of the border of Hong Kong, a protest that started in September 2011 in a tiny fishing village in China’s Guangdong Province soon developed virtually into a local rebellion by December which led to the “Siege of Wukan” that both shocked and fascinated the world. Johan Lagerkvist’s paper, “The Wukan Uprising and Chinese State-Society Relations: Toward ‘Shadow Civil Society’?”, looks into the Wukan incident to reflect on the wider issue of social protest mobilization in the Chinese countryside and the emerging civil society, while pondering the interesting questions related to the uniqueness of the Wukan phenomenon and whether the rather unique and truly remarkable solution to the Wukan crisis does have a symbolic or concrete significance for propelling the progress of democratic politics in China. Despite its unique resolution, the Wukan “uprising” is but one of the myriad cases of “mass incidents” occurring in China at an alarming frequency and intensity which can only be understood by taking into consideration all critical issues underlying contemporary China’s social transition, such as poverty, inequality and social stratification, ethnoregional disparities and contradictions, within the overall political milieu where social change is moving apace amidst astounding economic transformation. Ironically, some factors which at first look seem to be system-threatening may instead work for the ruling regime’s advantage. Some see, for instance, social protests in today’s China as constituting one of the major components of social stability, as the protests serve as checks against the leaders’ abuse of power and as mechanisms ensuring the accountability of the government, thereby undergirding rather than undermining the political system in China’s authoritarian polity where multi-party competitive elections do not exist to provide an effective check on the misbehaviour of State authorities, while others consider large-scale mass incidents driven by economic grievances attributable to local officials’ wrongdoing, or the lack of proper regulations or experience in handling problems engendered by the process of socioeconomic transformation, as not regime-threatening because by asking the government to *zuozhu* (enforce justice), the protests had in fact endorsed the legitimacy of the regime, and as long as the regime had plenty of

financial resources to satisfy the protesters' demands – hence the significance of GDPism as a cornerstone of regime maintenance – it further consolidates its legitimacy.²

Continuing the exploration of State-civil society relations and the situation of dissent in China are Chin-fu Hung's paper, "China's Changing State-Society Relations in the Internet Age: Case Study of Zhao Zuohai", examining the country's legal/political transition with particular focus on its digital technologies-facilitated dimension, and Jonathan Benney's "How to Avoid the Centre: The Strategies of a Small Feminist Workshop in Rural China" which looks into the possibility of developing activist strategies in China which could "avoid the centre", other than the activist organizations' usual strategy of partial appeasement of the Party-State to deal with the spectre of State intervention. While Hung analyzes the implications of the digital technologies-facilitated legal/political transition for China's newly emerging State-society relations in this age of the Internet with the "wrongful conviction" case (*yuan'an/cuo'an*) of Zhao Zuohai as supporting evidence, Benney analyzes, with the case study of a "women's workshop" in rural Guangxi, the strategies used by the workshop's "glocalised" networks of activists to be both offensive and defensive, and to be vocal yet at the same time not attracting immediate official opprobrium. Activist strategy also represents one of the major foci of Emile Kok-Kheng Yeoh's paper, "State and Recusance: Structure and Agency in the Development of Contemporary Chinese NVA", which explores the arduous development and current situation of contemporary Chinese nonviolent action (NVA) movements. Seeing contemporary Chinese NVA not as a multiattribute concept, but a *multiconcept* construct covering a spectrum of civil actions with different ideological and strategic orientations, Yeoh analyzes the Chinese State-civil society relations with particular emphasis along the pathway of a State domination-NVA assertion nexus with due attention paid to its macro-micro linkages in particular from the interpretive perspective, taking into consideration the problem of structure and agency and taking cognizance of the central role played by individual political actors in giving existence to the system, and the inability for the causal powers of systems and structures to exist without the mediation through the Archerian human agency whose causal powers, in turn, are indeducible from or irreducible to the causal powers of society. This pivotal role of the human agency also forms the focus of James W. Tong's review of the book by Ching Cheong published in early 2012, whose Chinese title³ means *A Thousand Days without Regrets – My Spiritual Journey*. Describing it as a *tour de force* on Ching's personal traumatic detention and imprisonment and an account with "the inquisitive breadth of a veteran investigative reporter, and the introspective and analytical depth of a soul-searching intellectual", Tong finds the book also a treasure trove reflecting

on the human rights conditions in today's China and an informative resource on the country's criminal statutes and procedures, prison life and treatment of detainees. Finally, closing this special issue of the *International Journal of China Studies* is Wong Kok Keong's review of the book *Investigative Journalism in China: Eight Cases in Chinese Watchdog Journalism* (2010). This December 2012 issue of *IJCS* is slightly longer than a usual issue for, as a special thematic issue, more leeway has been given to the papers in terms of length, paying heed to Aldous Huxley's concern that sometimes brevity might not do justice to all the facts of a complex situation⁴.

Before ending this introduction, I would like to thank Miss Susie Yieng-Ping Ling, editorial manager of the journal, for her impeccable administrative help in making the publication of this 2012 special issue *State, Governance and Civil Societal Response in Contemporary China: Critical Issues in the 21st Century* on time possible. I am also grateful to Mr Lionel Wei-Li Liong for his assistance in copy-editing and proof-reading and technical help in cover design, and to Mr Ivan Foo Ah Hiang for his excellent typesetting. The responsibility for any errors and inadequacies that remain is of course fully mine.

Dr Emile Kok-Kheng Yeoh

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Notes

1. Including the acceptance of the Confucius Institutes ("where behind the façade of the *Hanban* the Wizard of OZ resides in the Central Propaganda Department") in the name of closer cultural relations. Such concern over educational institutions serving willingly as vehicles for State-guided propaganda of a regime paranoiacally suspicious of free critical inquiry beyond its control could indeed be grave for their potential influence on the outlook and orientation of the human agency for, as noted elsewhere in this volume, "language teaching and learning is never purely about language, for it inevitably embodies the inculcation of not only cultural values but subliminal political brainwashing through textbooks (including what is omitted in them) and 'cultural immersion programmes'" (p. 502, note 62).
2. See Elizabeth J. Perry (2002), *Challenging the Mandate of Heaven: Social Protest and State Power in China*, New York and London: M.E. Sharpe; Yanqi Tong and

Shaohua Lei (2010), “Large-Scale Mass Incidents and Government Responses in China”, *International Journal of China Studies*, Vol. 1, No. 2, pp. 487-508. On the other hand, regarding socioeconomic inequalities which form the root cause of most “mass incidents” and the latter’s implications for the prospect of democratization, there are arguments that the beneficiaries of economic growth are able to find their own individual solutions to their problems and resign themselves to an authoritarian government as a defence against the threat from potentially vengeful losers in the market economy, thereby rendering social polarization inconducive to democratic sentiment among them (see Ed Friedman (2009), “China: A Threat to or Threatened by Democracy?”, *Dissent*, Winter <<http://www.dissentmagazine.org/article/?article=1318>>; Gregor Benton (2010), “Dissent and the Chinese Communists before and since the Post-Mao Reforms”, *International Journal of China Studies*, Vol. 1, No. 2, pp. 239-308).

3. The book’s colophon title in English is *My 1000-day Ordeal – A Spiritual Journey*.
4. “The soul of wit may become the very body of untruth. However elegant and memorable, brevity can never, in the nature of things, do justice to all the facts of a complex situation. On such a theme one can be brief only by omission and simplification. Omission and simplification help us to understand – but help us, in many cases, to understand the wrong thing; for our comprehension may be only of the abbreviator’s neatly formulated notions, not of the vast, ramifying reality from which these notions have been so arbitrarily abstracted.” (Aldous Huxley’s “Foreword” to his *Brave New World Revisited*, Chatto & Windus Ltd, London, 1959, re-published by Grafton Books, London, 1983)



Articles



Memorials and Essays: Political Protest in Late Medieval China⁺

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Abstract

This paper attempts to place the Tang dynasty tradition of political criticism in its historical context as an aspect of the traditional administrative structure in China. The traditional ideology of government considered the emperor and the political centre of the Chinese empire “corrigible” and it was the duty of morally qualified members of the elite to offer reproof and remonstrance. It was also in the interests of both the emperor and members of the scholarly and intellectual elite to keep channels of access to the emperor open. The standards remonstrators invoked were those contained in the Confucian canon, rather than radical views about the organization of the polity. The second Tang emperor, Taizong, formulated ideals under which the common people were notionally given a voice in cases of injustice or oppression. All serving officials were notionally permitted access to the emperor. Recluses from the country were called in and consulted over political problems. There was also a range of specially dedicated posts which carried the duty to monitor the political process and offer criticism. Individual acts of remonstrance were particularly valorized; group protests were considered with suspicion. There were certain recognized themes over which protest memorials were traditional and which were therefore safe to promote: excessive imperial hunting, extravagant building projects; excessive court luxury. Other themes, like the religious interests of emperors or the education of the crown prince, were more sensitive. Individual acts of remonstrance were recognized for their heroism, and successive sovereigns varied in their tolerance of criticism. In the late eighth century, popular injustices were described unofficially in verse as much as represented through official channels. Intellectuals developed a tradition of political criticism not through direct intervention but in more general discursive essays on the ideals of dynastic government. This more discursive tradition became characteristic of the post-Song tradition of political dissent, when the intellectual community, much larger and provincially based, became alienated from the emperor and the court.

Keywords: *admonition, court and provinces, the emperor's role, political criticism, political dissent, Tang dynasty*

JEL classification: *H11, H12, K40, Z18*

1. Introduction

Political dissent has had an uncertain role in the history of the Chinese state. Neither in theory nor in practice has it provided a sustained theme throughout the rich tradition that documents successive dynasties. The system of imperial government through a highly structured mandarin remained remarkably continuous over a period of more than two thousand years. Scholars and commentators have searched for the reasons for this durability. In the nineteenth century, the examination system was considered one of the main causes. By opening mandarin service to all and recruiting on the basis of proven examination performance, the emperor effectively softened the autocratic message. Even though in fact the examination system never functioned as an entirely open one, it none the less was considered to have provided an essential safety valve.

Modern commentators have echoed the same idea. Samuel P. Huntington characterized the examination system, in its function of opening state service as a career to the talented, as “the only moderating element [in the undemocratic or anti-democratic government of the classic Chinese polity.] Harmony and cooperation were preferred over disagreement and competition. The maintenance of order and respect for hierarchy were central values. The conflict of ideas, groups and parties was viewed as dangerous and illegitimate.”¹

There have been other characterizations of the traditional system and other explanations of its durability. The absence in Chinese political discourse, from Han 漢 times, of alternative models of government organization was surely one. So was the comprehensiveness and high explanatory value of the traditional world view that underpinned the administrative structure. In Europe, from the early Renaissance on, the political models of classical Greece and Rome provided the basis and justification for dissenting or alternative views of political organization. The long tradition of Chinese political thought offered no such diversity. The Chinese model in practice merely permitted degrees of autocracy, of “despotism”, that fascinated and sometimes shocked Western commentators from the seventeenth century on.

It is the argument of this essay that it was not only the examination system or the absence of alternative models that contributed to the durability of the traditional system. Another factor was the ability of the system to

monitor its own performance and to offer self-correction and reproof.² The Chinese governmental system could never have maintained its continuity if it had not also been underpinned by concepts of political behaviour that gave it intellectual dignity and that invited the commitment and the loyalty of idealistic and highly principled men. These men assumed the role aptly described as that of “moral virtuosi” or “tutors and guardians” of the dynastic state. For centuries, they maintained and updated a massive scholarly tradition of documentation relating to government. It was a fundamental feature of their positions that the state itself and particularly the political centre was “corrigible”, and that it was their role to offer guidance, reproof and correction. The ancestry of this nexus of ideas in the pre-dynastic period is beyond the scope of this essay. Suffice it to say that two concepts, first that the Confucian ideal of service to the emperor was conditional and could be withheld, and secondly the Mencian idea that the mandate of heaven by which an imperial house ruled was ultimately subject to the consent of the common people, were important principles underlying their position. It is also important that, although the Confucian ethical system retained an essential core, none the less political institutions and practice changed from age to age. Principles that were foregrounded in some periods receded in others. The duty of admonition, of individuals expressing dissident political views directly to the throne, was one of these.

By the end of the medieval period, China’s “tutors and guardians” were able to point to a very long record of admonition and reproof of the “corrigible centre”. The duty of providing this had from early times been elevated to a major political commitment. It had developed into a tradition: it had identified its heroic figures and its heroic interventions. Until the end of the medieval age, this political principle was, moreover, characteristically tested by the working political system, by successive memorials of admonition submitted directly to the throne. From Yuan 元 times on, however, the court no longer functioned as the testing ground for the implementation of political principles as it had done. There developed a disconnection between the official scholars and high officials who surrounded the late imperial emperors at court and the intellectual communities in the provinces. In the Ming 明 and Qing 清 periods, critical views of the state were expressed in two main ways. The first was through a tradition of political discourse that was pursued through discussions, essays and tracts intended for independent circulation. These only rarely resulted in direct political intervention. The second was through projects of codification, officially approved collections of, for example, memorials on policy. These in effect involved recruiting the leading scholars of the day, and set the parabolae for political discussion. But it was among “intellectuals outside of government that a critical and questioning spirit prevailed among eighteenth century intellectual”.³

In this late imperial period, there were some remarkably radical formulations of the idea that the scholar community should be privileged to criticize imperial government. To cite one instance only, Huang Zongxi 黃宗羲 (1610-1695) believed that the school system should be empowered to define right and wrong and that schools should have a privileged position to represent their criticisms to the emperor.⁴ But in the later imperial period the mechanism of dissent, the moral imperative to submit “direct admonition”, so important as a principle in the early and medieval periods, was no longer invoked in the same way. It has been said that the concerns of the intellectual community at the Qing court, the scholars and officials surrounding the emperor, were severely restricted. “All those who served at court shared an orientation towards the examinations ... to the production of polished literary compositions and to formal interpretation of the classics.”⁵ Kangxi 康熙, Yongzheng 雍正 and Qianlong 乾隆 imposed control over the entire scholarly heritage to differing degrees, by initiating and monitoring large scholarly projects. Analysis of the involvement of the scholarly and intellectual community in such projects has revealed a range of different approaches among them. But these approaches did not typically involve political dissent expressed directly to the apex of political power. In the case of the *Si ku quan shu* 四庫全書, the most famous of these projects, the ultimate result was “mainly one of cooperation and collaboration”.⁶

The political climate of the medieval period in Chinese history therefore differed markedly from that of the later period. The medieval scholarly community was centred on the court to a far greater extent than in later periods. The provincial dimension to the intellectual community developed only in the second half of the eighth century. The central bureaucracy was smaller and its monopoly over the political process virtually complete. Any reader in the primary records for the medieval period will know that in medieval times the significant statements of political principle were generally made, not typically in a discrete tradition of discourse developed in the provinces, but rather by the functioning political system at its centre. They occur in memorials, edicts and rescripts and elsewhere in the massive amount of formal documentation that the working state threw up. It was only in the late medieval period, from the late eighth century on, that issues of political thought began increasingly to be analyzed in discrete essays, letters or dialogues. The same readers will know too that especially in the three centuries of the Tang period, the obligation directly to admonish or reprove the throne was foregrounded as one of the most cherished and most frequently adduced principles of political conduct, and that it was important to participants in the political process from the emperor down even, ideologically, to the common people.

There is therefore a long-term dialectic process at work: in this, issues of political principle were treated as part of the political process in the medieval period, to transfer in the pre-modern period to the much more detached and theoretical tradition of political discourse that scholars like Huang Zongxi practised. In the late medieval period, it was the on-going experience of the medieval state that set the agenda. In the pre-modern period, it was for scholars such as Huang, by necessity much more remote from the court or from any direct contact with the emperor, to analyze, expand and elaborate in their discourse what had earlier been in the political foreground as working principles.

What follows will be a summary of the tradition of political dissent in the Tang 唐 dynasty (618-907 C.E.), the end of China's medieval period. This was traditionally considered one of the most open in China's political history. The focus will be on the underlying political dynamics involved, the statements of principle, the range of dissent and its recurrent themes. It will be established that the degree of tolerance for dissent varied greatly with the changes in the nature of authority at the apex of the system, whether it was the emperor or chief ministers or other power interests. Vigilance, if not eternal then at least constant, and the heroism traditionally identified with individual acts of remonstrance were needed if this cherished principle was to be upheld.

2. The Dynamics of Dissent

The administrative hierarchy of the Tang at the capital, by virtue of its small size and limited administrative reach, was an "inhibited political centre".⁷ The emperor could not hope to govern without the help of his civil officials, the mandarinates. He needed to keep in play a wide range of political interests and to prevent any one group from dominating other contenders for power. He also needed, as Mencius had indicated, the tacit support of the people themselves. Effective management of both his officials and the common people could greatly add to his authority. Conversely, alienation of either his officials or the common people weakened the emperor's rule. An effective emperor therefore kept the political element in the administrative system to some extent open. In effect, he fostered channels of communication with his middle and lower echelon officials. In turn, the majority of officials, especially those in middle or lower echelon posts, not least for career reasons in the harshly competitive official community, had every interest in maintaining access to the emperor and in a political climate in which a degree of dissent was permitted.

But in practice all but the very few politically strong Tang sovereigns often surrendered to one particular individual or group. The emperor Xuanzong 玄宗's (r. 712-756) dismissal in 736 of the principled but vexatious

Zhang Jiuling 張九齡 (678-740) in favour of the cruel and autocratic Li Linfu 李林甫 (d. 752) stands for an inherent tendency among medieval emperors. Despotic Tang chief ministers like Li Linfu used harsh restrictive means, greatly antagonizing the scholarly community, to maintain control; others, more rarely, favoured a more collegiate and open system of administering that was less hostile to “direct admonition”.

Whether emperors or chief ministers wielded ultimate power, maintaining centralized control of the vast Tang empire was never easy. The governing elite in Tang times in proportion to the population may have been slightly larger than in later periods, but it was very small. For the Tang it has been estimated at between 17,000 to 19,000 mandarins administering an empire of probably between 50,000,000 and 70,000,000. Of this number, in effect only a tiny proportion were effective participators in the political process. This tiny ratio of governing to governed was another important factor relating to the tradition of dissent. It had the effect of producing, for the apex of the state, an on-going information crisis. It forced the apex of the state to develop sources of information outside the regular or statutory official hierarchy, simply because that hierarchy and its chain of command was too thin and unreliable to be effective, unable to keep the emperor fully informed of the real condition of both the administration and the people beyond the capital. The main traditional system outside the regular executive structure for monitoring performance of officials in the provinces, the use of censors touring on circuit was criticized as loading far too much on the individuals concerned, making them largely ineffective. A system of commissionerships, notionally tenures held temporarily and concurrently with statutory posts (*shi zhi* 使職) despatched from the centre to address specific problems, evolved rapidly in the course of the eighth century. But it was itself flawed. The numbers and types of commissioners proliferated, and they might achieve aims as varied as increasing central government revenue, controlling the local military, public works, monitoring local official performances or collecting and at the same time monitoring, book and manuscripts in the provinces. But some commissionerships became permanent provincial appointments. The system remained at best an uncertain method of reinforcing control from the apex and at worst particularly liable to lead to separatism and corruption, and it provoked strong opposition from conservatives. Tang emperors needed, therefore, flexible lines of communication that both answered to the high ideals of dynastic government and kept them informed of conditions outside the normal hierarchies. The civil hierarchy below the emperor or his proxy in turn had a strong interest in indicating that the emperor needed cooperation to govern. They reminded the emperor that he was not in fact perfect or omniscient, that he could not govern on his own. Since the state fell short of the utopian standards of high antiquity utopia and since it was

“corrigible”, it needed systems for representing critical opinion from those qualified to give it. The intellectual elite within the civil hierarchy held, typically, prestigious offices at the capital or temporary provincial tenures that gave them experience of conditions outside the capital. They were heirs to the tradition of “moral guardianship”. They were also fully aware of the dangers of autocratic or arbitrary political control and of the instability that, historically, it had brought. They too had very reason to demand that their voices be heard at the apex of the state, that they have effective channels of communication that transcended their rank and gave them safe and, when needed, direct access to the throne.

By Tang times, these forces had been operative long enough for them to have become firmly institutionalized. For the Chinese tradition of statecraft had identified these principles early and with emphasis. But in the new and greatly expanded context of Tang rule, these principles were reemphasized and implemented through the administrative hierarchy’s own institutions and by emphatic endorsement from emperors and officials alike. It was no accident that Tang Taizong 唐太宗 (r. 626-649) in 645 personally sacrificed to Bi Gan 比干, the archetypal remonstrator, who had been murdered by the tyrant Zhou 紂 at the end of the Shangyin period. From the early Tang, the promotion of the ideal of open access and of free discussion became a substantial theme in political comment. The Sui 隋 dynasty (581-618), preceding the Tang just as the Qin 秦 had preceded the Han (206 B.C.E.-220 C.E.), was identified as tyrannical and violent. Early Tang commentators claimed that it had lost popular support precisely through its intolerance of dissent. Early Tang rulers were particularly aware of the dangers of autocratic and arbitrary government.

The concept of dissent, of admonition of the “corrigible centre” however, is a wide one. Protest from among the common people was recognized at the ideological level, was acknowledged as legitimate, and was also allowed some institutional provision. But in practical terms, it never worked. Remonstrance, institutionally internalized dissent, from within the community of serving officials using traditional and to a large extent protected channels was a considerably more effective mechanism. But again, the procedure never ran smoothly. Greatly valued though it was, it gave rise to an uncertain tradition of interventions, sometimes heroic, more often conventionalized and timid. From the mid-eighth century on, more radical expressions of opinion, or protest, came from within the official hierarchy to be expressed unofficially in poetry or in political discourse. In some cases, these statements might even come from the margins of the administrative hierarchy or even beyond it. The distinction between dissent produced *ex officio* by holders of monitory office and independently initiated dissent is important in what follows.

3. Protest from the Common People

The Tang thus inherited established channels both for internalized dissent and for independently initiated protest. But they also developed their own provisions. In their response to the need to be informed on dissenting views, they interpreted and expanded a well-established tradition that encompassed the whole polity, from the common people upwards to the senior officials at the capital.

The people, *a priori* a likely source for dissenting views, were prominent as a topic in political discussions from the start of the dynasty until its close. It was considered that the “feelings of those below” (*xiaqing* 下情), the opinions of “grass cutters and reed gatherers” (*chu rao* 芻蕘) were important and should be taken into account in the political process. The emperor himself should be aware of popular conditions. In the ninth century, the two emperors later Tang tradition most clearly identified with open government and political success, Taizong and Xuanzong 玄宗 (r. 712-756), were praised for their own personal experience of popular conditions. Taizong was reminded in 637, by one of his own officials that “as a young man you lived among the people and knew the hardships of the people, so that the victories and defeats of earlier time as what you have seen with your own eyes.” In 819, an official commended Xuanzong, who had been “born and grew up among the people and in person braved hardships. Hence early on his accession he knew the sufferings of the people and personally showed compassion over the many administrative tasks.” Taizong was told that he should “make the mind of the common people his own mind”, as the rulers of antiquity had done. He himself was said to have asked his officials regularly about the “benefits and losses of the common people”; to have advocated light taxation so that they could “retain their wealth”. The need to represent the voices of “grass cutters and reed gatherers” was stressed, not only by Taizong but also by his advisers. Taizong claimed of himself that he was “for ever worried that above he did not match the mind of heaven and below that he might be resented by the common people.” He acknowledged that individual acts of cruelty would stir resentment among the common people; he worried that his regional and prefectural officials were not “nurturing the common people”, and that the selection of irresponsible officials “would damage the people”. Other officials emphasized the key role of “prefects and county magistrates”. The “toxic and detrimental” effects on the common people of hereditary rather than meritocratically appointed local officials was used as an argument against enfeoffment (*fengjian* 封建). The crown prince, who grew up deep in the palaces should learn to listen to the views of the grass-cutters. Taizong suggested in 628 in the context of drought and famine in Guanzhong 關中 that, “When flood and drought are not adjusted, in all cases it is because the prince of men has failed in virtue. When my

virtue is not practised, then heaven should reprimand me. What offence have the common people committed that they encounter so many hardships? I have heard that they have sold their sons and daughters, and I am full of compassion for them.”

Popular disaffection, not in the abstract but as the result of specific and excessive government demands, was frequently represented as a crucial issue in the dynastic narrative. Exhausting the people had been one of the main crimes of the preceding Sui dynasty. Excessive labour requirements, the failure of military campaigns to yield anticipated rewards for the soldiers who took part, or extortionate and irregular taxation, all these could give rise to popular discontent. The desirability of gaining popular support, or the achievement of having done so, by more positive means, such as for example a moderate penal code, was also recognized.

This view was, however, essentially “top-down” or paternalistic; the common people were seen in moral terms, either as a source of occasional moral insight about government that they could not themselves represent to high authority or else as a morally unsatisfactory body awaiting “transformation”. They were a passive component of rather than participants in the polity. The symbolic channels the state provided through which popular injustice could be stated represented were little more than symbolic.

The state made notional provision for individuals from among the common people to present their complaints to high authority. They had two ancient mechanisms: the emperor Taizong himself mentioned the “petitioner’s drum” (*dengwen gu* 登聞鼓) held to have existed in the Zhou 周. The “lung-stone” (*fei shi* 肺石) was a symbolic rock described by the *Zhou li* 周禮 as having been placed outside the king’s palace and used by those from the common people who had grievances against the state. In the pre-Tang period, it was occasionally cited, probably in most cases as a literary image. But it seems very probable that the stone was reintroduced under the Liang 梁 emperor Wudi 武帝 (r. 502-550); there are references to it in Liang history. The empress Wu 武 (r. as emperor 690-705) expanded the channels of communication between the sovereign and lower officials and common people. It seems very possible that she re-introduced the lung-stone, perhaps even in conjunction with her revival of *Zhou li* names for central offices and posts. Her initiative is to be linked with the boxes that she set up to solicit the opinions of the people at large. The lung-stone and the petitioners’ drum were to the east and west of the Chengtian Gate 承天 in Chang’an and, after in 663 the Daming Gong 大明宮 became the site of government, in front of the Hanyuan Dian 含元殿. At Luoyang, the second capital, they were outside the Yingtian 應天 Gate.

Xuanzong indicated his commitment to an open system for monitoring popular opinion when in 724 he issued a high flown edict encouraging

submissions on a very wide range of grievances. He stipulated that “Anyone who beats the petitioners’ drum I commission the Jinwu 金吾 guards to take in and bring to my presence; he is not to suffer any harm, nor may anyone conceal or forbid him. Those in charge of the boxes are merely to let those putting memorials in the boxes do so, and as normal bring them forward. They may not forcibly retain a copy, or falsely interrogate or prevent as they see fit. Matters in the thousand states should not be cut off from the Ninefold Palace; plans for proceeding or discontinuing should not be omitted from my hearing and reading.” However, even Xuanzong did not necessarily respond positively to constructive policy advice submitted in this way, perhaps merely issuing a monetary reward and not summoning any figure concerned for audience, while if he was irritated by submissions, those responsible could pay a heavy price.

The commissioner system, evolving to provide the emperor with flexible mechanisms for addressing specific problems in the provinces, was used ostensibly to monitor the condition of the common people. It was referred to again in the context of the greatest ritual undertaking of all, the Feng 封 and Shan 禪 rites on mount Tai 泰 in 725. Nothing in the record, however, suggests that this was a real exercise. Commoners themselves had no legal protection and their best entitlement was to sympathy and possibly redress from an impartial authority. It is clear that, when they wanted to represent their suffering or hardship to authority, the dice were usually heavily loaded against them.

The ideal of monitoring popular conditions was kept officially alive, remaining a theme in the emperors’ pronouncements. But by the mid-eighth century it became creatively important and significant in the history of Tang political thought in an altogether different way. For the next substantial reference to it comes not as a dignified expression of paternal concern from high authority, but rather in the form of stark description of popular conditions given literary expression by middle echelon officials. For if the people could not represent their hardships to authority, then it was for morally aware individuals in the official community or on its margins, assuming the mantle of the “guardians of the state”, to do so on their behalf. Thus from the late period of Xuanzong’s rule until the ninth century, a tradition developed of describing popular suffering in “ancient style” (*gu shi* 古詩) poems, the freest style of verse and therefore the closest to the folk songs of the people, grew up. Its first representatives were men of the generation of Du Fu 杜甫 (710-762) and his contemporaries. There were also instances of commoners (*bu yi* 布衣) doing the same. A provincial official Yuan Jie 元結 (719-772) portrayed the fruitless attempts at petitioning a local administration of an old peasant woman and the beseeching of the emperor by a farmer. Du Fu himself was a man of extraordinarily wide social sympathies, expressed admiration

for Yuan Jie's stance, and he wrote numerous poems expressing concern for popular conditions.

This movement for representing popular distress, however, remained a literary one. It culminated in the "New Music Bureau" (*xin yuefu* 新樂府) poems of Bai Juyi 白居易 (772-846). This was a series of fifty poems, each picking up on an abuse of administrative power. Many, though not all, concerned injustices inflicted on the common people. The kidnapping and castration of young boys from Daozhou 道州 in southern Hunan for eunuch service in the palaces was one; it was in Bai Juyi's view illegal according to the dynasty's statutes. Enforced purchase of peasant produce at extortionately low prices by eunuch commissioners from the palace was another. The suffering caused by military adventurism was another well-established theme. Other issues were more cultural: Bai Juyi attacked the extravagant fashion for growing exotic tree peonies, which led connoisseurs to pay prices for individual blooms that amounted to two years of the tax that peasants paid. Bai's protests were never part of a formal process of representing discontent; but they did reach the emperor and they were read and admired, and seen as the realization of ancient principles and values. The descriptions of popular conditions in verse that flowed from the brushes of men of letters from the mid-eighth century on have rightly been seen as one of the great humane strands in the medieval cultural tradition.

4. The Recluse as Protestor

In another strand in Tang political ideology, the world away from the capital, especially that of "mountains and forests" was considered morally purer than that of the capital or of prefectural or county seats of government. A Tang emperor should therefore personally summon such figures and listen respectfully to their comments on political and administrative problems. Recluses were summoned from the mountains and directly appointed to posts, sometimes to those which carried the duty of remonstrance. Here they became, usually only briefly, high profile examples among the "moral virtuosi" at the capital. Zhang Hao 張鎰 in the reign of Xuanzong, promoted from commoner status on the recommendation of an omissioner to be himself an omissioner, and later a chief minister, is one example. Yuan Jie was summoned to court, first in 758, when the summons did not reach him, and then in 759. His review of the military and political situation led Suzong 肅宗 (r. 756-62) to state, "You have broken my depression." And indeed he was almost certainly better informed on popular opinion than metropolitan officials. A few years later for example, he is among the first to mention the names of commoners in his memorials to the throne. He also wrote poems that in 766 protested fiercely against the venal commissioners who visited

his prefecture, Daozhou, to demand back taxes at a time when it had been despoiled by barbarian invaders. Another, who became a cause celebre in 795, in the claustrophobic climate of Dezong 德宗's (r. 779-805) later years, was Yang Cheng 陽城 (d. 805). When he was sacked from a post in the state academy, there was a student protest demanding his reinstatement, the first in the late medieval period. Li Bo 李渤 (773-831) under Xianzong 憲宗 (r. 805-20), a prolific critic of policy who submitted over 45 memorials despite holding office only in the duplicate administration at Luoyang, the second capital, was another summoned from reclusion. Li Bo was an acquaintance of Han Yu 韓愈 (768-824), the most celebrated remonstrators of the dynasty, as was Lu Tong 盧仝 (d. c. 813), who "was twice summoned to be a monitory official but did not stir." To be summoned from reclusion to offer criticism and advice to the emperor in this way was a recognized path to preferment, so much so that there was open cynicism about it, and withdrawal was called "a short cut to office".

This principle that voices from outside the political structure might express ideas that would benefit the polity as a whole was occasionally codified by imperial statements that any person with an urgent message for the emperor might be allowed, subject to safeguards, to see him. There were also imperially initiated decree examinations calling for those able to provide upright admonition to come forward and sit special examinations. These examinations bore titles such as "Examination for the good and upright and those able to speak directly and offer extreme admonition" (*Xianliang fang zheng neng zhi yan ji jian ke* 賢良方正直言極諫科). These channels, however, remained uncertain and even potentially risky ways of approaching the apex of political power.

5. Admonition from within the Official Hierarchy: A Charge on All Officials

The ideal of listening to popular grievances from the people or from their representatives therefore remained exactly that, an ideal, albeit one that in the second half of the dynasty was expressed unofficially and with increasing eloquence by members of the literary community. Without question, the greatest volume of critical comment on Tang government came from within the bureaucratic administrative hierarchy itself. It was overwhelmingly in this context that the issue of access to the emperor and criticism of the "corrigible centre" was advocated. Idealistic Tang officials guarded jealously the ideal of open access to the emperor by officials and very frequently referred to it.

From early in the period of its consolidation, this principle of remonstrance from within the official community was immensely important to the Tang political world. The scholars who controlled the documentation believed

remonstrance was a major moral principle. They reserved it as a heading in biographical collections, in institutional compendia, in a hand-book for literary composition, and in anecdotal collections. Memorials of remonstrance were collected and formed into anthologies or formed themes of collections. Editors organizing the writings of their friends or relatives into anthologies and composing laudatory prefaces for them used remonstrance as a term of commendation for individual compositions. Remonstrance was divided into various kinds: the nearest the Tang came to a written constitution, the *Liu dian* 六典 of 738 or 739 lists five, citing in its commentary the Han dynasty *Bai hu tong* 白虎通 to suggest that these corresponded with the five constant elements of man's nature. Remonstrance represented the responsibility of the "moral virtuosi" to the "corrigible centre". There was a deeply held conviction, indicated by the many statements supporting the principle, that willingness to brave what was called the "thunderstorm of the moment" (*yi shi zhi leidian* 一時之雷電), the emperor's anger, was essential to the moral health of the polity. The prominence accorded it in the "tutelary narrative", the official history that official scholars maintained and updated for successive Tang sovereigns also had the aim of reinforcing for scholar officials their own role as "guardians and critics" of the polity.

The remonstrance that Tang historians so valorized was a peculiarly circumscribed activity. The word remonstrance (*jian* 諫) meant to submit critical advice to a superior. As Confucius had stated, a son had the duty to remonstrate with his parents "in the gentlest way" (*ji jian* 幾諫). A wife could remonstrate with her husband, a junior official with a senior one; a Chinese with a foreign state, a foreigner with a foreigner. The criteria for certain canonization titles included the ability to "accept remonstrance" or to "give remonstrance without tiring". The very fact that *Congjian* 從諫 was a given name suggests the pervasiveness of the ideal. None the less, overwhelmingly in the extant record, members of the bureaucracy saw remonstrance as the submission of critical advice by an official to the emperor.

Tang political tradition promoted this obligation of remonstrance as a general moral charge on all officials, and did not restrict it to the schedule of monitory posts in attendance on the emperor to be described in more detail below. All members of the official hierarchy, and even those beyond it, had a responsibility to represent important opinions to the throne. Even out of office, a prospective official could not altogether escape from imposing this obligation on himself. There was therefore a tradition for Tang emperors to "issue edicts to seek for guidance", through a system of "sealed submissions". Such initiatives might be taken in the aftermath of a disaster such as a famine or the loss through fire of an important precinct, and would expressly ask for "extreme admonition". Or they might follow an auspicious event like the change in a reign period. The emperor undertook himself to read them, and

rewards, either in monetary form or in the form of promotion, were offered. At the start of the dynasty, submissions from outside the monitory establishment were delivered directly to the palace, at gates behind the central Taiji 太極 Gate, or later after the Daming 大明 Palace became the seat of government, at the Yanying 延應 Gate, though there were also other places. There were also rules to which submissions should conform. Thus in 709, it was required that a submission should have:

“a single column in large writing, not exceeding eighteen words, with the signature not in a large hand. All submissions relating to matters of the army and the state must all expound substantive situations, and cannot wantonly cite ancient and modern. Any submission does not need to go through the central secretariat. If the matter is small, then it can be presented within the memorial, so that the matter is completely accounted for. If there are more points to be made than can be completely written out, then a list of items may be supplied at the front of the matter [concerned], but there should be no repetition within the memorial itself.”

Confidentiality, or secrecy was considered important, and there were heavy, legally stipulated penalties for breaking confidence. This provision serves to emphasize that one of the motives behind the broad canvassing of opinion in this way was to keep the emperor more fully informed than the rival power groups that contended for power beneath him of the overall condition of the empire.

But emperors tired easily of the work such provisions brought. Another response is suggested by an edict of 773 asking for views from fifth class officials, monitory officials and censorate, and above. “Because at that time there was an abundant harvest, the emperor was anxious that taxation was [unnecessarily] heavy and would harm agriculture and that the deleterious effects would extend to the people.” Within a ten day period over one hundred people had submitted responses, each with variant proposals. “I shall read them all,” the emperor stated. But “they were kept within and not issued.” Other emperors, like Dezong, complained about the quality of submissions, finding that they “lacked loyalty and good quality” and reprehending himself for being too credulous with his officials.

Remonstrance in this official, institutional context involved criticism of specific acts or policies by those within the political hierarchy, or exceptionally by members invited in from beyond it. It was typically represented in the narrative record as voluntarily initiated, the result of independent moral insight and courage by single individuals. It involved a challenge to the “corrigible centre” and might be misunderstood, ignored or punished, just as it might be appreciated and rewarded. In the longer term, it was not normally considered a politically deviant or disruptive act. Remonstrance by single officials, however, because it proved moral seriousness in the individual

and required courage, carried particular prestige. In addition, there was a tradition of “moral super-virtuosi” of a sequence of individuals, very few, who managed to stand for a while behind the throne, to sustain their contact with emperors and build up a body of monitory advice. The main figures in the Tang records are Wei Zheng 魏徵 (580-643), to a lesser extent Zhang Yue 張說 (667-730) under Xuanzong, but supremely Lu Zhi 陸贄 (754-805) under Dezong. These men are represented as having themselves promoted the ideal of remonstrations.

Yet in Tang times, this tendency to valorize the individual remonstrator is likely to mask a more diverse, and indeed more natural, reality. Dissenting memorials were by no means always submitted by one person alone. From early in the dynasty, mention is made of “the many officials” submitting memorials of remonstrations. Officials in monitory posts might send in joint memorials. In 799 when an official was appointed to a major provincial commissionership, the censorate, considered that the appointment was inappropriate, and the monitory officials, the grand secretary of the chancellery, the omissioners and remembrancers all resorted to the chancellery and had a group discussion. When the narrative records that “the officials” (*qun chen* 群臣) memorialized or remonstrated, it is likely to have been the case that numbers of officials were involved. It also becomes clear, especially from the mid-eighth century, that very often a single remonstrator represented group interests from within the community at the capital. The existence of group interests was again acknowledged, but represented in moral terms: a group of “petty men” (*xiao ren* 小人) formed a “faction” (*peng dang* 朋黨), while group of *junzi* 君子 did not. As a chief minister expressed it in 818, “The *junzi* and the petty man will always have adherents. It is just that when the *junzi* has adherents then they share their minds and share their virtue. When the petty man had adherents, then this is a faction. These phenomena are externally very similar; but inwardly and in fact very different. It is for the emperor to observe what they actually do, in order to tell the difference between them.” The terminology here, especially the pejorative term *dang*, clique or faction, remained in play for the rest of the imperial era, to be used to condemn political activity judged hostile to imperial interests.

Not only was the content of remonstrations often likely to be the expression of group interests, but the question of who was suitable for appointment to remonstrating posts was also itself represented as a matter of general concern, and therefore of group interests. But the dynasty several times forbade the signing of memorials by numbers of monitory officials or censors, in 785, explicitly linking the practice with factionalism, and in 844.

The concern here shown for the individual moral purity of the remonstrator touches on a feature of political protest that was again to run through Chinese political history for long after the Tang. Ultimately, it derives from the

fact that the remonstrator was almost by definition, disempowered. Lacking hands-on experience of political process, his claims to legitimacy had to rest on assessment of his motivation. And if their motivation can be shown to be tainted, by association with dubious political agents, then the programme itself that remonstrators promoted could be discredited. A credible political opposition must have access to the practicalities of political action, to hands-on political experience. Reading successive memorials of protest in the near three centuries of Tang rule, it does not seem difficult to identify those that were formulated in practical political and administrative terms.

The very nature of the formal system, particularly the unpredictable factors it necessarily involved, the temper of the emperor and the courage of the submitting figures, made for a tradition that was diverse and rich in anecdote. Thus the fraught might be recorded alongside the trivial; the very dangerous with the safely conventional. Remonstrations that were intended to modify the conduct of the emperor at the capital were different from those that adduced information from outside the court or the administrative city. For a monitory official as a participant in a drunken poetry competition led by the emperor to criticize the tone of the proceedings might require as much moral courage as remonstrating against excessive spending on a religious building programme beyond the capital. But the process was at its most dangerous when remonstrations involved attempting to intervene in court conflicts that had already declared themselves violent. Influencing administration by representing intelligence from beyond the court was generally less immediately dangerous.

6. The Monitory Establishment

Officially sanctioned dissent from within the political system took a number of distinct forms, using a number of distinct and specific channels. At the apex of the “three ministries” system, there was a mechanism for rejecting or modifying political decisions that had already been provisionally taken. Formally, and as an innovation early in the dynasty within the chancellery, the senior officials had the power to reject policies that the emperor and the secretariat had formulated in written edicts intended for promulgation. They had the right to send back unsatisfactory policy documents, with their own written comments attached. This process was informally called, “returning with a pasted [note]”. However, the fact that the holders of these senior chancellery posts were also holders of the rank of chief minister or were very close to them and therefore themselves took part in policy discussions, made this provision impracticable. This left the responsibility of returning unsatisfactory documents to the grand secretary. The record shows that the grand secretary fulfilled this function, at least intermittently, through the dynasty.

This channel, however, involved a process of vetting existing policies rather than of active protest or criticism and did not result in any formulation of independent views that have survived. But there were posts that did involve expressing independent critical positions. A number of posts in the capital bureaucracy were reserved for official who had a specific duty to offer criticism. The majority belonged to a group called the “inner officials in attendance” (*nei gong feng* 内供奉). Their formal rank in the hierarchy was low, but they commanded great prestige and their high standing was recognized in various ways. Formally, they formed separate files in court assemblies and then, when the large formal audiences were over, went on with the emperor and chief ministers to inner court discussions. Under a ruling of 716, their appointments were made formally by the emperor, rather than by the department of affairs of state, which otherwise had responsibility for posts of the sixth class and below. Tenure as a monitory official and inner official in attendance’ was informally recognized as one of the fast track posts that a young and able civil official might expect to hold.

Men appointed to these posts had a duty to protest errors in government that was sanctioned by ancient tradition. They were most often examination graduates, educated in the only political tradition that the state recognized. They were mediators not originators of ideas: they commented on current practice by the standards of ideals of statecraft recognized as ancient and authoritative. But, as “guardians and critics”, they claimed a continuous right of independent judgment; they identified a higher good for the state. This category, of institutionalized dissent through remonstrance, may be termed structural, in that it was a provision that the Tang state inherited, endorsed and built into its own structure. In the Tang it was distinct from the “surveillance” arm of government, the censorate (*yu shi tai* 御史臺), although censors might well also be involved in remonstrance. It was only in the post-Tang period that the censorate came to have more general responsibilities for remonstrance.

The Tang expanded this traditional provision for institutionalized dissent. They re-instituted the provision for monitory officials, which was said to have lapsed under the tyrannical Sui Yangdi 隋煬帝 (r. 605-617), appointing seven in number in imitation of, allocating them to the chancellery. In 643, the emperor Taizong transferred two high ranking posts, the left and right grand councillors from being titular offices to being functioning posts, where they had the duty to be “in charge of remonstrating over errors, to be in attendance for consultation”. Under Gaozong 高宗 (r. 649-683), the succeeding emperor, the number of these grand councillor posts was doubled, with those of the left being assigned to the chancellery and those of the right to the secretariat. Although the ranks of these officials was comparatively low, under a ruling

of 716, their appointments, like those of the other “officials in attendance”, was again made formally by the emperor. Bai Juyi saw their low rank as a deliberate policy: young officials relatively unencumbered by political ties and status considerations were freer to make radical criticisms of central government policies.

The empress Wu increased the establishment of monitory officials by adding four more entirely new posts, the two left and right remembrancers (*buque* 補闕) at seventh rank, secondary class upper section; and the two left and right omissioners (*shiyi* 拾遺) at eighth rank secondary class upper section. The terminology for these new posts was ancient: it was taken from a Han dynasty, but their rank was thus again low. Four years later, the empress increased the number by three more in each category, making the total of these new posts twenty, notionally ten in the secretariat and ten in the chancellery, though the blurring of responsibilities between these two ministries made this allocation purely formal. These officials were charged with bringing up important matters orally in the court and with representing less important ones in written submissions. Important issues were itemized as: “appointments that proved inadequate for their posts; edicts and statutes that were unsuitable for the time; laws and prohibitions that were inappropriate; punishments or rewards that were not apposite; levies that were uncontrolled; grievances among the people”. The less important items were also considered an integral part of the monitory officials’ brief, at least after the rebellion. In 759 and 761, the emperor required written sealed reports from them at stipulated intervals, first every ten days and then every month. In later reigns, the numbers were further augmented, by four under Daizong 代宗 (r. 762-779) in 769; and the number of monitory officials to eight under Dezong. Under Daizong, the number of grand councillors was augmented by four and their rank raised third rank secondary class.

In later periods of the dynasty, commentators identified the principle of open remonstrance with periods of notable political success. Similarly, Tang commentators attributed some of the catastrophes of the dynasty to the break down in the remonstrating mechanism. Late in Xuanzong’s reign, the autocratic chief minister Li Linfu had required remonstrators to report first to the chief ministers, thus depriving of their essential independence. He also banished a remonstrator for resisting his authority, thus effectively closing down the system. The emperor Suzong explicitly disallowed this practice, reasserting the independence of the remonstrators. But Li Linfu’s period of autocratic control incensed the idealistic scholar community. Its condemnation by Yan Zhenqing 顏真卿 (709-785) in 766, a time when another autocratic minister dominated the capital bureaucracy, is one of the most eloquent pleas for direct access to the emperor from the dynasty.

7. The Role of Emperors

In ideological terms the emperor was the supreme being and his power was on a cosmic scale. As a political agent, he could follow his own temperament and act with fewer constraints than any other agent in the polity. He could be even-tempered and consistent or arbitrary, volatile, capricious and violent. He could also be derelict. The performance of the eighteen Tang sovereigns varied greatly and so did their attitude to remonstrations.

At the outset of the dynasty, Gaozu 高祖 endorsed the principle of remonstrations, attributing the failure of the Qin to their failure to “have their own errors made known”, and indicating the failure to listen as one of the causes of the Sui collapse. But was the great figure of Taizong who dominated the reformulation of the ideal of remonstrations. Despite, or perhaps because of, his towering martial achievements and intimidating presence, this was an image that Taizong went to great lengths to promote. He is portrayed as a figure who expressly welcomed open debate at court, from middle ranking as well as senior officials. He punished an official who obstructed a submission that he considered he should have heard. He spoke of the risks that remonstrators had faced, and praised those who had braved the “backward facing scales” (*ni lin* 逆鱗) under the throat of the imperial dragon. He stated, “I often ponder this, whenever an official wants to remonstrate, he always fears the calamity of losing his life, in a way no different from proceeding to the cauldron [to be boiled] or facing the naked blade.” Hence it is not that the loyal and upright official does not wish to fulfil utmost loyalty, it is rather that to do so is exceptionally difficult.

Taizong was seen as the emperor who above all others promoted the ideals of freedom of discussion and freedom to admonish. The very emphasis that later Tang sources put on his outlook indicates that the emperors who followed were unable to follow suite. Under Taizong’s son and successor, Gaozong, the climate of the court changed abruptly. Especially after the ascent to power of his consort Wu, frank speaking in the inner court became very much the exception. It was ironical therefore that as empress, Wu Zetian 武則天 maintained her position by a skilled promotion of channels of access to the sovereign. She expanded the provision for monitoring and receiving reports of grievances from among the people. Undoubtedly, her main motive was to detect subversion and suppress it before it threatened the capital. The new monitory posts that she established became part of the regular establishment and later in the dynasty were held by numbers of well-respected officials, including, for a brief period by Du Fu and later by Bai Juyi among others. The empress’s expansion of the system had the dual motives characteristic of the tradition. Her historic achievement has been masked by the fact that at the same time she gave licence to a group of sadistic officials to implement an arbitrary reign of terror.

The reigns of Zhongzong 中宗 (r. 683 and 705-710) and Ruizong 睿宗 (r. 683-710 and 710-712), themselves traumatized from their youth by the incessant blood-letting of the late seventh century court, were hostile to frank admonition. Several of the holders of court monitory posts perished in the violence, to be commemorated later for their valour and self-sacrifice. A number of very informative memorials of admonition criticizing over expenditure on temple buildings and corruption among the members of the imperial family were submitted as soon as the prospects of stability and regularity improved.

Xuanzong's reign has been seen as the high point in Tang court prosperity, in military success and in effective government. But although he occasionally commend individual officials for remonstrating, the emperor himself did not like to see disagreement among his ministers and he was unable, or perhaps unwilling, to restore the openness of the system under Taizong, his great-grandfather. After the death of Zhang Yue, who had advocated restraint in the treatment of factional losers at court, and particularly after in 736, power passed to his autocratic and intolerant successor as chief minister Li Linfu, any sense of freedom in the court evaporated and another reign of terror was instituted.

In the reigns of the post-rebellion emperors Suzong and Daizong, politics at court were highly factionalized. A succession of chief ministers monopolized political power. The intellectual community however, never surrendered the ideal of open access to the emperor. The statement by Yan Zhenqing in 766 attacking the venal and autocratic Yuan Zai 元載 (d. 777) has already been mentioned. Under Dezong, Lu Zhi was a particularly eloquent advocate of the moral value and function of admonition. Under Xianzong, the tradition of political comment on the working system reached a high point, and eloquent statements pleading the importance of the monitory principle were made. In the ninth century, Xuanzong 宣宗 (r. 847-859), was notably committed to controlling the administration. Among later Tang emperors, Muzong 穆宗 (r. 821-824) and Jingzong 敬宗 (r. 825-827) were derelict, though not on a scale to approach the Wanli emperor in the late Ming.

8. Recurrent Themes

Remonstrance, then, was a structural component in the medieval Chinese state. It had been present since early times, and was part of the political tradition inherited by the Tang. But the dynasty elevated it to much more than one of many principles of political conduct. Despite the fact that individual sovereigns varied so much in accepting remonstrance, there were recognizable continuities and recurrent themes, and these in turn were an important aspect of Tang political life. Remonstrance had tended to identify

certain topics, which in turn became routinized. The more firmly established the theme, the more political and institutional tradition functioned to shield the remonstrator from any frustration from the emperor. Doubtless the provision of these routinized topics served to establish the political climate, the responsiveness, for example, of a new emperor to remonstrations. In turn, they became part of the political theatre of the state, in the sense that they were repeatedly staged and that the outcome in real political terms was presumed in advance. So too was the response of the emperor, whether in the form of gifts to the remonstrator or a variant of the traditional remark, “This is a true act of remonstrations.”

It is useful to characterize some of the recurrent themes in the political tradition. For variations between emperors and even within reigns took place against a continuous tradition of policy submissions, even at times when emperors seemed to discourage this. For example, the dangers of excessive interest in hunting or horsemanship, on the grounds that it disrupted agriculture and the people’s livelihood, was so well-established and so often repeated a theme that it is hard to believe that it involved risk. It was, with lavish palace building, expensive clothing and jewellery and provision of erotic entertainments for the court, a thoroughly traditional concern. It had after all its classic formulation in famous rhapsodies by Sima Xiangru 司馬相如 and Yang Xiong 揚雄 of the Han, compositions to which numbers of Tang verse writers referred. Warnings to the emperor or the heir apparent against excessive hunting, sometimes on the ground of the damage it did to popular agriculture, were submitted in 627, 631, 639, 650, and 682. Under Xuanzong, there are examples from 712, 719 and in the run up to the climactic imperial sacrifice on mount Tai of 725. Li Jin 李璿, the prince of Ruyang 汝陽, the emperor’s own nephew, whom Du Fu 杜甫 greatly admired may have remonstrated with Xuanzong on this topic.

Some of the recurrent topics in the tradition of remonstrations, however, involved contested ground, or potentially contested ground, those parts of the political structure where the emperor and the civil bureaucracy were in competition for control or at least influence. One of these was the education of the crown prince, the future sovereign, an issue that one official in the reign of Taizong identified as the most important to concern the state. Taizong himself sanctioned remonstrations on this, in 633, by inviting admonition on this subject. There followed a sequence of remonstrating memorials, for example in 639, 640, 643, 672, 680 and 682. Much later, Yuan Zhen 元稹 (779-839) as a remonstrator identified this as the first issue for the dynasty.

Another recurrent theme concerned the emperor’s diversion of the state’s wealth, for temple building, for the honouring of sacred Buddhist relics, for provision of large Buddhist feasts, or for the construction of palaces and gardens for the emperor or members of the imperial family. There were, for

example, memorials in 631, 667 (two), 700, 704, 707-9 and 710, 711 and 713, and again in 757, in 764, and, from a *jinshi* 進士 candidate, two in 767. There were other well-established themes relating to the value of restraint or austerity: remonstrance against lavish burial or the lavish upkeep of imperial mausolea. Remonstrance against military adventurism was a recurrent theme, with some very senior officials submitting statements, including Fang Xuanling 房玄齡 (579-648), on his deathbed and Du You 杜佑 (735-812), the compiler of the *Tong dian* 通典 in 801.

A succession of memorials urged the emperor to conform to the criminal code in punishing those who had angered him, rather than go to excess or to disregard procedures. There are examples from 618, 626, 627, 631, 650, 651, 676, 679. These were not, of course, attempts to make the emperor himself subject to the law. Rather, they were intended to persuade him to abandon arbitrary or impulsive decisions and follow the letter of the penal code in punishing others. The arguments were sometimes made in terms of protecting the emperor's reputation; he should not be seen as arbitrary vindictive or cruel and unusual. But an issue of control may also have been in play.

Thus in 633, for example, Taizong wanted to execute a county magistrate for employing a man on official corvée as his private janitor; 651, Xiao Jun 蕭鈞 memorialized remonstrating against Gaozong's sentence of death on a man who had stolen property from a treasury. Similar, though less explicit, admonitions followed, for example in 717, 719 and 737. The same issue was rehearsed in 722, when Xuanzong was persuaded to reduce a public beheading he had imposed on a magistrate from a family of eminent dynastic servants first to death by flogging and then to a hundred strokes of the heavy cane, followed by banishment to "an evil place in Lingnan 嶺南". The specific role of the emperor in relation to the penal code was not an issue in the review of the polity given by Du You and Liu Zongyuan 柳宗元 (773-819) in the early ninth century. But Du You and other scholars of this period were implicitly concerned with this demand when they advocated a moderate penal code.

9. The Beginnings of a Discursive Tradition

After this necessarily highly condensed sketch of the copiously documented tradition of remonstrating to the emperor, a conclusion should return to the concept of "protest". In his *History of Chinese Political Philosophy*, Xiao Gongquan, having discussed the thought of Liu Zongyuan and Han Yu, makes a brief reference to the writing of Yuan Jie, the middle ranking official of the reigns of Suzong and Daizong referred to above for his dissenting stance towards the central government. Yuan as a young man had written sweeping denunciations of the society of the late period in Xuanzong's reign. These characterize an overwhelming and all-pervasive moral decadence in society,

and plead for a restitution of the simple values of high antiquity. But Xiao is surely right to suggest that, unusually strongly worded though they are, “his statements profoundly convey regret over harshness against the people, but do not suggest doubt as to the basic form of government.” Yuan’s outlook both as a young man and later as an administrator in the provinces may have been angry enough to be termed “protest”; but his comments do not amount to a critique of the political system.⁸

It was not to be until some five decades later, that the scholarly world formulated for itself serious and broadly based critiques of the Tang administrative structure. The intellectual world of Liu Zongyuan and Han Yu was shaped by the recognition that the centre was no longer able to impose its political will on the provinces. The court had lost the highly centralized role and with it the enormous prestige that it had enjoyed at the start of the dynasty. The result profoundly affected the intellectual climate at the capital. Scholar-officials remained wholly committed to the ideology of dynastic rule; but they could only appeal rhetorically to the centralized authority of the seventh and early eighth centuries. Especially during the later years of the reign of Dezong 德宗 (r. 779-805), there is documented for the first time a climate of intellectual discussion that was not restricted to specific political issues but was much more free ranging and, in one or two instances, more radical. Dissenting views were expressed and circulated unofficially. At the same time, however, direct criticism to the throne on specific issues did not diminish either; the heroic tradition of remonstrance continued.

It was the generation that lived through the restrictive political regime of Dezong’s last decade that formulated the clearest expression of this fundamental shift. A key transitional role may have been played by Du You. A provincial administrator for much of his career, he formulated his opinions as editorial insertions in his *Tong dian*, a grand review of the state’s administrative structure. Du You’s compendium underlines how Tang scholar-officials up to this time had expressed their opinions through political action more often than in discourse. When he selected materials to demonstrate the correct policies for confronting the barbarians, he selected first a memorial of 697 from a remembrancer, Xue Qianguang 薛謙光, then a passage from a lost work on military policies by the mid-eighth official scholar Liu Kan 劉侃, before giving his own editorial judgment. The same point could be made about another issue of key importance in Tang political philosophy, the *fengjian* issue. The principal Tang statements in the documentation for this issue that antedate Liu Zongyuan are first particularly long memorial of remonstrance to Taizong and, secondly, an editorial insertion in the *Zheng dian* 政典, a lost compendium of Xuanzong’s era by Liu Zhi 劉秩, that Du You used as the basis of his work, and thirdly Du’s own editorial insertions in the *Tong dian*.

Having been worsted politically in the early period of his career, Liu Zongyuan was an exile, a rejected official forced to serve in the far south. Much influenced by Du You through a mutual contact, Liu Yuxi 劉禹錫 (772-842), he expressed his political ideas in essays and letters not intended as acts of remonstrance but designed for a readership of fellow scholars like himself. His most forceful expressions of dissent are thus given in the tradition of political discourse in the Tang that interested Xiao Gongquan and that was to expand so significantly in the post-Tang era.

Liu Zongyuan's writing therefore enables us to turn away from the tradition of direct intervention, of dissent expressed directly to the emperor from within the administrative framework, to a more radical form of dissent. Liu did not produce a systematic political philosophy. But certain general ideas recur in his comments on aspects of the political world of his day. It is one of the main arguments of this essay that these ideas may be related to the tradition of remonstrance that preceded them. Liu's ideas, in other words, identified issues from the political agenda of the preceding decades and gave them more detached, rigorous and incisive expression. He was, like so many Tang scholar officials, a firm believer in evolutionary change, while endorsing as permanent certain underlying moral principles. One idea was his skepticism, his impatience with the idea that supernatural agency played a role in the fate of the dynasty. This was a theme that had informed more than one memorial of remonstrance to emperors in the earlier years of the dynasty. His treatment of this theme was implicitly a criticism of the emperor, for many of the Tang emperors had been, in memorials of remonstrance, identified as credulous in this respect. Others had vested too much effort in the system of correlative cosmology.

Liu Zongyuan put forward another of his ideas in one of his most celebrated and eloquent essays. Developing the argument of Du You, he proposed that the system of government through prefectures and counties, the *junxian* 郡縣 system, was greatly superior to that of hereditary fiefs, the *fengjian* 封建 principle. Again, this had been a theme in direct remonstrance or expression of dissent to the throne. What was remarkable in Liu Zongyuan's analysis was that he adopted a perspective on Chinese history that ran through the process of "regime change" and argued that when dynasties changed, the prefecture county system brought less disruption and less suffering to the polity as a whole.

A further idea, more directly related to the concept of political dissent, was Liu's promotion of the idea that the general good (*gong* 公 or *da gong* 大公) was the supreme value, and by which even the emperor was to be judged. But again it can be shown that in giving express form to this argument, Liu Zongyuan was picking up on the rhetoric of the "general interest" that was much used, by emperors and officials in a wide range of contexts in political life.

Xiao Gongquan, in his review of Tang political thought, reserves a single comment only on the writing of Yuan Zhen and Bai Juyi. He suggests that the *Celin* 策林, a series of model decree examination answers that Bai composed in 806 was coloured by the Daoism that the Tang dynastic house promoted. The series is in effect a review of the Tang polity, addressed to the emperor, since the emperor was formally responsible for decree examinations. The mode of writing is therefore midway between the memorial of remonstrance to the emperor and the more detached and analytical discourse of Liu Zongyuan's essays. It suggests that the ideas to which Liu Zongyuan gave analytical depth and a sharper edge were generally current in the intellectual and political world of the first decade of the ninth century. Bai Juyi represented moderate reforming opinion. He was also a convinced relativist, who believed in adapting institutions to historical change, while promoting permanent moral principles. He discussed many of the issues that Liu Zongyuan treated, the role of the supernatural in history, the *fengjian* issue and others such as the desirability of a moderate penal code. He specifically countered the idea that history represented a progressive decline from high antiquity, quoting a discussion between Taizong and Wei Zheng in 630 to make the point. But his use of Tang history is significantly selective. In his 75 short essays, he adduced the early history of the Tang in two main contexts. The first is the primacy of the welfare of the common people, and here he quoted Taizong's own remark. The second was another point that found echoes in contemporary discussion, the relative lenience of the Tang criminal code, and again he was able to commend the Zhenguan period. But in another essay, he suggested that the Tang, though it inherited a deteriorated situation, had by creating new posts for remonstrance brought about good order. "These [posts]," he wrote, "were established by your illustrious ancestors, and honoured by successive emperors. Even the way of Yao 堯 and Shun 舜 has no means to surpass them. Thus the great harmony of the Zhenguan and the perfect order of the Kaiyuan were rapidly brought about through this."

Even as Liu Zongyuan was formulating his radical unofficial analyses and Bai Juyi drafted his model examination answers, other officials continued to deliver direct memorials of remonstrance to the emperor on specific issues. Since the Xianzong was reasonably tolerant of criticism, the principle of remonstrance was eloquently reasserted and refined over this period. One official who had remained largely silent through the middle and late Yuanhe 元和 period, despite deeply held opinions, especially on Buddhism, was Liu's friend and correspondent Han Yu who was also a friend in the early 820s of Bai Juyi. Then in 819, Han dramatically broke his silence, submitting his "Memorial Discussing the Bone of the Buddha" (*Lun fo gu biao* 論佛骨表), one of the most famous memorials of remonstrance in all Chinese history. This eloquent attack on the emperor's plan to pay ritual homage to a holy

Buddhist relic paraded before him incensed the emperor, and Han was saved from execution only by the intercession of friends.

The very different responses by Han Yu and Liu Zongyuan to the deterioration of Tang power and the fact that they remained correspondents and friends is to be explained by their shared rather than their divergent assumptions. Both, like Bai Juyi, were morally committed to service under the Tang dynastic state and to the ideal of a harmonious and effective administrative system. In turn, each of them took his commitment to an extreme in terms of the traditions available to him. Liu expressed in keener form the skeptical ideas that had been current in the political arena of the preceding century. He also reformulated the role of the emperor in relation to the good of the whole polity. Han exploited the tradition of remonstrance to submit a highly specific and dangerous attempt to persuade the emperor to change a course of action. Han Yu proved at the end of his life, long after he had ceased to be active in leading the anti-Buddhist campaign for which he is best known, that the remonstrance that he had eloquently promoted more than two decades before, meant action and with it high risk.

10. Summary and Conclusion

It has been argued in this essay that in the Tang period, remonstrance and the principle of open access to the throne were ideologically very important to the political community. They had deep historical and ideological roots and were an accepted part of the political structure that the Tang inherited. But the Tang expanded the provision for remonstrance. The system that they developed, despite appalling irregularities, fulfilled important political functions: it provided the political centre with sources of information that were necessary to maintain a political balance; it kept the “eyes and ears” of the emperor open. Sanctioned as it was by remote antiquity, it also conferred dignity and moral self-respect on both sovereigns and officials and even on the very few commoners who were able to use the provision. Like the ideology of open recruitment to official service, its implementation contributed to long-term stability in the governmental structure. The system, with its prominently located physical symbols and its array of dedicated and prestigious posts in attendance on the emperor, came close to recognizing that substantive dissent and political contention were inevitable and that they should be protected rather than penalized. The fact that it lasted through the very different conditions that obtained during the Tang suggests the stability of the administration below the emperor, in the structure of which it was embedded.

It was the strong emperor Taizong who formulated the principles most eloquently, while the empress Wu significantly expanded the system at the

institutional level. Weaker emperors or emperors who became tired as their reigns wore on tended to rely on one or more chief ministers and effectively to block off access. The result was that the ideal of remonstrance and open access, was episodically and emphatically reasserted, though in contexts that differed greatly. The official community as a whole had in practice no means to promote these ideals except through the single initiative. Hence the need to keep channels of access open that Yan Zhenqing, demanding that the restrictive regime of Li Linfu should not be repeated under Daizong, advocated so eloquently in 766, and the long sequence of highly articulate comments endorsing the system that followed from the late eighth and early ninth centuries.

For the guardians of the “tutelary narration”, the ongoing dynastic history, the record of remonstrance provided a varied and complex theme, punctuated by incidents of great heroism, that perfectly illustrated their moralistic reading of history. Remonstrance did not involve promoting radically new alternatives to dynastic government; rather it represented attempts, typically by single voices, to apply lofty ideals derived from the Confucian canon to current political practice. Failure to remonstrate or to respond to remonstrance had persuasive explanatory value, as a telling factor in historical causation. Thus the climactic events that were held to have threatened the survival of the Tang dynastic state, the ascent to power of the empress Wu and the decision of An Lushan 安祿山 to use his military might against the dynasty, could have been anticipated and avoided if channels of remonstrance had been kept open and if emperors had responded to the messages that remonstrators gave them.

A longer perspective on the Tang system and its historical importance is more elusive. The point made by Bai Juyi, selecting and commenting on the Tang dynasty’s achievements, should be accepted; the Tang system truly surpassed anything that had preceded it. Moreover other evidence from the early eighth century suggests that the political community then came closer than before to recognizing that politics, in the sense of competitive disagreement among able and experienced officials at the apex of the administrative hierarchy, should not necessarily be stigmatized, nor should political losers be unduly punished. When Zhang Yue argued against corporal punishment for high-ranking officials under sentence for losing in factional struggles, he was in effect arguing for a political climate that was more tolerant of diversity and dissent.

Generalizations about this issue in the late imperial period are inevitably broad-brush and impressionistic. It is difficult to determine whether the Tang system was more open than those of later periods, and, if it was, whether this greater openness was historically significant or interesting. The Northern Song 宋 dynasty (960-1127), China’s age of “precocious modernity”, attained a level of political sophistication that surely surpassed that of the Tang.

Especially in the eleventh century, the intellectual elite discussed principles of government with a rare degree of freedom. The style of government was more collegial, the emperor's rule both more constrained and more restrained. Political dissent among the governing and scholarly elite was assumed to be inevitable and perhaps even desirable. It did not necessarily end in violence or harsh recrimination. Institutional provision for remonstrance and criticism was expanded and refined. A Northern Song specialist analyzing the Song experience of political dissent would surely be able to produce a picture every bit as sophisticated as that of the Tang sketched above.

It is particularly hard to generalize about the state's response to political dissent in post-Song China. The issue of how to respond to dissent involved precisely the same political dynamics that had underlain the system in Tang times. But the emperor's reaction to political opposition could be far more extreme in later periods. There were thus periods following the Song when the imperial dynastic intolerance of dissenting views was far harsher, conditions at the apex of the administrative hierarchy much more dangerous, and the emperor far more despotic. The early Ming is a particularly well known example. Yet, after the Ming had attained some political stability, the sophistication and effectiveness of its provision for remonstrance from within the serving bureaucracy, now made an official function of the censorate, should not be underrated.⁹

The late imperial period as a whole, the Ming and the Qing have been seen as one of increasing despotism.¹⁰ The censorate may have come to function as a channel for forwarding specific policy recommendations to the political centre. But the disjunction between remonstrating about specific policy errors or righting specific injustices that it discharged and the more general tradition of political discourse that had started in the late eighth century now became much deeper. The Donglin 東林 movement, its suppression and its protracted sequel in the Ming-Qing transition indicated how alienated from the court and the throne the provincial intellectual communities had become.¹¹ The early Qing saw a "split between court and literati", that the writing of Huang Zongxi, highly articulate but politically ineffectual, represented. The reign of Yongzheng has also been seen as a period when imperial control was exceptionally effective and when traditional means of articulating dissent were suppressed.¹² The split was effectively papered over as the Manchu emperors realized the need to "express respect for Chinese literati without surrendering any of [their own] authority."¹³ The Qing emperors repeatedly endorsed the Confucian canonical ideals of government. They drew the scholarly community into large scale and highly dignified scholarly projects.¹⁴ By codifying the learned tradition, they continued to monitor and police the intellectual community. The Qianlong emperor allowed an assessment of the Donglin movement to be incorporated in the *Si ku quan*

shu. But he also condemned the participants in the movement in terms that harked back to Tang judgements on dissenting factions: they had “let small men into their ranks, just like opening the door to invite in thieves.”

The Qing therefore continued to be intensely suspicious of protest that involved a larger political base or promoted a wide programme of reform. And they were faced with a far larger population of educated and often frustrated literati than had existed under the Tang. Yet the need for the emperor to be fully informed that had been one of the motives behind the Tang system remained. As Qing government expanded in the course of the eighteenth century, it gave rise to the palace memorial system that also had its analogue in the distant Tang dynasty. But the Qing system was combined with the tendency for the inner court to take secrecy to extreme lengths. The eighteenth century political climate therefore continued to be hostile to open political discussions and opposed to open dissent in the outer court and beyond it. The procedures, often extra-legal, of the grand council (*junji chu* 軍機處) in the eighteenth century that were developed to cope with the vastly expanded administration of the Qianlong period exemplified this hostility to political opposition. The interface between protesters, political thinkers, particularly in the provinces and the enormously increased numbers of educated and disempowered literati and palace interests remained an enormous problem.¹⁵

When in the course of the nineteenth century the power of the late Qing emperors weakened, intellectuals began to think deeply and independently about the functions of the state. They now effectively turned their attention away from the system that had concentrated so much political power into the hands of one figure. Their review of the polity was thoroughgoing, bringing into their purview the issues of *fengjian*, devolution and localism, the applicability of Western knowledge and the representation of popular opinion. They no longer gave the prominence to the principle of open access to the emperor that had been so conspicuous a feature of the late medieval system.

But one dimension at least of their campaigning provides a common thread between their predecessors in the late medieval period, the Donglin movement of the late Ming and their own roles as reformers. This was their conviction that in protesting about political conditions and proposing reform they were fulfilling an unavoidable moral charge, that they operated within a moral and historical framework that was comprehensive in its view of the Chinese polity and its claims on the individual. This was much the same moral charge that had compelled remonstrators in the Tang dynasty to take risks by political intervention or reformers in the late Ming to formulate their ideas on the state in discursive writings. The late nineteenth century reformer Tan Sitong 譚嗣同 (1865-1898), one of the last political dissidents to have been sacrificed under the dynastic system, might be said to have combined this dual aspect of the Chinese tradition of political protest. He laid out a

view of Chinese history that differed sharply from that of Han Yu, whose strictly hierarchical concept of society he singled out for criticism.¹⁶ On the other hand, he had in common with Han a willingness to intervene, to brave ultimate danger in promoting his views. And his perspective on Chinese history, with its emphasis on popular empowerment and resistance to arbitrary rule and despotism, had roots in the thought of Han Yu's friend Liu Zongyuan and later of Huang Zongxi, whom he particularly admired.¹⁷

Notes

⁺ This essay is a summary and adaptation of my article, "Traditions of Political Dissent in Tang China", in *Institute of Chinese Studies Visiting Professor Lecture Series (I)* (Hong Kong: The Chinese University of Hong Kong, 2005), pp. 1-33.

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Citizens' Struggles in China's Post-Mao Era

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Abstract

This paper discusses dissent in the People's Republic of China, especially in the post-Mao era. It begins historically with a discussion of the role of public intellectuals, as personified by Sun Yat-sen, in bringing about the end of China's dynastic system in 1911 and the failed attempt by the Kuomintang government to silence dissident intellectuals. It explains that it was only under Mao Zedong's rule (1949-1976) that China's public intellectuals were silenced and unable to play their traditional role as critics as well as upholders of the political system. Examining the transition from Mao's totalitarian rule to the era of restricted freedom in the post-Mao authoritarian state, the paper explores the vicissitudes of China's dissident intellectuals consecutively under the rule of the third and fourth generation of Chinese Communist Party leaders, epitomized by the imprisonment of Liu Xiaobo, who launched the signature campaign, called Charter 08, that sought to establish a democratic China. Nevertheless, compared with the Mao era, when intellectual dissenters were brutally suppressed and silenced, despite continuing crackdowns on political dissent in today's China, intellectuals are not completely silenced. Periodically, they are able to engage in vigorous debates on ideological and political issues and participate in the international academic community. At times, they join with other political groups in political demonstrations and calls for political reforms.

Keywords: *totalitarianism, authoritarianism, public intellectuals, dissidents, Charter 08*

JEL classification: *H12, K49, P37, Z18*

1. Introduction

During the rule of Mao Zedong, who reigned from the establishment of the People's Republic of China in 1949 until his death in 1976, China was governed by a totalitarian system. Mao and the party not only dominated the country's political life, but also the economic, intellectual, artistic and

personal lives of its subjects. Anyone who challenged Mao's authority or even expressed a view that differed from his, was persecuted and silenced in large-scale ideological campaigns. With Mao's death in 1976, his successor and former Long March comrade, Deng Xiaoping, became China's paramount leader until his death in 1997.

During Deng's reign (1976-1997), China moved from a totalitarian to an authoritarian regime. The party still dominated the political system and except for elections at the village level, determined the political hierarchy. Yet, under Deng's leadership during the last two decades of the twentieth century, China moved from a command economy to a market economy and participated actively in the international community. Along with China's opening up, the party's controls over the country's economic, social, cultural, and personal lives of the population were loosened. These changes made possible a degree of freedom in people's every-day lives. Though an authoritarian one-party political system, the Communist Party's loosening of controls and its international engagement unleashed a proliferation of ideas, activities and artistic endeavours outside the party's domain.

These changes in the post-Mao era were accompanied by the appearance of public intellectuals in the People's Republic. Public intellectuals are not unique to Western civilization. They have played a major role throughout Chinese history. China's pre-modern intellectuals, the Confucian literati, not only ran the governmental bureaucracies, they viewed themselves and were viewed by others as the conscience of society. Their commitment to improving the human condition led them to assume responsibilities comparable to those of public intellectuals in the modern West. They were generalists, who publicly discussed and dealt with political, economic and social issues, organized philanthropic efforts, and supervised education. Moreover, a number of Confucian literati regarded it as their responsibility to criticize officials and even the Emperor when they believed that their actions diverged from the Confucian ideals of morality and fairness.

Public intellectuals also helped to bring about the end of China's dynastic system during the 1898 Hundred Days of reform in the late Qing dynasty and prepared the way for the 1911 revolution, whose leader Sun Yat-sen personified a public intellectual. Even though the subsequent Kuomintang government of Chiang Kai-shek (1928-1949) attempted to stifle political criticism, it was too weak to silence dissident intellectuals, who publicly criticized repressive officials and Kuomintang policies and advocated political reforms. Thus, with the exception of brief periods, such as the Hundred Flowers period, 1956-June 1957, it was during the rule of the Communist Party leader, Mao Zedong (1949-1976), that China's public intellectuals were silenced and unable to play their traditional role.

2. Mao Zedong's Totalitarian Rule (1949-1976)

Even before the Chinese Communist Party established the People's Republic of China in 1949, there was already evidence that Mao Zedong would not tolerate public criticism or dissent from his policies. In the early 1940s, in the party's revolutionary base area in Yanan in northwest China, Mao launched a campaign against a group of writers, who were committed to the humanitarian aspirations of Marxism and believed they were true to its basic ideals when they criticized the party's policies and publicly called for equality, democracy and intellectual freedom.

As intellectuals in the past had criticized government policies in the name of Confucian ideals, these writers did so in the name of Marxist principles. Several of them published their critiques in the party's official newspaper in Yanan, *Liberation Daily* (*Jiefang Ribao* 解放日报), in which they expressed their disillusionment with finding that life in the revolutionary base area had not measured up to their ideal of the equal, just and free society that they had expected. They criticized the bureaucracy, corruption and inequalities they found there. In reaction, Mao launched a campaign against them and their associates in spring 1942. He also promulgated his Yanan "Talks on Art and Literature", in which he served notice that henceforth literature and all aspects of intellectual endeavour were to be dictated by party policy. At the same time, he launched a campaign against writers and any intellectuals who had dissented from his policies. Thus, even before the establishment of the People's Republic in 1949, Mao had served notice that intellectuals, who deviated from the party's policies, would be purged and their views publicly criticized.

During the early years of the People's Republic, the party's policies toward intellectuals oscillated between encouraging creativity needed to modernize society and stifling intellectual initiative that did not conform with party's policies. The party's approach was contradictory. On the one hand, the party sought to indoctrinate the population in Marxism-Leninism and Mao's thought; on the other hand, it tried to encourage intellectuals to work productively and creatively in their disciplines in order to develop a modern state. These contradictory goals produced a cyclical policy toward intellectuals. While each cycle was determined by internal political and economic factors as well as international events, generally the cycles oscillated between periods of repression and briefer periods of relative relaxation.

Thus, shortly after it came to power in 1949, the party briefly relaxed its controls over intellectuals as it sought to win their support and consolidate its rule over all of China. Then in 1951, it began an effort to reorient China's intellectuals away from the West and toward its major ally at the time, the Soviet Union, by denouncing liberal values and indoctrinating intellectuals in Marxism-Leninism and Mao Zedong's thought. In 1954, the party attacked

the ideas of the well-known Western-oriented scholar, Hu Shi, who in the early decades of the twentieth century had introduced John Dewey's theory of pragmatism into China. In 1955, the party launched an ideological campaign against the writer, Hu Feng and his disciples, who had rebelled against being ordered to write in the Soviet style of socialist realism. The attack on Hu Feng established the model for future campaigns. It broadened its scope beyond a small number of literary figures into a nation-wide campaign that encompassed virtually all intellectuals and professionals, who were ordered to purge themselves of non-Marxist-Leninist ideas.

Because of the unprecedented ferocity of the Hu Feng campaign, by the end of 1955, a large segment of China's intellectuals was silenced. The campaign's crusading zeal had even alienated some of the China's much-favoured scientists, whose help the party sought in its efforts to modernize the economy. Confronted with a passive intellectual community and in urgent need of its services, Mao then launched a new campaign in 1956 and first half of 1957, called "A Hundred Flowers Bloom: A Hundred Schools Contend," in which he relaxed controls and provided a degree of freedom in the intellectual and artistic realm. Intellectuals were urged to engage in independent thinking, wide-ranging discourse and critical thought. In addition, he urged intellectuals to criticize officials and point out how they had misused their power. He even encouraged discussion of political issues and airing of grievances.

In response, intellectuals began to publicly question Marxism-Leninism and called for far-reaching political and cultural reforms. They not only criticized Mao's "Talks on Art and Literature", they called for intellectual autonomy and demanded that the cases against writers who had been publicly criticized, such as Hu Feng, be reopened. When the Hundred Flowers movement spread in spring 1957 beyond the intellectuals to the population at large, who also began to demand more freedom, Mao, suddenly in June 1957, reversed his policy of tolerance and relaxation of controls and launched the anti-rightist campaign in June 1957. Sweeping attacks were directed against those who had been publicly critical and a small number were signalled out as the instigators. They as well as their families and colleagues were labelled "rightists" and were forced to make public confessions, and were dismissed from their positions. By late 1957, the cycle had come around full circle to the ideological rigidity that had prevailed before the Hundred Flowers.

With the subsequent launch of the Great Leap Forward in 1958-59, the gap between the party and the intellectuals widened still further as Mao sought to turn China into a true Communist society before the Soviet Union. In this effort, intellectuals were dispatched to factories and villages to be remoulded themselves through manual labour at the same time they were to bring culture to the masses. Even esteemed scientists were "sent down" to the countryside to learn from the achievements of the peasants and workers.

The subsequent failure of the Great Leap Forward, in which Mao's radical policies to transform China into a commune, caused the death of thirty million Chinese, due to food shortages in the countryside and economic chaos in the cities. It also caused disillusionment with Mao's policies not only among intellectuals and technocrats, but also among his party colleagues. As Mao withdrew from policy-making in the early 1960s, a brief period of intellectual relaxation ensued in which intellectuals published essays in the traditional "zawen 杂文" style of short critical essays and used the traditional Chinese opera subtly to criticize Mao's policies. Several of these criticisms were produced under party auspices.

In reaction, Mao then launched the Cultural Revolution in 1966 against those whom he believed were conspiring against him. For almost ten years, with the exception of a small number of radical intellectuals who acted as Mao's spokesmen, most intellectuals, their families and colleagues were ostracized, persecuted, imprisoned or driven to suicide in the most severe intellectual suppression in modern Chinese history. Great damage was done to China's educational institutions, intellectual endeavours and cultural life. Even China's prized scientists, who were supposedly to lead China's economic modernization, were persecuted and cut off from the outside world. At the time of Mao's death in September 1976, China's intellectual community was demoralized and its educational institutions were in disarray and not functioning.

3. Restricted Freedom in the Post-Mao Authoritarian State

After Mao's death in 1976, though the People's Republic remained under the political control of the Chinese Communist Party, when Mao's Long March comrade, Deng Xiaoping became China's paramount leader in the late 1970s, China could no longer be categorized as a totalitarian state. China still remained under the political control of the Communist Party, but Deng's policies of moving China to a market economy and opening the country to the outside world made possible a degree of personal, intellectual, and artistic freedom. In 1987, however, Deng purged Hu Yaobang, whom he had appointed as head of the party in 1980 and in June 1989, he purged Zhao Ziyang, who had replaced Hu as the head of the party, because they both had advocated political reforms. Moreover, Zhao had refused to go along with Deng's order to use the military to crack-down on the demonstrators in Tiananmen Square on June 4th. Nevertheless, after a brief pause, the intellectual, artistic and personal spheres of Chinese life continued to remain relatively open and resumed their engagement with the outside world.

China's third generation of Communist Party leaders, who assumed power in the aftermath of June 4th, 1989, led by former Shanghai mayor Jiang Zemin

(1989-2002), and particularly the fourth generation, headed by Hu Jintao and his associates, who came to power in 2002, sought to recentralize political authority and re-strengthen the party's capacity to deal with the increasing inequalities and rampant corruption unleashed by China's move to a market economy. Yet, despite a retightening of the party's power over academic and cultural institutions after June 4th, a degree of pluralistic discourse and openness to foreign ideas continued to be expressed in China's universities, artistic circles, academic journals and think tanks, particularly in the sciences. Nevertheless, the Hu Jintao leadership detained, put under surveillance and purged from the academic establishment intellectuals who dissented politically and criticized the party's policies publicly.

Unlike in the Mao era, however, when any intellectual who challenged the party's scientific, artistic, historical, or economic views lost his or her job and was literally banished from the intellectual community, China's market reforms and opening to the outside world made it possible for intellectuals to publish abroad and in Hong Kong and support themselves and their families with free-lance jobs. While in the post-Mao period, there were still no laws to protect political and civil rights, most of the intellectuals whom Mao had persecuted were rehabilitated in the 1980s and found positions in the political and intellectual establishments. Public space for political discourse and pluralistic views opened up in the media, books, universities, and research centres. Yet, even though most of the rehabilitated intellectuals became members of the establishment and the party, when a small number of them called for reform of the China's Leninist party-state, they were purged once again. Unlike in the Mao era, however, though they were silenced for a while, China's market economy and increasing interaction with the outside world made it possible for them to make a living, speak out periodically and publish on political issues by means of the new Internet technologies, private publishing, and contact with the foreign media, such as VOA, BBC, Radio Free Asia and Hong Kong, which would then beam back their views into China.

It had been expected that when China's fourth generation of leaders, who came to power in 2002, led by Hu Jintao, who were better educated than previous generations and came primarily from the China Youth League, a supposedly less doctrinaire organization than the party, the opening of public space for political discourse would expand, though circumscribed within certain limits. That, however, did not happen. In fact, there was a contraction of public space for political discourse since the late 1990s when Jiang Zemin had headed the party.

The Hu Jintao leadership cracked down on a number of people who used the new communications technologies and websites to discuss political issues. A number of cyber-dissidents were imprisoned as a warning to others

as to how far they could go in discussing political reforms on the Internet. Public intellectuals who spoke out and published essays on controversial issues were briefly detained as well. The military doctor, Jiang Yanyong, for example, who had treated the victims and reported the deaths caused by the June 4th crackdown and was the first to counter the party's assertion in 2003 that the SARS epidemic had been brought under control, was detained and then put under surveillance when in 2004 he called on the party to change its designation of the 1989 Tiananmen demonstrations from a "counter-revolutionary" movement into a "patriotic" movement.

Along with the suppression of a number of well-known independent intellectuals and the imposition of limitations on the discourse of "public intellectuals", the Hu Jintao government tightened controls over the media. Reports on growing protests against corruption, abusive officials, property confiscation and peasant and worker demonstrations were banned from the media. Journalism professor, Jiao Guobiao, who on the Internet had criticized the party's repressive control of the media, was no longer allowed to teach at Peking University. A law lecturer at Chengdu University, Wang Yi, who called for a system of checks and balances, was also barred from teaching. The journal *Strategy and Management* that had been an outlet for intellectuals of a liberal persuasion was closed down.

Although the party itself publicly reported that 87,000 protests had taken place in 2005, journalists were ordered not to report on the myriad of demonstrations spreading across China. When China was struck by devastating earthquakes in Sichuan province in 2008, initially the media and civic groups were allowed to report freely on the event, but when parents of children, who were killed in their class rooms, began to point out that the quake had led disproportionately to the collapse of schools due to cheap construction, media openness was quickly curtailed. Nevertheless, despite the crackdown on public intellectuals and the media and censorship of the Internet, unlike during the Mao period when millions were harshly persecuted as in the Anti-Rightist campaign (1957-1958) and in the Cultural Revolution (1966-1976) for the acts of a small number, in the post-Mao period persecution for public dissent did not reach far beyond the accused and their associates. Moreover, though they might lose their jobs in academia and the media and may be briefly detained, they were able to find jobs and outlets for their views in China's expanding market economy and abroad.

Thus, unlike during the Mao era, public intellectuals were not completely silenced. Some still tried to function as citizens, either on their own or with others and they continued to express their political views in unofficial publications, and increasingly in organized petitions and public protests. While their writings were officially banned, they found ways to distribute their views on street corners, through private publications and over the

Internet by connections to outside servers. Moreover, in the post-Mao era, for the first time in the People's Republic, a number of lawyers were willing to defend those accused of political crimes and journalists reported on the party's repressive policies in a small number of media outlets, such as the *Southern Metropolitan Daily*, based in Guangdong province.

There were also major differences between the actions of public intellectuals in the 1980s and their actions in the first decade of the early twenty-first century. In the 1980s, a number of prominent public intellectuals, such as the journalist, Liu Binyan and the poet Ai Qing, called themselves "Marxist humanists" and pointed out how the party's policies differed from the ideals of Marxism. By the end of the twentieth century, because of the increasing bankruptcy of Marxism-Leninism as a governing philosophy and the collapse of the Soviet Union, most public intellectuals in the first decade of the twenty-first century gradually became imbued with a different political consciousness and used different political strategies. They moved away from the focus on ideology and emphasized the need to establish new institutions in order to achieve political reforms.

Another major change was that whereas until the 1989 Tiananmen demonstrations, public intellectuals considered themselves an elite and did not join with other social classes in political actions, starting with the 1989 Tiananmen Square demonstrations, when various classes participated in the protests, a small number of them began to join with workers and small business people in petition drives and in organizing groups calling for political reforms. Journalists wrote about these events and lawyers defended the leaders of such movements when they were arrested. Therefore, in the first decade of the twenty-first century, despite continuing repression, there was a qualitative change in the thinking and actions of China's public intellectuals: they became increasingly independent political actors and showed a willingness to join with other social groups in political action.

China's increasing interaction with the rest of the world, particularly with the West, in the late twentieth and early twenty-first century, was another factor promoting a liberalizing intellectual environment. China signed the UN Covenant on Civil and Political Rights in October 1998, having already signed the UN Covenant on Economic, Social and Cultural Rights in 1997. Although the latter Covenant was confirmed by China's rubber-stamp National People's Congress, the Covenant on Civil and Political Rights had not been confirmed in the first decade of the twenty-first century. Nevertheless, China's endorsement of the UN human rights covenants as well as the easing of political controls at home were part of China's effort to create goodwill abroad, particularly with the United States and other Western countries. At the same time, thousands of Chinese students and scholars went abroad to study at American and West European universities. China's

engagement with the international community correlated with relaxation of ideological controls at home.

Thus, one hundred years after China's Hundred Days Reforms in 1898 that ultimately led to the beginnings of political change and the fall of the dynastic system in 1911, the close of the twentieth century ushered in broad-ranging public discourse on a broad range of issues, including political reforms. And like the Hundred Day reformers in 1898, the major exponents of political reforms in the late twentieth and early twenty-first centuries were establishment intellectuals – academics, writers, journalists, lawyers, and ex-officials – who like their predecessors were not at the centre of power. They worked in think-tanks, universities, newspapers, and law offices, or were retired, but they managed to promote their political reforms in books, scholarly journals, academic forums, and other channels in the public arena that opened up in the post-Mao era. At times, they were even joined in their efforts by people outside the establishment in their calls for political reforms.

These advocates of political reforms in the latter decades of the twentieth and early years of the twenty-first centuries represented a broad ideological spectrum, from the older generation of Marxist humanists, who still couched their calls for political reforms in Marxist language, to younger intellectuals in the universities and the party's think tanks, such as the Chinese Academy of Social Sciences, China's premier centre for social science research, who cited a broad range of Western liberal thinkers from Adam Smith to Karl Popper, to support their arguments and were more direct in calling for political reforms.

Although none of China's establishment intellectuals publicly proposed a multiparty system or called for direct elections of the political leadership by universal suffrage, a small number advocated the establishment of other institutions associated with liberal democracy: some emphasized the rule of law; others stressed freedom of expression and association; and still others called for more competitive elections. Some were concerned with inner-party democracy; others with grassroots democracy. A few urged the establishment of an elected parliamentary system. Virtually all advocates of reforms, however, called for a political system based on some form of checks and balances.

What they had in common was a shared emphasis on the need for political system reform in order to deal with the rampant corruption and accelerating economic and social inequalities accompanying China's economic reforms. Those expressing liberal political views in the early years of the twenty-first century differed from the Marxist humanists of the 1980s in that they were relatively more independent of political patronage than the latter – not only because of China's accelerating market economy and openness to the outside

world that made it possible, but also because of their desire to acquire more intellectual autonomy.

Another new phenomenon in the People's Republic in the early years of the twenty-first century was the public demand of a small number of Chinese citizens calling for the party live up to the principles to which it had expressed verbal and written approval. On December 10th, 2008, the 60th anniversary of the Universal Declaration of Human Rights, a group of people from all walks of life launched a movement called Charter 08. They presented a blueprint for fundamental legal and political reforms with the goal of achieving a democratic political system. Patterned on Václav Havel's Charter 77 movement in the former Czechoslovakia, Charter 08 criticized the party for failing to implement human rights provisions to which its leaders had signed onto, such as the United Nations Covenant on Political and Civil Rights and amendments to China's constitution in 2004 which included the phrase "respect and protect human rights". Charter 08 pointed out that: "Unfortunately most of China's political progress has extended no further than the paper on which it is written." The political reality, Charter 08 stated "is that China has many laws but no rule of law; it has a constitution but no constitutional government." Charter 08 called for a political system based on democratic institutions of checks and balances.

What made Charter 08 qualitatively different from past protests was that it became a political movement which crossed class lines. Past demonstrations were usually carried out by specific classes focused on particular economic issues, such as peasant protests against confiscation of their land by local officials or workers' protests against non-payment of salaries or poor working conditions. Even during the 1989 demonstrations in Tiananmen Square, students at first linked arms to keep workers and other urbanites from participating, because they knew that the party feared an alliance between intellectuals and workers. When workers as well as members of China's rising middle class literally forced their way into the 1989 protests by late May and the movement spread to other cities and classes, the party's then paramount leader Deng Xiaoping, fearing a threat to the party's rule, ordered the army on June 4th to suppress the movement which it did in a violent crackdown.

What made Charter 08 unprecedented in People's Republic was that while initially it was signed by over 300 intellectuals, as it circulated on the Internet and elsewhere it became a multi-class movement. Chinese citizens from all walks of life signed their names – entrepreneurs, professionals, local officials, workers, farmers, housewives, and street vendors. Also new to grass-roots political movements in the People's Republic was the participation of a number of lawyers, who volunteered to defend those accused of political crimes, an unprecedented phenomenon in the People's Republic. Despite the party's denunciation of Charter 08, and the detention of one of its originator,

the writer Liu Xiaobo, just before the party completely shut down its website in mid-January 2009, over eight thousand people from all walks of life had managed to sign their names.

4. Concluding Remarks

The Charter 08 episode revealed that not only intellectuals were willing to voice public dissatisfaction with China's authoritarian market economy, but also farmers, workers, and small entrepreneurs, the supposed beneficiaries of China's political system. The broad class participation in the Charter 08 movement may be attributed to worsening economic conditions in late 2008 due to the closure of a number of China's export industries due to slackening demand for Chinese consumer goods in the West which was undergoing a recession, and college graduates who for the first time in the post-Mao era had difficulty finding jobs. The economic situation also led to questioning of the political system which based its legitimacy on the Chinese Communist Party's ability to deliver economic growth. Nevertheless, despite the crackdown and the detention of the writer Liu Xiaobo and a few other signers, Charter 08 represented an emerging multi-class movement for political change in China.

Another important difference from the Mao era, when intellectual dissenters were brutally suppressed and silenced, in the post-Mao era and especially the early years of the twenty-first century, despite the crackdown on dissent, China's intellectuals not only continued to express a degree of intellectual pluralism. They engaged in vigorous debates and participated in the international academic community. They were not completely silenced and at times joined with other classes and groups in calling for political reforms. Thus, while China's movement from a totalitarian to an authoritarian polity did not protect public intellectuals from reprisals and detention for the expression of dissident views, the party's less repressive rule and China's participation in the international community made it possible for intellectuals to speak out periodically and publicly on political issues and have an impact beyond their immediate intellectual circles. Their words and actions may in time lead to transformative political reforms in the People's Republic.

Note

- * Dr Merle Goldman, Professor Emerita of Boston University and an Associate of the Fairbank Center for Chinese Studies at Harvard University, was born on March 12, 1931. She received her Bachelor's degree from Sarah Lawrence College in 1953, earned her Master's degree from Radcliffe in 1957 and Ph.D. from Harvard University in 1964. She was influenced both by her undergraduate

advisor, Martin Wilbur at Sarah Lawrence and her mentor at Harvard, John Fairbank, who never lost interest in her work, even though Goldman had four children while in graduate school. Fairbank encouraged her to follow her particular area of interest, the role of the intellectuals in the People's Republic of China. Goldman's first academic appointment was at Wellesley College, where she was an instructor in Far Eastern history from 1963 to 1964. She was a lecturer for the Radcliffe Seminars from 1968 to 1970, and in 1972, she was appointed a professor at Boston University, where she remained until her retirement in 2004. At the same time, she had and continues to have a research appointment and office at the Fairbank Center for Chinese Studies at Harvard. Two of Goldman's three books were selected as Notable Books by the *New York Times*. The third book, *Sowing the Seeds of Democracy in China: Political Reform in the Deng Xiaoping Decade*, also won Best Book on Government Award from the American Association of Publishers, Professional and Scholarly Publishing Division. Goldman edited or co-edited five additional books and is the author of over fifty scholarly articles and numerous newspaper and magazine articles. She also updated the Fairbank textbook, *China: A New History*, republished in 2006. Her most recent book is *From Comrade to Citizen: The Struggle for Political Rights in China*. Goldman has been the recipient of numerous awards, including the Sarah Lawrence Distinguished Alumni award and the Radcliffe Graduate Medal for Distinguished Achievement. She served as a fellow at the Radcliffe Bunting Institute. She has received grants from the Guggenheim Foundation, the Social Science Research Council, the State Department, the American Council of Learned Societies, and the Wang Institute. In addition to her professorship at Boston University, Goldman has been a Research Associate of the Fairbank Center for Chinese Studies at Harvard University since 1964. Goldman's professional service also includes committee appointments to the American Historical Association, the Association of Asian Studies, the Council on Foreign Relations, and the Social Science Research Council. She served as vice president and president of the New England Council of the Association of Asian Studies, a board member of Asia Watch, a division of Human Rights Watch, a Phi Beta Kappa Lecturer, and the Chair of the New England China Seminar which meets monthly at the Fairbank Center. Aside from her academic accomplishments, Goldman has worked on behalf of human rights advocates in China. Her research on the history of China's intellectuals led to her activism on their behalf, when a number of them were persecuted following the Chinese revolution of 1949. She served on the Presidential Commission on Radio Free Asia and was a member of the United States delegation to the Commission on Human Rights in Geneva in 1993-1994. <Email: mgoldman@fas.harvard.edu>

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Social Justice, Democracy and the Politics of Development: The People's Republic of China in Global Perspective⁺

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Abstract

The PR China regime's repression of political dissent is the subject of daily reports in the media and ongoing discussion in academic research. Yet these reports and discussions are largely silent on the global context for the policies they criticize. The silence has two dimensions. First is the absence of any reference to the suppression of dissent globally, including in societies that flaunt their democratic commitments, that would draw attention to its pervasiveness not just as a Chinese but as a global problem. Second is silence over the complicity in this repression of outsiders from sports organizations and personages and musical and film celebrities anxious to enter the new entertainment market to educational institutions that serve willingly as vehicles for state guided propaganda through the so-called "Confucius Institutes", and mimic corporations in the joint educational enterprises they establish in PR China. These activities, entangled in shifts in global capitalism, serve as occasions for celebration rather than critically explored for their contributions to the legitimacy of the regime. Above all are transnational corporations that not only bank their futures on the China market but ideologically condone repression in their enthusiasm for the authoritarian "China model". As they scramble to meet the luxury needs of a political elite that has concentrated enormous wealth in its hands through corruption and plunder of public resources, they also benefit from the severe exploitation and abuse of labour guaranteed by the regime. The discussion below calls for closer attention to this global context of dissent and repression in PR China, and argues that while this complicity does not relieve the PR Chinese leadership of its responsibilities, it needs to be integral to any serious and thoroughgoing criticism of the regime.

Keywords: *protest, repression, inequality, corruption, “de-revolutionization”, global capitalism, neo-liberal world-system, “socialism with Chinese characteristics”, “China model”, “alternative modernity”, “global modernity”, socialism*

JEL classification: *N35, P26, P36, Z13*

1. Introduction

Contemporary media reporting on questions of repression and dissent in the People’s Republic of China (PRC), backed by expert voices of various kinds, is likely to yield a strong impression that at the heart of the problem is the continued hold on power of a dictatorial Communist Party riddled with factionalism and corruption. The diagnosis also casts a shadow on the revolutionary history that brought the Party to power. References to Mao Zedong 毛泽东’s legacies target him as the ancestral source of contemporary problems. Given the Party’s Leninist origins and constitution, however, the communism it claims as its guiding ideology – tinged with residual influences from the imperial past – must ultimately bear responsibility for its behaviour. It follows from this line of thinking that as the revolution fades with development within the parameters of the capitalist world-system, some of these problems will inevitably fade away. At the least, development will foster a new democratic constituency, often equated with a vaguely defined rising “middle” class, that will push the Communist Party toward more democratic ways of governing. In the meantime, dissidents within and forces of democracy abroad are gradually nudging the Communist Party in that direction.

Plausible as this narrative sounds in light of the ongoing struggle of Chinese intellectuals and working people for greater freedoms, democracy and justice, its teleological thrust is based on assumptions that call for closer scrutiny. Its plausibility rests, on the one hand, on the Party’s repudiation of the “leftist” legacies of the revolution that led to unnecessary economic and social adventurism, and, on the other hand, its willingness to permit ideological and political discussion that would have been unimaginable during the heyday of revolution under Mao. Since 1978, the Party has sought to avoid repetition of the arbitrary exercise of leadership prerogatives during the Cultural Revolution by greater stress on rules, collective leadership and inner-Party democracy. At the same time, participation in the global economy has called for the establishment of a legal order that at least in theory is based on international norms. Development policies bank heavily internally on willing participation of the educated, reversing Cultural Revolution privileging of “redness” over expertise. The freedoms extended to society in order to secure such participation are very real indeed.

On the other hand, these changes have empowered dissidents to expand “the realm of freedom”, and to hold the Party to its promise of a legal order, which is perhaps the most prominent theme of dissent in contemporary PRC. Dissent is further substantiated by the urban constituencies that have benefited from “reform and opening”, who most likely would not object to the extension into the realm of politics of the freedom to consume that development has brought about – and is premised upon. There is no denying the ferment over these issues among the so-called “netizens”. At least on the surface, the PRC shows every sign that with the deepening of development, it will follow the example of other authoritarian regimes, especially in Eastern Asia, in making the transition from dictatorship to democracy. At least on the surface, victory in the Cold War over socialism provides historical confirmation to the persuasiveness of this narrative.

And yet, it is not at all certain that these changes justify the teleological hopes invested in them, which call for closer scrutiny. This is the purpose of the discussion below. We take up three questions that seem to be of particular significance but seldom are raised in evaluations of change in the PRC. First is the relationship to the legacies of the revolution of the Party and the people at large, including many dissidents, which is hardly the one-dimensional relationship it is often assumed to be. Second is the relationship of questions of repression and dissent in the PRC to its structural context within global capitalism. The PRC presently suffers from severe economic and social inequality that may be sustained only by political repression. It is frequently overlooked, however, that economic and social inequality are products of the very development policies for which the PRC is widely admired. The ironic consequence is that criticism directed at the PRC for its democratic deficit is more than compensated for by pressures to keep up a pattern and pace of development that gives priority to its functioning within the global system over the economic and political welfare of the population. Indeed, the “China Model” has more than a few admirers who look to it with envy against the “inefficiencies” thrown up by popular pursuit of justice in democratic societies. Deepening inequality is a pervasive phenomenon of global neoliberalism, of which the PRC is an integral part. Around the globe the predicament of democracy has set off a dialectic of protest and repression that has further thrown its future into jeopardy in any but a formal sense. Within a global context in which democracy is at risk and human rights in shambles, what does it mean for the PRC to be moving toward a more democratic regime? This being the case, finally, is there a case to be made that the PRC is better off exploring socialist alternatives in economy, society and politics than emulating models whose future is very much in question, in which case critique should be directed at holding the Party to its promise

of socialism rather than its failures to live up to the examples of those who themselves are in retreat from democracy?

2. Protest and Repression

Before proceeding with an analysis of the questions above, it may be useful to summarize briefly the problem of repression and dissent in the PRC which is somewhat more complicated than appears at first sight. Indeed, these terms are insufficient to encompass fundamental aspects of the relationship of the Party-state to its citizens.¹

The terms may serve well in reference to disagreements within the Communist Party, or even the cases of high-profile intellectuals and their associates and supporters. But they fall somewhat short of grasping the situation even in these cases in light of the display of lawless behaviour by the state authorities. Despite state pretensions to legality, the “crimes” for which intellectuals such as Ai Weiwei 艾未未, Chen Guangcheng 陈光诚 and Liu Xiaobo 刘晓波 have been harassed, condemned, incarcerated and tortured (sometimes to death, as in the recent case of Li Wangyang 李旺阳) do not go beyond testing the limits of restrictive laws and even greater restrictiveness in their application. Restrictions on speech supposedly guaranteed by the PRC’s own constitution are routine practice. Unemployed peasant workers are employed by the authorities to provide round-the-clock surveillance of victims whose only crime is to transgress against what the authorities deem the limits of speech or to pursue justice in the courts. The Party does not hesitate to resort to thuggery in order to enforce arbitrary restrictions. It is little wonder that the internal security budget of the PRC is larger than its defense budget.

In the case of minority populations such as the Tibetans, Uighurs and Mongolians, it is more proper to speak of seething rebellion, which the Party-state counters with what may best be described as colonial policies, both violent and non-violent. Non-violent means include most prominently the actual physical colonization of Tibet and Xinjiang by Han ethnicities from the interior, compounded with slow but inexorable extinction of local cultures.² Violent means include erasure of physical and cultural legacies from the destruction of cities in the name of urban progress to prohibitions on religious practices which constitute the cultural fabric of these societies.³ At the extreme, the state has responded with fatal physical violence and incarcerations to overt expressions of rebellion against its rule. These may also serve as warnings to those harbouring separatist sentiments in the neighbouring societies of Taiwan and Hong Kong. The PRC all along has responded to calls for Taiwan independence with threats of forceful occupation. In Hong Kong, a Special Administrative Region (SAR) ruled by and for business interests entangled in the PRC economy, the Beijing

government's silent invasion is most evident in the increasing self-censorship of the press. Still, the relationship is on occasion a tense one as Hong Kong'ers continue to struggle for the preservation of their local rights, as well as the restoration of those of their compatriots across the border.⁴

Possibly most fundamental in terms of the number of lives it touches and the structural inequalities it expresses is the disturbed relationship of the Party-state to the working, especially the agrarian working population. An urban vision against the earlier Maoist glorification of the peasantry and practical necessities of capital accumulation have combined in a development policy that owes much of its success to dispossession of the agrarian population and the exploitation of agrarian labour driven off agriculture – the so-called “peasant-workers” (*nongmingong* 农民工).⁵ The exploitation of agrarian resources and labour was severe under Mao's leadership as well, but this time around the returns have been plundered by the ruling elite, mostly from the Party or with Party connections, that has produced one of the most unequal societies in the world. Conflicts over illegal or unjust confiscations of land by local cadres are at the source of the majority of the disturbances that numbered close to 200,000 last year. Villages have been emptied out of their young men and women, leaving behind the elderly and the very young, severely affecting family structures. The 150-200 million estimated migrant population of workers not only are treated like “illegal” migrants in being deprived of access to city amenities (including education and health), but are also a source of friction among the population because of ethnic and place differences.⁶ Depending upon the constitution of the migrant workers at any one place, gender and ethnic tensions are added to the class oppression and exploitation that has been a motor force of the PRC's development over the last two decades. With rare exceptions such as the Wukan 乌坎 Uprising in Guangdong in 2011, the Party-State responds to expressions of popular unrest with further suppression and, when necessary, violence.

There are, of course, many satisfied with their improved lot since 1978. A recent study based on research conducted nearly a decade ago found that the majority were satisfied with the regime, and few harboured rebellious sentiments against it or the dominant urban class society over which it presides. The outstanding resentment was not of social difference but corrupt and ill-gotten gain.⁷ On the other hand, it is equally evident that violence or the threat of it is integral to the political and ideological structure of Chinese society.

Equally importantly, the question of dissent covers a broad spectrum: from liberal aspirations to a democracy similar to those of other advanced societies to the defense of legal rights, intellectual freedom and the pursuit of justice (if not equality) within the existing system to anti-colonial struggles for autonomy among minority peoples, and the struggles for autonomy and democracy in Hong Kong. If these struggles share one thing in common, it

is the demand upon the Party-state for greater openness and respect for laws. Otherwise, they are also at odds with one another in their various causes with divisive consequences. It would be difficult if not impossible to find even on the left many who would condone greater autonomy to Tibet and Xinjiang, or letting go of Taiwan or Hong Kong.

It may be suggested that there is both too much criticism of the PRC, and too little. Criticism that focuses on the particularities of the PRC – the Communist regime – is more often than not off the mark in its Cold War style juxtaposition of communism and democracy (or liberalism), as well as smoothing over evidence that the two terms of the juxtaposition may carry different weight and ideological baggage from different perspectives that are not just cultural but deeply political. It is probably safe to say that most Chinese conceive of democracy differently than it is typically understood in mainstream European and North American thinking as a strictly political issue, insisting on the inclusion of economic rights in any serious practice of democracy. They also have a different relationship to communism as part of their history. The juxtaposition also ignores a world-wide surge of oppressive practices of surveillance and criminalization of populations that may reveal PRC practices to be less peculiar to a “socialist” regime than appears superficially.

On the other hand, criticism of the PRC seems perfunctory when compared to threats of embargoes and wars against comparable dictatorial regimes.⁸ Power relations, economic interests, and a long standing culturalist fascination with China combine to set China apart from other such regimes. Indeed, there has been an ongoing celebration of the PRC’s development under the leadership of the Communist Party that recalls memories of the *Chinoiserie* that took Europe by storm three centuries ago. There are even displays of willingness to complicity with the regime’s pursuit of global hegemony, most notoriously through the so-called Confucius Institutes. Not only governments and business but even educational institutions supposedly dedicated to critical inquiry are anxious to court a regime which is by common acknowledgment suspicious of free inquiry beyond its control. Rarely is this contradiction questioned. Business is less than eager to jeopardize its chances in the “China market” in the name of human or political rights. There are suggestions of envy in praises of a “China model” that has “successfully” combined neoliberal economic policies with authoritarian politics and social policy. New York University may offer the blatant example of this contradiction in its offer of an educational home to the recently exiled dissident Chen Guangcheng even as it is in the process of building a campus in Shanghai.

Under the circumstances, it seems quite irrelevant to hold the Communist regime to its socialist promises and professions of Marxism. Critics are not

interested in those “dead” issues. They are also justifiably sceptical about the socialist professions of a communist party which better answers to the description of “red capitalist” than socialist in any serious sense of that term. These issues, however, are of the utmost significance to the regime and many of its subjects – especially the intellectuals – and they are also divisive for both the Party and dissidents aligned against it, who also dissent with one another over them. Dissent, in other words, is not just a matter of democracy and communism but shares in all the complexities of Chinese politics.

3. The Past in the Present

The legacies of the revolution and Bolshevik structure of the Communist Party are no doubt important elements in structuring Chinese politics. On the other hand, it needs to be kept in mind that what might be a necessity of revolutionary politics aimed at social transformation can easily degenerate into garden variety dictatorship designed to protect organizational and class interests. PRC politics presently partakes of both these elements. Increasingly, however, legitimation is located not in the necessities of developing toward some socialist vision but national goals of “wealth and power”.

Critiques that presuppose the abandonment of the revolutionary past are in some ways widely off the mark.⁹ To be sure, Mao is condemned for his part in the Cultural Revolution, and the Party remains wary of any leftward turn in politics, as is attested by the Bo Xilai 薄熙来 episode and the Chongqing experiment. Whether or not this means the abandonment or fading away of the revolution and Mao’s legacies either for the Party or the population at large remains an open question. The Chongqing experiment was a far cry from the Cultural Revolution. It advocated closer political intervention in the economy to allocate a greater share of the returns to populist causes like affordable housing for the needy, especially for the rural population displaced by its own pursuit of development. It also revived some of the political and ideological themes of the Cultural Revolution that in theory were intended to alleviate some of the adverse social and cultural effects of capitalist development. But the experiment did not challenge immersion in global capitalism, which was a fundamental difference from the Cultural Revolution pursuit of nearly autarchic development. Aside from “gangsterism”, its main target was to mitigate the class and urban-rural inequalities that are acknowledged by the Party leadership as fundamental problems. According to supporters on the left some of whom were directly involved in the experiment it was nevertheless a sufficient threat to the reigning neoliberal assumptions guiding the regime to invite quick suppression.¹⁰ Ongoing conflicts over how best to steer economic development toward national and social ends seem to have been exacerbated in this case by personal and factional ambitions and animosities.

The suppression has hardly eliminated divisions within the Party over its relationship to its revolutionary past, as is indicated by recent calls for return to the policies of New Democracy, blending socialist and capitalist elements, that had brought the Party to power in 1949. The Cultural Revolution had been the negation of New Democracy. What they shared in common was a commitment to national ends.

It is often overlooked that what was repudiated after 1978 was neither the revolution nor Mao Zedong but Maoist policies of the Cultural Revolution from the mid-1950s to their reversal after 1978. In Party ideology, the essence of Mao Zedong Thought is identified as “making Marxism Chinese”, of which the formulation of New Democracy in the 1940s was the foundational moment. Under Deng Xiaoping 邓小平’s leadership after 1978, the Party reaffirmed the correctness of New Democracy policies, and portrayed “socialism with Chinese characteristics” as further development of Mao Zedong Thought under new national and global circumstances. Even the radical departures under Deng’s successors (Jiang Zemin 江泽民 and Hu Jintao 胡锦涛) are portrayed in official ideology as the unfolding of Mao Zedong Thought. Mao Zedong Thought has been stripped of its social revolutionary implications, and rendered into an ideology of national development. Accordingly, the century long revolutionary process itself has been revised to read as the “road to [national] rejuvenation” (*fixing zhi lu* 复兴之路) as in the exhibit at the newly reorganized National History Museum.

While the preservation of Maoist revolutionary legacy is of obvious importance to the reaffirmation of the Communist Party’s legitimacy, its significance goes beyond this legitimating function. The official “de-revolutionization” of Mao does not rule out the possibility of the return of revolutionary policies if circumstances permit (or demand) it, which was the case with the Chongqing experiment. This possibility is not limited to the Party, or leftist intellectuals. Despite intense resentment in some quarters, Mao continues to command iconic status among the common people of China as a powerful symbol that can be mobilized against the turn the Party has taken. To the chagrin of the leadership, peasants in the 1990s built temples to Mao Zedong, surpassing his metaphorical deification during the Cultural Revolution – coincident with the “Mao fever” evoked by the hundredth anniversary of Mao’s birth in 1993, but more importantly with the full scale turn to capitalism after 1992 which initiated a process of dispossessing the common people. While such displays were quickly suppressed, the themes associated with them remain alive even when they are not explicitly attached to Mao’s person or invoke revolutionary precedents. Peasants may have longer memories stored in their stories than urban populations at the mercy of changing fashions.¹¹ If revolution even under Mao did not eliminate their exploitation, it at the very least empowered them politically in unprecedented

ways. Those memories have not disappeared. There is some evidence that protestors in the recent Wukan uprising in Guangdong invoked memories of the Hailufeng 海陆丰 Soviet established in the same location in 1927 by the Communist intellectual Peng Pai 彭湃.¹²

Criticism that focuses on the legacies of revolution and socialism are misleading most egregiously in ignoring that it is nationalism, not socialism, that accounts for the behaviour of the regime. After all, the Chinese Revolution was a national revolution for autonomous development against “semi-colonialism”, with socialism as its vehicle. The vehicle gave the nationalism its particular flavour, but with the retreat from any operative vision of socialism, the latter seems more than ever merely a front for the national pursuit of wealth and power – under the leadership of the Communist Party. It is important to remember that most of the criticism directed against the PRC for its “socialist” failures overlooks the fundamental national interest that guides the Communist regime’s domestic and foreign policies, including the repressive exploitation of its own population in the name of development and security.

Unless we take socialism to be the concentration of wealth and power in the Communist Party, there is little in “socialism with Chinese characteristics” that may be described as socialist in any strict sense of the term (we will return to this later). The legacies of revolution derive their vitality not from visions of socialism but from their roots in nationalism. For the population at large no less than the Communist Party as such, the revolution is inextricably entangled in the struggle for national autonomy and power. While the Communist Party has repudiated the radical social, economic and political policies of the Cultural Revolution, the militant nationalism that the Cultural Revolution espoused would become even more indispensable to the regime in filling the ideological vacuum left by the abandonment of the socialist project after 1978 in mobilizing popular support for its policies. The so-called “new nationalism” after the 1990s owed much to the nationalist propaganda effort that accompanied the repudiation of militant socialism in the early 1980s, when nationalist literature addressed to various constituencies of the regime flooded the publishing market. Since then, the regime deliberately has fuelled nationalism by playing up the “national humiliation” inflicted upon the country by imperialism since the middle of the nineteenth century which was overcome only by Communist victory in 1949.¹³ Overcoming national humiliation would seem to justify expansion over imagined “lost” areas, laying claims to territories or seas on the basis of manufactured historical and legal rights.¹⁴

If there is anything novel about the effort, it is the use of nationalism to cover up the retreat from socialism. Resentment of “national humiliation” has been a driving force of revolution for the past century. Among the legacies of

the Cultural Revolution is a militant nationalism that still lingers among the population at large. Indeed, over issues of national sovereignty, it is difficult to avoid the impression that it is public pressure on the Party that drives militancy than the other way around. Conflicts with neighbouring states over disputed island territories or the Southeast Asian Sea invariably provokes furious reactions among “netizens” and even thoughtful intellectuals. There was considerable resentment against Liu Xiaobo for his suggestion that China might have been better off if it had gone through a phase of colonial rule (as in Hong Kong). While economic interests of the Party corporate elite are not to be ignored in the discriminatory policies against foreign enterprises, they are consistent with the search for economic autonomy that has been a concern of reformers and revolutionaries since the beginning of the nineteenth century. The expectation from “reform and opening” after 1978 and “globalization” since the 1990s was not relinquishing control over the national economy but to utilize these “tools” to achieve the long-desired goal of autonomous development – which has made the PRC attractive especially to societies of the Global South.

Judging by the surge of nationalism since the 1990s, development seems to have reinforced national pride and close-mindedness despite the cultural opening to the outside world, accompanied by enthusiastic consumption of things foreign and the rush to educational institutions abroad of the offspring of the new economic elite. To hear some Chinese intellectuals argue these days, one would think that the PRC’s phenomenal development since the 1980s owes nothing to do with forces from the outside, including Chinese Overseas (*haiwai huaren* 海外华人), but was the product of national virtues, often going past the revolution itself to “traditional” values of one kind or another – echoing without acknowledgment arguments of modernization discourse. Such arguments, accompanied by claims to an “alternative modernity” (the China Model), also ignore the extent to which the PRC has mimicked development in other capitalist society, especially the US, overtaking which seems to be a national obsession.¹⁵ Contemporary China is a laboratory case in the study of the dynamics of “Sino-centrism”.

More to the point here, there is little reason to expect that this nationalism will fade away anytime soon. The hope that with development the socialist legacy will vanish into the past is largely misplaced because the issue is not socialism but this militant nationalism that has appropriated socialist policies for its own. Indeed, this nationalism derives new energy from development, and bolsters the regime’s claims to the inextricable links between national salvation and its own preservation. Whether over greater independence for the minorities, or Taiwan independence in foreign relations, opening markets in its economic relations, or greater freedom and democracy internally, it is national security as perceived by a Party that is not only the political ruler

of the country but increasingly the dominant social class as well that will determine future behaviour.

4. The PRC in the Neoliberal World System

The second set of issues that call for closer scrutiny pertains to the PRC's context within global capitalism. Both state repression and popular struggles against it are no doubt deeply marked by "Chinese characteristics".¹⁶ Nevertheless, the most widespread causes of discontent – forceful expropriation of agricultural land, widespread dislocation of the population, severe exploitation of labour, social and spatial inequalities, corruption from the top to the bottom of the political structure, urban and rural pollution – are all entangled in the development policies that the PRC has pursued since the 1980s in its quest of "wealth and power" within the context of a neo-liberal global capitalism.¹⁷ Indeed, isolating questions of social conflict and state repression in the PRC from these entanglements more often than not leads to tendentious readings that blame the problem on local cadres or the nature of the political system. On the other hand, it obviates the need to explore further how successful and rapid incorporation in global capitalism has come to shape the dynamics of the system and the behaviour of its various agents despite increasingly ineffective efforts on the part of the regime to shield society from the consequences of its own policies, which accounts for much of its repressive policies. It also renders opaque the part played by outsiders in Chinese politics, not just as agents of progress toward human rights and democracy, as some would naively believe, but also in their economic and ideological complicity with repressive policies.

The conversion of land into capital, the creation of a floating labour force available for this process, and the sale of cheap labour power to fuel an export-oriented economy are all aspects of capital accumulation within a globalized capitalist economy. If anything distinguishes the PRC, it is the presence of a sprawling organizational structure put in place by the revolution that has guaranteed the efficient performance of these processes, with coercion whenever necessary. This organization was created initially to achieve the twin tasks of economic development and social transformation in the creation of a socialist society, where in hindsight the task of social transformation inhibited full performance in the task of economic construction. Indeed, conflict between the two goals would lead to social tensions that exploded in the disastrous chaos of the Great Leap Forward, the Cultural Revolution and, in a much more limited scope, the Tiananmen 天安门 tragedy of 1989.

The removal of the inhibitions with the move to a "socialist market economy" after 1978 would unleash the full economic potential of this organizational structure, but at a price: The conversion of a revolutionary party

intended to pursue the cause of a just society into a “ruling party” representing the most advanced social forces, technologies and culture devoted to the relentless pursuit of “wealth and power”.¹⁸ This is not to suggest that a just society had been achieved before 1978. Even during the revolutionary years before 1976 “revolution” had been placed at the service of developmentalist goals of overtaking capitalist societies that justified the reorganization of society into more efficient units of production and the severe exploitation of labour under banners of revolution. Nevertheless, few would deny that these revolutionary slogans carried the weight they did because no one doubted the seriousness of the regime about the kind of society inscribed on the banners. This would change after the regime concluded from the Tiananmen upheaval, and Deng Xiaoping’s personal testimonial to the success of the special economic zone in Shenzhen, that enrichment of the population was the best cure to excessive popular interest in politics. Incorporation in the global capitalist economy – without, however, compromising national sovereignty – was achieved under Deng’s successors under the sign of “globalization”.

There can be little question about the renewed dynamism these changes brought to the party and government organization, or the popular enterprise they stimulated – ironically, in hindsight, beginning with the agricultural population in the 1980s. The township enterprises flourishing from the late 1980s through the early 1990s represented successful efforts by local cadres who for a while were given considerable leeway in the pursuit of capital and the negotiation of development in their domains. “Globalization” of the economy from the late 1990s was accompanied by the re-centralization of decision-making, greater coordination of development, and the reassertion of the power over the economy of state-owned financial, energy and industrial enterprises.

Despite the ideological and organizational particularities of the PRC that are products of its revolutionary history, the accumulation of capital over the last three decades have been marked by class formations and relationships characteristic of the “primitive accumulation” of capital elsewhere. The distinction of the regime, derivative of its claims to socialism, is almost total control of resources, including labour, which under this “workers’ state” is not allowed to represent itself because it is already represented by the “socialist” regime. One critic of the regime has ascribed China’s rapid development to a “low human rights” regime.¹⁹ Domestic accumulation has been achieved through the conversion of land into capital, in the process releasing huge amounts of cheap and controlled labour-power that then was put to use in the construction of cities, infrastructure projects, and industries. This labouring population also provided the workers and large numbers of women in export production financed by foreign and domestic capital that would make China into the “factory of the world”, and a major depository of global capital.²⁰

The PRC is an outstanding example of the private appropriation of public resources that David Harvey has described as “accumulation by dispossession”.²¹ The Party’s claims to be *the public* has grown less convincing over the years with increasing evidence of the private disposal of the country’s wealth through party control of the economy. The new Chinese economic elite working through or with the Party does not differ much from its counterparts elsewhere in the unprecedented accumulation of wealth in the hands of a small minority of the population. The “blood-line” faction which has received much attention recently in connection with the Bo Xilai affair, and the prospective Party Chairman, Xi Jinping 习近平, goes so far as to claim special privileges for descendants of revolutionary party leaders that smacks of a new aristocratic formation in the making.

Rapid economic development has created an urban middle class that may be proof of developmental success. The regime can also boast that for all the problems of development, it has managed successfully to feed its huge population. But these successes barely disguise the lop-sidedness of the PRC’s development which is obviously a matter of great concern to the leadership itself. Commanding the second largest economy in the world, the PRC nevertheless ranks among the world’s poorest countries in terms of per capita GDP. Most of the wealth is concentrated in the hands of the top 20 per cent of the population, but especially the top one per cent.²² The rural population which is still the majority languishes as agriculture is commercialized, with increasing participation from agribusiness. In the meantime, the population is being crammed into “megacities” beset with problems of pollution, traffic, and the yet unpredictable toll on the population of life under such circumstances. The working population is still subject to abuse at the hands of domestic and foreign corporations. Workers fight back, needless to say, and the second generation of peasant-workers are less amenable to exploitation and prejudice than their parents.²³ Much of the repressive apparatus of the state is directed to keeping under control, with violence if necessary, protests against inequality, exploitation, unjust plunder of public resources, rights to land in particular, and environmental pollution. State terrorism against these protests includes incarceration, torture and outright murder of their leaders, with similar treatment meted out to intellectuals and lawyers who throw in their lot with popular protests. Little wonder, as the Communist Party is no longer just a political but also an economic class which has a direct interest in the accumulation of capital. It has so far been more successful than its predecessors in the twentieth century in convincing the population that its interests are also the national interest, but how long it can do so is anybody’s case. One of the particularities of the PRC is that the organizational apparatus that has enabled its development is equally efficient as an instrument of repression so long as it retains its coherence, which it has done successfully so

far through the distribution of economic rewards and privileges throughout the organization. We should remember that the Communist Party and its auxiliary organizations make up around 20 per cent of the population.²⁴

Viewed through the prism of the primitive accumulation of capital within the context of global capitalism, the PRC's developmental trajectory invites a more sociological approach to questions of social protest and political repression. We may ask, for instance, whether in the expropriation of land rights, the concentration of wealth, the exploitation and mistreatment of labour, immense class, gender, ethnic and racial differences, and violent suppression of challenges to the status quo, the contemporary PRC might compare favourably with the United States in the second half of the 19th century – without even referring to civil war and the colonial abjection of the native population? How does the PRC compare in these regards with other contemporary societies embarked on “primitive accumulation,” from Brazil and South Africa, to Turkey, Russia and India? Is the excessive preoccupation with repression in the PRC a function not of its record as such as it is of the greater visibility it has acquired on the world scene by virtue of successful economic development? On the other hand, this comparison also raises the question of whether or not the PRC may be able to follow the same trajectory as the United States earlier moving toward a more egalitarian and just society once done with the business of “primitive accumulation?” If that was possible at an earlier time, is it still possible under conditions of global capitalism?

We are not likely anytime soon to see headlines such as “The Chinese are using a more spare version of our tactics in eliminating the Indians”, or “Chinese torture internal dissidents while the US concentrates mainly on foreign terrorists”, or “Inequality and corruption in China reach US levels”, or yet still, “Is the US moving toward authoritarian capitalism?” Professional codes and ideological blinders combine to drive away any such temptation.

The point of such questions is not to abolish distinctions between democratic capitalist societies and an authoritarian capitalism directed by an all-powerful party-state that is also heir to revolutionary repression now placed in the service of a new status quo. Nor is it to absolve Chinese political leaders of their responsibility for abuses of the citizenry, or to deny China's particular historical legacies. It is rather to point to the broader social and historical context of individual or regime responsibility, and to relocate problems of repression and protest in the structural dynamics of China's development. It is also to suggest that given the structural links between contemporary societies and the common political, economic and cultural forces that shape their actions, comparable tendencies may be observed globally, subject to local variation due to differences in historical legacies, social alignments, and political and ideological dispositions in different societies. If China is having problems with democracy, inequality, political

legitimacy, transgressions against citizens' human rights, etc., so is the rest of the globe, including those who would claim universal values for their own.²⁵ Differences in the magnitude of the problems and the means and capacity to deal with them should not be allowed to disguise these commonalities. The recognition of commonality also calls for a more complicated understanding of responsibility for these problems, which may appear in different guises in different societies but also articulate the contradictions of a global capitalism to which no outside exists except in its interior.

It is not possible to delve further into these questions here. But in general they cast the question of social conflict and repression in the PRC in a different light than when it is viewed in isolation. The first question may seem irrelevant in the contemporary world, but it is at least a caution against over-zealous self-righteousness in condemnations of the PRC. As for the other questions that are more contemporary in their presuppositions, it seems that the PRC's problems are shared to varying degrees in comparable societies, even though they find different outlets of expression depending on the openness of each political system to popular political participation. None matches the efficient ruthlessness of development in the PRC with power concentrated in the hands of the Communist Party. The speedy development for which the PRC is justly admired was made possible by the equally speedy exploitation of natural and social resources, which in its rapidity and deep social consequences has attracted attention globally. But the concentration of wealth in ever fewer hands, increasing inequality, the impoverishment of the middle strata of society, increased use of surveillance and outright disregard for previously recognized rights, and the effective disenfranchisement of populations are pervasive phenomena of global neoliberal capitalism not only in developing countries but developed ones as well.

This context has a bearing on the future direction of the PRC as well. Whether or not the PRC will follow the example of developed countries in gradually overcoming the adverse social and ecological consequences of "primitive accumulation", achieved with unprecedented rapidity. This might have seemed possible in an earlier time when the teleology of modernization was still plausible. It seems much less certain within the context of a global capitalism when the so-called developed countries are in retreat from a century of achievements in social welfare and justice, as well as a range of citizenship rights. There has been some redistribution of wealth globally, but what has resulted is a far cry from the promise in modernization discourse of one big "middle class" around the world, with attendant progress in institutions that guarantee social justice and democracy.

In such an environment, there are no clear guides to the future, which finds expression presently in claims to "alternative modernities", more often than not based on modernized cultural claims that seek to roll back ideas of

social justice and democratic rights as they have been understood for two centuries under the regime of Euromodernity. There may be the promise here of a more cosmopolitan understanding of these ideas. It seems that more often than not, cultural claims serve as excuses for the perpetuation of authoritarian systems that accord with the interests of their hegemonic constituencies while denying to the people at large the political rights indispensable to the defense of their civil and social rights. This, too, has become a pervasive phenomenon of the contemporary world.

In other words, within the contemporary global system characterized by the concentration of wealth, the increased restriction of civil and social rights, cultural nationalist fragmentation, there is little reason for the leaders of the PRC to modify the repressiveness of the regime, except to correct the contradictions that obstruct further development.²⁶ The apparent regression in the so-called advanced countries may serve as a negative example, a warning not to follow in their wake. Indeed, ideas of “the China model” or “the Beijing Consensus” that have attracted quite a bit of attention in global corporate circles and many governments suggest an envy for the authoritarian efficiency of the Chinese Party-state, ready to part with citizens’ and human rights as obstacles to the efficient conduct of business. Similarly, in the name of closer cultural and economic relations with the PRC, educational institutions around the world (the majority in the US) have invited into their midst the so-called Confucius Institutes where behind the façade of the *Hanban* 汉办 the Wizard of OZ resides in the Central Propaganda Department. It is remarkable that the many China specialists involved in these institutions should not wonder publicly why these institutes are named after a revered cultural and philosophical icon who remains suspect at home! Whatever the criticisms thrown at them from certain quarters, the PRC leadership has every reason to find vindication of its policies and legitimation of its developmental trajectory in its fetishization as a model, and the ready acquiescence of cultural institutions abroad with its propaganda goals.

5. A Socialist Regime?

At the root of problems of protest and repression is the frenetic development policies of the regime driven by multiple goals of advancing the power and standing of the nation, a genuine need to improve the lot of all Chinese, the interests of the Party-economic elite, popular demands of a moneyed class for more of the same, and global investors urging it on, not necessarily in that order. For all the talk about social reform and environmental regulation, cadres are evaluated for their economic performance, reinforcing local urges to plunder. Those closer to the centre seem to have accumulated enormous wealth, usually through family members with falsified names.²⁷ There is likely

little distinction in the minds of this ruling class between its class interests and the interests of the nation and the population.

If we shift attention from high-profile intellectuals to the people at large, most protest in numbers and magnitude in the PRC come from the people at large, even without including the minority peoples. These protests also draw in intellectuals as supporters or sympathizers and activist lawyers, as is evidenced in the cases Ai Weiwei and Chen Guangcheng, to mention only recent two that have made the headlines. The plight of the people inspired the recent Chongqing experiment, which also has revealed deep divisions within the Party on the best way to address it. The experiment has ended in failure due to a number of reasons, from personal failure, its own internal contradictions, and counter-pressures from neo-liberal forces in the Party. Despite the defeat, its revival of revolutionary themes should not be dismissed lightly. The Wukan case is another example, when the locals carried out a successful struggle against the expropriation of their land, at a location that nearly ninety years earlier had been home to China's first Soviet government. More recently, popular protest against environmental pollution has won victories in a number of locations.²⁸

These protests are against the injustices that have accompanied "development". The distinguished sociologist Sun Liping 孙立平 has noted that of the estimated 180,000 grassroots protests of various magnitude that took place in 2011, sixty-five per cent had to do with land issues.²⁹ That does not mean that other issues are irrelevant. Strikes and other forms of protest have gained ground for urban labourers, and environmental protest is an ongoing presence. There have been protests against privilege, provoked by abusive and criminal behaviour on the part of the elite.³⁰ Despite some progress, however, the state still responds to these protests with repression.³¹ In the meantime, the returns from development are concentrated in the hands of a small elite serviced by mostly foreign purveyors of luxury living, with foreign passports ready in hand in case development runs into trouble. Corruption oils the wheels of development.

It is important to call upon the PRC regime to respect human and citizens' rights, and live up to its own laws. It is even more important to recognize that at the most fundamental social level, such calls are bound to be limited in effectiveness. What breeds state lawlessness and repression is not just the greed and corruption of individuals but the imperatives of development, or more accurately, a developmentalism that is oblivious to social and environmental costs so long as it contributes to national power and the class interests of the Party-state elites.³² It is also at this level that China's problems are inextricably entangled in global processes. To global corporations that benefit directly or indirectly from China's development the welfare of the Chinese population is at best a secondary concern. Educational

institutions that increasingly behave as corporate enterprises appear quite satisfied to serve as fronts for Chinese propaganda so long as it brings with it possibilities of campus expansion, increased student enrolments, and perhaps business connections. And last, but not least, consumers around the world who must share in the responsibility for the social and environmental havoc that the PRC's development has wrought.³³ Developmentalism itself is not a Chinese peculiarity but an ideological driving force of global capitalism. The accumulation of wealth and power in the hands of a small elite is not just a Chinese but a global problem, cutting across distinction of advanced/developing/and yet-to-develop societies. What distinguishes the PRC is the ruthless efficiency to achieve the speed with which it has been able to pursue development in the absence of democratic obstacles that have tempered the same tendencies in other "developing" societies. The ruthless elimination of popular opposition to its developmental policies is one of the foremost characteristics of "the China model" that has earned the PRC widespread admiration in corporate circles. To cite one recent example by the prominent US neo-liberal, Francis Fukuyama,

The most important strength of the Chinese political system is its ability to make large, complex decisions quickly, and to make them relatively well, at least in economic policy. This is most evident in the area of infrastructure, where China has put into place airports, dams, high-speed rail, water and electricity systems to feed its growing industrial base. Contrast this with [democratic] India, where every new investment is subject to blockage by trade unions, lobby groups, peasant associations and courts ... Nonetheless, the quality of Chinese government is higher than in Russia, Iran, or the other authoritarian regimes with which it is often lumped – precisely because Chinese rulers feel some degree of accountability towards their population. That accountability is not, of course, procedural; the authority of the Chinese Communist party is limited neither by a rule of law nor by democratic elections. But while its leaders limit public criticism, they do try to stay on top of popular discontents, and shift policy in response.³⁴

What sustains the increasingly untenable political structure in the PRC is not just the resilience of the system put in place by the revolution but global capital that has come to have a large stake in this system.³⁵ If spokespeople for global capital are critical of the Chinese system, it is not because of its authoritarianism but because of its resistance to further opening its doors to capital (the Chinese, interestingly, also complain of reverse discrimination against *their* transnational corporations, which also happen to be owned by the state, further complicating matters). These corporations, including the universities that have become stakeholders in the Chinese economy or hope to do so, no doubt argue that more intense engagement will bring greater democracy and human rights China – for which there is scarce evidence in the

increasing vulnerability of human and citizens' rights in their home countries in Europe and North America in which corporations and the business conquest of higher education are important players.³⁶

China needs a systemic shift, to be sure, but not of the kind proposed by global capital which in its accumulation of economic and political power has created the global class divisions that is at the source of these problems in China and elsewhere. The sociologist Sun Liping and his research team conclude that the concentration of economic and political power in the hands of the Party-state is responsible for the most fundamental ills of society, and is increasingly incapacitated by its interests in the system to do anything about the crisis.³⁷ This situation, too, has parallels elsewhere in the world. It should come as no surprise to those involved in "the Arab Spring" of 2011, and the global Occupy movements that have been going on for over a year now without any foreseeable resolution of the problems that gave rise to them.

What Sun calls "social" or "political" decay is also characteristic of the current global situation in other major world economies. While different political and cultural legacies guide the trajectories of dissent and repression, societies globally are torn with class inequalities that the entrenched political and ideological orthodoxy refuses to acknowledge, a first step in the search for alternatives. In this regard there is little difference between a United States where party politics no longer expresses a democratic will but has become a mask covering the betrayal of democracy and popular welfare in the service of corporate and financial interests, and a PRC where socialism no longer serves as a guide to creating a different kind of society but instead serves as a cover for an authoritarian corporate capitalism. Contrary to apologists for authoritarian politics, the struggles over power and policy in the Communist Party do not seem to be any the less contentious in its power and policy politics than the cantankerous multi-party conflicts in the US.³⁸ It is no doubt important that in an open society it is easier to bring problems out into the open if solutions are to be found, but so far immobility seems to characterize politics around the world as if there is a common reluctance to recognize the problems created by neoliberal globalization. It is not, therefore, very convincing that further opening China's doors to global capital will resolve the problems it faces. What is needed is another kind of change that shifts the focus from development that benefits global corporations and the global ruling class that controls them to a kind of development that can meet popular needs for welfare and justice and is attentive to ecological consequences – not in words but deeds.

Whether or not things fall apart before they take a turn for the better remains to be seen in China as elsewhere. The fact that the Chongqing experiment failed due to apparently personal and institutional reasons should not blind us to its larger significance: the continued importance of the

revolutionary past as a resource for solving contemporary problems. It is true that those resources have been compromised by their disastrous consequences in the past. But they retain considerable power in invoking a century of revolutionary quest for social justice and political sovereignty for the people at large that is yet to be fulfilled. The imagination of such a future presupposes breaking with an official vision that is postponed to a future so remote that it is meaningless. What makes a vision politically relevant is its immanence.

Is this a possibility in present-day China? Perhaps. Intensified repression over the past year has done little to stem protest activity which would seem to be on the rise, emboldened by a series of popular victories one after another in Wukan, Dalian 大连, and most recently, Shifang 什邡 and Qidong 启东.³⁹ But the obstacles are formidable. For the time being, the Chinese leadership has decided on suppression of dissent rather than pursue any radical shift in direction despite its recognition of deep-seated problems. Social and political “decay”, Sun Liping *et al.* suggest, is a major source of indecision. The ruling class, with an efficient organization at its disposal, is resistant to change. Among the population at large, there is a considerable constituency that is satisfied with the system of which it is the product. For those who may not be happy with their lot, the promise of national progress and power is nevertheless a powerful substitute for personal fortunes, as likely to serve state purposes as to engage in social resistance to the state. Where issues of national sovereignty are concerned, popular nationalism is often more militant than that of the state. Indeed, recent cases where the word “traitor” has been bandied about suggest a readiness to foment a xenophobic nationalism against protests that draw upon “foreign” inspiration. The cultural nationalism that has been on the rise since the late 1980s has all the militant fervour of Mao-era nationalism against imperialism and global class divisions, but is directed now at cultural defiance of Euromodernity, stressing the particularity of Chinese identity even as China becomes an integral part of contemporary global capitalism and “Chinese culture” is dissolved into a consumer culture. For the left, it represents an effort to find an autonomous path of development. It is also a fertile breeding ground for xenophobic nativism.

Here, too, the PRC is at one with the world of global modernity which is the product of a fundamental contradiction between the globalization of capitalist modernity and the resurgence of cultural nationalism. One immediate consequence is the closer policing of culture, and those involved in cultural production. Cultural fragmentation also serves as an excuse for intensifying surveillance and police control in society, which are then extended across the breadth of society to turn into norms of everyday life. In the case of the PRC, there has been an intensification over the last two-three years of already quite intense practices (by world standards) of surveillance and repression.

One thing would seem to be certain: China's problems are the world's problems, and the world's problems are China's problems. Only if criticism takes this into account can it hope to point to solutions that go beyond surface phenomena to their systemic sources. Freedom and democracy are most important in opening the gates to exploration of problems of development and possible alternatives to global modernity.

Notes

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1. The evidential basis for the discussion in this section is readily available in everyday headlines in the media, and will not be documented unless controversial.
2. The most recent move, remarkable for its insidious cynicism, is to build a Tibetan culture theme park in Tibet itself, containing a living society – or what is left of it – within a fake version of it designed by the rulers and available for consumption as well as “education”. See, “China Plans £3bn Theme Park in Tibet”, *The Guardian*, Friday, July 6, 2012 <<http://www.guardian.co.uk/world/2012/jul/06/china-plans-theme-park-tibet?newsfeed=true>>. For Mongolian herders' responses to the forced settling of nomads and the expropriation of their lands, see, “China: Traditional Herders Protest ‘Five-Year Plan’ to Extinguish Nomadic Cultures”, *World War 4 Report*, July 13, 2012 <<http://www.ww4report.com/node/11268>>. The plight of the Muslim Uighurs in particular receives scarce coverage when compared to that of the Tibetans, who enjoy the benefits of long-standing “shangri-la” visions among Euro/Americans. Cultural swooning over Tibet does not necessarily translate into substantial political support. See, Palde

Gyal, “We Can’t Go This Way”, *Merabsarpa Journal*, July 29, 2012 <<http://www.merabsarpa.com/opinion/we-can%E2%80%99t-go-this-way>>. For a recent discussion of the Uighur plight by an exiled leader, see, Rebiya Kadeer, “Beijing Stirs Ethnic Hatred in Xinjiang”, *Wall Street Journal*, July 2, 2012 <<http://online.wsj.com/article/SB10001424052702304211804577502141575598740.html>>.

3. These critical comments should not be construed as endorsement of theocracy or any kind of religious politics to which the authors are opposed. They are intended rather to underline the importance of self-determination for the peoples involved, who ought to be allowed to work out their own problems within the context of a new global situation. The spurious claim that they are being rescued from their own backwardness, even when couched in terms of Marxist historical schemes, is reminiscent of racially informed colonial policies elsewhere, most importantly the notorious idea of “white man’s burden” that served Euro/American colonialism as an excuse for cultural extinction, genocide and disorientation. The guise of “socialism” does not make colonial policies any the less colonial. It is ironic that the PRC regime should deny to its minority peoples their desire for self-determination when the struggle for self-determination and sovereignty has been a fundamental concern of the Chinese revolution for over a century. This is in fact another instance of the regime contravening its own constitutional order which recognizes at least some measure of autonomy to the officially recognized minority nationalities. For cultural transformation among Tibetans living abroad, see, Joseph Hooper, “Leaving Om: Buddhism’s Lost Lamas”, *Details*, August 2012 issue <<http://www.details.com/culture-trends/critical-eye/201208/leaving-om-new-buddhist-lifestyle?currentPage=1>>.
4. “Hong Kong Protest May Draw 100,000 People as New Leader Sworn In”, *Bloomberg Businessweek*, June 28, 2012 <<http://www.businessweek.com/news/2012-06-28/hongkong-protest-may-draw-100,000-people-as-new-leader-sworn-in>>. For a discussion of “civil society” activism and its “resonance” with mainland protest politics, see, Ho-fung Hung and Lam-chong Ip, “Hong Kong’s Democratic Movement and the Making of China’s Offshore Civil Society”, *Asian Survey*, 52.3(2012): 504-527.
5. For two revealing studies of migrant workers, see, Yan Hairong, *New Masters, New Servants: Migration, Development, and Women Workers in China* (Durham, NC: Duke University Press, 2008), and, Hsiao-hung Pai, *Scattered Sand: The Story of China’s Rural Migrants* (London: Verso, 2012).
6. The most serious instance of ethnic conflict involving migrant workers was that between the Han population and Uighur workers in 2009. The conflict was most notable for triggering a near uprising in Xinjiang. Ethnic differences are not restricted to Han vs. minorities, but also include differences among the Han population from different areas. For a recent case involving locals and workers from Sichuan and Shaxi, Guangdong, see, “Migrant Workers Clash with Locals, Police, in China,” *The Straits Times*, June 26, 2012 <http://www.straitstimes.com/BreakingNews/Asia/Story/STISStory_815238.html>.
7. Martin K. Whyte, *The Myth of the Social Volcano: Perceptions of Inequality and Distributive Justice in Contemporary China* (Stanford, CA: Stanford University Press, 2010).

8. It is noteworthy in this context that while the PRC responds to even the mildest criticism as “interference” in its internal affairs, it also displays a foolhardy arrogance when it comes to the internal affairs of others. Its readiness to use political and economic blackmail against critics, seeking to mobilize governments against their own citizens – following their own internal practice – belies its professions of respect for “sovereignty” and cultural difference. For a recent example involving a US citizen of Taiwanese origin in the small town of Corvallis in Oregon, USA, see, “Mural Draws Fire from China”, *Corvallis Gazette-Times*, September 9, 2012 <http://www.gazettetimes.com/news/local/mural-draws-fire-from-china/article_22529ace-f94a-11e1-bf2a-0019bb2963f4.html>. The Chinese officials involved in the attempt were rebuffed by the city officials, and have been roundly condemned by Oregon representatives in the US Congress for this blatant attempt to curtail the constitutional rights of a US citizen.
9. For a more elaborate discussion of the issues taken up here, see, Arif Dirlik, “Mao Zedong in Contemporary Chinese Official Discourse and History”, *China Perspectives* #2(2012): 17-27. Readers may find interesting other essays in this special issue, “Mao Today: A Political Icon for an Age of Prosperity”. See also Sebastian Heilman and Elizabeth J. Perry (eds), *Mao’s Invisible Hand: The Politics of Adaptive Governance in China* (Cambridge, MA: Harvard University Press, 2011).
10. For an interpretation from the left, see, “The Rumour Machine: Wang Hui on the Dismissal of Bo Xilai”, *London Review of Books*, 34.9 (10 May 2012): 13-14. While it may be reductionist to attribute opposition to the dominance of neo-liberalism alone, the promise of the experiment in improving livelihood for the population at large is recognized by a variety of observers. See, for an example based on close investigation, Philip C.C. Huang, “Chongqing: Equitable Development Driven by a ‘Third Hand’?” *Modern China* 37.6 (2011): 569-622. Huang attributes most of Chongqing’s developmental success not to Bo Xilai but the mayor of the municipality, Huang Qifan (no relation). For more recent assessment, see, Kevin Lu, “The Chongqing Model Worked: Bo Xilai Might Be a Crook, but He Was Actually Pretty Good at His Job”, *Foreign Policy*, August 8, 2012 <http://www.foreignpolicy.com/articles/2012/08/08/the_chongqing_model_worked?page=0,0>.
11. See, Roxann Prazniak, *Of Camel Kings and Other Things: Rural Rebels Against Modernity in Late Imperial China* (Boulder: Rowman & Littlefield, 1999).
12. In a symposium on Wukan convened at the Hong Kong University School of Law on 19 May 2012, “Wukan and Grassroots Democracy in China”, Professor Guo Weiqing 郭巍青 of Zhongshan University 中山大学 presented a paper, “Xin Chuantong Zhuyide Kangzheng, Wukan Guancha 新传统主义的抗争, 乌坎观察” [Neo-traditionalist resistance, investigation of Wukan], in which he noted that the protestors had planned one of their campaigns to coincide with a commemorative date of the Peng Pai uprising. The authors are grateful to Sebastian Veg for information on this paper.
13. William A. Callahan, *The Pessoptimist Nation* (New York: Oxford University Press, 2010). For the surge of nationalism in the 1990s, see, Yongnian Zheng, *Discovering Chinese Nationalism in China: Modernization, Identity, and*

International Relations (Cambridge, UK: Cambridge University Press, 1999). See, also, “Chinese Nationalism and Its Future Prospects: An Interview with Yingjie Guo,” *The National Bureau of Asian Research* <<http://www.nbr.org/research/activity.aspx?id=258>>.

14. Some caveats are necessary on this issue. Despite mostly localized expansionism, the PRC’s behaviour in global relations is still far more benign than the continued imperial activity of the United States and its European allies. The PRC also has good reason to claim that it has been a victim of this imperialism for over a century, and that it is merely seeking to recover losses in sovereignty it has suffered at Euro/American hands. On the other hand, anti-imperialism easily turns into nationalist jingoism with consequent damages to societies that themselves suffered from colonialism and imperialism, as is the case with nearly all of PRC’s neighbours. Rather than provide leadership in correcting past abuses that all these societies have suffered, the PRC is most notable presently for participating in imperial endeavours to assert its newfound power. For a discussion focusing specifically on India, see, Asif Ahmed, “Emerging Chinese Security Threats in Indian Context: Need for India To Review Security Strategy – Analysis”, *Eurasia Review*, August 8, 2012 <http://www.eurasiareview.com/08082012-emerging-chinese-security-threats-in-indian-context-need-for-india-to-review-security-strategy-analysis/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29>.
15. For a more elaborate discussion of the “China Model”, see, Arif Dirlik, “The Idea of a ‘Chinese Model’: A Critical Discussion”, *China Information*, 26(3) (2012): 277-302.
16. Ho-fung Hung, *Protest with Chinese Characteristics: Demonstrations, Riots, and Petitions in the Mid-Qing Dynasty* (New York: Columbia University Press, 2011). See Epilogue (pp. 194-201) for what Hung describes as “the past in the present”.
17. Indeed, David Harvey has suggested that “reform and opening” after 1978 was itself a contributor in its own right to the legitimation of neo-liberalism. See, Harvey, *A Brief History of Neoliberalism* (Oxford, UK: Oxford University Press, 2005), esp. Chapter 5.
18. Reference here is to the turn under the leadership of Jiang Zemin and his “important thought of three represents”. See, *Jiang Zemin on the “Three Represents”* (Beijing: Foreign Languages Press, 2002). Jiang was also responsible for bringing the new capitalists into the Party, and laying the basis for the integration of political and economic power.
19. Qin Hui, “China’s Low Human Rights Advantage,” *China Rights Forum*, #1 (2009): 85-89.
20. See the recent report by China Labor Watch, “Tragedies of Globalization: The Truth Behind Electronics Sweatshops” (July 2011) <<http://www.chinalaborwatch.org/pro/proshow-149.html>>.
21. David Harvey, *The New Imperialism* (Oxford, UK: Oxford University Press, 2005), Chapter 4.
22. Depending on the source, in terms of GDP per capita China ranks somewhere between 110-130th place among all the countries in the world. For a discus-

- sion of the problems created by the wealth gap, see, “China’s unequal wealth distribution map causing social problems”, *The China Post*, June 28, 2010 <<http://www.chinapost.com.tw/commentary/the-china-post/special-to-the-china-post/2010/06/28/262505/p3/China's-unequal.html>>. For a detailed examination, see, Zhao Zhenhua, *Dangdai Zhongguo Shehui Ge Jiecheng Shouru Fenxi* 当代中国社会各阶层收入分析 [Analysis of the income of different strata in contemporary Chinese society] (Beijing: Central Party School Publishing House, 2008).
23. For an outstanding study of labour struggles, see, Ching Kwan Lee, *Against the Law: Labor Protests in China's Rustbelt and Sunbelt* (Berkeley, CA: University of California Press, 2007). See, also, Chris King-chi Chan and Pun Ngai, “The Making of a New Working Class? A Study of Collective Actions of Migrant Workers in South China”, *The China Quarterly*, #198 (June 2009): 287-303, and, “Going it Alone: The Workers’ Movement in China, 2007-2008”, *China Labour Bulletin*, Research Reports, July 9, 2009 <<http://www.clb.org.hk>>.
 24. This estimated figure includes, in addition to the eighty million members of the party, a nearly equal number in the Communist Youth League (*gongqing tuan* 共青团), plus membership in such organizations as the All-China Women’s Federation, All-China Federation of Trade Unions, etc. It would be mistaken to assume homogeneity of political and ideological orientation between and within these organizations (including the Party itself), but they are part of the corporate structure of the PRC.
 25. See, for example, David Lindorff, “America is a Democracy? Really?” *Nation of Change*, Saturday, August 4, 2012 <<http://www.nationofchange.org/america-democracy-really-1344092915>>. See, also, James Petras, “The Two Faces of A Police State: Sheltering Tax Evaders, Financial Swindlers And Money Launderers While Policing the Citizens”, *Eurasia Review*, August 7, 2012 <http://www.eurasiareview.com/07082012-the-two-faces-of-a-police-state-sheltering-tax-evaders-financial-swindlers-and-money-launderers-while-policing-the-citizens-oped/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29>.
 26. For a Chinese critique of “neoliberalism”, and the need to resist it while improving upon “socialism with Chinese characteristics”, see, Zhu Andong 朱安东, “Renqing Xifang Xin Ziyou Zhuyide Shiji 认清西方新自由主义的实质” [Clarifying the reality of Western neoliberalism], *Renmin Ribao* 人民日报 (*People’s Daily*), 2012-07-11 <http://paper.people.com.cn/rmrb/html/2012-07/11/nw.D110000renmrb_20120711_9-02.htm?div=-1>. We are grateful to Timothy Summers for bringing this article to our attention.
 27. See the Bloomberg report, quickly censored, discussed by Malcolm Moore, “China’s Incoming President Xi Jinping’s Family ‘Has Wealth of Hundreds of Millions’”, *The Telegraph*, Friday, July 6, 2012 <<http://www.telegraph.co.uk/news/worldnews/asia/china/9365099/chinas-incoming-president-Xi-Jinpings-family-has-wealth-of-hundreds-of-millions.html>>. Even more devastating is the New York Times revelation, a remarkable example of investigative journalism, that alleges the enormous wealth accumulated by the family of the seemingly incorruptible prime minister Wen Jiabao. David Barboza, “Billions in Hidden Riches for Family of Chinese Leader”, *New York Times*, October 26, 2012

- <<http://www.nytimes.com/2012/10/26/business/global/family-of-wen-jiabao-holds-a-hidden-fortune-in-china.html?pagewanted=all>>. This report, too, has been subject to immediate censorship and even more agitated efforts at refutation. See, also, “China’s Power Families”, *Financial Times*, July 10, 2012 <<http://ft.com/s/2/6b983f7a-ca9e11e1-8872-00144feabdc0.html>>.
28. For brief discussions of recent protests, see, “Recent high-profile mass protests in China”, BBCNews-China, July 3, 2012 <<http://www.bbc.co.uk/news/world-asia-china-18684903>>.
 29. Sun Liping *et al.*, “Report”. See, “Critical Report Pulled from China’s Web”, by David Bandurski, 2012-01-12. A translation of this report for 2011 by the Social Development Task Group headed by the distinguished sociologist Sun Liping in the Tsinghua University Sociology Department has been translated by the China Media Project in Hong Kong <<http://cmp.hku.hk/2012/01/12/17967/>>.
 30. The wealthy elite even hire people to serve their criminal sentences for them, a practice that goes back to the imperial period. See, Geoffrey Sant, “Double Jeopardy: in China, the Rich and Powerful Can Hire Body Doubles To Do Their Prison Time for Them”, *Slate*, Thursday, August 2, 2012 <http://www.slate.com/articles/news_and_politics/foreigners/2012/08/china's_wealthy_and_influential_sometimes_hire_body_doubles_to_serve_their_prison_sentences.html>.
 31. See the discussions of the suppression of peasant protest in the special section on “peasant protests in rural China” of the *China Quarterly*, No. 193 (March 2008). The recent uprising against pollution in the town of Shifang, Sichuan, has dramatized loss of confidence in the credibility of the state. See, Ben Blanchard, “China Pollution Protest Ends, but Suspicion of Government High”, Reuters, Sunday, July 8, 2012 <<http://www.reuters.com/article/2012/07/08/us-china-pollution-idUSBRE8670HP20120708>>.
 32. For a more elaborate discussion, see, Arif Dirlik, “Developmentalism: A Critique”, *Interventions* (forthcoming).
 33. For a rare report that, however timidly, connects the dots between labour abuse in the PRC and the US consumer, see, Tom Lasseter, “Foxconn, Maker of iPads, Is Emblematic of China’s Labor Market”, *Bradenton Herald*, July 16, 2012 <<http://www.bradenton.com/2012/07/16/4116153/foxconn-maker-of-ipads-is-emblematic.html>>.
 34. Francis Fukuyama, quoted in, “The End of the End of History”, *The Economist*, January 18, 2011 <http://www.economist.com/blogs/democracyinamerica/.../china_v_america>. Interestingly, Fukuyama here echoes remarks by the Indian Home Minister, P. Chidambaram. In a speech he gave at Harvard University in 2007, “Poor Rich Countries”, Chidambaram also pointed to the problems created for development by forces – from trade unions to land laws protecting the rural population – usually associated with democracy. For an excerpt, see, Arundhati Roy, *Broken Republic: Three Essays* (New Delhi: Penguin Books, 2011), pp. 168-170. Roy’s passionate condemnation of the government-corporate alliance against the interests of the rural population, especially the indigenous people, should give pause to facile contrasts between democratic India and dictatorial China. Equally important is the fact that Maoists activity has been the most effective among the indigenous people, or the adivasis.

35. It would be a challenge to find a more eloquent testimonial to the concentration of wealth in China, and what it means to global financial industries, than the Bain (of Mitt Romney fame) “2011 China Wealth Report”, subtitled “China’s Private Banking Industry: Competition is Getting Fierce”. According to this staggering report, “China’s overall individual investable assets totaled RMB 62 trillion in 2010, a 19 percent increase from 2009/ By the end of 2010, there were 500,000 Chinese HNWI [high net-worth individuals], with at least RMB 10 million in investable assets. Average investable assets per capita were approximately RMB 30 million. Aggregate investable assets for all HNWI equaled RMB 15 trillion/...the number of Chinese HNWI will rise to 590,000 in 2011 – nearly twice as many as in 2008 – and their investable assets will reach RMB 18 trillion/ In 2010, 15 provinces/ municipalities had more than 10,000 HNWI, increasing by four since 2008: Tianjin, Hunan, Hubei and Anhui. More than 50 percent of China’s wealthy remain clustered in five provinces: Guangdong, Shanghai, Beijing, Zhejiang and Jiangsu.” <http://www.bain.com/Images/2011_China_wealth_management_report.pdf>, p. 8 for the summary outline. Foreign capital’s calculations on how to relieve Chinese consumers of their last penny often sounds obscene, if not self-deceptive. See a recent report, “Consumer Growth Could Buoy China’s Slowed Economy”, which is mostly about spending not in China but on foreign luxuries. *The New York Times*, August 13, 2012 <<http://www.nytimes.com/2012/08/14/business/global/consumer-growth-could-buoy-chinas-slowed-economy.html?pagewanted=all>>.
36. For “the Chinese communist regime’s penetration of the West”, see the editorial by the Chinese émigré dissident, Yu Jie, “The Myth of China as a Harmless Tiger”, *The Washington Post*, February 13, 2012 <http://www.washingtonpost.com/opinions/the-myth-of-china-as-a-harmless-tiger/2012/02/10/gIQAb7DxBR_story.html>. The adverse effects of the coddling of the PRC on minority peoples are discussed in Lobsang Sangay (prime minister of the Tibetan government in exile), “For Tibetans, No Other Way To Protest,” July 13, 2012 <http://www.washingtonpost.com/opinions/for-tibetans-no-other-way-to-protest/2012/07/13/gJQA13wniW_story.html>, and, Rebiya Kadeer (Uighur leader in exile), “Beijing Stirs Ethnic Hatred in Xinjiang”, *Wall Street Journal*, July 2, 2012 <<http://online.wsj.com/article/SB10001424052702304211804577502141575598740.html>>.
37. Sun, “Report”. See also a discussion of the report in Malcolm Moore, “China’s Reforms Stalled by ‘Powerful Vested Interests’”, *The Telegraph*, January 12, 2012 <<http://www.telegraph.co.uk/news/worldnews/asia/china/9009915/chinas-reforms-stalled-by-powerful-vested-interests.html>>. See, also, Michael Wines, “As China Talks of Change, Fear Rises on the Risks”, *The New York Times*, July 17, 2012 <<http://www.nytimes.com/2012/07/18/world/asia/as-china-talks-of-change-fear-rises-on-risks.html?pagewanted=all>>. The infection of the population by an authoritarian and corrupt power structure is eloquently discussed by the prominent and outspoken author, Murong Xuecun (pennname), in A. Capella, Liz Carter and Michelle Li, “Translation: One Author’s Plea for a Gentler China”, *Tea Leaf Nation*, July 30, 2012 <<http://tealeafnation.com/2012/07/translation-one-authors-plea-for-a-gentler-china/>>. For the prevailing sense of hopelessness among the people, see, Gerard Lemos, *The End of the Chinese Dream: Why Chinese People*

Fear the Future (New Haven, CT: Yale University Press, 2012). It was rumoured recently that a Buddhist temple in Yunnan will guarantee rebirth in the United States for 500 yuan (approximately 75 US dollars)!

38. The superiority of the Party dictatorship in the PRC to democratic politics is apparently one of the lessons to be conveyed to Hong Kong students if the patriotic education push is put in place. See, Claire Lee, "Hong Kong Frets over 'China Model' Patriotic Education, Reuters, Wednesday, July 11, 2012 <<http://www.affectchanges.com/hong-kong-frets-over-china-model-patriotic-education/>>. For a culturally inspired elevation of authoritarian over democratic politics, see Jiang Qing and Daniel Bell, "A Confucian Constitution for China", *The New York Times*, July 10, 2012 <<http://www.nytimes.com/2012/07/11/opinion/a-confucian-constitution-in-china.html>>. As is typical of this kind of argument, the authors base their conclusions on textual aspirations rather than the evidence of history. For a rejoinder, see, Michael Mazza, "A Look at China's 'Political Meritocracy'", *The American*, Tuesday, August 7, 2012 <<http://american.com/archive/2012/august/a-look-at-chinas-political-meritocracy>>.
39. "Strikes and Protests Surge in China", *China Digital Times* (October 11, 2011) <<http://chinadigitaltimes.net/2011/10/strikes-protests-surge-inp-china/>>. For Shifang (Sichuan), see, "Anti-Pollution Protestors Halt Construction of Copper Plant in China", *The Guardian*, July 3, 2012 <<http://www.guardian.co.uk/world/2012/jul/03/china-anti-pollution-protest-copper>>. For Qidong, near Shanghai, see, "Waste Project Is Abandoned Following Protests in China", *The New York Times*, July 28, 2012 <http://www.nytimes.com/2012/07/29/world/asia/after-protests-in-qidong-china-plans-for-water-discharge-plant-are-abandoned.html?_r=1>.



Learning from Chinese National and Nationalist Spectacles⁺

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Abstract

When anti-Japanese protests erupted in mid-2012 and commentators sought to put them into context, many historical events were mentioned, ranging from the Boxer Uprising of 1900 to the 1999 rallies triggered by NATO bombs hitting the Chinese Embassy in Belgrade. This essay suggests that, despite the many differences between the Opening Ceremony of the Beijing Olympics and the recent demonstrations by crowds angered by Japanese claims to sovereignty over islands that are also claimed by China, we can learn useful things from placing these spectacles side by side.

Keywords: *nationalism, protest, mass actions, demonstration, Olympics, China*

JEL classification: *F52, H12, N45, Z13*

1. Introduction

How can looking backward help us make sense of the anti-Japanese demonstrations of mid-2012, which were triggered by disputes over control of small islands claimed by different East Asian countries? When commentators have addressed this question, their answers have pointed to various points in China's past. Look back to 1900, some commentators have suggested, noting that in the disastrous Boxer Rising young Chinese also lashed out in xenophobic ways.¹ Others have suggested looking back instead to 1919, when participants in the May 4th Movement were motivated by anger at Japanese incursions into territory they insisted rightfully belonged to China.² Look back to the Cultural Revolution decade (1966-1976), still others have said, noting how Communist Party leaders used impressionable youths to do their bidding in that period as well.³ Yet others have argued that the most relevant historical moments are relatively recent anti-foreign protests: 1999's anti-

NATO rallies, 2005 and 2010's anti-Japanese eruptions, and the anti-French agitations of early and late 2008.⁴

There is some value in revisiting each of the events just mentioned when trying to place the 2012 anti-Japanese protests into historical perspective. The 1999 through 2010 actions alluded to above, in particular, provide useful points of comparison. In all those cases, as in mid-2012, specific actions precipitated outrage at a foreign country. It was NATO bombs hitting China's embassy in Belgrade that sparked protests in 1999, the roughing up of a Chinese Olympic torch bearer in Paris that led to 2008 first anti-French rallies, and so on. And in all those cases, as in mid-2012, themes at the heart of recent "patriotic education" drives figured prominently in the rhetoric of the struggle. The street actions of 1999 through 2012 carried out in the name of protecting the nation, in other words, have all been shaped in part by a discourse about the need to remember Chinese national "humiliations" of the past that, while having roots stretching back to the pre-1949 era, has been given renewed emphasis and distinctive twists in textbooks and classroom since Tiananman – a period during which the authorities have tried with special vigour to instill in new generations a sense that it is important to remain mindful of old wounds. Another common thread linking the anti-foreign outbursts of 1999 through 2012 is that, in each case, the Chinese Communist Party leadership, despite its obsession with stability and harmony, has shown a willingness to allow and sometimes thrown its support behind the agitations – at least initially, though often later moving to rein the struggles in.⁵

As attractive as it is to compare the mid-2012 protests to anti-foreign outbursts of the recent and not so recent past, however, my focus here will be on what we can learn from placing the demonstrations beside a very different sort of historical event. Namely, if we treat the mid-2012 public actions primarily as political spectacles rather than as protests *per se*, I will argue, they can be paired usefully with the lavish gala held to open the Beijing Games on August 8, 2008.

2. Spectacles of Mid-2008 and Mid-2012: Comparisons and Contrasts

At first, it may seem that bringing together China's glittering Olympic moment and the recent nastiness of anti-Japanese street actions could highlight nothing but contrasts. In the middle of 2008, after all, the key slogan was "One World, One Dream" and global audiences were wowed by a Chinese mass performance that began with a quote from Confucius referring to the pleasure of welcoming friends from afar.⁶ Four year later, the sounds coming out of Beijing and other Chinese cities that grabbed international attention were not ones made by determined drummers drumming but by angry chanters chanting. And their words spoke of something very different from the value of

promoting goodwill between China and other countries. They referred instead to the need to settle scores with Japan, violently if necessary.

More specific contrasts between the spectacles of 2008 and 2012 relate to location and the role of historical allusions. The site of 2008's spectacle was a single Beijing stadium, whereas in 2012 the streets of more than one hundred Chinese cities served as staging grounds for the drama. The 2008 gala choreographed by filmmaker Zhang Yimou was filled with nods to history, but lacked explicit invocations of foreign invasions of the 1830s through 1940s and direct reference to Chairman Mao or the Mao years (1949-1976), whereas in discussions associated with the 2012 demonstrations much was made of the Rape of Nanjing in the 1930s and some participants carried portraits of Mao.⁷

Another difference between the Opening Ceremony and the anti-Japanese street actions of 2012 relates to degrees of government control. The CCP, which is keen to present itself as an organization that led battles against imperialism in the past and is now uniquely capable of protecting China from being bullied by other countries in a dangerous geopolitical era, tried to associate itself with and guide the mid-2012 protests. As already noted, this extended a familiar pattern. It had done the same with the anti-NATO outbursts in 1999, the anti-Japanese rallies of 2005 and 2010, and the anti-French upsurges of early and late 2008. And in some cases in 2012, the state did more than just attempt to steer crowds: especially near the capital, they moved to directly stage-manage demonstrations, sometimes ordering its paid employees, including policemen wearing plain clothes, to shout out slogans and parade.⁸ Only some anti-Japanese actions, though, were carefully choreographed events. There was often – as had been in the case of the protests of 1999, 2005, 2008, and 2010 – much more room for improvisation than there had been in the tightly scripted Opening Ceremony. And in 2012, as in the anti-foreign outbursts of 1999-2010, some demonstrators parted from the officially approved game plans for rallies. They slipped in slogans complaining about corruption, calling for reform or lamenting that China currently lacks a strong leader like Mao, giving an anti-government dimension to moments in these guided protests that had no counterpart in the public display of 08/08/08.⁹

A final 2008 versus 2012 contrast has to do with international responses to the events in question. By the outside world the Opening Ceremony was, on the whole, seen favourably. The foreign press did have some complaints. Commentators criticized elements of fakery, such as the beautiful voice of one girl seeming to come from the mouth of another who had been deemed more photogenic, and a degree of lock-step conformity in some set pieces that evoked the North Korean mass games. On the whole, though, outside observers found much more to applaud than to complain about in 2008,

liking the image that the spectacle presented of a China that respected its traditions but was eager to move forward and make friends. The year 2012's anti-Japanese displays, not surprisingly, were roundly condemned by foreigner observers, just as the anti-NATO, anti-French, and anti-Japanese demonstrations of 1999 through 2010 had been. These outbursts were interpreted as reflecting an aspect of Chinese politics that is stuck in the past rather than surging into the future, a signal that the country is still unready or unwilling to greet the world with open arms in the confident way that it did during the Olympics.

What, then, is there to compare rather than contrast?

One parallel between the spectacles of mid-2008 and mid-2012 is that both underscore the intense concern that China's current leaders have with trying to convince domestic audiences that conflicts between different segments of society and different factions within the top echelons of the Party are things of the past. The Opening Ceremony did this by emphasizing the theme of "harmony" and presenting China as a country in which everyone worked together for common goals. The recent protests did so by playing up an "us" versus "them" stance toward Japan, which was helpful for diverting attention from the Bo Xilai scandal.

A second important connection between the 2008 and 2012 spectacles has to do with the way coverage of them revealed that the long-term tendency of many foreign observers to underestimate the diversity of China's population is alive and well in the 21st century. For well over a century now, whenever entrancing or appalling Chinese group performances capture the world's attention, commentators in the West too often fall into the trap of forgetting just how selective a window these events provide onto the thinking of the massive numbers of people living in China. This can lead to overly simplistic sweeping negative comments about "the Chinese people", something that happened in 1900 with the Boxer Uprising, and overly simplistic and equally sweeping positive comments about this same large group of individuals, such as those that took hold when China and the United States were allied during World War II.¹⁰

We should not, therefore, be too surprised that in 2008 Zhang Yimou's show inspired a flurry of generalizations about such things as the positive feelings that "the Chinese people", as a whole, have toward Confucius and ancient history in general. This line of thinking also informed some high profile books on the country published in the wake of the Games, such as Martin Jacques's *When China Rules the World* and Henry Kissinger's *On China*.¹¹ The sense conveyed in many commentaries on the Olympics and in books such as those was that, leaving aside members of restive ethnic groups living in the far western parts of the country, such as Tibetans and Uighurs, and a small number of daring dissidents, who typically end up in jail or in

exile, the people of the People's Republic of China are on the same page on most things. The reality, though, is very different. For instance, while a lot of Chinese people admire Confucius, there has been a dramatic uptick lately in the resurgence of Taoism and Buddhism and millions of citizens of the PRC are now evangelical Christians.¹² Similarly, some Chinese have a reverential attitude toward the distant past, but in China, as in many other places, many young people (and not so young ones as well) could not care less about things that happened before they were born, let alone two millennia ago.

Not surprisingly, then, the Chinese people were not all on the same page when it came to the question of whether the Opening Ceremony did a good or lousy job at presenting the country to the world. As Geremie Barmé noted at the time in *The China Beat* blog/electronic magazine, some intellectuals were critical of the spectacle's handling of China's past, one lamenting that he had looked forward to see Zhang Yimou offer up a "banquet" of delectable historical morsels, only to get a "hot-pot" of elements from the past thrown together in a hodgepodge fashion.¹³ And in a recent essay for the *Diplomat*, Susan Brownell stressed that parallels between the Olympic Opening Ceremony and state-run North Korean spectacles were part of the Chinese debate about the event as well as the Western discussion of it, which is significant in part because many Chinese feel that its neighbour represents how China used to be before a more enlightened period in its history began.¹⁴

Soon after the latest uptick in anti-Japanese sentiment began in mid-2012, it became clear that it would be another year when generalizations about what "the Chinese people" think and feel would get more play than they deserve. The first thing that sparked my concern on this front was a passing comment, in an otherwise admirable *New York Times* op-ed by political scientist Peter H. Gries, which referred to "most Chinese" feeling that "the Japanese are 'devils'".¹⁵ Yes, the character for "demon" is embedded in a term sometimes used in China to refer to the Japanese. And, yes, patriotic education drives have gone to great lengths in recent years to keep alive the memory of the Rape of Nanjing and other acts of Japanese aggression among those who lived through them (a very small percentage of the nation's populace by now) and, more importantly, inculcate a second hand sense of horror about these events in the minds of later generations. It is a big leap, though, to move from these two points to saying that "most Chinese" view "the Japanese" as less than human. Many people in China are capable of thinking that what Japan's soldiers did in China decades ago was absolutely appalling without assuming that everyone who now lives in that country is devilish. Even some who may use the derogatory term that includes the word for "demon" do not necessarily feel this way about the people who now live in Japan, and the same goes for those who take part in anti-Japanese demonstrations.

Just as we need to remember that the presentation of Chinese culture in the Olympic Opening Ceremony was a selective creation, we need to keep in mind that even the largest of the 2012 protests involved just a fraction of the population of any Chinese city. And the people who joined those rallies, like participants in many mass actions, did so for varied reasons. Some were doubtless motivated by a visceral hatred for all Japanese people. Others, such as policemen paid to demonstrate, were just doing their job. Still others may have been angered by what the Japanese government had been doing *vis-à-vis* the disputed island, but still admired some things about Japan and its people. In addition, based on my experiences as an eyewitness of the anti-American protests of 1999, which were triggered by NATO bombs hitting the Chinese Embassy in Belgrade, I would guess that there were some people involved in the 2012 protests who marched simply because of their eagerness to take part in a protest of some kind, any kind.¹⁶

As for those who did not march, we should keep in mind that, just as some Chinese felt uncomfortable about the image of their country that the Opening Ceremony conveyed, some Chinese were embarrassed by or critical of these spectacles. One person in this camp was the novelist, racecar driver and enormously popular blogger Han Han. He wrote powerful essays in 2008 about the hollowness of those years' partially orchestrated anti-French demonstrations, and even more trenchant ones in 2010 about the anti-Japanese eruptions of that year, suggesting that it was hard to take seriously manifestations of so-called public opinion in a setting in which one was free only to speak out against the mistakes made by a different country's government, not one's own. Not surprisingly, in September of 2012, he weighed in critically on the streets actions once again, albeit in somewhat less acerbic ways than in the past. This time he stressed the foolishness of thinking that smashing a Toyota somehow proves that one was a patriot.¹⁷

Han Han's opinions are especially worth noting since each of his posts is read by hundreds of thousands of people, at least some of whom must find his opinions on issues like this congenial or they would give up reading him. His insistence in post after post that there are many ways to demonstrate that you love your country, only one of which is to focus outrage at any other nation, is no isolated expression of just a single idiosyncratic person's viewpoint. And in 2012, there were other widely read writers who made similar statements, including some, like Han Han, who are independent thinkers but by no means "dissidents" in the sense of being primarily concerned with criticizing the government and working to radically transform China.¹⁸ It is significant as well that Han Han and other writers sometimes have much more positive things to say about mass actions very different from the anti-Japanese demonstrations: large gatherings – and there were some of these during the summer and fall of 2012, just as there have been each of the preceding years

– that find people clamouring for a toxic plant to be closed or moved, so that their children have a better chance of growing up healthy.

It is interesting in this light to note the contents of an essay that journalist Helen Gao wrote for the online edition of the *Atlantic* while the anti-Japanese protests were underway.¹⁹ It describes an online poll conducted in China over the summer in which readers were asked what kind of citizenship they would like a child of theirs to be able to claim if he or she was born on one of the disputed specks of land, which are known as the Diaoyu Islands in Chinese, the Senkaku Islands in Japanese, and are claimed by the government of Taiwan as well as by Beijing and Tokyo and have been a focus of attention for activists in Hong Kong as well as other parts of the PRC. The comment thread for this admittedly unscientific sampling of Chinese opinion suggests that, in answering, respondents weighed patriotism against a desire for their offspring to be able to speak out for things they believe in, breathe clean air, and eat food that is safe. Many respondents answered that they would like this imaginary child to be a citizen of the PRC, of course, but many said they would rather have their offspring grow up Taiwanese or Japanese or at least with the distinctive form of Chinese citizenship that residents of Hong Kong can claim.

3. Concluding Remarks

We can learn a lot about China from spectacles that make international headlines, as the Olympic Opening Ceremony did in 2008 and the anti-Japanese protests did four years later. If staged or simply permitted by the government, they can give us insights into the thinking of China's leaders. If participants get to choose to take part, we also get clues about their beliefs and passions. Equally importantly, though, are the things we can learn from the debates and discussions about these events that take place in dorm rooms and teahouses, on street corners and online. And from the alternative spectacles that take place simultaneously with or just before or just after the ones that get the most media attention – e.g., the “Not in My Backyard” quality of life demonstrations that broke out in Shanghai and Beijing in 2008 before the Opening Ceremony and in different parts of the Yangzi Delta just before and just after the demonstrations associated with the Diaoyu Islands.²⁰ If analyzing these spectacles is going to illuminate rather than mislead, though, we have to resist accepting the idea, put forward by the Chinese government and occasionally by foreign commentators as well, of a single unified Chinese worldview.

Notes

⁺ An earlier, shorter version of this essay appeared in *YaleGlobal*, September 24, 2012 <<http://yaleglobal.yale.edu/content/one-country-many-faces>>; it ran there

under the title “One Country, Many Voices”. Note: all urls listed in these notes were last accessed November 8, 2012.

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Rights Defence Lawyers as Dissidents in Contemporary China

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Abstract

Rights defence lawyers in contemporary China have attracted tremendous attention. Their supporters take them as a leading force for social and political change toward justice, the rule of law and democracy, whereas the hardliners of the ruling Chinese Communist Party regard them as a dangerous hostile force of political dissent. In this article, we will trace the resumption and development of the legal profession in China since the 1980s after its forced disappearance for three decades. Then we will explore the emergence of a group of “rights defence lawyers” in the context of recent economic, social and political changes. The article will end with a discussion about the potential role of rights defence lawyers in China’s social and political transformation. We argue that the name “rights defence lawyer” reflects the current politically charged environment for the legal profession in China and the dual identities of socially concerned lawyers as both legal professionals and rights advocates. We also argue that lawyers in China become political dissidents when defending clients whose rights are violated by the party-state and power holders, and that, in response to political persecution, rights defence lawyers have interacted with other lawyers, other rights activists and the wider society to advance their causes of bringing about justice, the rule of law and democratic political reforms in China. We therefore identify a connection between their lawsuits, including their media campaigns as an extension of those lawsuits, and the rise of rights consciousness and quest for the rule of law in China.

Keywords: *China, rights defence lawyers, rights defence movement, dissidents, rule of law*

JEL classification: *K14, K40, P26, P37*

1. Introduction

On 31st July 2012 the overseas edition of the *People's Daily* published an influential and controversial article “What Are the Real Challenges for China”, listing “rights defence lawyers, underground religions, dissidents, Internet opinion leaders and vulnerable groups” as the five major subversive forces in China.¹ This analysis from the mouthpiece of the Chinese Communist Party (CCP) calls to mind the “Black Five Categories”, namely Landlords, Rich Peasants, Counter-revolutionaries, Bad Elements and Rightists, designated by the party-state as the major categories of “class enemies” during the Maoist Era. Who are these “rights defence lawyers” (*weiquan lüshi* 维权律师) in China? Why do they top this list of subversive forces? In this article, we will trace the resumption and development of the legal profession in China since the 1980s after its forced disappearance for three decades. Then we will explore the emergence of a group of “rights defence lawyers” in the context of recent economic, social and political changes. The article will end with a discussion about the potential role of rights defence lawyers in China’s social and political transformation. We argue that the name “rights defence lawyer” reflects the current politically-charged environment for the legal profession in China and the dual identities of socially concerned lawyers as both legal professionals and rights advocates. We also argue that lawyers in China become political dissidents when defending clients whose rights are violated by the party-state and power holders, and that, in response to political persecution, rights defence lawyers have interacted with other lawyers, other rights activists and the wider society to advance their causes of bringing about justice, the rule of law and democratic political reforms in China. We therefore identify a connection between their lawsuits, including their media campaigns as an extension of those lawsuits, and the rise of rights consciousness and quest for the rule of law in China.

2. The Re-birth of the Legal Profession in China

The modern profession of lawyers was introduced in China during the Late Qing when the Chinese started to “learn from the West”. A full-fledged legal profession and system of modern laws had developed in the Republic of China by the 1940s, before they were rejected by the Chinese Communist Revolution due to their close connection with the Chinese Nationalist Party regime. During the Maoist period, especially in the Cultural Revolution, lawyers and judges were not permitted to practice, and many were imprisoned and persecuted due to their “bourgeois” tendencies. Since the 1980s, as part of the policy of reform and opening to the outside world (*gaige kaifang* 改革开放), efforts have been made by the Chinese communist party-state to

carry out legal reforms and engage with human rights norms as they are embodied in international treaties. Legal reform and development in China have been characterized by massive transplantation of Western laws into the Chinese legal system, and many of these new laws grant further rights to Chinese citizens.² The CCP leadership has also created space for the growth of the legal profession. In 1980, the *Lawyer's Regulation (Provisional) of the People's Republic of China* was passed by the Standing Committee of the 5th National People's Congress (NPC), followed by *The Lawyers Law of the PRC*, which was issued by the Standing Committee of the 8th National People's Congress in 1996. In the 1980s, there were only a few hundred Chinese lawyers employed at the state law firms as "state legal workers". By 2010, there were around 200,000 lawyers working in some 19,000 mostly private law firms nationwide.³

Like lawyers elsewhere, these Chinese lawyers are professionals who make use of their expertise in law to provide paid service and advance the interests of their employers or clients. They have statutory obligations set out in *The Lawyers Law of the PRC* to "safeguard the lawful rights and interests of the parties concerned, ensure the correct implementation of law, and uphold social fairness and justice".⁴ They engage in the whole range of legal business such as lawsuits, legal aid, judicial certification, notarization, contract drafting, and legal mediation. They have played a key role in China's economic development and social reconstruction, although a majority of them have allegedly become brokers of the rich and the powerful.⁵

Rights issues occupy a special position and have become increasingly important in lawsuits in China, alongside the rise of rights consciousness among the Chinese population. The 1989 *Administrative Litigation Law* for the first time authorized lawsuits against government agencies and judicial review of government decisions. Some have argued that this was also the first time in Chinese history that some Chinese citizens began to attach more value to rights than monetary benefits.⁶ Having joined more than 20 international human rights covenants, the Chinese government has also contributed to the rise of rights consciousness in China. In 1991, the Chinese government published its first *White Paper on Human Rights*, followed by similar reports almost annually after 1995. Numerous government-sponsored research centres on human rights were set up throughout the country. The government signed *The International Covenant on Economic, Social and Cultural Rights* in 1997 (ratified in 2001) and *The International Covenant on Civil and Political Rights* in 1998 (pending ratification). After accession to the WTO in 2001, China also revised the *PRC Constitution* in 2004 to add the words "the state respects and protects human rights". More broadly, legal reform and development in China have been characterized by massive transplantation of Western laws into the Chinese legal system, and many of these new laws grant further rights

to Chinese citizens (Zou 2006). Likewise, the Party has officially replaced the concept of “class struggle” with the ideal of “harmonious society” and increased emphasis on rule of law.

Chinese lawyers have made good use of domestic and international human rights laws to assert citizens’ rights, and they have not always been treated as enemies of the state. Indeed, in rights issues that do not pose a direct challenge to the authority of the party-state, such as the rights of consumers, the rights of shareholders, or the rights of women and children, lawyers’ contributions are often welcomed by the government.⁷ As the government introduces still more laws and ratifies human rights and other international treaties, it is bound to face increasing pressure, mainly domestically, to uphold the basic legal rights of its citizens, as set out in these legal instruments and in the *PRC Constitution*.

3. The Chinese Legal System and the Dual Identities of Rights Defence Lawyers

The emergence of the rights defence movement and the group of rights defence lawyers as a leading force of that movement is a complex phenomenon reflecting the current predicament of social movements and the legal system in contemporary China.⁸ The term “rights defence” was originally used by the party-state in the late 1990s to showcase its policy to protect and advance the people’s legal rights and benefits (*hefa quanyi* 合法权益). Chinese citizens then creatively employed the government’s own rights discourse to their advantage. The current popular use of the term sees it as a justification for defence of social, economic, and political rights to which the Party is paying lip service but is not yet prepared to accept in reality. The popular activism to assert these rights since the early 2000s in China has been identified by both the activists themselves and neutral observers as a rights defence movement.⁹ It is this emerging social movement and the institutional context of one-party rule that creates the dual identities of Chinese rights defence lawyers as lawyers and rights activists at the same time.

The rights defence movement has unfolded in two forms, namely collective petitions and protests against rights violations on the one hand and individual litigation and petitions for a legal remedy to address injustice and grievances on the other. The former is defined by the Chinese authorities as “mass incidents”, referring to various forms of collective protests such as unapproved strikes, assemblies, demonstrations, petitions, obstructions, collective sit-ins or physical conflicts, sometimes involving thousands of people and resulting in police and paramilitary intervention leading to loss of life. According to official figures, these “mass incidents” numbered 60,000 in 2003, 74,000 in 2004 and 87,000 in 2005, an average of 200 protests a

day.¹⁰ Official figures were not published after 2006, but according to some sources the number of “mass incidents” continued to rise and jumped to 180,000 in 2010, close to 500 a day on average.¹¹ Most cases of this rights defence movement aim to defend economic and social rights, including protests by peasants against excessive taxes, levies and forced seizures of farmland; strikes of workers against low pay, arrears of pay and poor working conditions; protests by laid-off urban workers against unfair dismissal by their employers; protests by home owners against forced eviction by government and developers; protests of residents against forced relocations; campaigns by citizens for unpaid social entitlements; campaigns for the rights of women and children; and protests of affected residents against environmental pollution. But there are also cases of defending civil and political rights, including campaigns by citizens for the freedom of speech and press; campaigns by practitioners of the Christian house churches and Falun Gong 法轮功 practitioners for the freedom of religion, beliefs, assembly and association; and protests by villagers against irregularities and voter manipulation in village elections.

The latter form of the rights defence movement is led by rights defence lawyers, a small number of legal practitioners who believe in the supremacy of human rights and choose to take on politically sensitive cases in defiance of the party-state. This group of legal practitioners includes licensed lawyers, “bare-foot” (self-educated) lawyers, who are officially allowed to provide legal advice and other legal services without a license, and concerned legal scholars. Ordinary lawyers become rights defence lawyers when they challenge or they are believed to challenge state power or state interests by becoming involved in any cases deemed sensitive or inappropriate to the state. Applying their professional knowledge and in many cases demonstrating great courage, rights defence lawyers have provided both practical support and theoretical justification for the emerging rights defence movement and enjoyed an increasingly high profile in the Chinese and international media.¹²

The Sun Zhigang 孙志刚 case in 2003 has been widely regarded as the landmark event marking the beginning of the rights defence movement in contemporary China. In March 2003, Sun Zhigang, a resident from Hubei Province looking for employment in Guangzhou, was detained for not having proper identity documents and was beaten to death in police custody. The incident triggered nationwide protests led by legal practitioners against institutional discrimination and inhumane treatment of migrant workers. In particular, the petition sent to the National People’s Congress by three young graduates holding PhD degrees in law from Beijing University, Yu Jiang 俞江, Teng Biao 滕彪 and Xu Zhiyong 许志永 generated tremendous public support and forced the state to conduct a rare review on constitutional grounds and abolish the notorious *Regulations on Detention and Repatriation*

of Beggars and the Floating Populace. The event bears the defining features of the rights defence movement led by legal practitioners, using the legal process and grounded in the existing legal framework to redress human rights abuses, especially abuses by power holders. At the same time, these lawyers also made use of publicity to bolster their cause. In this sense, the rights lawyers and rights defence movement helped to define each other. The Sun Zhigang incident also encouraged many law scholars to practise law part-time concurrently with their academic duties.

However, the current Chinese legal system is hostile and harmful to the rights defence movement and rights defence lawyers. There are notorious “evil laws” against lawyers on the books, in particular against those perceived to be rights defence lawyers. In the Criminal Procedure Law, there are discriminatory provisions imposing onerous limitations on lawyers in meeting with their clients, accessing evidence, and investigating facts. The Criminal Law includes broad and vague provisions about “state secrets” that have been cited to prevent lawyers from investigating and obtaining a whole range of evidence. Most notorious is Article 306 of the Criminal Law with regards to “fabricating evidence”, which makes lawyers’ position disturbingly precarious and has been arbitrarily used to charge hundreds of lawyers in general and convict many high profile rights defence lawyers in particular.

Institutionally, lawyers are kept under strict control by the Party and its associated security apparatus. The first layer of control is exercised by the Party, which has an institutionalized status above the law. The CCP Committee of Political and Legal Affairs at each level of the administration is in charge of the daily operation of all legal agencies, including the police, procuratorates and courts. Usually the police chief is concurrently appointed as the secretary of the Committee of Political and Legal Affairs, thus directly subordinating judges and lawyers to the police. The second layer of control comes from the state administration, namely the Ministry of Justice in the central government and Judicial Bureaus at local levels of government. The Judicial Bureaus also use lawyers associations as a proxy to control lawyers. It is compulsory for all lawyers to join a local Lawyers Association, which is automatically a member of the All China Lawyers Association. These lawyers associations are extended arms of the Ministry of Justice at the central level and Judicial Bureaus at local levels, although the professional associations are theoretically meant to be independent from the government and treated as civil society organizations. The independence is illusory however. In 2006, the All China Lawyers Association virtually banned rights defence lawyers from taking “collective cases” involving ten or more people. Likewise, on behalf of the government, the Association issued a regulation requiring lawyers to go through a political screening process and accept the supervision and guidance of judicial administrative organs if they take on “collective

cases”.¹³ Again, originally the Judicial Bureaus were responsible for the annual examination and renewal of the licenses of lawyers. The responsibility has now been partially transferred to Lawyers Associations, which in 2008 revoked the licenses of many rights defence lawyers who openly expressed their willingness to defend the participants in the Tibetan Riot of 2008, or who signed a petition for open elections in the Beijing Lawyers Association.

The third level of control is the naked violence of the State Security Division of the police, political police specialized in the suppression of political enemies of the Party. These political police are given extra-legal powers to keep their targets under round-the-clock surveillance, and even engage in kidnapping and physical assault on their targets, some of whom include rights defence lawyers.

Many rights defence lawyers have become victims of these “evil laws” and hostile institutional arrangements. More often than not, the cases represented by rights defence lawyers are those sensitive cases avoided by ordinary lawyers and it is almost impossible for the rights defence lawyers and their clients to win the cases of this nature. Worse still, many defence lawyers representing those sensitive cases have been turned into defendants themselves by the state procurators on the charges fabricating evidence, leaking state secrets or inciting subversion of state power. High profile cases include Zheng Enchong 郑恩宠’s imprisonment for three years for representing a group of evicted Shanghai residents in a lawsuit against a real estate developer and the local government; Zhu Jiuhu 朱久虎’s detention for representing oil-field operators in Shaanxi whose contractual right to operate oil wells was unilaterally and arbitrarily taken away by the local government without proper compensation; Li Baiguang 李柏光’s detention for representing peasants in Fujian Province fighting for their land rights; Guo Feixiong 郭飞雄’s detention for representing villagers in Guangdong in an action to recall their village leaders; the suspension of Gao Zhisheng 高智晟’s practicing license and the closure of his law firm for defending Falun Gong members; and the suspension of Guo Guoting 郭国汀’s practicing license for defending dissident journalists and Falun Gong practitioners.¹⁴ Besides these cases, there have been many other examples of lawyers’ licences being revoked for engaging in rights defence activities. A report by the Chinese Urgent Action Working Group in 2009 documented thirty-five such cases in 2008-9 alone.¹⁵ And in the most recent government pre-emptive strike on Middle Eastern-style protests in connection with an online call to gather in public places – the so-called Jasmine Spring of 2011 – rights lawyers have again become major targets of intimidation and abuse.¹⁶

Rights defence lawyers in China differ in important ways from human rights lawyers or cause lawyers involved in civil and political rights or broader public interest cases in democracies. In terms of legal process, they are doing

much the same thing as their western counterparts in pursuing interests that are larger than those of their immediate clients through the legal system.¹⁷ However, due to the political reality in China, their status, functions and fate are fundamentally different from that of cause lawyers who are effectively protected by law in democracies. In a democracy, civil rights lawyers or human rights lawyers are lawyers who specialize in civil rights or human rights laws and represent their clients in cases that clearly involve human rights, such as the right to life and liberty, freedom of thought and expression, and equality before the law. According to the *Universal Declaration of Human Rights* issued by the United Nations in 1948, all humans are entitled to these basic rights and freedoms “without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”. These are the typical kinds of cases taken on by cause lawyers in democratic societies.

By contrast, rights defence lawyers in China are not necessarily involved in obvious human rights cases, but often are simply seeking to defend the regular legal rights and interests of individuals that have been abused by powerful interests in society. However, due to the tight link between the Chinese legal system and the party-state, and the sensitivity of the party-state to certain kinds of legal cases that involve their vested interests, legal cases that superficially seem apolitical often become highly political, and lawyers who seek to represent clients in such cases themselves become objects of attack. In the next section, we will explain in more detail how this results in lawyers becoming “dissidents” rather than simply “rights defence” lawyers.

4. The Chinese Political System and Rights Defence Lawyers as Dissidents

Political dissent refers to any expression conveying dissatisfaction with or opposition to a government. Repressive governments have always suppressed and punished, whereas the protection of freedoms that facilitate peaceful dissent has become a hallmark of free, democratic and open societies. A dissident, broadly defined, is a person who actively challenges an established doctrine, policy, or political institution. There were dissident movements explicitly or implicitly challenging the communist rule in the former USSR and other East European communist states during the period of the 1950s-1980s and the harsh suppression of dissidents and dissident movements was a defining feature of communist rule.

Political dissidents did not exist in communist China until the 1980s. It is true that successive political campaigns were launched during the Maoist years to purge thousands or even millions of class enemies, but there was no political or social movement during that period to consciously and openly

challenge the state ideology and communist rule. It was only in the 1980s that some democratic pioneers in China started to imagine and fight for a democratic alternative to the communist rule, most notably exemplified by Wei Jingsheng 魏京生's call for democracy as the "fifth modernization" on top of the Party's programme of "four modernizations" in economy and technology. The forces of dissidence in China have now developed several generations of democracy movement leaders in charge of dozens of democracy movement organizations at home and abroad, as well as religious dissidents such as Falun Gong adherents and leaders of Christian house churches.

Nevertheless, it is a very new development beginning less than a decade ago for rights defence lawyers to emerge as dissidents from the party-state. Indeed, most of the rights defence lawyers in China did not intend to be dissidents and do not regard themselves as dissidents. It is the current political system that treats them as dissidents and turns their professional endeavours and social activities into political dissent. Much of their discontent with the current system results from the failure of the government to uphold its own enacted laws. For example, as early as 1979, the newly enacted Chinese Criminal Law reflected the spirit of rule of law following the lawless Cultural Revolution by softening the provisions on counter-revolutionary crimes which had condemned millions to death or misery in preceding years. But that did not stop the party-state from using other excuses to continue persecuting political dissidents. In 1997, the Criminal Law was revised again to substitute "the crime of endangering national security", including "subversion of state power" and "incitement for subversion of state power", for "counter-revolutionary crimes".¹⁸ But the suppression of dissidents still continued.

Clearly, there is a profound contradiction or paradox in the current Chinese legal system with regards to the rights of citizens. On the one hand, new values and institutions of individual rights have been introduced with great enthusiasm at the constitutional level. On the other hand, these constitutional rights are not justiciable or enforceable through the judicial process. In particular, even though a system of administrative litigation has now been created to address citizen grievances, the judiciary is not independent enough to carry out effective legal supervision over the exercise of administrative powers by the party-state and its agents in the police apparatus. This means that when lawyers seek to defend the legal rights of citizens who have been characterized as dissidents or troublemakers by the state, those lawyers themselves will inevitably end up being branded as dissidents. Indeed, some have argued that through its most recent assault on lawyers and other rights activists, the Party-State has now reversed the previous progress in legal reforms in which there was a tacit agreement between rights lawyers and healthy forces within the Party-State to redress

social and political injustice.¹⁹ In the process, they may have created a whole new group of dissident lawyers.

Many of the cases in which rights defence lawyers have become involved seem only indirectly related to “human rights” issues, for example, defending farmers against excessive taxes, laid-off workers in wrongful dismissal cases, and property owners in disputes with developers. Other cases may be more typical of human rights issues elsewhere, such as defending journalists and religious believers from State harassment and censorship. Yet in these lawyers’ eyes, all such cases are interrelated, part of a broader rights defence movement that is challenging the Chinese political system through law and using the legal system as one central tool for bringing about their ideal of a true civil society and ultimately constitutional democracy in China. To understand the relationships between the diverse strands of their work requires a broader awareness of how the Party-State infiltrates every aspect of Chinese society – typical and highly incendiary examples being property development and control of large corporations – so that even apparently apolitical legal cases can easily generate political ramifications in the macro-legal-political environment.

Rights defence lawyers clearly understand the stark contrast between rights on the books and lack of rights implementation and protection in reality. They also clearly understand that fundamental socioeconomic changes in China and the Party-State’s rule of law discourse have created huge pressures and incentives for the Party-State to resolve the contradiction between the rule of law and the supremacy of the Party. In seeking to assist citizens to uphold their legal rights, many of these rights lawyers have a much more ambitious agenda in mind: bringing about a true rule of law society based on constitutionalism.²⁰ Such lawyers see no contradiction between their litigation work and more direct forms of political action. Not only have they turned the courts into a meeting place for debates on social injustice and political issues; they have also taken actions outside the courts advocating institutional and political changes.²¹ For instance, rights lawyers played an essential role in drafting Charter 08, known by some as the “Chinese human rights manifesto” and signed by more than 10,000 Chinese citizens since its publication on the Internet on 9th December 2008.²²

Without further political reforms that are called for by such lawyers, the current legal system will remain a hollow shell, where even if citizens can have their day in court, they cannot enforce their winning judgments against state-supported defendants and they may even end up being persecuted by the state for daring to stand up for their rights.²³ It is for this reason that rights defence by lawyers in the courts – in other words, upholding citizens’ legal rights through the legal process – has in many cases resulted in persecution of those citizens and their lawyers, and inexorably led many of those lawyers

to become involved in a broader political reform movement challenging the current party-state system. Whether their political aspirations will ultimately prove successful remains to be seen, and the political reform process can be long and tortuous. But in the opinion of the rights defence lawyers themselves, the connection between rule of law and democratic reform is a necessary and inevitable one.²⁴ And due to the broader political ramifications of their rights defence activities, these lawyers are now viewed as dissidents by the party-state and therefore have effectively become dissidents, whether they initially intended to or not.

Several empirical studies on the practices of Chinese lawyers and legal aid workers have concluded that the vast majority of Chinese lawyers have no interest in upholding the rights of ordinary citizens against state-supported defendants, as such cases are both politically risky and often have little or no economic pay-off.²⁵ It is true that only a small minority of lawyers are actively engaged in rights defence cases. But perhaps the social and political impact of these lawyers is much broader than their numbers might suggest. It is extremely important to study this impact, and to analyze the complex relationship between the work of these lawyers and the development of a rights defence movement in China. Even though this rights defence movement is amorphous and has not coalesced into a single organized entity – due to obvious institutional constraints – some unity has been provided by the involvement of lawyers and their theoretical synthesis of diverse strands of protest into a more unified whole. The legal defence work of these lawyers has covered most of the different areas of social discontent and state-supported legal abuses that have occurred in China over the past half decade. At the same time, in their various writings, these lawyers clearly relate their legal work to a broader political and social reform agenda. In other words, they are an excellent resource for articulating the connection between their rights defence work in individual cases (upholding the “rule of law”) and the much broader goal of creating a national movement for universal civil/political rights and democratic reform in China.²⁶

Having said that rights defence lawyers are treated as dissidents due to their political reform tendencies, we should also point out that there are differences between these lawyers in terms of their approaches to political action. We will conclude this section by dividing dissident lawyers into three rough categories based on their differing choices of clients to defend or causes to uphold. Of course, it may be possible to fit some lawyers into more than one category, and there is some overlap between them, but the division helps to clarify the differing ways in which lawyers may have become dissidents through their legal and extra-legal work.

The first category includes lawyers who became legal or political dissidents due to their defence of and association with dissidents as their

clients. The best known example is Gao Zhisheng, who was categorized as a dissident when he took the risk of defending Falun Gong practitioners both in court rooms and via opinion pieces on social media. Ironically, in 2001, Gao had been recognized by China's Ministry of Justice as one of the country's 10 best lawyers. But over the following years, he defended a wide range of clients who had been victims of injustice, including seeking compensation for families whose homes were expropriated for the 2008 Olympics, appealing the sentence of Zheng Yichun 郑贻春, a journalist and former professor who was sentenced to seven years imprisonment for his online writings, and providing legal assistance to Cai Zhuohua 蔡卓华, the pastor of an unauthorized Chinese house church, who was sentenced to three years in prison for printing and distributing copies of the Bible. Other cases included a legal battle over several hundred acres of farmland that Guangdong Province had seized to construct a university, and in 2005, defending fellow lawyer-activist Zhu Jiuhu, who was accused of disturbing public order while representing private investors in oil wells that were seized by the government in Shaanxi. He secured Zhu's release several months later through an intensive publicity campaign, although Zhu was barred from practicing law.

The Beijing Judicial Bureau tried to prohibit Gao from acting in certain cases and for specific clients, including the Shaanxi oil case and Falun Gong practitioners, but Gao ignored the prohibition. After sending an open letter to the PRC leadership that accused the government of running extrajudicial "brainwashing base(s)" for dealing with Falun Gong practitioners, he received a visit from State Security agents. In November 2005, shortly after being warned to retract a second open letter he had written about his Falun Gong cases, Gao received a new summons from the judicial bureau accusing him of a "serious violation of the Law on Managing the Registration of Law Firms" for failing to promptly register his new business address following a move. He was ordered to suspend operations for a year. In February 2006, Gao, together with Hu Jia 胡佳 and other activists, launched a "Relay Hunger Strike for Human Rights," whereby different activists and citizens fasted for 24 hours in rotation. Finally, in September 2006, Gao was arrested and on 22nd December 2006, he was convicted of "subversion", given a suspended sentence of three years, and placed on probation for five years. The sentence also deprived him of his political rights – the freedom to publish or speak out against the government – for one year.

In September 2007, after writing open letters calling for a boycott of the Olympics, Gao was once again taken away from his home, where he had been under house arrest, by Chinese secret police, and claimed to have been seriously tortured by them. In early 2009, Gao's wife and two children escaped China with the help of underground religious adherents, and were granted asylum in the United States. Between 2009 and 2011, Gao was

allegedly several times interrogated and persecuted by Chinese state security forces, and finally in December 2011, Xinhua reported that Gao had been jailed for three years because he “had seriously violated probation rules for a number of times, which led to the court decision to withdraw his probation.” According to his brother, Gao was being held in a jail in Xayar County, Xinjiang province.

Though Gao Zhisheng was clearly aware that his choices of clients were risky in the Chinese context, he may not have initially started out with the intention to become a dissident himself. However, his defence of religious dissidents both in and outside the court inevitably led to him being viewed as a dissident by the party-state that he was challenging, and ultimately made him into one of the more outspoken dissident lawyers in China.

The second category of dissident lawyers are those rights lawyers who challenge a particular state policy, such as Cheng Hai 程海 who has challenged the inequities of the *hukou* 户口 (household registration) system, and Chen Guangcheng 陈光诚 who challenged the implementation of the government’s policy of family planning and forced sterilization. Chen’s case became internationally famous in 2012 when he sought asylum in the U.S. embassy in Beijing, but he had been an active “barefoot lawyer” in Shandong Province since the mid-1990s, assisting villagers in his home town of Dongshigu (东师古村) to challenge illegal land requisitions and other financial irregularities. Then in 2005, Chen spent several months surveying residents of Shandong Province, collecting accounts of forced, late-term abortions and forced sterilization of women who stood in violation of China’s one-child policy. His survey was based in Linyi City (临沂市) and included surrounding rural suburbs. Though coercive late abortions were supposedly illegal, Chen found that such coercive practices remained widespread, and he documented numerous cases of abuse. Chen also solicited the help of prominent legal scholar Teng Biao, who conducted his own interviews in Linyi. Teng and Chen later released a report claiming that an estimated 130,000 residents in the city had been forced into “study sessions” for refusing abortions or violating the one-child policy; residents would be held for days or weeks in the study sessions, and were allegedly beaten.

In 2005, Chen filed a class-action lawsuit on behalf of women from Linyi against the city’s family planning staff. And in June, he travelled to Beijing to file the complaint and meet with foreign reporters to publicize the case. Chen’s initiative was the first class-action lawsuit to challenge the implementation of the one-child policy. Though the case was not successful, in September 2005, the Chinese Family Planning Commission announced that several Linyi officials had been detained for their illegal actions in implementing the policy. But local authorities in Linyi retaliated against Chen, placing him under house arrest in September 2005 and embarking on a campaign to undermine his

reputation. The Linyi officials portrayed him as working for “foreign anti-China forces”, pointing out that he had received foreign funding for his earlier advocacy on behalf of the disabled. During his trial in 2006, Chen’s attorneys were forbidden access to the court, leaving him without a proper defender. On 24th August 2006, Chen was sentenced to four years and three months for “damaging property and organizing a mob to disturb traffic”. He was released from prison in 2010 after serving his full sentence, but remained under house arrest or “soft detention” at his home in Dongshigu Village. Chen and his wife were reportedly beaten shortly after a human rights group released a video of their home under intense police surveillance in February 2011. Finally, in mid-2012, Chen and his family escaped to the U.S. Embassy and were granted political asylum in the United States.

Despite the fact that Chen’s actions were justifiable challenges to the illegal implementation of the one-child policy, and despite the central government’s acknowledgment that Linyi’s officials had broken the law, Chen still could not escape persecution by the local government, who obviously treated him as a dangerous dissident. The result was that he too became a dissident (barefoot) lawyer, and ended up in prison and finally in exile.

The third category of dissident lawyers includes those who have become closely involved in civil society and mobilization for social change. Xu Zhiyong and the case of the N.G.O. Open Constitution Initiative (Gongmeng 公盟) are representative in this regard. Gongmeng is an organization consisting of lawyers and academics in China that advocates the rule of law and greater constitutional protections. It was established in 2003 by Xu Zhiyong, Teng Biao, Yu Jiang and Zhang Xingshui 张星水 from the Beijing University Law School. Some of Gongmeng’s activities included: challenging the constitutionality of the police investigation in the Sun Zhigang case; participating in the drafting of a proposed amendment to include “human rights” in the Constitution, submitted to the National People’s Congress in 2004; defending Yu Huafeng 喻华峰 and Cheng Yizhong 程益中, the General Manager and Editor in Chief, respectively, of the investigative newspaper *Nanfang Dushi Bao* 南方都市报 (*Southern Metropolitan Daily*), against politically motivated charges; conducting research on ways to reform the local people’s congress and letters and petition system; writing reports on the development of human rights in China; monitoring experimental direct elections to the Haidian District (海淀区) of the Beijing Municipality Local People’s Congress; speaking out for the education rights of migrant children; assisting with an administrative suit on behalf of victims enslaved by illegal brick kilns in Shaanxi; organizing a Pro Bono Legal Aid Team to conduct public interest litigation on behalf of victims of the tainted milk scandal in 2008-9; promoting direct elections within the Beijing Lawyers Association; launching activities to promote open government information, including the

disclosure of public expenditures; hosting a training workshop where legal knowledge relating to rights defence and elections was discussed; providing legal aid to victims of “black jails” and petitioners; and launching residence committee elections, to name but a few issues. Their main purpose has all along been to raise public awareness of legal rights and the importance of public participation in the political process, with the ultimate aim of promoting constitutional reform in China.

NGOs run by rights lawyers and legal scholars, like Gongmeng, were particularly hard hit in the latest round of state repression. The choice of Gongmeng as a target of coordinated attacks in July 2009 revealed the attempt by the party-state to roll back the activities of these NGOs and rights lawyers. The individuals involved were typical moderates within the rights defence movement, fighting for social justice, but also rejecting radicalism. They actively co-operated with the campaign for “good governance” initiated by the Hu-Wen leadership and showed their best intentions and a constructive attitude to the government by refraining from taking on cases involving separatists, Falun Gong, and the Chinese democracy movement. However, they eventually became a target of government attack, as they were increasingly influential nationally and internationally in providing essential legal aid to high-profile public interests cases such as environmental protection, food security, freedom of press, forced home eviction, forced land requisition, and “black jails”.²⁷ The comprehensive attacks on these moderate rights lawyers clearly represented a retrogression of official Chinese legal reform and a backward step on China’s march towards the rule of law.²⁸ In July 2009, authorities declared Gongmeng “illegal”, fined it 1.46 million yuan and shut it down, and on 29th July 2009, Xu Zhiyong was arrested on charges of “tax evasion”. Due to huge domestic social pressure and international pressure, Xu was soon released and Gongmeng was allowed to re-opened in a much reduced size and function in August 2010.

The fact that the CCP rose to power through a violent revolution rather than a democratic election means that it is extremely sensitive to any challenge to its lack of democratic legitimacy. The CCP’s paranoia over political challenge has also become increasingly serious after the collapse of communist regimes in Eastern Europe and elsewhere since the end of 1980s. The political system of one party rule maintained by the CCP does not leave much space for Chinese rights defence lawyers to seek judicial justice and the rule of law. Chinese rights defence lawyers are fully aware of the institutional limits presented by this political system on their legal and political aspirations, but they still dedicate their lives to fighting for justice by means of the Chinese legal system and trying to work within the political system for change. Their preference is to advise the government to abide by the law rather than directly seeking institutional change. Taking advantage

of their legal profession, they have consciously framed burning social and political issues and legal issues about enforcement of rights, not only through their strategic litigations and impact litigations but also through their Internet publications. However, their good will for the judicialization of political issues has not found resonance from the mainstream of the Chinese communist leadership. By treating rights defence lawyers as political dissidents, the Chinese communist leadership actually move in the opposite direction of the politicalization of legal issues. There is an obvious reason for the Chinese communist leadership to move in this direction. Anyway, according to the political logic of the communist one party rule, enforcement of constitutional rights such as freedom of speech and freedom of association, as well as the demand for an independent judiciary, is definitely a political issue and poses a fundamental challenge to the communist legitimacy. The top priority of the current Chinese communist leadership is to maintain regime stability at all costs. In final analysis, the rule of law, including effective legal protection of civil and political rights of all citizens, is not compatible with a Leninist party-state, simply because the core of Leninism is “proletarian dictatorship”, which, according to the classic definition by Lenin himself, means “nothing other than power totally unlimited by any laws and based directly on the use of violence”.²⁹

5. Conclusion

It is critical to examine the role and impact of Chinese rights defence lawyers and, by extension, the “rights defence movement” as a whole, within the broader political context. It is unfortunate that lawyers in China are still not effectively protected by law to practise law in defending the interest of their clients who are not welcome by the party-state. In dealing with politically sensitive cases, the principle of presumption of innocence is not usually upheld in China, as the party-state, the security apparatus in particular, regards political opposition as a hostile and evil force. In order to protect their professional rights to practice law, as well as to seek justice for the society as a whole, Chinese rights defence lawyers are forced to take on dual identities as both a lawyer and rights activists. Rights defence lawyers are treated by the party-state as political dissidents as their quests for judicial justice, independent judiciary and the rule of law are posing a threat to the regime legitimacy in the eyes of communist rulers. Despite rights defence lawyers’ willingness to avoid direct political battle, the difference between the legal and political realms is dangerously blurred and ambiguous in the institutional context of contemporary China. In the contestations between rights defence lawyers and Chinese government, both sides are aware that lawyers played a key role in democratic transition in many countries.

It seems that the Chinese society and the Chinese ruling party are following different logics. While Chinese society is ready for the transition to constitutional democracy, which is a trinity of democratic election, effective protection of human rights and the rule of law, as human rights, democracy and the rule of law presuppose each other. The Chinese communist government still follows its habitual thinking of blocking the transition, and risks plunging itself and China into an abyss of violence and turmoil. There is a viable way to achieve stability in contemporary China through institutional accommodation between conflicting social groups, as well as establishing rules and mechanisms for safeguarding citizen rights and for balancing legitimate interests. For the CCP to rejuvenate itself and maintain relevance, it has to abandon obsolete and discredited Leninism, which is simply not compatible with the rule of law and a robust civil society.

Notes

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The Wukan Uprising and Chinese State-Society Relations: Toward “Shadow Civil Society”?⁺

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Abstract

As many as 180,000 popular protests may take place each year across the People’s Republic of China. In September 2011 one such protest – in Wukan village of Guangdong Province – became a global media event. The purpose of this article is to address social protest mobilization in the Chinese countryside and emerging civil society through the prism and worms-eye view of the Wukan incident. Two questions are posed. First, was the Wukan incident in any way special? Second, does collective action and evolving state-society relations as witnessed in Wukan herald a more democratic future for China? The many arguments about Wukan being a “China in miniature” and statements on its implications for state-society tensions and an emergent rights-seeking civil society clearly warrant a deeper investigation of the actors and social phenomena involved, such as a clan networks and employment of new media strategies. This article argues that these phenomena indicates how a “shadow civil society” takes shape beyond the perimeters of officialdom, yet temporarily accepts the confines and mechanisms of the formal political system.

Keywords: *China, civil society, popular protest, Wukan, clans, media strategy, village elections*

JEL classification: *H11, H12, P26, Z18*

1. Introduction

In 2011 the world witnessed the reverberations of the Arab Spring through North Africa to Yemen on the Arabian Peninsula, and the subsequent ousting of incumbent political leaders Ben Ali and Hosni Mubarak from their seats of power in Tunisia and Egypt. As the Jasmine democratic revolutions rippled through the region of the Middle East, projections about its potential journey

to the Far East circulated in Western mass media. Eventually this particular wave of democratic protest did not reach authoritarian China with force. Yet it is a fact that every year as many as 180,000 popular protests take place across the People's Republic of China (PRC). At the end of 2011 one of these local and mostly isolated conflicts came to worldwide attention. A protest that had started in September in the tiny fishing village of Wukan, Guangdong Province, peaked in December and a peaceful outcome was by no means certain. The street protests were prompted by a drawn-out struggle that had been brewing for years regarding a conflict over compensation for collectively used land that had been sold to commercial developers. The dispute then escalated on December 11 when the Party Secretary who had ruled Wukan for 40 years were, Ben-Ali-like, thrown out by the approximately 10,000 villagers. Locals erected barricades at the inroads, and with their families and protest banners occupied the small public square. During the standoff that followed, with the Communist Party leaders and police squadrons of the nearby city of Lufeng on one side and the Wukan villagers on the other, many foreign reporters sneaked into the village as the People's Armed Police were awaiting their orders across the barricades.

In line with the prevalent view of popular rebellions against corrupt autocracy in the Middle East, several Western press reports portrayed the Wukan incident as an "uprising", the villagers as anti-state "rebels" and the ad hoc leadership after the ousting of the sitting Village Committee as a "rebelliously self-governing body".¹ During the peak of state-society tension, some Chinese observers also considered the event a "turning point" for how government-society disputes over land could and would be handled in future.² The uniqueness of Wukan was said to derive from the careful and prudent handling of the incident by the provincial government.³ That was the basis for the argument of the Chinese sociologist Sun Liping, that Wukan signifies a new model for resolving social contradictions and contention in rural China, i.e. "realizing people's interests while maintaining social stability".⁴ After a resolution to the crisis was found, i.e. in the aftermath of the election of the former protest leader as the new legitimate Chairman of Wukan's village committee, more profound media commentaries in the West bearing a more skeptical message regarding the outcome were published. These writings warned against viewing the Wukan event as "new normal", or anything "unique".⁵ The conflicting arguments surrounding the meaning of what really happened in Wukan and various postulations about its implications for state-society tensions and an emergent rights-seeking civil society warrant a deeper investigation of the Wukan story.

Most journalistic accounts were infused by both foreign anticipation of a democratic breakthrough in China fuelled by popular protests against the government – and perceptions of decision-making processes at various

administrative levels in domestic discourse, as reflected by conservative state-controlled mass media and less restrained microblog commentary. The purpose of this article is to address and theorize social protest mobilization and emerging civil society in the Chinese countryside – replete as it is with discontent about official corruption – through the prism of the Wukan incident. Two questions are posed. First, were the Wukan incident’s origins, process, and ultimate outcome in any way novel and special? Second, do the actions on the part of the state and emergent civil society indicate that social and political reform is now underway, fast forwarding to a more inclusive and democratic politics in China? These questions are reasonable as the ultimate outcome of the Wukan event was seen by some to signify a turning point in the balance between central and local power in China, whereas others viewed it as heralding nothing new. These research questions are underpinned by the hypothesis that although the incident was not necessarily unique, it did display novel features and as such may be a harbinger of new social phenomena, i.e. the re-forming and re-centring of old institutions aided by contemporary media strategies. If that were indeed the case, such a mix would be important for understanding future challenges to vested institutions of power in rural China.

The analysis in this article is based on interpretations of the media discourse in selected Western news agencies and newspapers, and my readings of some influential Chinese scholars’ commentary on Wukan’s role as a potential “pointer” towards more accountability and democratic politics in China. It is obvious that one single social protest cannot in any way represent the multitude and complexities in all of China. What is of interest is the birds-eye discourse and interpretations on the meaning and significance of the Wukan incident and some of the arguably novel features involved in setting the media agenda and achieving a final resolution to the immediate crisis that seemed to satisfy both the provincial government and protest leaders. The enormous media attention surrounding the Wukan incident is in itself enough to warrant a case study. This article proceeds in four steps. First, I situate the current situation and dynamics within the literature on civil society, especially works with a focus on China or Taiwan. Second, I account for the rise of social protests in the Chinese countryside in recent years. Third, I outline what happened in Wukan during and after the conflict. Fourth, I interpret what the wider significance of the incident may be and point to some of the major actors and phenomena involved.

2. Popular Protests and Civil Society as Anti-State

How the concept of civil society should be understood in a non-Western, de facto post-Marxist, yet still Leninist one-party state such as China’s is part of

larger theoretical debate in the social sciences. Is the concept of civil society and social capital (Cohen and Arato, 1994; Putnam, 1992) at all useful in a non-Western context? Although it should be commonplace to argue that there is a middle ground between universalism and relativism/particularism with ethnocentric undertones and context-rich nuanced understanding of the emergence of civil societies in the global South, the issue continues to be raised by a variety of people throughout the world.⁶

After the beginning of the “third wave” of democratization and the Eastern European “velvet revolutions” in the beginning of the 1990s, the concept of civil society quickly rose to prominence, both in academic circles and among those interested in policy democratization. Civil society was instantly presumed to be an ideal support pillar for both initial and subsequent phases of democratization in the developing world (Bratton, 1994, 1996). Much criticism has been directed at this ideal-type construction of civil society, seen as inherently progressive and furthering the task of democratization. It has also been argued that the interplay between state, market and civil society is much more complex than that posited by a sharp dichotomy between state and civil society, often oversimplified and at times viewed through a Western ethnocentric lens (Alagappa, 2004; Hann and Dunn, 1996).

In the social science literature, definitions of civil society abound. The definition offered by John Keane captures its essence and conditions: “It both describes and envisages a complex and dynamic ensemble of legally protected non-governmental institutions that tend to be non-violent, self-organizing, self-reflexive, and permanently in tension with each other and with the state institutions that ‘frame’, constrict and enable their activities” (1998: 6). As such the civil society model has been judged unsuitable as a description of Chinese realities (Madsen, 1993). Instead many China scholars fall back upon models of corporatism to explain the state’s continued containment of civic associations. Others have tried to escape normative assumptions inherent in models of an idealized public sphere and civil society (Brook and Frolic, 1997; He, 1997).

Not fully embracing either corporatism or the civil society model, *dependent autonomy* has also been proposed to explain continuity and change in state-society relations (Lu, 2009). And it is still a fact today that nongovernmental organizations (NGOs) in the Chinese context rarely strive for independence from the state. Yet the conventional framework of a “state versus civil society” dichotomy has envisaged the rise of a robust and autonomous civil society in China since the late 1980s. And an oversimplified dichotomy still prevails in the overwhelming majority of reports from and research articles on China. Whereas anti-state social movements and political groupings such as Falungong and the China Democracy Party, intent on

overthrowing or subverting the political order, have emerged in recent decades, they are exceptional. Even the jailed Nobel Prize laureate Liu Xiaobo ostensibly sought *not* to overthrow the existing political system through his Charter 08 manifesto. In fact, the Chinese party-state has developed a pragmatic and instrumentalist framework for state-society relations: traditionally controlled mass organizations such as trade unions as well as quasi-NGOs funded and sometimes even founded by the state. Very few newly formed civic associations seek autonomy from the state. To the contrary, many strive to get strong state institutions as their registered sponsors for legitimacy, protection, and support.

Yet, an increasing tendency of non-sanctioned social activism among many groups in society, ranging from peasants and migrant workers to city intellectuals, must also be acknowledged. Growing income equality, social divides, and a stalled political reform process are the reasons generating and fueling discontent. One Chinese scholar, Jia Xijing, has argued that: "In China, the relationship between civil society and the state is in a dilemma. The CSOs want to free themselves from interference from the state while at the same time they try to rely on the government." (2008: 172) Important structural reasons also undergird this trend of increasing discontent and social conflict. Among the most salient is the fact that the Chinese state is no longer the country's largest employer. And the party-state does not control all politically sensitive information disseminated through the new communication networks. Against this trend in society are party-state strategies invoking historical, economical and political arguments for social stability.

A common argument for the long-established status quo in state-society relations in China is that economic growth won back the legitimacy lost in the aftermath of the Tian'anmen massacre in 1989. From then on, people were encouraged and compelled to focus on personal wealth creation and to refrain from collective political participation. As a result, the technocratic and pragmatically oriented party-state has dominated the formal political process and been able to stem any threat of challenges from a dormant civil society. On the other hand, in line with modernization theory, there is the argument that with an increase in post-material values, such as environmentalism and feminism, a new young generation of "critical citizens" will eventually solidify (Wang, 2005). For a long time the regime-enhancing effect of economic progress outweighed the expected regime-eroding effect of generational and ideational change. Regarding this inertia, the situation has been labeled "authoritarian resilience" and China's "trapped transition" (Nathan, 2003; Pei, 2006). These labels illustrate the fact that civil society in China is still in a formative and emerging stage, even if the number of registered nongovernmental organizations increased from a mere 4,446

in 1989 to 387,000 in 2007 and 414,000 in 2008.⁷ However, even this spectacular increase says little about the situation on the ground. Official statistics only include registered organizations. Non-registered grassroots organizations are not on government books. In what I see as a *shadow civil society* are quite possibly millions of organizations that have no government sponsor unit and yet cater to the needs of huge numbers of people. According to some estimates, the number of such “shadowy” and truly non-government organizations may be as many as 8.31 million.⁸ Although some manage to stay quasi-autonomous, most NGOs are heavily monitored by the party-state and meet significant institutional barriers such as a cumbersome state-registration process (He, 2007).

As a research field popular protest in China is very dynamic with most contributions investigating the causes and processes of social unrest, political grievances and popular protests in the countryside (O’Brien, 2008; Oi, 2004; Edin, 2003). Many have focused on the underlying origins of protests, i.e. an evolving rights consciousness. Whereas some have studied social protests and village elections and governance at the local level, few look at the “negotiating format” of social protests involving organized NGOs, non-registered associational groups, whose activities are increasingly fuelled by new types of mass media,⁹ which increasingly lessen the information and knowledge gaps between urban and rural China. Brewing social discontent in rural areas was one significant reason why President Hu Jintao held an “important speech” at the opening ceremony of a seminar attended by provincial and ministerial-level officials in Beijing on February 19, 2011, ahead of the annual meeting of the National People’s Congress in March 2011. It was pretty much a standard talk containing the usual pronouncements about necessary ingredients of China’s stability cocktail. But attention ought to be paid to his emphasis on the need for innovation to enhance “social management with Chinese characteristics” – especially what regards containment of the restive microblogging sphere, where information goes viral within seconds *inside* China’s Great Firewall.

3. Social Protest Dynamics in China

The outgoing President Hu Jintao and his Prime Minister Wen Jiabao have not, however, managed through their programme on “the new socialist countryside”¹⁰ to pacify the countryside during their ten-years in office – or been able to stem the increase in social and popular protest in rural China. Ironically and to the contrary, the drive to vitalize the countryside and rescind rural taxes to pacify China’s interior may have backfired as rural people now expect more benefits and more beneficial policies.¹¹ In early 2000, official statistics and reports on the increase of so-called mass incidents started to

get published in China. As many as 80,000 protests took place in 2006 alone. In 2007 they had increased to 127,000. Thereafter the central government bureaucracy stopped issuing these reports. For 2011, Tsinghua University scholar Sun Liping estimated a staggering 180,000 protests.¹² Does it amount to a “social volcano” about to erupt (Whyte, 2009)? While few observers believe China is about to become engulfed in revolutionary fervor leading to regime change, the tension and social discontent channeled into social protests is a worrying phenomenon for the Chinese party-state. This unease goes a long way to explain why China, as the government disclosed in March 2012, spends more taxpayer money on internal security than on its armed forces, the People’s Liberation Army (PLA).¹³

A case of power abuse at the local level that for many Chinese illustrated the tensions between entrenched Party interests at the county level and village leadership, and received much media attention both domestically and overseas, was the mysterious death of village leader Qian Yunhui of Zhaiqiao Village, near Yueqing city, in Zhejiang Province. Eye witness accounts detailing the unclear circumstances of Qian’s gruesome death kept fuelling suspicion and an unwillingness to accept the official story of the local government that Qian’s death under a truck outside the city was an accident. Hardly any online commentaries from China’s more than 538 million Internet users indicated belief in and acceptance of, the conclusion of a so-called citizen investigation team that was invited by the local authorities to search “independently” for the truth in this case.

A scholar on rural politics, Wu Danhong, argued in the magazine *Southern Metropolis Weekly* that the Qian Yunhui case reflected a credibility crisis for local governments that now inhibits effective governance in the countryside.¹⁴ Wu explained how discontent had been brewing in Zhaiqiao Village for a long time, accelerating from 2003 onward when the plans for an electrical power plant unfolded. Due legal process was neglected and local critical voices were suppressed and silenced. Wu pointed out that local officials have too many vested interests in the local economy – they have to build a track record of economic growth and personal careers – and are thus players as much as referees and guardians of fair play. The bottom line was that this must change, or people’s trust in officials and their governance practice will not be regained. As one post commenting on Wu’s article bluntly stated, “I believe that before long, we’ll enter a period of peasant and migrant worker uprisings.” A report on the economic and social crisis in the countryside published by Shanghai Normal University in August 2012 seemed to vindicate some of this apprehension. The report argued that migrant workers that now lose employment positions in the cities, in the wake of the global recession and falling demand for Chinese exports, have no land to return to, and moreover no skills to till the land. According to the authors of

the report this vulnerable and growing group of peasant-workers located in cities without urban household residence permits has become a serious risk for stability.

To counter such inflammatory online commentary and also worrying arguments from serious scholars, the Chinese party-state spends many resources to build arguments supported by traditional Confucianist orientation to activate traditional ideas and backing for social order and legitimacy for control policies in both popular mass media and scholarly discourse. The researcher Zhu Liqun is one such example. Pointing to the teachings on authority, order and responsibility by the 12th century neo-Confucian philosopher Zhu Xi, she argues that given the specific Chinese cultural context “most Chinese CSOs still see non-governmental behavior as a citizen’s responsibility in collaboration with government” (Zhu, 2011: 77). This is a too sweeping and generalizing argument much in line with the current tenets of the outgoing CCP leadership under Hu Jintao. It is also testimony to the fact that few Chinese scholars on civil society dare publish research that thinks outside the thought framework of the political sloganeering of Chinese think-tank scholars.

Regarding the outcome of popular protests, it seems that protests that involve more people attract more attention. Social protest scholar Cai Yongshun found that from 261 cases, those that involved more than 4,000 protesters stood a better chance of achieving a successful outcome. To him this proved the logic that “a big disturbance leads to a big solution” (2010: 126). Other important criteria concerned access to journalists, attracting the attention of higher-level tolerant-minded officials, being able to utilize a variety of personal connections to exert pressures on local officials, and linking a specific grievance to other governance problems in the locality. Arguably, all of these criteria existed in Wukan.

5. The Standoff at Wukan

I noted above that in the weeks and months following the peak of the Wukan incident, both domestic and foreign reporting and analysis focused on the stalemate and related discussions on the Chinese Internet, the final resolution, and its wider significance and implications. Although the issue underlying the spectacular outburst of discontent in Wukan was insufficient compensation for village farmland sold to real estate developers, i.e. “land grabs with Chinese characteristics”, reportage also dug deeper into the systemic problems of Chinese politics at the local, provincial, and national levels, as well as into the dynamics and mismatching of policy implementation between them. Thus, the open conflict also reflected the governance crisis of a late Leninist party-state, as outlined by some Chinese scholars such as Wu Danhong.

Central and provincial leaders like to portray themselves as benign, and in many countryside localities this image still retains much legitimacy. To outside observers this legitimacy may seem puzzling, since the Party central in Beijing is often far from the scene of contention yet holds ultimate responsibility for defects of the political system. Paradoxically, the distance to central power, as referred to in the old and much used proverb “the mountains are high and the emperor is far away”, is of benefit to central, provincial and local officials alike. For local officials, the power of the central government is too distant from everyday governance to effectively enforce policy implementation in what at times come across as rural fiefdoms. More often than not Beijing is unable or unwilling to intervene. Yet belief among local people, the *laobaixing* 老百姓, and trust in the good heart and sincerity of officials at higher administrative levels continue to be strong. When on occasion a local blame game starts, accusations are directed at the local officials. And such beliefs about evil local leaders and benign central cadres seem to have played out also in the Wukan case, especially after the Governor and Party Secretary of Guangdong Province, Wang Yang, gave the matter high-level attention in December 2011. His deputy, Zhu Mingguo, was soon engaged in a face-to-face dialogue with the Wukan villagers, effectively bypassing county level officials of Lufeng that the villagers did not trust. The ousted village leaders who were accused of corrupt selling of villagers’ land had colluded with higher administrative officials at the township level to be able to stay in power through rigged elections to the village committee for over forty years. It is important to appreciate the fact that the setting up of a media centre that catered to foreign, Hong Kong and Taiwanese journalists made possible real-time dissemination of the conflict to the outside world and intense media coverage of the event as it unfolded. On the morning of December 20, the leader of the villagers’ ad hoc negotiating team, Lin Yulan, met with Zhu Mingguo and the Shanwei party secretary Zheng Yanxiong. At the meeting Lin put forward three concrete demands. First, he insisted on the immediate release of three detained people from the village and the return of the body of Xue Jinbo, another village leader who had died while in police custody. Second, he wanted the Provincial government to accept the authority of the team/ad hoc committee of which he was in charge. And third, regarding the origin of the whole conflict: the land dispute had to be resolved as stipulated by law.¹⁵ It did not take long for Zhu Mingguo to agree to Lin’s demands and the Wukan stalemate was ended through this high-level participation of senior provincial leaders. It was also decided that a new village election would be held. A new election had to reinstate correct practices and secure voting according to the organic law on village committee elections.¹⁶ From the standpoint of the provincial government, it is obvious

that high-level cadres and leaders cannot step in to negotiate every time a “mass incident” blows up. This is too costly and may trigger the unleashing of a process of falling dominoes, whereby local and provincial governments are perceived as too weak. This may actually ultimately yield much more repressive and violent dynamics.

On March 2012, the voting in Wukan resulted in the leader of the ad hoc negotiating committee, Lin Yulan, being elected as new chairman of the village committee – with a slim majority ahead of other prominent clan leaders in the village. Some Western observers of the Wukan incident argued that: “the villagers were vindicated in full view of the international media after several months of protest”.¹⁷ Legal scholar Keith Hand, for example, viewed Wukan as a popular incident in a longer series of such popular protests of state-society contention that further the cause of constitutionalism, i.e. that one day legal power will match political power regarding interpretation of the articles in the Chinese constitution. It may well be that with more popular protests against a plethora of unfair outcomes regarding disputes with local state organs debate on constitutionalism will increase. One observer argued that: “Given the evolution of events, what took place in Wukan could be called a revolution.”¹⁸ Another scholar argued to the contrary that it was not even about politics: “Although non-political, these protests can easily mobilize thousands of people and destabilize the localities.”¹⁹ That the clan leaders of Wukan referred to lawful settling of the land dispute is hardly a revolution, but surely it is about contentious politics. And assuming, as some have done, that Wukan will become a model for rebels and conflict mediators all over the country is also stretching its significance – perhaps even in the wrong direction. A missing part in almost all reports and analytical commentaries that I have come across is the clan element of the Wukan incident.²⁰ Those skeptical observers who pointed out that there was “no new normal” with the Wukan incident did not incorporate clan power in their analysis. I would argue that this is problematic as it seriously distorts interpretations of Wukan’s implications for state-society relations in the future. In recent years clan leadership and influence in both society at large and over Communist Party branches and village committees at the lowest administrative level have increased markedly (Su *et al.*, 2011: 438). Thus, it is an understatement that there has been a forceful return of the clans in rural China. When the economic reforms started in 1978, the clan system was weak and fragmented, whereas today it has been rebuilt to a considerable extent (Guo, 2002). When the market forces were “liberated” in China during the 1980s, the same was also true for the clan system that was regarded by Maoism as hopelessly backward and feudal. Now clans are revived as family rites are remembered and ancestral temples repaired and built anew.

6. Non-Registered Associational Groups and “Shadow Civil Society”

Given the Chinese transition from a historically rather passive society to a more active social system where individuals are actually engaged in “doing citizenship” (Dahlgren, 2009) outside the perimeters of sanctioned NGO territory, the term *shadow civil society* goes some way to capture the phenomenon that huge swaths of emergent civil society in China that are non-registered are becoming agents of change. In the Wukan case both the media savvy youth at the ad hoc media centre and the clan groupings belong to this shadowy associational realm. Their de facto status as non-registered associations and non-voluntary characteristics (you are born into a clan, it is a lineage group marked by a specific surname) make them by definition fall outside the definition of civil society employed by Keane in the beginning of this article. Nonetheless, clans may have both legal/registered and illegal/non-registered offsprings as they may support charities that register with the government, or organized crime groups that are more generally referred to as “*hei shehui* 黑社会”, or black society. Moreover, they use “shady” and illegal means to disseminate their non-state sanctioned views of media events/incidents/conflicts mobilizing opinion and people for their cause. I contend that it speaks to a reality where informal organizations and non-registered associational groups constitute an important part of emergent civil society, which is about to spring to life such as happened in Taiwan in the 1980s (Weller, 1999).

In contemporary China burning issues regarding corruption and lack of rule of law, the holding of democratic village elections, and popular mobilization through the appropriation of new media skills intermesh with the phenomenon of non-registered organizations. These organizations consist of non-registered NGOs, informal NGOs, as well as those NGOs that are registered as business operations due to the fact that no supervisory organ wished to engage them. However, Chinese shadow civil society and related social organizations and socioeconomic aggregated interests continue to choose to dock into political society since they do not foreshadow any oppositional alternatives. Therefore, in the void of cumbersome registration procedures for social organizations (*shetuan* 社团), political institutions uninterested and dis-incentivized from higher administrative levels, and a general responsible governance deficit in the Chinese countryside a shadow civil society, continue to grow. Hypothetically then – just like in Taiwan in the 1980s – organizations in this shadowy realm may, consciously or not, be preparing for an alternative social reality with a different set of rules and norms for civil society organizations. Thus, many people conceive of an alternative sociopolitical reality, sometimes with local officials accepting and condoning activities that, from an orthodox party-state perspective can

only be described as illegal. As argued by Fulda *et al.*: “Unregistered CSOs can expand their scope of activities quite considerably when they receive support from leaders in the party-state bureaucracy” (2012: 677). Thus, such organizations have one foot in the open and formal arena of political society of political structures and officialdom, whereas the other foot is firmly placed in the shadows.

7. The “Loyal Society” of Wukan

According to the observer Ou Ming, Wukan was a turning point since it showed how “the Guangdong government moved beyond its habitual fixation with “maintaining stability” to recognize that the appeals of the Wukan villagers arose out of concern for their livelihoods, rather than out of some animus against the Party or China’s political system.” I would argue that it is probably just because the villagers did not display any outright “animus against the Party” and displayed loyalty to existing political structures that they secured the peaceful resolution of this particular conflict. And thus, it can hardly be regarded as a turning point as there was no outright anti-party, anti-government or anti-state statements expressed. It was more about an economic conflict and discontent about mismanagement by certain leaders of the existing village committee that made villagers demand their removal and the holding of a new open and democratic election to the village committee. As the newly elected leader of Wukan’s new legitimate village committee, former protest leader Lin Yulan himself argued in March 2012:

As a party secretary, I understand our country’s policies for rural areas and at the same time support the work of village committee. Self-government can be realized when the village committee play its own role and the party branch provides policy support.²¹

Thus Wukan offers a glimpse of how rural society in China is becoming increasingly active in a realm of shadows outside the purview of the state. Yet simultaneously it can also be considered as embodying a “loyal society” that for the time being is paying lip-service to the existing political structures. The notion of loyal society corresponds to the Western, originally British, idea of a *loyal opposition*, whereby opponents of particular policy and governance do not seek the overthrow of the political system yet are able to criticize and oppose government policies.

8. Conclusion

The answer to the first of two research questions posed at the beginning of this article about the uniqueness of Wukan is that it belonged to a unique

set of cases insofar as the villagers themselves were capable of setting up a media centre and getting their message across to the outside world, thus ensuring high-level participation of senior Provincial leaders in direct negotiations. The second question, regarding Wukan's symbolic and concrete significance for propelling more democratic politics in China, is not easy to answer as interpretations go in different directions. On the one hand, the clever usage of media strategies and an increasing rights consciousness can be regarded as a stepping stone on the road to more inclusive and democratic politics. On the other hand strong segments in rural areas, i.e. the clans of Wukan society, what I termed *shadow civil society*, can be perceived as a loyal opposition. They wished to see proper institutionalization of democratic village elections as outlined in the *Organic Law of the Villagers Committees of the People's Republic of China*. And their wish corresponded well also with how the relatively liberal Governor of Guangdong, Wang Yang, publically pronounced on Wukan's significance. At the annual session of the National People's Congress in March 2012, he pointed out that there was nothing special about the village elections held in post-conflict Wukan: "[T]he elections were held according to the organization rules of the village and the election regulations of Guangdong province. There was nothing new about this."²² Arguably the "real new" of Wukan was the holding of fair elections according to the organic law. But such exemplary model elections did not seem likely to spread to nearby villages outside even tiny Wukan.²³ Thus, it seems evident that too many democratic projections were made in both domestic Chinese and overseas commentary as Wukan society in fact displayed more pro-state and pro status quo features than behaviour intent on democratic revolution. What they protested against was gross corruption and abuse of power.

In sum the outcome of the negotiations at Wukan suggests that the protestors sought policy change – as is the case generally with most rural social protests – not regime change, as they were not openly opposed to Communist Party rule. They ousted incumbent corrupt cadres and wanted more representative and honest people to take their place. Moreover, the stepping in of the Party Secretary, Wang Yang, to resolve the crisis peacefully by sending his deputy to Wukan may have had to do with intense media attention at home and overseas – rather than his positioning of himself as a smart alternative politician in the run-up to the 18th Party Congress in October 2012. The conflict in Wukan was not really an "uprising" against an omnipresent all-powerful Chinese state as many observers informed by models of anti-state civil society assumed. It is curious that non-registered ancient institutions such as rural clans infused with patriarchal ideology that accordingly should rather be regarded as uncivil society (Whitehead, 2004), existing outside officially recognized civil society, are supporting rather than

subverting the late Leninist party-state. One of the major lessons of the Wukan incident is the incremental return of clan leadership as a powerful institution in a “shadow civil society”, its use of media strategies, and its increasing influence over existing political and social structure in rural communities in the PRC. That is a phenomenon that merits close attention and further theorization as Chinese society and its power configurations continues to evolve in the decade ahead.

Notes

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1. Reuters, “Some Chinese Aggrieved Find Inspiration in Rebel Village”, January 22, 2012. <<http://ca.reuters.com/article/topNews/idCATRE80M07N20120123?sp=true>>
 2. Ou Ming, “What Wukan Means”. <<http://www.alternativearchive.com/ouning/article.asp?id=864>>
 3. It was viewed as a card played in the higher-level political game between politburo members Guangdong’s Party Secretary Wang Yang and Bo Xilai, who before his fall from grace was the Party chief of megacity and Municipality of Chongqing.
 4. 中青报: 乌坎选举填平民众心中的沟壑. <<http://news.sina.com.cn/pl/2012-02-06/033223886066.shtml>>
 5. See for example: Russell Leigh Moses, “Will Wukan Be the New Normal?”, *Wall Street Journal*, 28 December 2011 <<http://blogs.wsj.com/chinarealtime/2011/12/28/will-wukan-be-the-new-normal/>>.
 6. Although from very different protective viewpoints, either “they can never be like us” or “we can never become like you”, unlikely comrades in arms such as right-wing essentialists in Western Europe and the cadres of the Chinese Leninist Party-state join hands in this ethnocentric project. Equally ethnocentric

- is the extreme universalistic idea that culturalist particularisms are primordial misunderstandings.
7. The Ministry of Civil Affairs, "The Statistical Report on the Development of Civil Affairs in 2008".
 8. See Wang Shaoguang and He Jianyu, "Associational Revolution in China: Mapping the Landscapes", in *Korea Observer*, Vol. 35, No. 3, 2004, pp. 485-533.
 9. Jack Qiu is a notable exception. He has studied workers use of cell phones and Internet behaviour. See his *Working-Class Network Society: Communication Technology and the Information Have-Less in Urban China*, Cambridge: MIT Press, 2009.
 10. "Fact and Figures: China's Drive To Build a New Socialist Countryside", March 5, 2006. <http://english.gov.cn/2006-03/05/content_218920.htm>
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 12. "China Cracks Down in Wake of Riots, Bombings", *Bloomberg*, June 13, 2011. An interesting comparison would be democratic India, a rising economy that also has to deal with huge income disparities and rural-urban divides.
 13. "China Domestic Security Spending Rises to \$111 Billion," Reuters, March 5, 2012. <<http://www.reuters.com/article/2012/03/05/us-china-parliament-security-idUSTRE82403J20120305>>
 14. Wu Danhong, "The Qian Yunhui Case Interrogates Public Trust in the Government". <http://www.nbweekly.com/Print/Article/11795_0.shtml>
 15. Qu Yunxu, "An Insider's Account of the Wukan Protest", *Caixin*, March 19, 2012. <<http://english.caixin.com/2012-03-19/100369893.html>>
 16. *Organic Law of the Villagers Committees of the People's Republic of China*. <<http://www.china.org.cn/english/government/207279.htm>>
 17. Francois Godement, "China at the Crossroads", ECFR.
 18. See Ou Ning, "What Wukan Means". <<http://www.alternativearchive.com/ouning/article.asp?id=864>>
 19. Hongyi Lai, "Escalating Unrests, No Revolution: Protests in China in 2011", China Policy Institute, Nottingham.
 20. One exception is the report by NPR correspondent Louisa Lim, "Voting Is Victory, At Least for Rebel Chinese Village", March 4. <<http://www.npr.org/2012/03/04/147888068/vote-in-small-chinese-village-holds-big-meaning>>
 21. Qu Yunxu, "An Insider's Account of the Wukan Protest", *Caixin*, March 19, 2012. <<http://english.caixin.com/2012-03-19/100369893.html>>
 22. See Zachary Wei, "Rebel Village Vote: No Big Deal?", March 5, 2012. <<http://blogs.wsj.com/chinarealtime/2012/03/05/wukan-rebel-village-vote-no-big-deal/?mod=WSJBlog&mod=chinablog>>
 23. In nearby Longtou, also in Governor Wang Yang's Province, Guangdong Province, villagers were not optimistic about the future: "Now we don't think Wukan will influence us that much [...] The government has dealt with Wukan, but our situation is still messy, and they're not dealing with us." Louisa Lim, "Voting Is Victory, At Least for Rebel Chinese Village", March 4. <<http://www.npr.org/2012/03/04/147888068/vote-in-small-chinese-village-holds-big-meaning>>

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China's Changing State-Society Relations in the Internet Age: Case Study of Zhao Zuohai

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Abstract

Recently we have witnessed information and communications technologies (ICTs) playing an important role in facilitating the so-called Arab Spring or Jasmine Revolution in authoritarian regimes. The revolutionary wave of demonstrations and protests that has occurred in the Middle East and North Africa since late December 2010 has given rise to the most current research on ICT-mediated democratic development. Although there is no actual Jasmine Revolution-like political transformation taking place in China, the Chinese Party-State regime is, however, encountering an ever-increasing challenge and counterforce from ICT-empowered grassroots movements. These movements are frequently rising to defend their legitimate rights, pressuring the authorities to be more responsible, transparent, and accountable. Taking the Zhao Zuohai incident as a case study, this article argues that China's state-society relations are in transition due mainly to rising Internet-enabled social forces; including social and political dissents and movements. The Chinese Party-State is being compelled to adapt itself to the new dynamic informational environment and to establish a new mode of public governance to both accommodate new social forces and strengthen its governing legitimacy in the Internet age.

Keywords: *state-society relations, public governance, ICT, Zhao Zuohai case, China*

JEL classification: *D83, K42, P37, Z13*

... as President of the United States, there are times where I wish information didn't flow so freely because then I wouldn't have to listen to people criticizing me all the time. I think people naturally are – when they're in positions of power sometimes thinks, oh, how could that person say that about me, or that's irresponsible, or – but the truth is that because in the United States information is free, and I have a lot of critics in the United States who can say all kinds of things about me, I actually think that that

makes our democracy stronger and it makes me a better leader because it forces me to hear opinions that I don't want to hear. It forces me to examine what I'm doing on a day-to-day basis to see, am I really doing the very best that I could be doing for the people of the United States.

(US President Barack Obama, 16th November 2009)¹

1. Introduction

Since the publication of the provocative and influential 1975 work, *The Crisis of Democracy*, there has been a growing concern about the health and fragility of modern democracy in the “Trilateral areas” – North America, Europe, and Japan. When this work was written, existing democracies were struggling with a crisis of governability. Specifically, states' ability to effectively respond to surging civic and public demands was impacted by uneven economic development, slower economic growth, and the decline of state authority.² This sombre account of the prospects for existing democracies was shared by a number of other works from the same era, with Americans still expressing political cynicism post-Cold War during the 1990s.³ In his book *Bowling Alone*, Robert Putnam called attention to the general anxiety regarding participatory democracy and the erosion of the sense of community.⁴ Both the waning of social capital, characterized as consisting of social mistrust, and the lack of associational membership and political apathy, has led academics to argue that the social capital upon which modern civil society and liberal democracy hinge may be reinvigorated and restored through the broadened application of Information and Communications Technologies (ICTs), in particular the Internet and social media such as Facebook or Twitter.

Entering the information age, ICTs have been instrumental in the information revolution, facilitating the transition from industrial society, driven mostly by forces of market globalization and technological innovation, to information society. Theorists of information society like Manuel Castells and Frank Webster have said that we human beings are living in an extricable networked society that is fundamentally different from those of the past.⁵ Castells in particular argues that a number of processes are increasingly converging in the information society, including the restructuring of market capitalism and the enhanced application, innovation, and sophistication of ICTs. These processes have jointly facilitated and reacted to the forces of globalization, (re-)shaping a distinct form of modern society, information society, so to speak, and altering the ways in which citizens communicate horizontally among themselves and vertically with the public sector.⁶

In this aspect, in conjunction with globalization and the information revolution, ICTs have the potential to restructure political processes and rejuvenate the conventional political practices at many levels, leading to an

extended reach of public governance and administration, and resulting in a more decentralized power structure and relationship between the governed and the governor.⁷ An extraordinary wave of popular protest swept the Arab world in 2011. Massive popular mobilization brought down long-ruling leaders in Tunisia and Egypt, helped spark bloody struggles in Bahrain, Libya, Syria, and Yemen, and fundamentally reshaped the nature of politics in the region. The revolutionary wave of demonstrations and protests occurring in the Middle East and North Africa since the late December 2010 has given rise to the most recent research on the ICT-mediated democratic development.

It is interesting to note that while ICTs are utilized by governments to help reinvigorate existing democratic systems by enhancing administrative efficacy and civic engagement, they are also used by political activists, dissidents, democrats, and western policy-makers to bring in democracy in authoritarian states. For example, US President Barack Obama once defended the right of people to freely access information at a town hall meeting with future Chinese leaders. In his remarks, “the more freely information flows, the stronger societies become”⁸, Obama argued that “access to information helps citizens hold their own governments accountable, generates new ideas, [and] encourages creativity and entrepreneurship.”⁹ The Secretary of State Hillary Clinton also delivered a speech on securing Internet freedom at The Hague in December 2011 while celebrating Human Rights Day. She noted,

... today, as people increasingly turn to the Internet to conduct important aspects of their lives, we have to make sure that human rights are as respected online as offline. After all, the right to express one’s views, practice one’s faith, peacefully assemble with others to pursue political or social change – these are all rights to which all human beings are entitled, whether they choose to exercise them in a city square or an Internet chat room. And just as we have worked together since the last century to secure these rights in the material world, we must work together in this century to secure them in cyberspace.¹⁰

On the issue of fostering Internet democracy, there is indeed a growingly robust body of literature on the nexus of political systems and ICTs that establishes how new (information) technologies are socially and politically impacting upon industrial democracies. English-language socio-political scholarship has explored and studied the application and influence of the new media in various countries, though the focus has largely remained on the United States, Europe, and the Commonwealth. The study of the ICT’s impact on social and political processes and institutions has been primarily centred on the roles that the Internet and social media have already played in facilitating democratic participation, engaging in what is called “virtual” civic discussion about public affairs in cyber forums, and enhancing information technology’s democratizing potentials.¹¹ While this research has reached a new

level of sophistication and elegance, the seemingly one-dimensional focus on ICT's impact in western contexts only gives us a limited appreciation of the real socio-political impact of ICTs. To gain a real understanding of this issue we need to look at the issue outside of the contexts of western countries and industrialized democracies.

Few would dispute that new media played a role in the recent "Occupy Wall Street" movement, the Arab Spring uprisings, the student protest movement in Chile, Yo Soy 132 in Mexico, and the social justice movement in Israel.¹² Given that there is controversy over the extent to which the Internet and social media matter in bringing about democratic change or democratic consolidation, the impact of the ICTs upon social and political interactions between citizens and government is effectively throwing up a new series of research challenges in not only existing democracies but also in authoritarian regimes. It is of paramount importance in the Chinese context as the country has dramatically emerged as the world's biggest Internet market since 2008 having 540m Net users, with this number expected to grow even further in the years ahead.¹³ The study of ICT's impact upon China's authoritarian regime is therefore of great significance as it may facilitate future comparative studies on like-minded authoritarian regimes and developing countries alike.

The same Internet technologies that help organize social and political movements for freedom are now also being hijacked and controlled by the Chinese government and some other undemocratic states to crush dissent and deny human rights. Corresponding to Winston Churchill's famous "iron curtain" (铁幕) notion, a new, nuanced, and sophisticated information curtain has been descending across much of the world in the wake of restrictive Internet practices, with this being particularly true following the September 11 attacks in the United States in 2001.¹⁴ Churchill's physical iron curtain is subtly being transformed and replaced by "cyber firewalls" by oppressive governments seeking to squash the liberties and legitimate rights of the citizenry. With what is popularly known as the "Great Firewall," (GFW, 网络防火墙) Internet censorship in China ranks amongst the most stringent and advanced in the world. For this reason, studying how and to what extent Chinese citizens are able to communicate horizontally amongst themselves and engage in public affairs on- and off-line enables us to further appreciate the prevailing power dynamics between the Party-State and the society in China's emerging "networked authoritarianism."¹⁵ This article has in this respect extended the enduring debate over contemporary China's state-society relations from the new media angle, with the empirical case study of Zhao Zuohai 赵作海 as supporting evidence. Through the careful examination of this case, this paper will explore and reflect upon the theme of the digital technologies-facilitated legal/political transition in China and its implications for the newly emerging state-society relations in the Internet age.

2. Case Study of Zhao Zuohai: Background

The highly publicized “wrongful conviction” (冤案/错案) of Zhao Zuohai’s case became a national sensation in Chinese society in 2010. The gist of the case is that Zhao had been imprisoned for murdering his neighbour over a decade ago, but was recently released after the supposed victim returned alive to his village of Zhaolou 赵楼, Shangqiu 商丘 city, Henan 河南 province, to seek welfare support. On the 30th of October 1997, Zhao Zuohai had a fight with his neighbour, Zhao Zhenshang 赵振响, who then disappeared. Zhao was charged when a headless, decomposed corpse was found in a well eighteen months later on 8th May 1999.¹⁶ During Zhao Zuohai’s imprisonment, he was repeatedly tortured by the local police in Henan; he was said to be beaten with sticks, forced to drink chilli-tainted water, and had fireworks set-off above his head in order to make him confess.¹⁷

It is common practice in the Chinese court system to extract forced confessions from the accused, with Zhao Zuohai’s case being no exception to this rule. Zhao Zuohai made confessions on nine different occasions during stringent interrogation between the 10th of May and the 18th of June 1999. On the 22nd of October 2002, he was charged with premeditated murder, and later on the 5th of December 2002, he was sentenced to death with a two-year reprieve and permanent deprivation of political rights for his intentional homicide by the Shangqiu Municipal Intermediate People’s Court. Because of his good behaviour in prison, he had his death penalty commuted firstly to a life sentence and further to a 29-year jail term for the second time in 2003 following a nationwide effort to clean up detention centres.¹⁸

After eleven years, the miscarriage of justice came to light in 2010 when the supposed victim Zhao Zhenshang turned out to be alive and returned to the village on 30th April 2010.¹⁹ A re-investigation into Zhao’s case was immediately launched by order of the Henan Provincial Higher Court in May 2010, merely one month after the supposed victim surfaced. After a series of investigations, the Court eventually decided to release Zhao with a verdict of not guilty. Even though he claimed more than one million yuan 元 (*renminbi* 人民币, RMB) as compensation, he would in the end receive state compensation and hardship grant of only 650,000 yuan for his unjust case.

Meanwhile, two policemen accused of beating him were also arrested. More importantly, the Chinese government enacted two new sets of evidence rules in late May 2010 in a swift response to this miscarriage of justice: Firstly, death penalty defendants have been given the right to ask for an investigation into whether their testimony was obtained illegally. Testimonies given under duress, such as violence and intimidation, are now to be excluded for people appealing against the death penalty. Secondly, any evidence of unclear origin and testimony that is obtained under or through torture cannot

be used in China's courts. The recent criminal justice reforms following Zhao's case mark a big progress for China, and can be seen as a major step forward for its legal procedures; moving away from abstract and vague law principles in the previous years. Table 1 below exhibits the timeline of Zhao Zuohai's case in chronological order.

Table 1 Timeline of Zhao Zuohai's Case

Date(s)	Developments of the Case
15th February 1998	Zhao Zuoliang 赵作亮, nephew of Zhao Zhenshang 赵振响, reported to the police that his uncle has been missing for more than four months since October 1997. He suspected his uncle has been murdered by his neighbour Zhao Zuohai 赵作海. After a series of investigations and interrogations, local police of Zhecheng 柘城 county treated Zhao Zuohai as a key suspect and held him for more than twenty days.
8th-9th May 1998	Villagers found a headless, limbless, decomposed corpse while a well was being dug in Zhaolou 赵楼 village. They suspected it was the missing Zhao Zhenshang and then reported to the Zhecheng county public security organs. The police once again listed Zhao Zuohai as a primary suspect, and imprisoned him on 9th May 1998.
10th May 1999 – 18th June 1999	Zhao Zuohai confessed to the murder crime nine times under interrogation. Police believed his made up stories despite their contradictory nature.
22nd October 2002	The Shangqiu 商丘 Municipal People's Procuratorate charged the defendant Zhao Zuohai guilty of manslaughter.
5th December 2002	The Shangqiu Municipal Intermediate People Court convicted the defendant Zhao Zuohai to the crime of intentional homicide, and sentenced him to a death penalty with a two-year suspension and deprivation of political rights for life.
13th February 2003	The Henan Provincial Higher People Court reviewed the case and affirmed the verdict made by the lower People Court of Shangqiu City. During the period of Zhao's detention, he was firstly commuted to life imprisonment, and later commuted to twenty years of imprisonment following two incidents of mitigation.
30th April 2010	The supposed murder victim of Zhao Zhenshang returned alive to his home village of Zhaolou.
1st May 2010	Shangqiu Municipal Intermediate People Court was told that Zhao Zhenshang had resurfaced. They immediately sent people to speak with him, his sister, niece and the village cadres and confirmed that the man was actually Zhao Zhenshang.

Table 1 (continued)

Date(s)	Developments of the Case
4th May 2010	The Henan Provincial People's Procuratorate suggested a retrial procedure of Zhao Zuohai's case and released him as soon as possible.
5th May 2010	The Henan Provincial High Court decided to start Zhao Zuohai's retrial procedure.
8th-9th May 2010	The Henan Provincial High Court held a press conference and made the following decisions: (1) rescind the verdict against Zhao Zuohai and pronounce him to be innocent; (2) immediately forward the relevant documents to the prison authorities for the release of Zhao Zuohai; (3) arrange for state compensation and provide for the future of Zhao Zuohai. The High Court disciplinary committee would also investigate those responsible for the wrong verdict.
12th May 2010	Henan Provincial High Court declared Zhao Zuohai would receive state compensation and hardship grants of 650,000 yuan (RMB). Three former police officers involved in torturing Zuohai were also arrested.
14th May 2010	Three judges – Chief Justice Zhang Yunsui 张运随, and judges Hu Xuanmin 胡选民 and Wei Xinsheng 魏新生 – who were also involved in Zhao's wrongful conviction, were reportedly suspended from their duties at the Intermediate People's Court in Shangqiu City.
14th-24th May 2010	Police identified three suspects – Yang Mingfu 杨明福, Li Haijin 李海金 and Zhang Xiangliang 张祥良 – and arrested them on separate operations.
26th May 2010	The expert group of investigators of the trial escorted three suspects to return to the crime scene where the dead bodies were buried in order to identify the same three people.
27th May 2010	Local police recovered the victim Gao Zhongzhi 高宗志's skull on 27th May at the crime scene identified by the three suspects and conducted DNA tests on his remains. Local police successfully resolved the Zhao's case.
30th May 2010	The Supreme People's Court, Supreme People's Procuratorate, Ministry of Public Security, Ministry of State Security, and Ministry of Justice promulgated "Notice Regarding the Issue of 'Rules on Certain Issues Relating to Examining and Judging Evidence in Death Penalty Cases'" and "Rules on Certain Issues Relating to the Exclusion of Illegal Evidence in Criminal Cases".
2nd June 2010	The Henan Provincial High Court designated 9th May as "Wrongful Conviction Reflection Day" (错案警示日), after Zhao Zuohai was mistakenly identified as a murderer and spent eleven years in prison.

Source: Compiled by the author from online media coverage.

3. Discussion

It is of vital importance to note that the reason why Zhao Zuohai's case reached this resolution was in large part due to the power of public opinion, mostly empowered and facilitated through Chinese cyberspace and mediaspace. The Chinese government, after some social and political deliberations, decided to pander to popular opinion to restore its legal authority and strengthen its public images and trust amongst the populace. If one examines Zhao Zuohai's case carefully, they would be bewildered by extent of the Chinese government's response. In a rapid manner, Zhao was acquitted of all charges involving intentional homicide and released from jail within a week after Zhao Zhensheng's reappearance on 30th April 2010. Three days after his release, he was also awarded 650,000 yuan (RMB) in state compensation and hardship grants and given a formal state apology from the Party and government officials. Nine days after his release, criminal investigators had identified chief judge Hu Ye 胡烨 as the responsible judge for the review of Zhao's case eleven years ago. Hu was also suspended from duty at the Higher People's Court of Henan. Three other judges – Zhang Yunsui 张运随, Hu Xuanmin 胡选民 and Wei Xinsheng 魏新生 – who were also involved in Zhao's wrongful conviction, had been suspended from their duties at the Intermediate People's Court in Shangqiu City.²⁰ In less than two months, the so-called "Two Evidence Rules" were also promulgated and went into effect. The pace and the extent to which Chinese government adopted corresponding policies is argued in this article to have been done as a response to heated on- and offline public opinion.

In essence, the "Two Evidence Rules"²¹ – the Death Penalty Evidence Rules and the Evidence Exclusion Rules – deal primarily with a wide range of evidentiary issues in criminal cases and set forth detailed and concrete procedures to tackle evidence obtained through legal/illegal means.²² The release of the Two Evidence Rules is boasted by the statement – "the first time Chinese law has explicitly spelled out rules for the admissibility of prosecutorial evidence."²³ If one is to examine the legal documents and its actual practices in China, s/he may be surprised to come to the fact that using torture to coerce a confession (刑讯逼供) has been banned since 1958. And this has been a criminal offence in some circumstances since 1979.²⁴ Yet, torture to extract testimony from alleged witnesses or accomplices remains commonplace partly because Chinese legal culture predominately holds that murder cases must be solved in order to ensure the safety of the masses. Therefore, the mantra that "solving cases wins prizes, cracking cases earns merit, no matter what methods are used" seems to be widely adopted in Chinese legal practices.²⁵

In this aspect, one may question the reason the Chinese authorities decided to make these corrections that seemingly restrain its predominant

power in order for them to further adapt to the new socio-legal dynamics. This article holds that the reason why the Chinese government is motivated to expedite making its “Evidence Rules” lies in the telling evidence that they need to reign in the mounting public discontent with rampant corruption, endemic distrust between the governed and the governors, numerous instances of social injustice and police brutality/abuses so as to effectively strengthen their governing legitimacy in the information age. The changes made in response to “Zhao’s case”²⁶ along with several others²⁷ have profound implications for the changing state-society relations in China. In part owing to this, the authoritarian regime is increasingly being driven to accommodate more social forces, as the grassroots and middle class are now being empowered by the Internet, and in particular *weibo* 微博 (microblogging), to assert their rights and set the government’s (policy) agenda.

In Zhao’s case, a great deal of public interest and sympathy was generated in the mainstream media and cyberspace. Tables 2 and 3 highlight the discussions in the news and online during Zhao Zuohai’s case. This well-known legal case generated an unprecedented groundswell of public outcry amongst Chinese Netizens and ordinary people over police misconduct and the miscarriage of justice.²⁸ In a report by the IRI Consulting Group from the Communications University of China, it is shown the Zhao Zuohai’s case boasts the longest surviving online issue, lasting for more than seventy-nine days in the year 2010 alone.²⁹ Apart from showing sympathy for Zhao Zuohai’s suffering, many users on web forums and *weibo* discussed issues of corrupt officialdom and the use of torture by Chinese police. They accentuated the far-reaching public resentment and discontent with what was usually perceived as endemic official corruption and deep disappointment if not rage at excess and abuse of power or other unlawful acts committed by the powerful organs of public security, people’s procuratorate and people’s court (公检法) that were still so much part of the Chinese society.³⁰ These netizens created mounting pressure on local and provincial authorities to solve crimes, tackle higher conviction rates and weak legal rules governing the administration of evidence in criminal trials, and address overly rapid trials in which courts often take police allegations as facts.

Despite Chinese authorities attempting to play down the extent of people’s disillusion with the legal system the negative perceptions of the Party-State, Zhao’s case sparked widespread media coverage and heated online discussions, together with public gossip offline. Netizens and the media also exposed many other wrongfully convicted defendants. To address potentially destabilizing social conflicts that could undermine the CCP’s authority, the government decided to alter its policy/legal governance principals. In doing so they answered the calls from cyberspace, the mass media, and public intellectuals, in order to restore both their own legitimacy and the people’s

Table 2 Highlights of News Communications in Zhao Zuohai's Case

Date(s)	News Communications
4th May 2010	Henan's <i>Dahe Bao</i> 大河报 (Dahe newspaper) covered the sensational story under the heading "The victim reappeared after the Henan Shangqiu's murderer was in jail for ten years" (河南商丘一「杀人犯」入狱10年后被害人复活). The same report had also been put online at its site called "Dahe Wang 大河网" (Dahe Net).
6th-7th May 2010	Other online media re-published and relayed the news from Dahe Net. It generated wide public attention to this case.
9th May 2010	The Henan Provincial High Court held a press conference and its details were circulated and covered with the heading of "Zhao Zuohai was found not guilty and released" (赵作海被无罪释放) by many agencies such as <i>Beijing Youth Daily</i> (北京青年报) and <i>The Beijing News</i> (新京报).
10th May 2010	CCTV Oriental Horizon (东方时空) produced a special feature programme on Zhao Zuohai's case. Many online media outlets relayed this programme in the following days, with this report triggering enthusiastic reactions among Chinese citizens. Tencent Net (腾讯网) alone received more than 42,060 contributions on its article titled "Legal authorities admit that there existed extraction of confession by torture in Zhao Zuohai's case" (办案机关承认「赵作海冤案」存在刑讯逼供).
12th May 2010	<i>The Beijing News</i> published an interview with Zhao Zuohai. This interview report was republished by other online media. Chinese Internet portal NetEase (网易) covered a story under the heading of "Zhao Zuohai: police set off fireworks above my head and intimidated me" (赵作海: 刑警在我头上放鞭炮, 威胁秘密处决). This story received more than 10,431 online comments.
13th May 2010	Dahe Net published a newspaper article with the heading "Zhao Zuohai who had been jailed for eleven years would receive state compensation and hardship grants of 650,000 yuan" (河南坐11年冤狱农民赵作海获国家赔偿65万元). This article was republished in many online media outlets, including the Tencent Net.

Source: Author's compilation of online media coverage.

Table 3 Top Five Most Commented News Articles in Zhao Zuohai's Case

Date	Article Title	Website	Original Source	Comment Numbers
7th May 2010	Victim surfaces in Henan village after alleged killer imprisoned for ten years (河南一名村民因杀人罪入狱十年后被害人现身)	<i>Sina.com</i>	<i>Renmin Wang</i> 人民网	37,613
9th May 2010	Henan Broadcasting covers the retrial of Zhao Zuohai's case: the court may release Zhao with a verdict of not guilty; compensation payment and investigation of accountable officials under way. (河南通报赵作海案再审情况: 无罪释放拟赔偿究责)	<i>Sina.com</i>	<i>Dahe Wang</i> 大河网	13,923
10th May 2010	Officials promoted despite wrongly imprisoning villager for 10 years over alleged homicide (村民被错判杀人罪入狱11年案责任人均已升迁)	<i>Sina.com</i>	<i>Jinghua Shibao</i> 京华时报	30,745
11th May 2010	Legal authorities admit that there existed extraction of confession by torture in Zhao Zuohai's case (办案机关承认「赵作海冤案」存在刑讯逼供)	<i>QQ.com</i>	CCTV (中国中央电 视台)	42,060
13th May 2010	Zhao Zuohai who had been in jail for eleven years will receive state compensation and hardship grants of 650,000 yuan (河南坐11年冤狱农民赵作海获国家赔偿65万元)	<i>QQ.com</i>	<i>Dahe Wang</i> 大河网	14,444

Source: Ding Junjie 丁俊杰 and Zhang Shuting 张树庭 (eds), *Internet Opinion and Public Emergency: Classic Cases of Crisis Management* (网络舆情及突发公共事件危机管理经典案例), Beijing: Central Party School Press, 2010, p. 272.³¹

trust and confidence in the Party-State. On the one hand, the official media began to soften their stance on the case by admitting that: “Judicial practice in recent years shows that improper methods have been used to gather, examine and exclude evidence in various cases, especially those involving the death penalty.”³² On the other hand, the Party-controlled media outlets reset their editorial agenda to compliment the prompt and resolute intervention of officials in resolving Zhao’s case. They highlighted, for example, that the Henan Provincial High Court had held up to thirteen press conferences to explain this case and compensate Zhao Zuohai, proving that the government was responsive, transparent, and accountable. The release of the “Two Evidence Rule” was also done in part as a response to Zhao’s case and resulted in Netizens’ issues being mediated online.³³ Consequently, it was anticipated by media officials, in particular leaders from the propaganda authorities, that these actions would in the end both help save the reputation of the Chinese court system amongst the masses, and also possibly boost confidence and trust of China’s top leaders over their legal governance in the information age.

4. Concluding Remarks

The above detailed case study demonstrates that the use of the Internet and *weibo* has developed in a diverse and vibrant manner in the information age. The practices and governing logic of the Chinese government had previously been less than accommodating to the needs of public opinion and civic engagement in public affairs. This resulted in a general denial of the public’s right to know, right to participate, right to freedom of speech, and the right to hold the government to account. The upsurge of mass opinion mediated online in China has had unintended political consequences for the Communist leaders over the past three decades.

Zhao Zuohai’s case is important in that it not only led to legislative and judicial reforms in China, but it has also tested the public’s conception of rule of law principles. Of equal importance was that it changed public policy and promoted the security of citizens in the Internet age. The significance of Zhao’s case is not simply to be found in the case itself, but rather in the process of its impact upon and implication for Chinese society.

The Chinese public has increasingly awakened to not only defend and assert their civil and legal rights stipulated in the People of Republic of China’s Constitution, but also to challenge the existing legal and government systems. This is not only impacting on the shift of China’s traditional engagement mechanisms between the citizens and government, but is also influencing China’s changing state-society relations in the information age.

Firstly, like previous rights protection incidents, Zhao Zuohai’s case has again raised the concept of “the people’s right to know” in circumstances

where local authorities have tried to cover things up. The influence of ICT's in bringing about legal reform is not new to the Chinese political scene. In fact, new media has been utilized in previous cases such as the Sun Zhigang 孙志刚 incident.³⁴ Both in Sun and Zhao's cases, the Internet not only contributed to heated debates both on- and offline, but also helped facilitate the eventual abolition of two decades old regulations on repatriating migrants and vagabonds in Sun's case, and the legalization regarding Two Evidence Rules in Zhao's case. Clearly the Internet has allowed public expressions of sympathy for victims of varying sorts of social injustice, and has also helped further fuse long-standing citizen discontent and anxiety into joint civic engagement.

Secondly, the "virtual" public discourse conducted via the Internet has pushed the boundaries of free speech and, most importantly, raised demands for a greater degree of accountability from the government, although the former may be more significant than the latter at this stage. Effectively, there is a "thin" public media space in which mass opinion can be expressed without fear of retaliation from the state, and there are few institutional mechanisms in the socio-political system to accommodate public opinion. The Internet has effectively extended the range of media outlets and broadened horizontal communications and thus the expression of public opinion.

China's 1982 Constitution (八二宪法) and its subsequent amendments, and the "International Convention on Civil and Political Rights" (公民权利和政治权利国际公约) signed in 1998 both give lip service to human rights and freedom of speech, which are mentioned in these documents in broad and unspecific terms, but public opinion is seldom taken seriously into account in public policymaking. Added to this is the strong contrast between 1982 Constitution and related laws, which on paper recognize and grant civic and political rights, and but in actual fact do little to protect those rights. In other words, it is far from sufficient to simply make promises regarding protecting civil and political rights. Rather, these rights need to be realized through actions in order to truly secure the rights and freedoms of citizens. New media has an important role to play in this regard.

Thirdly, the case under review also provides evidence that the Internet has to some degree impacted upon the traditional media. One aspect of this is the way in which the mainstream media has been stimulated to be bolder in following up topics debated online. In this, they are motivated by commercial considerations, and they are also in a less risky position. "Virtual" public discussions provide a justification for traditional media outlets to follow suit, or at least help test the boundaries of self- or government-imposed censorship. One direct consequence is that China has witnessed freer media coverage that is prepared to push the boundaries of censorship. Meanwhile, it is becoming increasingly common for online discourses to be incorporated

into the mainstream media, where previously traditional media channels were independent and separate. In fact, after exploring the role played by the Internet during the Arab Spring Revolution, Aday, Farrell, Lynch, Sides and Freelon argue that: “It is increasingly difficult to separate new media from old media. In the Arab Spring, the two actively reinforced each other. New media must be understood as part of a wider information arena in which new and old media form complex interrelationships.”³⁵ Although the Two Evidence Rules are frequently touted as a significant step forward for China’s jurisdictions incorporating exclusionary rules into their criminal justice systems, some local legal organs may still be reluctant to exclude any physical evidence, especially when the law does not explicitly and specifically require police to obtain approval for search warrants from a court. Yet, thanks to the Internet and *weibo*, Chinese citizens are becoming more adept at using the law and new communications tools to assert and defend their rights and interests against the government and others.

To sum up, examining the case of Zhao Zuohai allows us to argue that China’s state-society relations are in transition owing to rising Internet-enabled social forces, including social and political movements and dissidents. The Chinese Party-State is increasingly being compelled to adapt itself to the new dynamic informational environment and to establish a newer mode of public governance that both accommodates new social forces and strengthens its governing legitimacy in the Internet age.

Notes

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1. “Remarks by President Barack Obama at Town Hall Meeting with Future Chinese Leaders”, The White House (Office of the Press Secretary), 16th November 2009, available at <<http://www.whitehouse.gov/the-press-office/remarks-president-barack-obama-town-hall-meeting-with-future-chinese-leaders>> (accessed 22nd September 2012).
 2. Michel Crozier, Samuel P. Huntington and Joji Watanuki, *The Crisis of Democracy: Report on the Governability of Democracies to the Trilateral Commission* (New York: New York University Press, 1975).

3. See, for example, Richard Rose, *Challenge to Governance: Studies in Overload Politics* (Beverly Hills and London: Sage, 1980); Pippa Norris (ed.), *Critical Citizens: Global Support for Democratic Government* (Oxford: Oxford University Press, 1999); and Susan J. Pharr and Robert D. Putnam (eds), *Disaffected Democracies: What's Troubling the Trilateral Countries* (Princeton: Princeton University Press, 2000).
4. Robert D. Putnam, *Bowling Alone: The Collapse and Revival of American Community* (New York: Simon & Schuster, 2000).
5. Frank Webster has, for example, distinguished five definitions of an information society, each of which presenting criteria for identifying the new. These are technological, economic, occupational, spatial, and cultural dimensions. See Frank Webster, *Theories of Information Society* (London and New York: Routledge, 2003), second edition, pp. 8-21.
6. Manuel Castells, *The Rise of the Network Society* (Cambridge, Mass. and Oxford: Blackwell, 1996); Manuel Castells, *The Power of Identity* (Cambridge, Mass. and Oxford: Blackwell, 1997); Manuel Castells, *End of Millennium* (Cambridge, Mass. and Oxford: Blackwell, 1998); and Manuel Castells, *The Internet Galaxy: Reflections on Internet, Business, and Society* (Oxford: Oxford University Press, 2001).
7. See, for example, Kevin A. Hill and John E. Hughes, *Cyberpolitics: Citizen Activism in the Age of Internet* (Lanham and Oxford: Rowman & Littlefield, 1998); and Miles Kahler (ed.), *Networked Politics: Agency, Power, and Governance* (Ithaca, NY, and London: Cornell University Press, 2009).
8. "Remarks by President Barack Obama at Town Hall Meeting with Future Chinese Leaders", The White House (Office of the Press Secretary), 16th November 2009, available at <http://www.whitehouse.gov/the-press-office/remarks-president-barack-obama-town-hall-meeting-with-future-chinese-leaders> (accessed 22nd September 2012).
9. Hillary Rodham Clinton, "Remarks on Internet Freedom", U.S. Department of State, 21st January 2010, available at <http://www.state.gov/secretary/rm/2010/01/135519.htm> (accessed 1st October 2012).
10. Hillary Rodham Clinton, Conference Remarks on Internet Freedom in The Hague, Netherlands, on 8th December 2011, available at <http://www.state.gov/secretary/rm/2011/12/178511.htm> (accessed 22nd September 2012).
11. See, for example, Peter M. Shane (ed.), *Democracy Online: The Prospects for Political Renewal through the Internet* (New York and London: Routledge, 2004); Sarah Oates, Diana Owen, and Rachel K. Gibson (eds), *The Internet and Politics: Citizens, Voters, and Activists* (London and New York: Routledge, 2006); Andrew Chadwick, *Internet Politics: States, Citizens, and New Communication Technologies* (New York and Oxford: Oxford University Press, 2006); Larry Diamond and Marc F. Plattner (eds), *Liberation Technology: Social Media and the Struggle for Democracy* (Baltimore, MA.: The Johns Hopkins University Press, 2012).
12. See, for example, Tapas Ray, "The 'Story' of Digital Excess in Revolutions of the Arab Spring", *Journal of Media Practice*, Vol. 12, No. 2, July 2011, pp. 189-196; W. Lancel Bennett and Alexandra Segerberg, "The Logic of Connective Action:

- Digital Media and the Personalization of Contentious Politics”, *Information, Communication and Society*, Vol. 15, No. 5, June 2012, pp. 739-768; Philip N. Howard and Muzammil M. Hussain, “The Upheavals in Egypt and Tunisia: The Role of Digital Media”, *Journal of Democracy*, Vol. 22, No. 3, July 2011, pp. 35-48.
13. According to a recent semi-annual report on the development of China’s Internet that was released by the quasi-official China Internet Network Information Center (CINIC, 中国互联网络信息中心) in July 2012, China had an estimated 538 million Internet users with its Internet penetration rate at 39.9 per cent. See the CNNIC, *The 30th Statistical Report on Internet Development in China* (第30次中国互联网络发展状况统计报告), July 19, 2012, available at <<http://www.cnnic.cn/hlwfzyj/hlwzxbg/hlwtjbg/201207/P020120723477451202474.pdf>> (accessed 22nd September 2012).
 14. See, for example, Ronald J. Deibert, John G. Palfrey, Rafal Rohozinski and Jonathan Zittrain (eds), *Access Denied: The Practice and Policy of Global Internet Filtering* (Cambridge, Mass.: MIT Press, 2008); Ronald J. Deibert, John G. Palfrey, Rafal Rohozinski and Jonathan Zittrain (eds), *Access Controlled: The Shaping of Power, Rights, and Rule in Cyberspace* (Cambridge, Mass.: MIT Press, 2010).
 15. The term “networked authoritarianism” is borrowed from one of Rebecca MacKinnon’s works, in which she defines it as an authoritarian regime that “embraces and adjusts to the inevitable changes brought by digital communications”. See Rebecca MacKinnon, “China’s ‘Networked Authoritarianism’”, *Journal of Democracy*, Vol. 22, No. 2, April 2011, pp. 32-46, particularly see page 33 for the author’s definition of “networked authoritarianism”.
 16. “China Clears Murder after ‘Victim’ Shows up Alive”, BBC News, 9th September 2010, available at <<http://news.bbc.co.uk/2/hi/asia-pacific/8671577.stm>> (accessed 24th September 2012).
 17. Zhao Zuohai told a newspaper that local police taught him how to plead guilty. They also told him to repeat what they said otherwise he would be beaten. See “Details of Police Torturing Zhao Zuohai to Extract His Confession,” (赵作海被刑讯逼供细节：警察拿枪砸头) *The Beijing News* (新京报), 25th August 2012, available at <<http://news.163.com/12/0825/02/89NIAF8G00014AED.html>> (accessed 30th September 2012); “Chinese Police Arrested in ‘Back from Dead’ Case”, AFP, 12th May 2010, available at <<http://www.google.com/hostednews/afp/article/ALeqM5jqh6rbMbYERzA9Kp9ZXOoYo7X-Ug>> (accessed 30th September 2012).
 18. Zhao’s case had been commuted to a lighter sentence in 2002 due to a nationwide effort to clean up detention centres. According to Shen Bin, a legal worker in Shanghai: “By the end of 2002, Henan had cleared more than 5,000 individual cases of extended detention. Zhao Zuohai was one of these 5,000 cases of cleared extended detention.” See Shen Bin, “Basis of Popular Opinion Contributing to the Zhao Zuohai Case of Injustice”, *Dui Hua: Human Rights Journal* (对话), 2nd June 2010, available at <<http://www.duihuahrjournal.org/2010/06/zhao-zuohai-case-provokes-responses-on.html>> (accessed 5th October 2012).

19. According to Zhao Zhenshang's personal account: On the night of 30th October 1997, he took a kitchen knife and went to the home of a local woman whose name is Du Jinhui 杜金惠. There were rumours circulated that both Zhao Zuohai and Zhao Zhenshang had affairs with the same woman. Zhao Zhenshang took a swing at the head of Zhao Zuohai. Because he was scared at having committed murder, he left home with his bicycle, blanket, ID and four hundred RMB in cash without telling anyone else. He became an itinerant seller of watermelon seeds and other goods all over the place. He never contacted his family thereafter. In 2009, he became sick and was advised by the doctors to return to his home village to see if he could get any medical insurance to pay for his treatment. See Shi Yu 石玉, "Zhao Zuohai Was Found Not Guilty and Released After Staying in Prison for Eleven Years" (蒙冤11年, 赵作海无罪释放), *Southern Metropolis Daily* (南方都市报), 10th May 2010, p. AA17, also available at <<http://gcontent.oeeee.com/1/e3/1e328ebc91246864/Blog/53c/620b58.html>> (accessed 3rd October 2012).
20. "The Higher People's Court of Henan Re-examined the Suspension of the Judges Involving 'Zhao Zuohai's Case'" (「赵作海案」河南省高院复核法官停职), *The Beijing News* (新京报), 20th May 2010, available at <<http://leaders.people.com.cn/BIG5/11643809.html>> (accessed 4th October 2012).
21. The two "Evidence Rules" are "Notice Regarding the Issue of 'Rules on Certain Issues Relating to Examining and Judging Evidence in Death Penalty Cases'" (*Guanyu Banli Sixing Anjian Shencha Panduan Zhengju Ruogan Wenti de Guiding* 关于办理死刑案件审查判断证据若干问题的规定) and "Rules on Certain Issues Relating to the Exclusion of Illegal Evidence in Criminal Cases" (*Guanyu Banli Xingshi Anjian Paichu Feifa Zhengju Ruogan Wenti de Guiding* 关于办理刑事案件排除非法证据若干问题的规定). Both new rules were promulgated on 24th June 2010 by five government bodies: the Supreme People's Court, Supreme People's Procuratorate, Ministry of Public Security, Ministry of State Security, and Ministry of Justice, and went into effect on 1st July 2010. For full text, see <http://www.law-lib.com/law/law_view.asp?id=316882> (accessed 24th September 2012) and <http://www.law-lib.com/law/law_view.asp?id=316883> (accessed 24th September 2012).
22. The principles of the Two Rules are also reflected in China's "National Human Rights Action Plan (2012-2015)" (国家人权行动计划, 2012-2015年), and the specific articles stipulated in China's "Criminal Law" (刑法) as well as the "Criminal Procedural Law" (刑事诉讼法), including the most recent amendment to the Criminal Procedural Law during the second plenary meeting of the Fifth Session of the 11th NPC (National People's Congress) on 8th March 2012. For example, the "Action Plan" stipulates that all confessions by suspects and defendants extorted by torture or other illegal methods, as well as testimonies and statements of witnesses or victims collected by violence, threat or other illegal means will be eliminated and not used in working out the verdict. In addition, the stipulations on evidences used to examine and decide cases of death penalty will be strictly observed, and more strict standards will be adopted in this regard. See the full text of the *National Human Rights Action Plan of China* (2012-2015) at <http://www.gov.cn/jrzq/2012-06/11/content_2158166.htm> (accessed

- 1st October 2012); Zhao Yanan, “Law to Ensure Human Rights,” *China Daily*, 9th March 2012, available at <http://usa.chinadaily.com.cn/china/2012-03/09/content_14792799.htm> (accessed 1st October 2012).
23. Andrew Jacobs, “China Bans Court Evidence Gained through Torture,” *The New York Times*, 31st May 2010, available at <http://www.nytimes.com/2010/06/01/world/asia/01china.html?_r=0> (accessed 1st October 2012).
 24. According to China’s Criminal Law: “Any judicial functionary who extorts by torture a confession from a suspect of crime or a defendant or extorts, by means of violence, testimony from a witness shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention. If another person’s deformity or death is caused, the offender shall be given a heavier punishment according to the provisions of Article 234 or Article 232 of this Law.” (司法工作人员对犯罪嫌疑人、被告人实行刑讯逼供或者使用暴力逼取证人证言的，处三年以下有期徒刑或者拘役。致人伤残、死亡的，依照本法第二百三十四条、第二百三十二条的规定定罪从重处罚。) See the Article 247 of *Criminal Law of the People’s Republic of China* (中华人民共和国刑法), available at <http://www.china.com.cn/policy/txt/2012-01/14/content_24405327_16.htm> (accessed 30th September 2012).
 25. See Amnesty International, *Torture: A Growing Scourge in China – Time for Action*, 12th February 2001, available at <<http://www.amnesty.org/en/library/asset/ASA17/004/2001/en/e68a91ef-dc53-11dd-bce7-11be3666d687/asa170042001en.pdf>> (accessed 30th September 2012). See also Zhou Guojun 周国均, “Some Questions Regarding Strictly Prohibiting Torture To Coerce a Confession” (关于严禁刑讯逼供的几个问题), *Journal of Renmin University of China* (中国人民大学学报), No. 1, 1994, p. 106; Murray Scot Tanner and Eric Green, “Principals and Secret Agents: Central versus Local Control Over Policing and Obstacles to ‘Rule of Law’ in China”, *The China Quarterly*, Vol. 191, September 2007, pp. 644-670.
 26. It should be noted that instead of the sole factor triggering the final enactment of legislation of the Two Rules, Zhao Zuohai’s case acted mostly as a catalyst to accelerate the release of the Two Rules. As a matter of fact, pressure to adopt the Two Rules has been building for years. See Margaret K. Lewis, “Controlling Abuse to Maintain Control: The Exclusionary Rule in China”, *New York University Journal of International Law and Politics*, Vol. 43, No. 3, Spring 2011, p. 634.
 27. Several notable cases can be found at Liu and other work, including one of the most notable cases, the She Xianglin 畚祥林 case (2005). See Srinii Sitaraman, *State Participation in International Treaty Regimes* (Burlington, VT: Ashgate Publishing, 2009), p. 255; Liu Bin 刘斌, “Cases Involving Unjust, False and Wrong Charges in Ten Years” (十年来的冤错假案), *China News Service-Perspective* (中新社-视点), No. 6, 2000, pp. 46-58, also available at <<http://www.china-judge.com/fzhm/fzhm229.htm>> (accessed 1st October 2012).
 28. The Public Opinion Monitoring and Measuring Unit of *People’s Daily Online* (人民网舆情监测室) listed the Zhao Zuohai’s case as one of the top twenty hottest issues in 2010, with online contributions in major online sites like the Tian Ya community (天涯小区) site (10,400 articles and comments), Kai Di

- community (凯迪小区) site (3,825 articles and comments), Strong Country forum (强国论坛) (1,386 articles and comments), Sina forum (新浪论坛) (1,759 articles and comments), Zhong Hua Online forum (中华网论坛) (2,984 articles and comments), and Sina Weibo (新浪微博客) (23,094 articles and comments). See Zhu Huaxin 祝华新, Shan Xuegang 单学刚 and Hu Jiangchun 胡江春, *Publication of The People's Daily Online Public Opinion Monitoring Center: 2010 China Internet Public Opinion Analysis Report* (人民网舆情监测室发布: 2010年中国互联网舆情分析), available at <<http://blog.people.com.cn/article/1345954914048.html>> (accessed 29th September 2012).
29. The 2010 report compiled by the IRI is arguably China's first authoritative online public opinion report. See Min Dahong 闽大洪, "Analysis on Chinese Internet Media and Internet Communication in 2010" (2010年的中国网络媒体与网络传播), *People's Daily Online*, available at <<http://media.people.com.cn/GB/40628/13573942.htm>> (accessed 29th September 2012).
 30. Ding Junjie and Zhang Shuting (eds), *Internet Opinion and Public Emergency: Classic Cases of Crisis Management* (Beijing: Central Party School Press, 2010), p. 281.
 31. The statistical data is based on the network public opinion index system and the I-Catch whole network dynamic analysis system, and as sample of 100 typical sites for the IRI network public opinion. The IRI is affiliated with the Communication University of China in Beijing (中国传媒大学网络舆情(口碑) IRI 研究所).
 32. "China Adjusts Law System after Torture Scandal", Xinhua News Agency, 30th May 2010, available at <http://www.chinadaily.com.cn/china/2010-05/30/content_9908896.htm> (accessed 1st October 2012).
 33. See, for example, "China Clarifies Evidence Law for Criminal Cases to Stem Miscarriages of Justice", Xinhua News Agency, 30th May 2010, available at <http://news.xinhuanet.com/english2010/china/2010-05/30/c_13323861.htm> (accessed 4th October 2012); Wang Jingqiong, "Wrongfully Jailed Man Compensated", *China Daily*, 14th May 2010, available at <http://www.chinadaily.com.cn/cndy/2010-05/14/content_9847576.htm> (accessed 4th October 2012).
 34. See more discussions on the role of Internet in Sun Zhigang's case at Guobin Yang, *The Power of the Internet in China: Citizen Activism Online* (New York: Columbia University Press, 2009), pp. 34-35; Yongnian Zheng, *Technological Empowerment: The Internet, State, and Society in China* (Stanford: Stanford University Press, 2008).
 35. Sean Aday, Henry Farrell, Marc Lynch, John Sides and Deen Freelon, *New Media and Conflict after the Arab Spring* (Washington D.C.: United States Institute of Peace, 2012), available at <[http://www.usip.org/publications/blogs-and-bulletins-new-media-and-conflict-after-the-arab-spring](http://www.usip.org/publications/blogs-and-bulletins/new-media-and-conflict-after-the-arab-spring)>, p. 21.



How to Avoid the Centre: The Strategies of a Small Feminist Workshop in Rural China⁺

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Abstract

The spectre of state intervention constantly looms above all activist organizations in China. In order to avoid the detention of activist leaders or group members, most organizations have adopted a strategy of partial appeasement of the party-state. This has often taken the form of the appropriation and use of state-sanctioned discourse and terms, together with attempts to develop or sustain corporatist links with the state apparatus. This article argues that it is possible, perhaps preferable, to develop activist strategies which avoid “the centre”. The article uses the example of a “women’s workshop” in rural Guangxi, which provides support to sex workers, homosexuals, and other sexual minorities, to justify this argument. Despite its small size and geographical isolation, this workshop has developed “glocalized” networks of activists, relying on the juxtaposition of a highly localized group of supporters with an international network of interested parties who provide funding and intellectual support. Furthermore, the style of discourse used by the group has very little in common with official state discourse. In promoting a form of “sex-positive” feminism uncommon in China, and through the partial framing of the work as an artistic project, a conscious attempt has been made not to engage with the language and style of public engagement of the party-state. Ultimately, these strategies play both an offensive and defensive role, allowing supporters of the workshop to make a substantial critique of the state while at the same time not attracting its immediate opprobrium.

Keywords: *activism, rural China, the Chinese state, sex work, social movements*

JEL classification: *K42, N35, P37, Z13*

1. Introduction

All public activist movements in China must engage with the state in some way. The development of activism in China would not have been possible without the gradual retreat of the state from the minutiae of its citizens' daily life, but the state still constantly "patrols the boundary of social activism" (Lee and Hsing, 2010: 8), monitoring and punishing activists in a wide range of ways.

This somewhat paradoxical situation – an effectively high level of freedom of communication and access to information on one hand, but a substantial risk of persecution and punishment on the other – has led to the development of a very diverse strategic landscape of activism. Organizationally speaking, economic decentralization has led to the development of "cellular" networks of activists, highly localized but with well-developed networks of contacts with other similar activist groups (Lee and Hsing, 2010: 8). From a strategic point of view, social activists now use extremely diverse methods to promote their ideas and resolve their disputes. They have moved from appropriating and modifying the techniques used by government and quasi-government organizations such as the Communist Youth League and the All-China Women's Federation, as tended to happen in the 1990s and early 2000s (Benney, 2012; Lee, 2007; Milwertz, 2002). Social activism strategies are now tailored to particular localities and situations and designed to appeal to the general public, as well as facilitating the formation of networks (Wang, 2010: 110-113). The growth of new media has played a significant role in this: to give just one example, over the past few years there has been an explosion of public and scholarly interest in the use of blogs, particularly so-called "microblogs" like Twitter and Sina Weibo, in activism (Leibold, 2011; Benney, 2011).

In this article I examine and juxtapose these two perspectives – the threat of state intervention, and the increasing strategic sophistication of activists – in examining one case study, of a "women's workshop", located in Bobai county (*Bobai xian* 博白县) in rural Guangxi province, the main aim of which is to advocate for sex workers¹. I suggest that two particular qualities may be abstracted from this case. One is the balance between two types of networks: personalized and localized networks of activists and clients, through which the workshop addresses its practical aims, and internationalized networks of like-minded activists, primarily online, through which the workshop develops and reinforces its broader social and political aims. The other is the advocacy, by the workshop collectively and by its leader individually, of an attitude towards sex and sex work that might be best labelled using the Western term "sex-positive feminism".

Both these qualities, I argue, have the effect of "avoiding the Centre". By this I mean that the workshop is, whether consciously or not, choosing to use

strategies which distance their activism from the active supervision and the discourse of certain key parts of the party-state. I take the idea of “the Centre” from O’Brien and Li (2006), who use the term to signify the apparatus of the central Chinese government, together with the ideas and the style of discourse that emanate from it. Avoiding the Centre, I argue, may have positive effects for the sustainability and the campaigns of local activist groups such as the one I describe below. Beyond this, it provides a distinct contrast with the many activist groups who have used the discourse of the Centre and who have attempted to cultivate links with the state apparatus. Simply ignoring the Centre, I suggest, may be just as fruitful an activist technique as attempting to engage with it, or indeed directly opposing it.

In this article I draw on fieldwork and interviews conducted in Guangxi during 2012, together with materials produced by the women’s workshop and media coverage, as a means of assessing the perspectives of the organizers of the workshop and its clients, as well as considering how it is viewed in its local community, in China, and in the world as a whole. I do not intend to argue that this individual case study is necessarily representative of a trend in Chinese activism as a whole, although that is definitely possible. Nor do I intend to make a polemical or policy-based argument about the practice of sex work in China. Rather, I intend to shed light on what appears to be a relatively viable strategic approach to carrying out potentially controversial activist work, and one that might usefully be juxtaposed with existing scholarship on the interaction between local social movements and elites.

2. The Riddle of State Intervention

Gries and Rosen (2004) rightly emphasize that the Chinese “state” is not monolithic. Nor is the “society” to which it is often paralleled. Rather, the complexities of Chinese life and the multiplicity of different stakeholders in any given situation give rise to various relationships of power; such relationships between political and non-political actors create many different “states” and “societies”, which apply in different ways in different situations. (Gries and Rosen, 2004: 5-6) For social activists, whose campaigns often cross geographic and linguistic borders and conceptual frames of reference, the problem of negotiating these different states and societies is an especially acute one.

However, even if we look at the problem in the simplest possible way, and examine how *any* form of state intervention has affected activists, the state-society relationship is still extremely confusing. This is because there is no clearly observable trend to state intervention in activism, regardless of whether the state, at any level and in any form, is intervening in order to repress the activism and punish the activists, or in order to cooperate with

the activists to facilitate their desired outcomes. Cases of state responses to activism have included:

- violent state repression, such as in the state's victimization, arrest, and imprisonment of well-known lawyers and legal campaigners such as Teng Biao 滕彪, Xu Zhiyong 许志永, and Chen Guangcheng 陈光诚 (Fu and Cullen, 2011);
- relational approaches, where local state officials develop relationships with activists in order to resolve their disputes, whether practically or financially, or prevent them from escalating their complaints. Li, Liu, and O'Brien (2012) illustrate how the state has used a range of relational methods as part of its negotiation with petitioners, and the response to the well-publicized protests in Wukan 乌坎 has also been characterized as relational (Deng and O'Brien, 2012; Fewsmith, 2012); and
- *laissez-faire* approaches, where the state allows activists to communicate their messages, even through protest, without immediate intervention or repression. Such approaches are most commonly used where the state lacks the capacity to make substantial interventions (for example, in the administration of the Internet, where state intervention, despite being elaborate and well-funded, can only censor some of the material published), as well as in certain cases of medium-scale public protest of low risk to the central government. Hassid (2012) describes the "safety valve" argument: that the state's non-intervention in public communication (such as on the Internet) lets citizens vent their dissatisfaction with life, allowing for emotional catharsis even if not for practical outcomes.

Each of these approaches represents a conscious choice by the Chinese state, the overall capacity of which is sufficient to intervene in many cases where it does not. The deeper problem is the lack of discernable pattern to the application of these approaches. Each of the state strategies above has been applied in cases of varying political controversy, of varying size, and of varying location, which makes it difficult for scholars and activists to predict what the state's reaction to a given activist project will be.

It would be naïve to suppose that this lack of predictability was not one of the state's strategies to make activists less confident in their work. But, even if this is set aside, the case of the Bobai women's workshop lends particular weight to two arguments about state intervention in activism. One is the idea of "segmented publics"; the other the importance of the Centre as a source of supervision, appeal, and discourse for activist movements.

The multiplicity of states and societies which I describe above may also be reframed as a multiplicity of publics. Michael Warner (2005) develops a notion of fragmented "publics" and "counterpublics". In their composition,

these publics might be similar to the “states” and “societies” which make up China’s population: that is, they are composed of various stakeholder groups which share some kind of social, geographic, or identity-based similarity. One key aspect of Warner’s conceptualization, however, is the significance of publics in *communication* (Warner, 2005: 65-66). Information, whether it comes from the state-run media or from informal sources, is directed from particular publics to other publics. Publics, then, are “worldly constraint[s] on speech” (Warner, 2005: 72), “social spaces created by the reflexive circulation of discourse” (Warner, 2005: 90). It follows from this that certain publics have the support of “dominant social groups” – often the state or similar authorities – whereas others do not. These latter publics, whether their members can be considered subalterns or whether they are merely “structured by different dispositions or protocols from those that obtain elsewhere in the culture, making different assumptions about what can be said or what goes without saying” (Warner, 2005: 119), can be described as counterpublics.

Post-socialist China is undeniably pluralist in many respects, and, to use Warner’s terms, contains multitudes of publics and counterpublics. The interaction of publics and counterpublics is naturally a significant part of the development of social movements, but the question arises: how, in China, to what extent do these various publics interact and overlap with each other, and what structures of power are embodied in this interaction? Sophia Woodman (2012) develops a notion of “segmented publics” which goes some way to resolving this question. Her suggestion – which draws in particular from Warner, from Habermas’s concept of the public sphere (1989), and from Cheek’s “pluralized publics” (2007) – is that discussion of contentious issues, while often restricted in a general sense, may be allowed or even facilitated within particular discrete and isolated segments of society. The “lines of inclusion and exclusion” for these segmented publics are drawn, explicitly or implicitly, on the basis of the degree of expertise of the participants and their levels of affiliation with party-state bodies or with influential individuals. Such publics, in Woodman’s analysis, include academic think-tanks and discussion groups as well as grass-roots residents’ and village committees. These segmented publics may be juxtaposed with “oppositional publics” which situate themselves outside the system of state control and thus become targets of the victimization of the state, as well as being excluded from public discourse.

Grass-roots activist groups such as the Bobai workshop do not really fall within Woodman’s label of segmented publics. But even in oppositional publics such as these, the basic principles of segmentation allow for issues to be discussed in greater depth and with greater security than in cases where discourse is created by unaffiliated individuals and is merely attempted to be disseminated to the general public. The most important of these fundamental

principles are first, the creation of coherent collective groups (which I consider in the Bobai case under the heading of “glocalism”), and second, a less well-discussed issue, the necessity of “distance” from the supervision of the party-state.

Sufficient distance from the party-state allows discourse to be developed without intervention and excessive supervision. This distance can take various forms. Woodman, for example, suggests that residents’ committees and villagers’ committees create distance because they are self-governing: a kind of structural distance that might also potentially apply to bodies like academic organizations and internationalized non-government organizations. Geographic distance from the state is also significant: the cases of rural activism described by O’Brien and Li (2006) demonstrate that dissenters have greater flexibility to act the further they are away from sources of state power, or, in a quite different way, one could cite the methods by which activism within China is facilitated by bodies outside of China. Conceptual distance from the state also plays a role. I consider this in more depth below, but it is clear that there are certain issues and certain styles of communication which regularly fall under the purview of the state and others which do not. In the academic sphere, for example, legal and political academics are much more likely to be persecuted and closely monitored than academics in other fields; while it is inherently necessary for the state to endorse a particular stance on democracy or social organization, it is not necessary for it to have a set opinion on Shakespeare or on the Higgs boson.

But distance from the state is not always possible or desirable. The single most frequent strategy for public complaint in China is to appeal to the state in some way. However, since most protests involve some criticism of leadership or government, these appeals have a tendency to be strategic and abstract, rhetorical rather than practical. O’Brien and Li (2006) provide the useful label “the Centre”, which draws from the Chinese idea of *zhongyang jingshen* 中央精神 (“spirit of the centre”), and encompasses a wide range of ideas and discourse: it signifies not just official pronouncements and laws, but also the rhetorical style of leaders and the propaganda image of the party-state which emanates from the central government (O’Brien and Li, 2006: 6).

Appeals to the Centre are seen repeatedly in different forms of resistance. In localized protests they are especially obvious. Even in serious mass protests such in Wukan in 2011, where the apparatus of local government was brought to a complete standstill, protest banners still read “*Zhongyang jiujiu Wukan* 中央救救乌坎” (Central government, please help Wukan) (Gong, 2012: 1). In a different area, that of legal and political activism, the Charter 08 movement demonstrates an appeal that “echoes existing PRC constitutional doctrine” (Potter, 2011: 123); the charter attempts to validate the claim made in the Constitution, that the state “respects and preserves

human rights”, while at the same time suggesting ways in which this stated aim might be practically facilitated.

While it is not wholly impossible that the Centre will intervene on behalf of protesters or respond to their demands (with the case of SARS often cited as an instance where this did happen), the relative infrequency of any form of visible response from the Centre in protest means that the strategic appeals to the Centre are functionally directed just as much, or even more, at local officials. From a historical perspective, Perry suggests that the Chinese tradition that local problems should be dealt with by local officials means that the Centre tends not to intervene in matters relating to property disputes or complaints which are confined to particular areas (Perry, 2001: 167-168). Furthermore, the pressure that the central government has put on local governments over the past decade to decrease the number of petitions to the central government (Li, Liu and O’Brien, 2012: 323-325) also indicates that the Centre itself has little interest in acting as a universal problem-solver.

Such appeals, therefore, serve largely as a means of promoting the causes of resisters in politically acceptable language, and of attempting to spur local authorities into action by framing the protest as an appeal to the Centre, whose actions are deemed to be inevitably appropriate and correct, against villainous local organizations and officials; a tactic referred to as “exploiting the gap” (O’Brien and Li, 2006: 25) or driving a “wedge” (Benney, 2012: 104) between the local and central authorities. Even if the Centre does not intervene, the chief benefit of this strategy is that it gives protesters extra time to disseminate their message by reducing probability of immediate local intervention. In Wukan, for example, appeals to the Centre ward off the violent intervention of the state apparatus; had the protesters directly attacked the central government, it would be far more likely that there would have been an immediate and violent response, namely the mass introduction of police or military forces. A strategic approach which upheld the Centre and excoriated the local allowed the provincial government to intervene after the protest had gone on for some time (Zheng, 2012: 30).

To return to the original premise of this section, then: although the question of *when* (and specifically *how*) the state will intervene in the work of activists and social movements is still far from resolved, and may be impossible to resolve, the conceptual frameworks of segmented publics and of distance from the Centre do shed light on the nature of the relationship which is negotiated between state and society in cases of protest and dispute resolution. In particular, these frameworks facilitate an understanding of two concepts crucial to the case study below: first, that it can be possible for an interest group to “segment” itself from society in general, which can act as a means of protection against the intervention of the state; and second, that, especially in view of the increasing trend towards localized dispute resolution

and decreased involvement by the Centre in local disputes, it is possible to negotiate different strategic relationships with the Centre. One of these forms of relationship can be a conscious avoidance of the Centre, rather than the appeal to the Centre traditional to localized citizen activism or the explicit opposition to the Centre characteristic of, for example, democracy activists. The following sections substantiate and assess this strategy of avoidance.

3. The Development of the Women's Workshops

Zheng Yongnian rightly labels China in the early 2010s as an “angry society” (Zheng, 2012: 30-33). His justification for this label is largely empirical: the amount of unrest has increased dramatically over the past decade, both in the sense that there are more individual events of unrest and that they are spread across China more diversely. The rights activist Yu Jianrong 于建嵘 (2009) extends this empirical analysis by suggesting that China is suffused with “a kind of ‘abstract anger’” (*yizhong “chouxiang fennu”* 一种“抽象愤怒”). The anger, he suggests, is abstract because it is not inherently directed at particular targets or concerned with particular problems. Rather, it is concerned with violations of human dignity and with the frustration that arises when people cannot express their discontent sufficiently. Lack of self-expression, therefore, is identified as a key source of this abstract anger, as distinct from structural problems such as representation and inequality.

One way in which this sense of abstract anger manifests itself is through the language of “injustice” (*yuan 冤*). This word, used frequently in protests – often as a single character on banners, unconnected with any statement of claim – is, as Eva Pils suggests, a manifestation of traditional beliefs, linked with emotion, as distinct from modern, legalistic ideas such as rights:

[A]s a traditional moral concept, *yuan* is analogous to the concept of rights in modern political settings because it captures the ruler's political responsibilities towards the ruled. Rights-assertion via the courts and protests against injustice via the petition system thus share the same moral and rational core. However, *yuan* is different from rights in that it adopts a distinctive view of the moral obligations of victims of injustice. In modern China, people with grievances typically engage in both practices simultaneously; they draw on both tradition and modernity to articulate their grievances.

(Pils, 2011: 287)

One must, however, juxtapose this analysis with the state's retreat from petitioning and from the concept of rights. In a milieu where the Centre is often unsympathetic to petitions and where dispute resolution is increasingly personalized and localized, it is reasonable to hypothesize that social movements in China might be moving away from formalized, organized

styles of dissent and trending towards informal strategies which emphasize the emotional engagement of the dissenter and on communicating narratives of injustice.

The case of the Bobai women's workshop lends some weight to this hypothesis. Its history, and the personal narrative of its founder Ye Haiyan 叶海燕, is characterized by emotional expressions of injustice. The way in which Ye frames herself and her work² is part of an attempt to make her appear empathetic and socially aware, but at the same time distant from society and social norms. Although the workshop's strategies do aim to challenge the state on a legal basis, much more of its discourse is based on an attempt to engage with the public in a visceral sense.

Ye Haiyan's personal narrative is complicated and unorthodox³. She chose the name "*fuping* 浮萍" (duckweed) for the women's workshop, believing it to be a plant that is strong and resilient but which also floats independently from place to place (Mooney 2012); this analogy is a conscious reflection of the way in which she frames her personal struggle. When asked to outline this personal narrative at an interview, her first sentence was "I reached junior high school." (*wo dushu dedao chuzhong* 我读书得到初中。) The listener is first supposed to read into this that she did not study any further (a matter which she later described in depth), and second is supposed to understand that not having finished high school and qualified for university is generally a source of shame for Chinese individuals and their families, and indicates that she might be seen as an individual lacking worth or from a poor background. This opening strategy reflects the desired impression she wishes to create in the public: a sense of struggle against the odds and of disconnection from the mainstream of Chinese society. That the narrative is focused so explicitly on her and her personal emotional landscape also supports Yu Jianrong's argument about the role of self-expression in the framing of discontent in China.

Ye is from a small village near the very large city of Wuhan in Hubei province. She was born in 1975, so her life has been lived almost entirely during the Chinese reform period, with the constant social and economic changes that that implies. Her family was extremely poor, and she was forced to start work at the age of fourteen for minimal wages. After returning to her village and working as a primary school teacher for a time, she failed to further her studies once again. Unable to develop her interest in literature, she then became preoccupied with becoming rich and improving the livelihood of her village and her family. She travelled southwards looking for work and gradually became involved with sex work, working in a karaoke club, as a masseur, and eventually hiring women to provide sexual services. From 2001 onwards, she also began to describe her experiences in a blog, using the pseudonym "*Liulang Yan* 流氓燕" or "Hooligan Swallow".

Ye's economic imperative to become involved in sex work gradually overlapped with a sense of moral distress and obligation. She claims that, unlike some of her peers, she never saw sex workers as being less human than others or less deserving of other rights: she spoke of others wiping down seats on which prostitutes had sat, apparently fearing the transmission of STDs. As she was economically involved in the sex industry herself, she saw the industry pragmatically, viewing prostitutes as economic actors rather than victims or immoral people: "people asked us repeatedly to provide an erotic service (*seqing fuwu* 色情服务), and there were girls (*xiaojie* 小姐) willing to provide it." The harsh treatment of sex workers by police and by local government gradually led her to become a more active advocate for sex work. By the mid-2000s she had divorced from her husband and moved to Nanning in Guangxi with her young daughter, looking for work: by this time she was writing about the victimization of sex workers at the hands of police.

The peculiar social and economic circumstances under which Ye, an intelligent woman skilled at writing and public speaking, had become involved in sex work rather than pursuing the expected path of education – and, in parallel, more expert at making emotional narratives than legalistic statements of claims – made her an unexpectedly valuable advocate on a local scale. It was the Internet, however, that was able to provide her with the two qualities which form the core of the workshop's strategic approach and thus of this article. First, she was able to use the Internet to form networks of supporters and interested parties; second, through browsing the Internet, she was able to educate herself about discourses of feminism and thus develop a broader understanding of the global understanding of sex work, and indeed of the aesthetics of sexual protest.

"Things have changed a lot in the past few years. The first time I encountered feminism was in 2005. Someone said to me, because I'd written an essay, that I was a feminist. I had no idea about that. I hadn't defined myself as any particular type of person. After that, I started to search for things connected with that word; once I had read de Beauvoir's *The Second Sex*, I felt I really was a feminist." (Interview, February 2012)

These influences allowed previously informal networks to become more formalized and to develop increasingly coherent ideological standpoints. Ye's first important connection was with Yim Yuet-lin (*Yan Yuelian* 严月莲), a prominent sex worker and sex work advocate in Hong Kong, and leader of Ziteng 紫藤, an organization advocating for the rights of women and specifically sex workers (see Yim, 2007). Ziteng's influence is particularly obvious in the sense that Ye has subsequently attempted to fulfil one of Ziteng's chief aims – changing the public mindset about sex work (Yim, 2007: 7) – and that she has adopted, almost entirely, its rhetoric about sex

work, namely that it is a form of work like any other and one which, in this reasoning, should consequently be legal. (In fact, Ye goes so far as to extend Ziteng's language and advocate for *jiquanzhuyi* 妓权主义 or "prostitutism" – a word, coined on the model of *nüquanzhuyi* 女权主义 or feminism, which few if any people have used before her.)

Ye has put these ideas into practice by setting up what she has termed "workshops" (*gongzuoshi* 工作室). Under the banner of health promotion and women's rights, these workshops have aimed to provide grass-roots support to sex workers and, at the same time, agitate for the defence of the rights of women and sex workers. One specific aim is to target and defend against AIDS. The first of these workshops was the Chinese People's Women's Rights Workshop (*Zhongguo minjian nüquan gongzuoshi* 中国民间女权工作室), which Ye set up in 2006, after her first contact with Ziteng. This workshop was situated in Wuhan in a red-light district, and provided physical and telephone support to sex workers. As time went on, it also organized various public events and demonstrations. The best-known of these was a "red umbrella" demonstration, carried out on 29th July 2010, where workshop members, carrying red umbrellas, marched in a busy pedestrian area of Wuhan in a campaign for the legalization of prostitution. This gained the attention of the national and international media and led to the informal detention of Ye in the subsequent month (*boxun.com*, 2010).

In tandem with these organizational strategies, it is important to note that Ye's work has always been characterized by a transgressive and performative aspect. As I describe below, her attitudes towards sex and sexuality are unconventional by Chinese standards in that they are extremely liberal and even prurient. Challenged by Yim Yuet-lin about whether she would consider providing sexual services herself, rather than just facilitating them, Ye began, from 2006 onwards, to have sex with clients, often for very low cost. At the same time, her public exhibitionism was becoming well-known across the Chinese Internet. In 2005, she began to post pictures of herself posing naked on the popular forum website Tianya, under the heading "My Body Image"; these attracted a great deal of attention, with many public commentators criticizing her everyday appearance (Farrer, 2007: 23-24), but also endeared her to the artistic community. Ultimately the so-called "Liumang Yan incident" seemed to be beneficial to her: in 2006, she published a book, *Xiahua, Jinguo* 夏花·禁果 (Summer Flowers and Forbidden Fruit), which discussed her views and experiences on sex and relationships, and later, in 2010, she appeared naked with the famous artist Ai Weiwei 艾未未 and three other women in an art project named *Yi Hu Ba Nai Tu* 一虎八奶图 (A Portrait of One Tiger and Eight Breasts) (*boxun.com*, 2011). All of these experiences have enhanced her notoriety and her credibility in the Chinese anti-government, transgressive, artistic circles which are conceptually centred

around Ai, and which are linked with the world outside China through non-government organizations, academe, and the media.

4. The Work of the Bobai Workshop

This background brings me to the specific case of the Bobai women's workshop, formally known as *Bobai Xian Fuping Jiankang Gongzuoshi* 博白县浮萍健康工作室 (Bobai County Duckweed Health Workshop)⁴. Ye Haiyan moved to Bobai, a town near Yulin in Guangxi province, in 2011. She had previously worked in Yulin during the 2000s. The population of Bobai county, of which the town of Bobai is the main settlement, was 1.7 million in 2009, of whom 1.54 million were classified as "farmers" (2010 *Nanning Yearbook*, 2010: 466-467). The area is thus mostly agricultural; the town of Bobai itself is not large by Chinese standards, the county's population has a low growth rate, and it could reasonably be considered relatively isolated and backward (by road it is about four hours from Nanning, the capital). Despite these factors, the sex industry is quite substantial. Sex work takes place in "salons" (*falang* 发廊) which are more or less devoted to the provision of sexual services, in karaoke bars where most profits are made from clients' payments to sex workers, and in a range of other smaller outlets such as masseurs.

There are, then, quite a number of sex workers who have come to Bobai to work, although the precise number is unclear. While there were a number of male supporters of the workshop, whom I discuss below, there were few if any male sex workers⁵; the sex workers were collectively and individually referred to as *xiaojie* (meaning "Miss" or young woman). The majority are internal migrants: few, if any, seemed to have come from countries other than China. It would be misleading to depict all of these people as highly vulnerable and totally without agency. Some members of the workshop were actively able to express their discontents and to use the language of rights and injustice, at least in the relatively safe environment of an academic interview. A substantial proportion were natives of Guizhou province, the province immediately to the north of Guangxi. The Guizhou diaspora, and in particular the Guizhou-style restaurant in Bobai, was one focal point for sex workers to meet and socialize. The existence of these networks suggests that word of mouth plays a role in recruitment and thus that the people involved in sex work should not be assumed to have been trafficked without knowledge of the work that they would do when they arrived.

Despite these mitigating factors, the sex workers in Bobai experience constant risk of harm and considerable actual harm. The prevalence of HIV and other sexually transmitted diseases is high, and is exacerbated by the cost of health care and by the many clients who do not use condoms. Clients are often violent to the sex workers, or refuse to pay; there is no legal recourse

when these things occur. At an interview, workshop members spoke of being tied to beds and beaten by clients, then having their goods and money stolen. When the police or the courts were approached, they were either hostile or uninterested in resolving such disputes. Aside from these practical risks, the damage to mental health and self-esteem which comes from the stigma linked with prostitution (as described in general terms by Paoli and Scambler, 2008, and in China by Zheng, 2009a: 209) can be considerable, particularly given the smallness of the town that the sex workers live in and the necessity that they are outwardly identifiable as offering sexual services.

In summary, the lives of the sex workers in Bobai do not differ substantially from that described in other academic work on the subject. The difficulties they face affect their mental, physical, and economic well-being; their negotiation of these problems and their understanding of their situation is shaped by the prevailing cultural attitudes towards sex, gender, and prostitution, just as Tiantian Zheng has described in her study of prostitution in northeastern China (Zheng, 2009b: 1-26). The workshop, then, has three major functions: immediate assistance, community formation, and campaigning. Each of these functions aims to assist the sex workers of Bobai, but the latter two in particular have broader social aims.

In terms of immediate assistance, the workshop is positioned in what could be called the red-light district of Bobai. It occupies a tiny rented shopfront, about three metres square, directly opposite a strip of salons and karaoke bars. It is open as often as it can be staffed, and functions as a drop-in centre for anyone who might be interested. It provides free condoms to sex workers and their clients, along with some basic medicine and sanitary products, in particular a self-testing kit for AIDS, which are sold at low prices. All of these health products have been donated by *wangyou* 网友 or “online friends”: people with whom Ye Haiyan has previously made contact or who have heard about the workshop online. A group of workshop members – about ten people, including sex workers as well as interested volunteers from the local community – attempt to staff the workshop to provide advice and company for anyone who has problems. When the workshop is closed, people can also chat on online group, hosted on the instant messaging service QQ, and accessible both on computers and smartphones. The workshop also has a collection of printed materials on sexual health, the law, and prostitution, which it distributes to anyone who is interested.

The formation of a community of workshop members is a natural consequence of this process of assistance. Newcomers to the county can meet others from similar backgrounds and thus share experiences, support, and gossip. This characteristic of the sex industry has been noted elsewhere (Zheng, 2009a: 97) but aspects of the community formation in Bobai are more novel. First, the workshop attracts a number of members with no connection to

the sex industry apart from an ideological commitment to the activities of the workshop. These fall into two overlapping groups. A small number of young gay men are among the most loyal members of the workshop. While this is commonplace in organizations specifically devoted to AIDS (Zheng, 2009b: 57-59), there are few if any instances of this recorded in broader women's NGOs. In the Bobai case, the gay men find that the workshop provides a supportive social network because of its ideological commitment to a liberal view of sexuality and, to a lesser extent, because of the worldliness of its other members, who are generally from other provinces. Providing practical support to sex workers is one *quid pro quo* that these men provide in exchange for the friendly and supportive social network that Ye Haiyan and the *xiaojie* can provide them.

The community also consists of a number of people who might be called political agitators. These range from people who publicize themselves as "rights defenders" (*weiquan renshi* 维权人士) in the local region to others who keep their political opinions to themselves but who are sufficiently dissatisfied with the situation in China to seek out and assist independent local organizations with a political emphasis. The dissatisfaction of these individuals is sweeping, and their political orientation is not theoretical. It is concerned mainly with opposition to the Chinese state; at interview they made no attempt to support China or its government in any form. While their criticisms of what was happening in Bobai tended to concentrate on criticisms of what is often described as the neo-liberal aspects of the Chinese party-state – the increasing cost of education and health care, for example – their support of well-known democracy activists like Ai Weiwei, and their interest in liberal societies (in their view, normally epitomized by America), together with their support for the workshop, suggest that they should not be described as left- or right-wing but rather anti-state, a point which I discuss further below.

The people above are members of the local, grass-roots community centred on the workshop. They provide practical, physical support. However, the workshop is also closely affiliated with a virtual network of people: those people across China and the world who hardly ever visit Bobai but who support and follow its work, normally online. Ye Haiyan has adroitly used microblogs – in her case, Twitter and Tenten Weibo – for the past four years. She mainly uses Twitter, which is not freely available on the Internet in China; this indicates how consciously she is directing her descriptions of her work towards the world outside China and towards that minority who are able to circumvent the blocking of Internet sites in China, rather than the majority of the Chinese population⁶. Because of its unconventional ethical standpoint and promotional techniques, the workshop has attracted the attention of a number of foreign journalists and academics (I count myself among them). Hence, this geographically diverse and ideologically independent group of

people have been able to promote the workshop widely and to reinforce its unorthodox viewpoints.

The “audience” of the workshop’s campaigns is therefore split between a small group of local clients and supporters, who desire practical support and are mostly communicated with in person and a larger but more intangible group of “online friends” who support the workshop in that they discuss it and promote its work to others. Public acts organized by the workshop therefore must often achieve many simultaneous aims. In an ideological sense, they aim to be consistent with the actual beliefs of the workshop without alienating either its local or its global community of supporters (by being either too extreme or not engaging enough). They must balance practical aims (attracting financial support for the group) with policy aims (campaigning for changes to the laws regarding prostitution or against maltreatment of sex workers) and with conceptual aims (campaigns which aim to change the public’s point of view regarding sex work).

The public campaigns of the workshop have therefore taken many and varied forms. They have ranged from protests in public spaces (like the “red umbrella” march in Wuhan, mentioned above) to campaigns centred on the workshop itself, such as AIDS testing days. Of particular interest are what might be termed performative protests. During mid-2012, for example, Ye Haiyan has begun to work in and promote “10-yuan brothels” where sexual services can be obtained for about USD1.50, or even without any payment at all. She acts herself as a temporary volunteer in these brothels, along with a number of mostly older prostitutes (Mooney, 2012). In terms of the workshop itself, it is clear that Ye Haiyan is the linchpin of all these campaigns. Although the local group of volunteers provide administrative and practical support, Ye organizes all the campaigns, works out what they will involve, promotes them, and is normally the main participant – sometimes the only participant. At an interview she spoke of a public march for which t-shirts had been printed with the text “I’m a sex worker and I’m proud” in both Chinese and English (although no member of the workshop can speak English); she was the only one who was willing to wear the t-shirt in public.

One key strategy in public campaigning is avoiding the worst effects of the state’s opposition to any form of public protest, and particularly protests with a legal emphasis. The workshop members spoke of three notable sources of state punishment: the local police (*jingcha* 警察), the national security apparatus (*guobao* 国保) and the stability maintenance office (*weiwenban* 维稳办). The experience of Ye Haiyan and the workshop bears out Flora Sapiro’s suggestion that local “para-police”, which aim to monitor and supervise Chinese citizens from a local level, are increasing in significance (Sapiro, 2010: 141-142); this is demonstrated by the occasional raids on the workshop (Mooney, 2012). In October 2012, the local authorities began a

saohuang 扫黄 campaign, a well-known label for activities which aim to “sweep away the yellow” (that is, sexual service and other activities deemed immoral). This may be linked to the imminent arrival of the 18th Party Congress (Gao, 2012). As part of this process, the workshop and its members were increasingly harassed by police and other government employees, and Ye indicated on Twitter that she felt she was being forced to leave Bobai.

However, often the state opposition to the workshop does not come from any identifiable source. Uniformed police are not the main source of trouble for the workshop; those people who have interrupted the work of the workshop, and indeed who have arrested and detained Ye Haiyan on two occasions, are difficult to identify, other than to say that they evidently have the state capacity to deprive people of their liberty. (On one occasion when I was in the workshop talking with some of its members, one middle-aged supporter stood out in the street, wearing a thick blue coat against the cold and watching us impassively. One of the workshop members called out playfully to him: “You look like a *guobao!*”)

It follows from this that the workshop has not attempted to develop alliances with any state body or registered non-government organization. Its connections with other people and organizations, whether local, national, or global, are highly informal and flexible. In one sense this approach seems to be successful. Both the local aims of the workshop – to benefit the health and welfare of the sex workers in Bobai – and its broader aims – to promote sex work in a positive fashion and to defend the rights of sex workers in general – are, within reason, being achieved. While the state clearly has the capacity to intervene and destroy the workshop entirely, or to arrest Ye Haiyan and others for a long period of time, it has not, and it has not prevented the workshop from doing the work that it intends to do. The state’s strategy seems to be to force Ye to be so stressed and fearful that she quits her activist work; although Ye is clearly an exceptionally determined woman, her networks of followers have greatly mitigated against this risk. Further, the workshop has been allowed to arrange campaigns which have been well publicized in the international and unofficial Chinese media. Ye’s blogs are still freely accessible in China, and her Twitter account is steadily gaining followers. In the next section, I attempt to generalize about the strategies that the workshop is using, and to assess their validity in the longer term and in a broader geographic context.

5. Avoiding the Centre

I suggest that the key features of the Bobai workshop’s strategic approach may be generalized under two headings: glocalism and transgressiveness. These two approaches share an important characteristic, which is that they fail to

engage with the party-state and particularly with the rhetoric and apparatus of the central government. This is to say that the workshop is not just anti-state. It is also consciously non-state and separate to the state, in its organization, its discourse, and its aesthetic approach. This may be contrasted with many other NGOs and public activists in China. Glocalism and transgressiveness are common strategies in public activism in the West, particularly in response to perceived oppression by states and corporate bodies. They are correspondingly rare in China, and so the question arises whether the workshop's approach is a genuine outlier or a vanguard for future activism in China.

It is difficult to trace the precise origins of the terms "glocalism" or "glocalization". What is immediately clear, though, is that such terms were used furiously and somewhat indiscriminately in the late 1990s and early 2000s as a means of responding to the then widespread trend of activism, most famously the protests against the World Trade Organization, that opposed a range of things and processes that were called "globalized" or were deemed to represent "globalization". The trends and language of this type of activism have moved on, however, and the best-known activist movements of the late 2000s – the Arab Spring revolutions and the Occupy movements – displayed very little tendency to demonize the global *per se*; whereas the Seattle protests of 1999 were framed as an attempt to curb the tendencies of globalization, in the Occupy movements roughly the same targets were labelled differently, as the "one per cent".

I make this point to illustrate that my use of the word "glocalism" draws less from those sources, generally published in the wake of these anti-globalization movements, which demonstrate how the state can intervene and mediate the relationships between the local and the global (of which Brenner (2003) is a good example), and more from those sources which – particularly drawing from Ohmae (1999) – posit that glocalization may in fact curb the effects of the nation-state and nationalism (Hempel, 1996: 152-153). Furthermore, my use of the term emphasizes flows of capital relatively less (although, of course, these are acutely relevant to the sex industry itself, they make less of a contribution to the strategic approach of the workshop activists) and more flows of culture and information. In particular, Wellman (2003) provides a prescient analysis of how glocalized networks function, in which "boundaries are more permeable, interactions are with diverse others, linkages switch between multiple networks, and hierarchies are both flatter and more complexly structured". (Wellman, 2003: 11) This analysis is prescient because it predates the advent of Web 2.0 and the online social networks which have facilitated the transfer of the vast majority of information about the workshop.

I emphasize glocalism as a structure for understanding the workshop first because no other term emphasizes so strongly the juxtaposition of the local and the global in its strategy and development. To return to Warner's language

of publics, the workshop members understand themselves as members of a local, practical public and of a global, conceptual public. As for the potential publics at an intermediate level that they might engage with – in particular, their identities as citizens of Guangxi or of the People’s Republic of China – these are either consciously abandoned or merely ignored.

Apart from the anti-state discourse discussed in the previous section, Ye Haiyan has cultivated a political standpoint which cannot genuinely be aligned with any conventional political sector of the PRC. In a recent series of Twitter posts⁷, she explained that she favoured the right-wing sides of Chinese political discourse over the left, attacking the left for being obnoxious and violent and attacking ordinary people under the banner of patriotism and mindless support of government, and favouring the right because of their perceived support of democracy, regulation and the law; even so, she acknowledged the limitations of the right and said that she supported them only on balance. This content is similar to the types of posts which were one factor in the detention of citizen activists like Zhao Lianhai 赵连海 and Teng Biao, but the tone is fundamentally more dismissive of state power – it is the abstract analysis of an outsider rather than someone who is involved closely in the political system. Despite suggesting that she preferred the right because of their support of courts and laws, for example, Ye Haiyan’s real-life experience is one in which every apparatus of the state, including the courts, are more or less hostile to their aims.

This type of abstract attack on the Centre is perhaps characteristic, in its nihilism, of the *liumang* (hooligan, a label which Ye has appropriated for herself) tendency in Chinese literature and art of the 1980s and 1990s, of which Wang Shuo 王朔 was the most famous proponent. It also draws from the wave of critical artists, bloggers and authors of the 2000s, of which Han Han 韩寒 and Ai Weiwei are the best-known. But what is much rarer is to see this type of language used by an uneducated rural woman who is the representative of a social organization. Unlike lawyers and academics, who have spent many years being educated about the state in facilities run by the state, and unlike people of the previous generation to Ye, who generally had first-hand experience of the “iron rice bowl” welfare system provided by the state and its system of work units, Ye, and the sex workers she represents, have had relatively less engagement with the state, other than as a violent and punitive force. Their opposition to the policies of the Centre is mixed with a fundamental lack of engagement with what the state does – a manifestation of the effects of the “retreat of the state” from economic activity (Perry and Selden, 2003: 12) during the reform period, but of the maintenance of state power in law enforcement.

The glocalism paradigm may also begin to provide an answer to the question of why the Centre has not attacked Ye Haiyan in force. An absence

of engagement with the state, in the sense that there has been no attempt either to form alliances with the state or to attack particular individuals or groups connected with the state, may allow the workshop to “fly under the radar” of state intervention, in that there is no particular state body which would be so directly affected by the workshop as to spend time and resources on opposing it. When the workshop *is* attacked, it is either because of the whims of individual law enforcers or as part of broad campaigns like the *saohuang* campaign which do not target it especially. To use Woodman’s analysis, the publics inhabited by the workshop are segmented from those of the state in that there is little overlap in personnel between them.

On the other hand, as Bruno Latour suggests, one result of glocalization is that “every global view [is] firmly localized into one specific site” (Latour, 2005). Ideas which are understood in principle in the global sense – in this case, the global discourse of feminism and sex work – are lived out in practice in the local. This brings us to the second key characteristic of the workshop’s strategy – that it can gain benefits from adopting an ideological stance which is contrary to mainstream Chinese culture. I label this stance “transgressive” because its focus on a liberal attitude to sexuality and on the individual’s prerogative to negotiate his or her own identity in opposition to cultural hegemony appears to share qualities both with the Western “transgressive art” movement and the provocative, individual-focused “identity work” of sexuality activists in the West. Furthermore, the use of this stance allows members of the workshop to go beyond conventional state discourse and hence create new spaces for the formation of identity.

The work of the workshop, in particular the leadership and role modeling provided by Ye Haiyan, generally adheres to the paradigms described by Snow and Macadam (2000) relating to the role of identity work in the growth of social movements, namely that participation in social movements generally involves the development and negotiation of changes to the identities of individuals (Snow and Macadam, 2000: 46), that participation in activist communities often results in “identity convergence”, where participants take on similar qualities of identity as they participate (Snow and Macadam, 2000: 47-48), and that identities are appropriated from existing solidary networks (Snow and Macadam, 2000: 49). In the case of social movements where the participants are engaged in activities that are commonly disapproved of by mainstream society, in particular activities regarded as being sexually “deviant”, a common model is one where participants make use of the sense of group solidarity to move from a sense of shame in their identities to a sense of pride. (Britt and Heise, 2000)

The work of the Bobai workshop explicitly aims to increase the “emotional capital” of its clients. It uses the language of pride in sex work, and as can be seen from the English language t-shirt mentioned above, it is a

deliberately internationalized discourse. The workshop sells sex toys and manuals along with its health products, and its use of the language of rights, together with the sexually provocative art produced and endorsed by Ye Haiyan, frames the work of the workshop as embodying a broader ideology – of people’s right to pursue pleasure and enjoy sex – as well as its practical concerns for health and welfare.

Consciously or unconsciously, Ye Haiyan uses her talent in communication to facilitate the emotional transfer described by Britt and Heise: using the rhetoric of anger as a means of “activating” a transition from shame and fear to pride and pleasure in their work (Britt and Heise, 2000: 265). This paradigm has had effects broader than might have originally been intended, as the recruitment and support of young gay men demonstrates: at interview, Ye Haiyan suggested that the group would also be open to people identifying with other alternative sexualities, such as the BDSM movement – despite the unsurprising absence of diverse cultures of sexuality in the rural Bobai region.

Although the ideology has been handed down from person to person in a rather informal way, the Bobai workshop can therefore be said to be engaging with a thread of discourse that can be called “sex-positive” or “pro-sexuality”, specifically originating from the reaction against those “second-wave” feminists who criticized pornography and sex work as being a manifestation of the oppression of women, and which endorses free sexual expression and a liberal attitude to the promotion of sexual minorities, focusing therefore on “all women’s right to explore and define [their] own sexuality” (Queen, 2001; Ahmed, 2011: 228-231). The sex-positive discourse has spread from the sphere of feminism to the promotion of sexual minorities in general. The debate about the philosophical and political validity of sex-positive feminism, and particularly about the place of a sex-positive discourse in sex work, is extremely complex and substantial and I do not intend to engage with it here. However, what is particularly important to note is that the workshop is endorsing an ideology and a style of communication which runs against the grain of Chinese culture.

As a general rule, sex-positive feminism attempts to confront and criticize the moral and political standards of mainstream sexuality: it is a “quest for a politically incorrect sexuality that transgresses movement standards” (Glick, 2000: 21). As such, it is a consequence of the movement that it is placed in conceptual opposition to the ideas on sexuality normally promoted by governments. This applies in China, but the ideological placement of the workshop is complex. While sex work is illegal and is officially condemned, sexual services are readily available across China. As Elaine Jeffreys suggests, “the CCP is as implicated in the creation of spaces for sexual entrepreneurship and consumption as it is in the policing of these spaces.” (Jeffreys, 2006b: 13)

That is to say, the construction of legal sex shops, for example, demonstrates an entrepreneurial attitude towards sex and its consumption (McMillan, 2006) which is shared by the illegal side of the sex industry.

As an activity and a concept, however, sex in China is not officially framed as an inherent right or something which should be pursued as a means of gaining pleasure or expressing oneself. Rather, the state and its collaborators are grappling with the increased liberalization of sexual behaviour in China by attempting to link sex and sexuality with virtue as defined by the state. For instance, McMillan describes how sex shops are framed as health care centres, where attendants dressed in white coats promote the use of “health products” such as vibrators and blow-up dolls (McMillan, 2006: 131-135). Sigley demonstrates that the state attitude towards sex and the sex industry is influenced both by the belief that sexual liberalization may have undesirable political effects and by the desire to link sexual behaviour to the repressive and authoritarian tenets of “socialist morality” and “Chinese tradition” (Sigley, 2006: 48). Although the trend is towards sexual liberalization, there is still little engagement from the party-state in discourses of sexual rights and freedoms: the aim is social engineering and control.

The Bobai workshop does engage with two of the three conceptual structures mentioned above. Its practical aims necessarily mean that it is a health organization and that it must work in an environment of sexual entrepreneurship. Its policy aim of law reform is controversial, but is not wholly incongruent with legal discourse in China⁸. But there are many aspects of its work which use provocative sexual discourse to engage its members and to help shape their identities. I would argue that the state has little idea of how to react to these aspects. Users of the state discourse have few responses when confronted with material which takes a sex-positive approach but is not actually pornographic and therefore illegal. Transgressive materials which suggest that one should be proud of one’s alternative sexualities, or which put forward the argument that any form of consensual sexual expression is an inherent good, are not conveniently understood under the paradigms of facilitation of health or of public socialist morality. Cadres and other government officials may of course engage with these ideas on a personal level, but they do not fit neatly into government discourse.

This strategic approach may be compared to that taken by non-government and quasi-government organizations such as the All-China Women’s Federation and Women’s Watch-China. Such organizations engage closely with the state apparatus: they recruit academic support, discuss laws, hold formal meetings, attempt to register themselves as NGOs, and in general seek to use the language and discourse of the state. This is demonstrated by the discourse which permeated the attempts in 2012 to reform the law

which separated “child prostitution” from “rape” and thus put children at the risk of arrest and punishment. The “Special Seminar on Crime of ‘Whoring Underage Girls’”, organized by the Zhongze Women’s Legal Counseling and Service Center (众泽妇女法律咨询服务中心) in June 2012, was reported and promoted in the official “mainstream media”; it involved representatives from the National People’s Congress Internal and Judicial Affairs Committee, the Supreme People’s Court, the Supreme People’s Procuratorate, the Ministry of Justice, and the All-China Women’s Federation, together with experts from eight universities and a number of interested members of the public (Women’s Watch-China, 2012: 5). The assembled experts debated for a day and came to the conclusion that the law needed reform and made several recommendations.

The case of the Aizhixing (愛知行) Institute, a non-government organization which has advocated for AIDS sufferers since the early 2000s, also illustrates the discourse style common to discussions of sex: while its aims are far more controversial than the quasi-government organizations above and the institute and its leaders have been persecuted by the party-state, its methods are still based on the discourse of government and of academia. As I suggest above, the Hong Kong organization Ziteng has been a model for the Bobai workshop: in contrast to the mainland organizations, it prioritizes outreach and public promotion over research and liaison with government.

There is nothing particularly extraordinary about the above two instances of political and legal reform and consultation processes in China, but they do demonstrate the formalized, structured, and government-centred way in which sex and sex work is normally discussed in China. The academic and legal experts who discuss these issues are a segmented public of their own; the Bobai women’s workshop provides an alternative type of forum in which the people who actually participate in sex work can express their sense of injustice, reinforce their identities, and feel pride in their work, none of which are provided in governmental discourse. It is therefore a distinctive and valuable space, and one which is using its separateness from the state to positive effect.

6. Conclusion

Some years ago, in considering an online rights promotion forum, I suggested that the discourse of the forum, its aesthetic style and the language it used, had “offensive” and “defensive” functions (Benney, 2007: 443). The offensive function allowed the forum to promote its actual aims, whereas the defensive function attempted to prevent the adverse interference of the state. Normally the defensive functions of Chinese social movements have been characterized by appeals to the Centre and appropriations of mainstream Chinese political

language. Those social movements which opposed the state have had little or no defensive function (normally by definition), and appear to have been at a higher risk of state intervention.

The workshops organized by Ye Haiyan demonstrate a modification to this paradigm which may prove viable in the long term. The Bobai workshop is essentially an anti-state organization which makes no attempt to engage positively with state discourse and which forms close links with many highly controversial individuals. Nonetheless, it has been able both to perform useful practical work at the grass-roots level and to sustain an engaged community of supporters at the global level. It has done this by using strategies which may be characterized as “non-state” as much as “anti-state”.

Localized rural social movements have generally used appeals to the Centre as one of their promotional strategies. This has not necessarily stopped them from being censured and punished by regional as well as local authorities. There will never be a long-term answer to the question of when the state will intervene in social movements until the legal process in China is made transparent and effective, but the case of the Bobai workshop demonstrates that social strategies which juxtapose the local and the global, and which take on unorthodox social philosophies, are both readily available to the average Chinese activist and demonstrate significant potential for the future.

Notes

- + I offer my thanks to Ye Haiyan and my other anonymous interviewees. I also thank Andrew Cheng for his assistance with the transcription of interviews.
 - * Dr Jonathan Benney is a Postdoctoral Fellow at the National University of Singapore’s Asia Research Institute, and a graduate of the University of Melbourne. His research and previous publications concentrate on rights discourse, activism, and the use of new media in China. His first book, *Defending Rights in Contemporary China*, was published in July 2012. Before coming to NUS, he worked as a lecturer, tutor and researcher at several Australian universities. <Email: arijdb@nus.edu.sg>
1. In this article I am using the term “sex work” to cover a wide range of acts, ranging from the “accompaniment” of men by women in such places as karaoke bars, to hired long-term mistresses (or *ernai* 二奶), to the hiring of prostitutes, both male and female, for specifically sexual purposes in “beauty parlours” (*falang* 发廊) and other *de facto* brothels. Over the course of more than a decade, Jeffreys (1997, 2004, 2006a and 2006b) has described the development of this industry from its beginnings in the early 1980s to its current widespread and sophisticated form. Huang *et al.* (2004) concentrate specifically on southern China and demonstrate the commonness of sex work, the various forms it takes, and the prevalence of sexually transmitted diseases among sex workers (for example, 10.6 per cent of sex workers in Guangxi in 2000 were found to be HIV positive).

Zheng (2009a and 2009b) provides anthropological and ethnographic analyses of groups of sex workers and hostesses, illustrating the formation of communities and the development of relationships with the state. There is a plethora of other material on this subject, but my aim in this article is to concentrate on the strategic approach of the women's workshop and its campaigners, rather than to engage substantially in the debate about the rightness or wrongness of various approaches to regulating sex work.

2. Here I use Goffman (1974)'s idea of "frame analysis" as a means of reading and analyzing the texts and utterances produced by Ye Haiyan and the workshop. My previous work drew on the idea and the sociological methodology of frame analysis as a means of analyzing rights discourse (Benney, 2012: 32); here I am simply applying the same technique to the parallel language of emotion and injustice.
3. I am synthesizing this narrative from the interviews I conducted with Ye Haiyan and other workshop members in February 2012 and from the material contained on her website (<http://www.chinese38.com>), as well as a number of journalists' reports, the most substantial of which are Mooney (2012) and Branigan (2010).
4. The name of the workshop differs when it is published in different sources, sometimes including words like "women's" and "rights". When spoken of it was always just called "the workshop" (*gongzuoshi* 工作室). In this article I call the people who regularly use the workshop and who are involved in its activities "members". This should not be taken to imply that there is a formal structure for registration or membership. Rather, it is intended to convey a greater sense of agency and ownership over the workshop than words like "participant" or "client".
5. While working in Wuhan, Ye worked with and interviewed various male sex workers; at one stage videos of these interviews were available on her website.
6. I discuss Ye Haiyan's use of Twitter further in my 2011 article and 2012 conference paper.
7. Microblog posts are relatively short, so this argument was mounted in a series of posts made on 20th August 2012, the first of which is recorded at <http://twitter.com/#!/liumangyan/status/237194512315842560>.
8. A few members of Chinese legislative bodies have made a largely symbolic effort to lobby for reform to prostitution laws: Chi Susheng 迟夙生, a deputy to the National People's Congress from Heilongjiang, has been a prominent campaigner for law reform, and has put several motions for the legalization of prostitution before the Congress. (Shek, 2012)

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State and Recusance: Structure and Agency in the Development of Contemporary Chinese NVA

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Abstract

With the 18th National Congress of the Chinese Communist Party concluded on 15th November 2012 and the birth of a new Politburo Standing Committee, the Party thus completed its second orderly hand-over of power in more than six decades of its rule over this most populous country in world, and today, the world second largest economic entity. Nevertheless, also mark the year 2012 are various other poignant events that further strain State-civil society relations in this vast country: the suicide of Zha Weilin, the mysterious death of Li Wangyang, the daring escape of Chen Guangcheng from captivity in Shandong, the Victoria Park commemoration of June Fourth with a record attendance, intensification of public protests – mainly related to forced demolition and relocation, industrial pollution and official corruption – apparently emboldened by the solution to late 2011’s Siege of Wukan and the continuing self-immolation of Tibetans since 2009. This paper explores the arduous development of contemporary Chinese nonviolent action (NVA) movements against the backdrop of these events. Seeing contemporary Chinese NVA not as a multiattribute concept, but a *multiconcept* construct covering a spectrum of civil actions with different ideological and strategic orientations, the paper analyzes the Chinese State-civil society relations with particular emphasis along the pathway of a State domination-NVA assertion nexus with due attention paid to its macro-micro linkages in particular from the interpretive perspective, taking into consideration the problem of structure and agency, taking cognizance of the central role played by individual political actors in giving existence to the system, and the inability for the causal powers of systems and structures to exist without the mediation through the Archerian human agency whose causal powers, in turn, are indeducible from or irreducible to the causal powers of society.

Keywords: *Party-State, recusance, nonviolent action (NVA), racketeer State, democracy movement, weiquan, weiwen, domination, assertion,*

constraints and enablements, structure and agency, reflexivity and reflexives, morphogenesis and morphostasis

JEL classification: H11, H12, K49, Z18

1. Introduction: Dickens Revisited

It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness, it was the epoch of belief, it was the epoch of incredulity, it was the season of Light, it was the season of Darkness, it was the spring of hope, it was the winter of despair, we had everything before us, we had nothing before us, we were all going direct to Heaven, we were all going direct the other way [...]

– Charles Dickens (1812-1870), *A Tale of Two Cities* (1859),
Book the First: Recalled to Life, Chapter 1: The Period

Charles Dickens described the years of the French Revolution as “the best of times” as well as “the worst of times”. The degree of social contradictions that has grown into a highly alarming proportion, not only from the perspective of the masses but also well recognized by the ruling Chinese Communist Party (CCP)¹ as for instance reflected in the amount of spending on the *weiwēn*²-related efforts, in China today accompanied by, ironically, an unprecedented economic miracle not only from the Chinese perspective but also the global, since the tragic ending of the 100-day 1989 Tiananmen protests, has indeed made the transposition of Dickens’s well-known adage to present-day China much less preposterous than it might appear to be.

Indeed, in an unusual three-part article, “Hu/Wen de Zhengzhi Yichan 胡/温的政治遗产” [Hu/Wen’s political legacy]³, written by *Xuexi Shibao*’s deputy editor Deng Yuwen 邓聿文 – unusual because *Xuexi Shibao* 学习时报 (*Study Times*) happens to be a magazine run by the Communist Party’s Central Party School (which is presently headed by Xi Jinping 习近平, the new Party general secretary and presumptive incoming State president), hence the article is seen by most as possibly reflecting Xi’s views – Hu Jintao-Wen Jiabao 胡锦涛-温家宝 administration’s seven great achievements during the past decade are juxtaposed with ten severe problems it has been considered to be responsible for during the same period. While proclaiming China’s glorious achievements during the reform era as in the first part of Deng’s article posted on 30th August 2012 is commonplace inside and outside the country nowadays (the latter such as views popularized in the recent, tremendously successful works of Martin Jacques⁴ and Ezra F. Vogel⁵), what is far from commonplace is the unconcealed tone of the severe criticisms in the second part posted on 2nd September, which was followed by the third part giving the author’s concluding remarks and recommendations. Expectedly, the three-part article disappeared shortly after posting.

Table 1 Achievements and Problems of the Hu-Wen Decade (Deng Yuwen, 2012)

Achievements	Problems
<p>1. China became the world's second largest economy, just after the United States of America (US), in comparison with the 6th place in world ranking a decade ago. Beginning to enter the rank of middle-income countries, China has experienced an increase in GDP per capita from US\$1000 a decade ago to US\$5414 by 2011, with her poor population continued to drop to 120 million, thus building a firm material foundation for the year 2020 target of the achievement of a "well-off" (<i>xiaokang</i> 小康) society.</p> <p>2. Suggestion of new concepts of development, represented by the "outlook of scientific development" and "building of harmonious society". During the key juncture of China's socialist modernization, such new concepts have led to the country's remarkable developmental achievements while also serving to show that CCP is able to keep up with the times, reflect the demands of the era and provide guidance on development.</p> <p>3. Beginning of advancement in governance openness and a sunshine government. A modern government is an open, transparent government. Only when government information and policy-decision are open and transparent, policy-decision errors and public servants' corruption can be reduced and the government and people can get closer to each other to the largest extent, thus enabling the</p>	<p>1. Lack of breakthrough in economic structural adjustment and building of a consumer society during the past decade, being constrained by interest groups including those at the local level.</p> <p>2. Inability to effectively cultivate, foster and strengthen the middle class which is supposed to be the cornerstone of social stability and prosperity. While in terms of income the middle class has seemed to be expanding in the past decade, such expansion has lagged behind economic acceleration due to the lack of construction of mechanisms fostering the middle class. Examples include the continuing delay in the implementation of income distribution reforms which has led to the inability to close the gap between rich and poor and the inability of those in the low-income group to rise to middle class, high house prices swallowing up consumption capability, etc.</p> <p>3. Continued existence of the <i>huj</i>i or <i>hukou</i> 户籍/户口 gap and expansion of urban-rural disparity. Due to <i>huj</i>i's close link to urban public services and local public finance and economic growth, its reform has not been substantial during the past decade. While some middle-size and small cities have loosened their <i>huj</i>i control, the thresholds set are too high for the great majority of the <i>nongmingong</i> 农民工 (rural-to-urban migrant workers) to be absorbed and to change in identity. The stagnation in <i>huj</i>i reforms has also brought about a whole series of problems such as urban-rural contradictions, land-related public finance problems, peasants losing their lands, etc. As a consequence, peasants' interests are being severely eroded</p>

Table 1 (continued)

Achievements	Problems
<p>major social bodies to anticipate government behaviour in order to build a well-ordered, well-regulated government and polities. Openness and transparency is especially important in terms of the government's function in the Chinese society. During the past 10 years, beginning with making known to the public of information on the SARS epidemic, with regulation of government information openness as the sign, and making public of government budget as usual practice, with the development of new media as pressure mechanism, there have been certain improvements in the openness of government behaviour.</p> <p>4. China's entering the World Trade Organization (WTO) has fixed the process of the country's incorporation into the world, making it impossible for the nation to return to the closed-door policy of the past. Although entering the WTO wasn't an event occurring during the past 10 years, the persistence on the open-door policy during the decade and carrying out what had been promised have led China onto an "openness" path of no return, to be incorporated better into the world and to absorb the advanced culture of the West, in order to achieve the nation's century-long target of modernization.</p> <p>5. Preliminary results have been obtained in social construction. Social construction with education, health care, social security, housing and living assistance as the main</p>	<p>during urbanization, leading to the transforming of China's original urban-rural dualist structure into a tripartite structure of peasants, <i>nongmingong</i> and urban residents.</p> <p>4. Population policy severely lagged behind reality, causing rapid aging in demographic structure. Child-bearing is a basic human right but the government has persisted in its rigid one-child policy during the past decade, leading to rapid aging in demographic structure which has adversely affected the nation's economic growth and the enhancement of the standard of provision for the aged, as well as social problems such as losing the only child and gender imbalance, and one-child policy-induced trampling of the rights and interests of the masses that is happening day to day.</p> <p>5. Administrative and utilitarian tendency of education and research has not been arrested but is getting more severe, thus killing innovative spirit and capability. While there have been remarkable advancement in education and research during the past decade, quantity has been emphasized instead of quality.</p> <p>6. Environmental problems have not been ameliorated; instead, pollution is getting more and more severe. Rugged manner of development has resulted in sacrificing environment as the price to pay for economic growth. During the past decade, huge number of high-energy-consuming, high-pollution projects have caused severe damage and comprehensive deterioration to homes and living environment, leading to acute decline in quality of life and to even threat to life itself from pollution. In addition, environmental</p>

Table 1 (continued)

Achievements	Problems
<p>elements is directly related to the people's livelihood. It is also a requirement for improving income distribution, ameliorating disparity between rich and poor, promoting economic development and building a domestic-demand-led society. Over the past decade, while economic construction remained the core of policy implementation, social construction has also achieved remarkable advancement, such as the abolition of agricultural tax, remitting of school fee and miscellaneous fees at school, establishing compulsory education, canceling price hike of medicines, as well as the setting up of a social security system which, though still being low-level, is comprehensive in coverage, hence leading to very substantial improvement in people's livelihood.</p>	<p>problem-induced contradictions and conflicts have been on the rise and are becoming more and more acute.</p>
<p>6. There has been rapid development in the process of urbanization. Urbanization not only has practical economic implications for China, but it is also a main guarantee for the nation's economic growth in the next two decades. Besides, urbanization will also transform people's mentality and way of life and its influence in this context is truly immeasurable. Hence, a major content of China's transformation is that from farming civilization to industrial civilization, from farming villages to cities, and this has to be accomplished through urbanization. During the past 10 years, urbanization has been advancing</p>	<p>7. Inability to build up a stable energy resource supply system. With a developmental pattern of high energy resource consumption, a country of such low energy resource per capita would need to be heavily dependent on external sources of supply. Without building up stable and diversified channels of energy resource supply during the past decade, and having taken only a rudimentary step to explore new energy resources, the country will be constrained externally which will in turn affect its overall development.</p> <p>8. Collapse of social moral institution, ideological bankruptcy, continued dropping of moral bottomline, while personal profit becomes the target of all. Accompanying outstanding economic development during the past decade is the comprehensive moral decline, with the collapse of the old moral institution, bankruptcy of the ideology built up during the revolutionary era, while a new, modern moral institution for adaptation to the demands of the market economy and commercial civilization is yet to be built up and the construction of a convincing mainstream value system remains non-existent.</p>
<p>9. Haphazard and <i>weiven</i> 维稳 style of diplomacy lacks holistic perspective, grand strategy and concrete train of thought. During the past decade, principles and objectives are not accompanied by strategic planning and agenda setting and will to implement. Constrained by the <i>tao guang yang hui</i> 韬光养晦 principle of</p>	<p>9. Haphazard and <i>weiven</i> 维稳 style of diplomacy lacks holistic perspective, grand strategy and concrete train of thought. During the past decade, principles and objectives are not accompanied by strategic planning and agenda setting and will to implement. Constrained by the <i>tao guang yang hui</i> 韬光养晦 principle of</p>

Table 1 (continued)

Achievements	Problems
<p>at a speed of more than a percentage point per year, with more and more peasants being bound into the radiance of market and urban civilization, resulting in the rate of urbanization surpassing 50 per cent for the first time, thus accomplishing China's from-rural-to-urban transformation.</p> <p>7. Proposing ideas and stances on international order; unprecedented strengthening of international status and influence. As a natural outward projection of the country's composite strength and development results during the decade, China's international status and influence have experienced further strengthening and diffusion over the period. The introduction of the concept of the "China model", the discussion over the "G2" framework, and the elevation of China's power and the strengthening of China's voice in international organizations can all be seen as manifestation of its rising international status. At the same time, as a newly rising great nation, it needs to have its own opinions and stances about the international order. In this regard, China has proposed the developmental concept of a harmonious world and been working hard towards it, making itself a major force in pursuing international peace and development and upholding international justice.</p>	<p>"lying low and biding time", the government's haphazard and <i>weiwen</i> mode of thought in dealing with a whole series of international disputes has led to increasingly grim international environment for China.</p> <p>10. Weak promotion of political reform and democratization – still a huge distance towards the aspiration of returning power to the people. This is the most important issue for China today. Exactly because of its being most important, solving the problem is also particularly difficult. Looking at the experiences of other countries' modernization and China's own situation, to go straight in one step to promote relatively thorough political reform and democratization is impossible, and returning power to the people requires a procedure that asks for careful planning and installation. However, the ruling CCP should at least give the people hope and show its good faith and sincerity with some concrete actions, instead of dragging its feet just because there are problems. During the past decade, although Hu/Wen has also been emphasizing on democracy, freedom, rule of law, and on advancing political institutional reforms, the real progress has been limited and promoting of democracy has been weak. In fact, the solutions to all the abovementioned problems ultimately boil down to the issue of political reform and stand or fall by the depth of political reform. Hence, the ruling CCP should show its courage by walking the first step of political reform and democratization.</p>

At the heart of such contradictions lies the ultimate project of a self-seeking State manifested in the single-mindedness in pursuing greater economic prosperity, sometimes dubbed “GDPism”⁶, a frenzied quest that is increasingly unfolding in recent years to be at a terrible social cost, resulting in no small measure from often unchecked power and corruption of CCP cadres, officials and princelings and pervading State-business collusion with little regard for both public accountability and corporate social responsibility. Such is aggravated by the suppression of *weiquan* 维权 (rights-defending) activism and persecution of civil rights activists in the name of *weiwen* 维稳 (maintaining stability) and the alleged unwritten rule of exempting family members of high-level ruling echelon from crime prosecution for the interest of politburo solidarity and party-State legitimacy⁷. Such collusion in service of GDPism⁸ whose achievement in turn lends legitimacy to the regime is referred to in the two suggestions made in Lynn T. White’s study on China, Thailand, Taiwan and the Philippines: “First, opportunities for political support by networks with effective power – sometimes mostly in the state, but often mostly in local business elites – cause economic growth or its lack. Second, such growth, if they can arrange it, strengthens those elites’ capacities as against rivals, in whatever type of regime they have.” (White, 2009: 9) Nevertheless, it would not be from a balanced perspective if all these aberrations and inhuman consequences from GDPism are blamed on State-business collusion and corruption, and the local governments’ *weiwen* overdrive. After all, many cash-trapped and debt-ridden local governments might have no choice but to heavily rely on developmental projects for their revenues⁹ in this vast polity said to be the world’s most economically decentralized country¹⁰ where the centre expects relative self-sufficiency of the local economy whether at the provincial level or the county level and the local governments are expected to be fully responsible for the launching and coordination of local reform, for local economic development, and for legislation and law enforcement within their respective jurisdictions. Putting such context together with the country’s acute interlocal and inter-regional economic disparity, it will not be surprising to see inhuman forced demolitions becoming the rule of the day to make way for lucrative property development, or even manufacturing and mining ventures with little regard for human lives, labour rights and environmental consequences. Under such circumstances, these State actions of course unavoidably need to be coercive, leading to protests and resistance from the affected masses, which in turn lead to more repression in the name of *weiwen* including beatings, lock-ups and even murders.

Within such context, this paper set out to analyze the development of recusance as political defiance or dissent in the form of nonviolent action (NVA) movements in contemporary China and their relationship with the

Party-State. Recusance or recusancy¹¹ as used here alludes to the religious connotation of the Marxist dogma, or the similarities Bertrand Russell drew between Judeo-Christian eschatology and Marxist socialism: Dialectical Materialism/Yahweh, Marx/the Messiah, Proletariat/the Elect, Communist Party/Church, the Communist Revolution/the Second Coming, Punishment of the Capitalists/Hell, and the Communist Commonwealth/the Millennium (Russell, 1946)¹² – a messianic legacy that the present post-Maoist CCP has retained in an modernized and improvised format: Mao remained on the messianic pantheon; a rejuvenated, increasingly catch-all and technocratic Communist Party continued to be the umbrella Church to all societal groups religious or otherwise; and a CCP-ruled, stability-above-all-else, high-growth economic and military leviathan being the centre of the imminent *Pax Sinica*, or to the ever unrepentant devil’s advocate at least “a spectacular vision of a happy hell” (Ryan, 1988)¹³. On another note, similar to Rose’s claim with respect to the institution of government (Rose, 1983: 159), contemporary Chinese recusance could be said not to be a multiattribute concept, but a *multiconcept* construct, whose different conceptual components could be encompassed under NVA which, as used in this paper, comprises both mass “political defiance” denoting a deliberate challenge to authority by disobedience including protest, non-cooperation and intervention applied defiantly and actively for political purposes (see definition in Sharp, 2010, adopting Helvey, 2002), as well as other types of nonviolent struggle and resistance. It thus covers a wide spectrum of movements both directly against State repression such as the wider democracy movement, the Falungong 法輪功 resistance and the territorial ethnic minority resistance movements, as well as the *weiquan* activism which only indirectly challenges State repression, in cases where it occurs, in its struggle for social justice. With this overall focus in mind, this paper proceeds along the analytical pathway of a State domination-NVA assertion nexus with due attention paid to its macro-micro linkages in particular from the interpretive perspective, taking into consideration the problem of structure and agency, the “double morphogenetic” scenario as portrayed in the realist social theory.

2. NVA and the State

Indeed, miraculous economic performance and urban modernization accompanied by uncontrolled widening socioeconomic inequalities and the lack of rule of law (and often “lawless” local governments especially in the cases of the suppression of local civil rights activists and demolition of residential houses to make way for lucrative property development) have characterized the past three decades of Chinese development during the market-reform era. The problem is often blamed on Deng Xiaoping 邓小平’s maxim “let some

people get rich first” directive and the rugged capitalist approach to economic reform. However, begging the question as to the glory of China’s success in the past decade is the apparent failure in establishing the rule of law under the Hu-Wen administration. The factors at work here could in fact be similar to the reasons why North Korea is so resistant to economic reform (Kim, 2012), for establishing a comprehensive framework of the rule of law could eventually harm the self-declared legitimacy of one-Party rule, jeopardize the *wenwen* efforts, and destabilize the sociopolitical status quo that GDPism has so far succeeded to maintain. Zhang Wei 张炜, a senior research fellow at University of Nottingham’s China Policy Institute, in a recent interview by the British Broadcasting Corporation (BBC), rejected the popular claim that the Hu-Wen administration was responsible for the past decade of China’s unprecedented economic growth which he attributed instead to the economic reforms arduously engineered by earlier leaders in the 1980s and 1990s whose cumulative benefits were being reaped by the present administration. On the contrary, the Hu-Wen administration were characterized in the past decade by its lack of any substantial reforms in economic or political institution, as well as by the most draconian State control of society including the worst repression on civil rights activists and press freedom since the 1980s. Far from being comparable with earlier leaders like Deng Xiaoping or even Jiang Zemin 江泽民 and Zhu Rongji 朱榕基 in terms of reform efforts, according to Zhang Wei, the Hu-Wen administration are directly responsible for the acute social contradictions resulted especially from spiraling income and wealth disparities.¹⁴

2.1. State as Racketeer and Power Asymmetry

We control life, Winston, at all its levels. You are imagining that there is something called human nature which will be outraged by what we do and will turn against us. But we create human nature. Men are infinitely malleable. Or perhaps you have returned to your old idea that the proletarians or the slaves will arise and overthrow us. Put it out of your mind. They are helpless, like the animals. Humanity is the Party. The others are outside – irrelevant.

George Orwell (1949), *Nineteen Eighty-Four*, Part 3, Chapter 3

Nevertheless, in the interplay between the State and the civil society, much like what Kristensen’s law in public choice theories postulates, the negotiation between human agencies tends to be asymmetrical. In entrenching and expanding its power, the ruling regime as a rule would resort to exploit such power asymmetry not only through the overt repression of dissent in the preservation of stability as an ongoing stalemate – one of the possible results of social conflicts from the neo-Marxist perspective – but also by forging and

re-forging alliances with societal groups based on common interest and the co-optation of the societal élite including segments of the intelligentsia. All these, of course, depend on the State's ability to monopolize the concentrated means of coercion. In this, China is not unique, as Charles Tilly observes:

At least for the European experience of the past few centuries, a portrait of war makers and state makers as coercive and self-seeking entrepreneurs bears a far greater resemblance to the facts than do its chief alternatives: the idea of a social contract, the idea of an open market in which operators of armies and states offer services to willing consumers, the idea of a society whose shared norms and expectations call forth a certain kind of government.

(Tilly, 1985: 169)

While that brings to mind Thomas Paine's iconoclastic dictum that "government even in its best state is but a necessary evil; in its worst state an intolerable one"¹⁵, Tilly notes that apologists for a government usually argue that the government offers protection against local and external violence and these apologists call people who complain about the price of protection "anarchists", "subversives", or both at once. Tilly basically finds an analogy of such a government that perpetuates its power through violence, in one sense or another, with a racketeer:

Back to Machiavelli and Hobbes [...] political observers have recognized that, whatever else they do, governments organize and, wherever possible, monopolize violence. It matters little whether we take violence in a narrow sense, such as damage to persons and objects, or in a broad sense, such as violation of people's desires and interests; by either criterion, governments stand out from other organizations by their tendency to monopolize the concentrated means of violence.

(*ibid.*)

On the other hand, the mismatch between the system segments' relations and those of the human agencies, coupled with power asymmetry and one-sided monopoly of violence, gives rise to a situation in which social structural stratification leads to even involuntarily placed agents being transformed into social actors during the process of transforming the structural conditions affecting them – Margaret Scotford Archer's double morphogenesis¹⁶ – while they are endeavouring to realize their undertakings and/or to guard their vested interests. In 1989 such a mismatch tragically ended in that Goyaesque landscape of the morning after that fateful night of 3rd-4th June which a leading weekly in its editorial saw as a staggeringly brutal stroke that shot through the heart of CCP that would no longer not recover.¹⁷ Nevertheless, that poignant commentary seems today, by hindsight, to be a gross underestimation of CCP's resiliency and the effectiveness of authoritarian power, and the importance of the constraints and enablements that depends

objectively on the relative social position of the human agents and subjectively on the agents' projects which to a certain extent being adjusted to possibilities through what Pierre Bourdieu calls the "causality of the probable" (Bourdieu, 1974), given the stark asymmetry in power relations and one-sided monopoly of violence – the inhuman violence that typically accompanied the rise of the Communist Party to power whether in the former Soviet Union or China. Indeed, here in this East Asian landmass, the blood-soaked history of the CCP since the bloody purges of the so-called "AB" ("anti-Bolshevik") League of the 1930s in the Chinese Soviet regions that claimed the lives of more than a hundred thousand people had continued throughout its reign (Gao, 1999; Hu, 2012). For instance, according to a Party History Publishing House (中共党史出版社) publication, by the end of the 1950-1953 "Movement to Suppress Counterrevolutionaries" (镇压反革命运动), over 2.4 million "bandits" were liquidated, 1.27 million "counterrevolutionaries" were incarcerated, 230 thousand brought under surveillance and 710 thousand killed (Bai, 2006, repr. 2008: 494). However, placing these in the proper perspective, they are but minor incidents throughout the millennia-long blood-soaked history of the Chinese dynasties – may they be through State brutality, suppression of peasant revolts, pacification of the frontiers, conquests for the imperial realm, or even palace purges.

2.2. Grassroots Reactions to a Racketeer State: Emergent Currents of Change in Chinese Democratization

On the other hand, the democracy movement inside China which began during the Beijing Spring of 1978, flourished under the liberal Hu Yaobang 胡耀邦-Zhao Ziyang 赵紫阳 administration, erupted in a full show of strength on the streets during the hundred-day Tiananmen demonstrations, has since been ruthlessly crushed into non-existence. The dissident Xie Changfa 谢长发 was sentenced to 13-year imprisonment for his involvement in founding the outlawed China Democracy Party in 1998. He Depu 何德普, another founder of the China Democracy Party, lost his job at the Chinese Academy of Social Sciences after standing as a candidate in local elections in 1990, and was given an eight-year sentence on 6th November 2003 for dissident activity on the Internet.

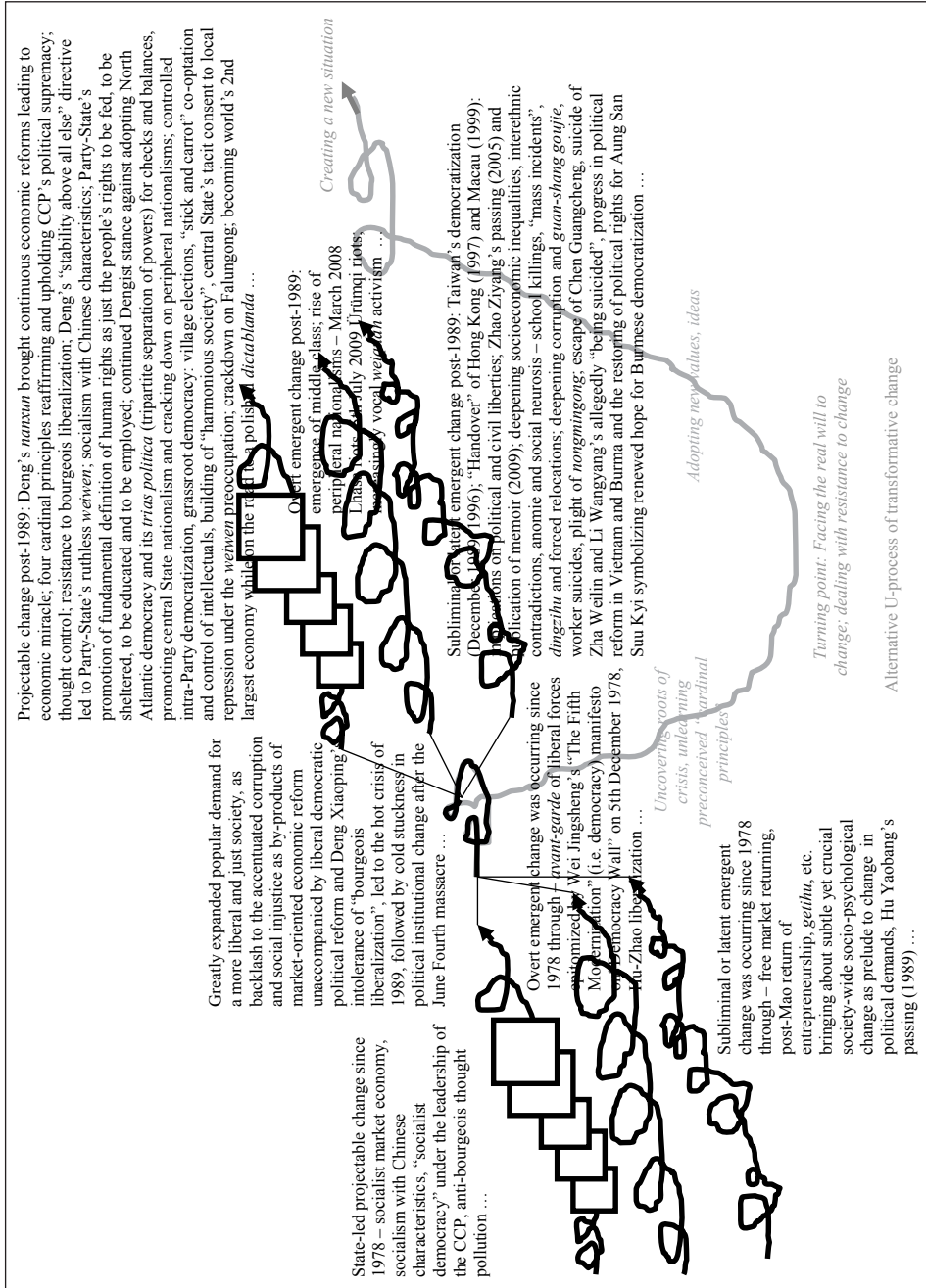
Hence, the relentless proscription of the democracy movement inside China and the ineffective and fragmented nature of the democracy movement in exile have rendered the democracy movement in general surviving in at most a commensal relationship with the CCP on which its impact has been and is increasing negligible and from which all that it draws is but strategic blasé mixed with probably genuine nonchalance and unconcern (see Figure 2). For instance, out of the 2012 Nobel Peace Prize nominee¹⁸ Professor Gene

Sharp's list of 198 methods of NVA (see Sharp, 2010: 79-86, "Appendix One"), just are there any that the Chinese democracy movement has been engaging in effectively or is in a position to engage in or organize effectively in the harsh political environment since the Beijing massacre 23 years ago? In this regard, the limited impact from the high-profile pro-democracy activists such as Liu Xiaobo 刘晓波 constitutes an exception rather than the rule, as cases like this are doubtlessly more a result of foreign pressure (in the case of Liu, the Nobel Prize) rather than an impact from the democracy movement itself. While Charter 08 that Liu drafted and publicized on 10th December 2008 represents the first official document from the democracy movement within China that openly calls for constitutional amendment (Item 1) to pave the way for separation of powers (Item 2), legislative democracy (Item 3), judiciary independence (Item 4), free and fair one-person-one-vote elections for all public posts at all levels with no exceptions (Item 7), abolishing the present one-party political monopoly system and replacing it with multi-party free and fair competition (Item 9), freedom of speech (Item 11), construction of a federal republic under a democratic constitution, etc. (Liu, 2010: 403-409, Appendix)¹⁹, and received wide support among the intelligentsia both within China and overseas, it remains little more than a theoretical paper that the CCP can easily treat with plain unconcern. According to the results of an Internet survey conducted during April-May 2012 by Li Kaisheng 李开盛, an associate professor at the Xiangtan 湘潭 University in China's Hunan Province, recently released on the *Gongshiwang* 共识网, an academic thought website, a majority of the respondents were found to be favouring the Western, North Atlantic liberal democratic political system based on separation of powers.²⁰ The survey was conducted from 13th April 2012 to 13th May 2012 with a returned sample of 4,697. The conduct of this survey, according to Li, stemmed from his conviction that what really determines China's future is not or mainly is not the thought of an élite minority, but the opinion and cognition of the majority of the masses towards the country and its society. His survey results show that among the political systems which the respondents were most in favour of the top five were that of the United State of America (71.98 per cent), Sweden (32.38 per cent), United Kingdom of Great Britain and Northern Ireland (30.76 per cent), Germany (28.81 per cent) and Singapore (27.51 per cent). On the other hand, topping the list of political systems the respondents were most not in favour of were that of North Korea (73.62 per cent) and China (54.12 per cent), followed by Iran, Vietnam and Pakistan. Besides that, the majority of respondents viewed corruption, inadequate degree of democratization and social injustice as the biggest challenges facing today's China, with 81 per cent of the respondents considering the problem of corruption as "very serious" and 17 per cent "relatively serious". Putting aside the usual limitations of such on-line Internet

surveys, which in this case is further complicated by the fact that the posting of its results on the *Gongshiwang* had apparently been deleted swiftly by the website administrators²¹, the results have lent support to the well recognized subtle undercurrents going on in the scene of Chinese sociopolitical change – the subliminal changes surging beneath the State-orchestrated projectable changes which still continue to draw a line against adopting North Atlantic democracy and its *trias politica* (tripartite separation of powers) for checks and balances²², as shown in Figure 1 which is based on Reeler’s threefold theory of social change (Reeler, 2007).²³

Geopolitically (not used in an international strategic sense), a quarter of a century after Chiang Ching-kuo 蔣經國 lifted martial law and virtually ended authoritarianism in Taiwan on 15th July 1987 on the one hand, and first open contact with mainland China in the same year, and 15 years after Hong Kong’s “Handover” to mainland China on the other, there have been surging contacts by the mainland Chinese today with their brethren in Taiwan and Hong Kong, not only via the Internet weblogs, *weibo* 微博 and twitter but increasingly in person through tourism. The possibilities for China no longer seem remote but truly imminent, as it is thought-provoking enough in witnessing their “renegade province” across the Strait today with a vibrant liberal democratic political system and a free and decent civil society brimming with vim and vigour and their Special Administrative Region where their Cantonese-speaking brethren are engaging in a zealous life-and-death struggle against Beijing’s encroachment of their treasured civil liberties. The latter region is unique in being the only corner of China under PRC’s jurisdiction where large-scale public demonstrations against China’s one-party authoritarianism are still possible, as manifest in the annual remembrance of the 4th June 1989 Beijing massacre, participated this year (2012) by a total of 180,000 people, and the annual “Handover” anniversary demonstrations, participated this year by 40,000 people, according to organizer’s figures, in defense of freedom and democracy, protesting against “party-official-business collusion” and calling for a thorough investigation of Li Wangyang 李旺陽’s cause of death. Added to these sources of inspiration or models worthy of emulation are the images of the Republic of Mongolia (formerly China’s Outer Mongolia) where the human rights-respecting multi-party democracy is going strong since moving away from the Mongolian People’s Revolutionary (Communist) Party authoritarianism in 1991, Vietnam where political reform seems possible to be picking up speed and leave China behind, and Burma (or Myanmar, China’s erstwhile formerly junta-ruled client state) where the junta-dominated regime unexpectedly staged a volte-face with promising political reform and liberalization suddenly moving apace, epitomized by ending the long-running persecution of Aung San Suu Kyi and her National League for Democracy (NLD) and restoring their political rights.

Figure 1 China's Political Institutional Change since 1978: Institutions, Agents and Events



3. Domination and Assertion: Interpreting Chinese Sociopolitical Movements

Indeed, unless we choose to decentralize [...] as the means to producing a race of free individuals, we have only two alternatives to choose from: either a number of national, militarized totalitarianisms [...] or else one supra-national totalitarianism, called into existence by the social chaos [...] and developing, under the need for efficiency and stability, into the welfare-tyranny of Utopia. You pays your money and takes your choice.

Aldous Huxley (1946), "Foreword" to *Brave New World* (1932)

Since the brutal crushing of the 1989 Tiananmen demonstrations – which during a hundred days metamorphosed from originally being university students' protests against public sleaze and corruption into unprecedented, emboldened society-wide rallies not only against corruption, but also for freedom of speech, press freedom, freedom of forming civil associations, labour rights and independent trade unionism, civil rights, rule of law and democratic governance, etc., which was essentially calling for reforms shaking CCP's monopoly of political power – Chinese political dissent has survived essentially on two tracks. On the one hand are the exiled dissidents and their various organizations mainly based in the United States of America (US) that make up the Chinese democracy movement in exile in which many survivals of the 1989 crackdown are still active, on the other there are the rights-defending activists and civil society organizations inside China which are threading a thin line within China's spurious legal environment, fighting to right the social injustices caused by rampant corruption, State-business collusion, and the *weiwēn* preoccupation that places stability above civil rights and political morality, while trying to avoid challenging CCP's political monopoly.

The history of the Chinese democracy movement in exile can be traced back to the June Fourth Beijing massacre of 1989. Many pro-democracy organizations were born during that tumultuous 100-day "Beijing Spring" and these included the China Support Network (CSN), Human Rights in China (HRIC) and the Independent Federation of Chinese Students and Scholars (IFCSS). New groups emerged in the years following the massacre: the Party for Freedom and Democracy in China (PFDC) founded in 1991, the Wei Jingsheng Foundation and the Overseas Chinese Democracy Coalition²⁴, the Free China Movement founded in 1998 led by Lian Shengde 连胜德, as well as the new anti-CCP news outlets formed at the turn of the new millennium – *The Epoch Times* (*Dajiyuan* 大纪元), the New Tang Dynasty Television and the Sound of Hope Radio – during the beginning of the crackdown on Falungong 法輪功. However, the core of the democracy movement in exile is mainly made up loosely of such US-based organizations like China Alliance

for Democracy, the Federation for a Democratic China and the IFCSS appears fragmented and suffers from internal disputes, factional strife and in-fighting, and has little impact against CCP's continued one-party rule in China, owing in no small measure to the miraculous economic performance and impressive poverty reduction record of China since the bloody crackdown of 1989, the liberalization of the Chinese society accompanying the no-holds-barred market reform and increasing degree of intra-CCP democratization even while the party's monopoly of political power remains ruthlessly non-negotiable.

3.1. Pro-Democracy and Civil Rights Activism as Credible NVA

The survival of democracy depends on the ability of large numbers of people to make realistic choices in the light of adequate information. A dictatorship, on the other hand, maintains itself by censoring or distorting the facts, and by appealing, not to reason, not to enlightened self-interest, but to passion and prejudice, to the powerful 'hidden forces', as Hitler called them, present in the unconscious depths of every human mind.

Aldous Huxley (1959), *Brave New World Revisited*, Chapter VI

Chinese democracy movement can be classified typically as an NVA movement, or a resistance movement of the NVA variety. This applies widely to the exiled democracy movement since the violently suppressed 1989 Tiananmen demonstrations, its still relentlessly proscribed domestic counterpart basically surrounding the China Democracy Party and that galvanized action that was symbolized by the Charter 08 declaration, the issue-oriented but increasingly cross-galvanized civil rights-defending actions, the mainly exiled Falungong resistance movement, as well as the ethnoregional ethnic self-determination movements with certain extent of secessionist potential, especially the Tibetans' struggle for ethnic autonomy. The Uyghur resistance has exhibited some degree of violence, undoubtedly influenced to some extent by the support from militant Islamic movements outside China, but by and large, such violent tendencies are still minimal and sporadic.

Nonviolent resistance movements have been seen by many (e.g., Karatnycky and Ackerman, 2005; Ackerman and Duvall, 2005; Stephan and Chenoweth, 2008; Zunes, 2009) to be effective means in overthrowing authoritarian regimes. "The long-standing assumption that dictatorial regimes can only be overthrown through armed struggle or foreign military intervention is coming under increasing challenge ...", comments Zunes (2009) who identifies NVA as the most powerful political tool available to challenge oppression. Zunes attributes the high success rate of NVA to the absence of the terrifying image usually accompanying violent or armed resistance which can turn public opinion against a movement (on the contrary,

the State's violent repression of unarmed resistance movement tends to create greater sympathy for the government's opponents – bringing to mind the image of Liu Xiaobo smashing that rifle on the night of the Beijing massacre in 1989); the greater willingness on the part of the pro-government elements or the moderate elements in an otherwise ruthless State machinery to compromise with nonviolent insurgents, whom the former look upon as being less likely to physically harm their opponents when they take power; and the fact that NVA movements also increase the likelihood of defections and non-cooperation among police and military personnel who are less ready to shoot into unarmed crowds. While especially with the last point survivors of the 1989 Beijing massacre and the 8th August 1988 Rangoon massacre will beg to disagree, Stephan and Chenoweth in their empirical study argue that violent repression of nonviolent campaigns tends to

[...] recoils against its originators, often resulting in the breakdown of obedience among regime supporters, mobilization of the population against the regime, and international condemnation of the regime. The internal and external costs of repressing nonviolent campaigns are thus higher than the costs of repressing violent campaigns. Backfire leads to power shifts by increasing the internal solidarity of the resistance campaign, creating dissent and conflicts among the opponent's supporters, increasing external support for the resistance campaign, and decreasing external support for the opponent. These dynamics are more likely to occur when an opponent's violence is not met with violent counterreprisals by the resistance campaign and when this is communicated to internal and external audiences.

(Stephan and Chenoweth, 2008: 11)

Nevertheless, symbolic protest actions as in Rangoon in 1988 and Beijing in 1989, while having a tremendous moral and psychological impact and arousing major national and international attention, as Gene Sharp reminds us, they are by themselves “unlikely to bring down a dictatorship, for they remain largely symbolic and do not alter the power position of the dictatorship” (Sharp, 2010: 61).

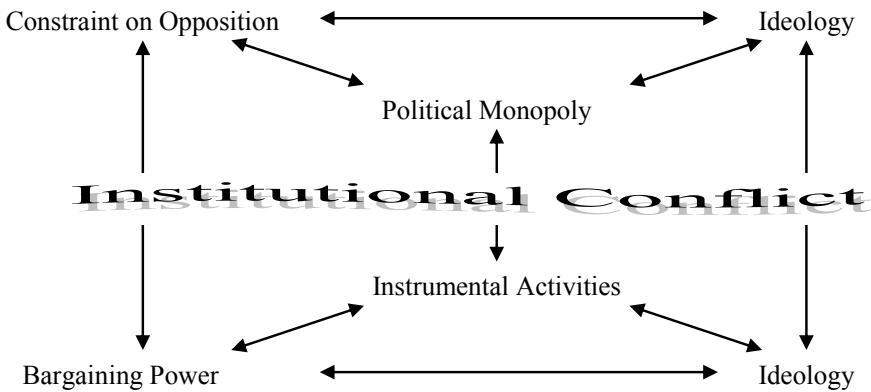
A key element in this causation is the perspective of timeframe. Under brutal repression, simmering ripple effects take time to break through the surface to eventuation through an often slow, meandering process of fermentation or even metamorphosis and patience is called for. The recent positive developments in democratic reform in Burma came more than two decades after the 1988 massacre. The painful memory of the 1989 Beijing massacre was but just 23 years old. The brutal reign of the Soviet communists lasted just seven decades, compared to its predecessor, the three-century long Romanov dynasty. The rule of the CCP has just been over six decades, a speck in the millennia-long history of Chinese dynasties, mostly each lasting a few centuries.

3.2. Assertion, Constraint and Institutional Domination

The three factors of instrumental activities, bargaining power and ideology, according to Vaughan and Archer (1971), represent necessary (though might not be sufficient) conditions of success for assertive groups. On the other hand, facing these assertive groups is institutional domination whose success also depends upon the existence of three necessary conditions, namely monopoly, constraint and again, ideology. Juxtaposing Vaughan and Archer’s two constructs gives the composite schema as shown in Figure 2. Monopoly is used here in the Weberian sense of the word, referring to CCP’s monopoly of political power. The corresponding feature on the side of democracy movement or civil rights activism comprises instrumental activities defined as the sum of actions to devalue the political monopoly of the authoritarian ruling party on which domination is based.

However, for the dissidents, instrumental activities are not enough, whether for successful civil rights assertion or striving for political liberalization. Bargaining power, according to Vaughan and Archer, is as necessary as “an alternative to the use of violence and yet implies a degree of organization which would make revolt effective if reform were denied” (Vaughan and Archer, 1971: 27). However, its two components of numerical strength and organization are crucial to its effective use and success – the two elements which both the democracy movement in exile and the *weiquan* activism are presently lacking. The fragmented democracy movement in exile has not been able to command any credible bargaining power in an environment of astounding economic power and international clout of CCP-ruled China as well as the collective amnesia on the 1989 Tiananmen demonstrations

Figure 2 Assertion, Constraint and Institutional Conflict



Source: Schema based on Vaughan and Archer (1971: 16-32).

and Beijing massacre resulted from more than two decades of successful information wipe-out inside China for those born or educated after 1989, and nationalism and national pride that came with increasing national strength – sentiments that the CCP has been unabashedly relying on to justify its continued unchallengeable political monopoly as the “party that delivers”. On the other hand, the bargaining power of *weiquan* activists is also questionable even when they have been carefully restricting their demand for redressing civil grievances to single issues, justifying their actions by appealing to the written laws and constitution, and localizing the targets of the protests to avoid challenging the central CCP government whom they are protesting *to* rather than *against*. Such reservations reflect a common consciousness for self-preservation among civil rights activists, especially those who are less known internationally and hence could not expect international pressure to support them in the event of the State’s decision to destroy them.

This apparently represents a middle path between, on the one hand, the co-opted intellectuals and academics employed in universities and think tanks who have to speak in support of CCP’s one-party rule while talking about the prospects of democratization, many of whom probably in their most private moment of metareflexivity would see through the apparent contradiction in terms and the extent of “infidelity” which as defined by Thomas Paine, “does not consist in believing, or in disbelieving [... but] consists in professing to believe what one does not believe”²⁵, and on the other hand, those high-profile *weiquan* activists who have built up an international following and hence could afford to be more honest and vocal in speaking their mind. However, even among the latter, the degree of activism and expression apparently depends much on personal circumstances and constraints. This is true among the exiled former student leaders of Tiananmen. This is also true among the more recently exiled *weiquan* activists. To level the accusation of “being bought over” against some of these high-profile personalities in exile is probably not only unfair but cruel and inconsiderate. What choice does one have if one’s parents or siblings’ families are still virtually being held hostage in one’s home province or village under threat of State’s persecution on account of one’s degree of activism and expression overseas? The real “ruminating self” that intervenes in between the field and the habitus (*à la* Bourdieu, 1990, 2008) whether through those soul-trying months of passion and anguish at that critical juncture in 1989 or in today’s harsh environment for pro-democracy and civil rights activism, which constitutes the intercessor that connects the structure’s causal powers to agency, may be fully understood only by the particular human agents themselves whose existential projects that they construct *in foro interno* upon which the actuation of social structures’ causal powers through constraints and enablements is contingent (Archer, 2003). It is in this context that human agents act to mediate their own

social conditionings as well as effectuate the reproduction or transformation of society in the context of their individual, particular environmental circumstances, while such “full mediatory mechanism has been held to depend upon human reflexivity; namely, our power to deliberate internally upon what to do in situations that were not of our making.” (*ibid.*: 342)

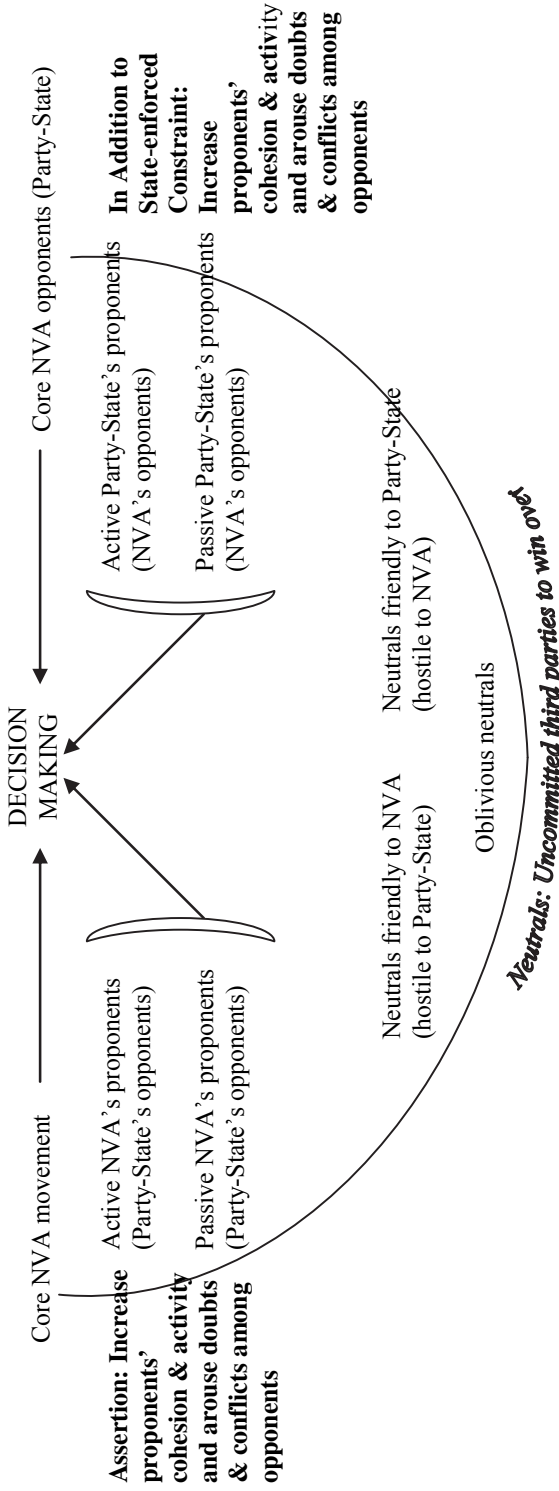
Most importantly, with the absence of both the elements of numerical strength (referring more to actively mobilized members of a movement than simply to sympathizers and moral supporters in general) and organizers – despite the emergence of Falungong as an exiled resistance group which has shown impressive solidarity, numerical strength, organizing skill as well as focused dedication to a cause that the wider democracy movement lacks – the NVA movements’ pressure on the Party-State as the dominant group still remains insignificant in terms of making the latter relinquish some of its position-related advantages, the success for which necessarily depends on the conjuncture of these two elements (Vaughan and Archer, 1971: 27). Nevertheless, even with these two constituting elements of bargaining power, successful assertion on the part of the NVA movements is still difficult to achieve as strong social control through the ruthless *weiwen* efforts (constraint) has so far served to forestall the possibility of concerted action, and economic success and mesmerizing projects showcasing astounding national strength and glory (ideology) to negate the desire for it, may it be that of the *weiquan* activism, Falungong resistance groups or the wider spectrum of democracy movement. Under this situation, the Party-State domination has continued to be stable, with the NVA movements being disadvantaged by both a low degree of internal solidarity and organization as well as numerical weakness to effectively engage in concerted action, *vis-à-vis* the same factors on the side of the State (*ibid.*: 27-28).

3.3. The Working of Assertion

Numerical strength mentioned above refers not only to members directly within the movements or directly active in the movement in some capacity, but also the “third parties” or members of the “the general public” that the movements would need to win over as “allies” or at least “friendly neutrals”, as shown in Figure 3.

Winning over uncommitted third parties is absolutely important for any chances of success in NVA assertion, in a process referred to by Irwin and Faison (1978) as a “political *jujitsu*”²⁶ in which shifts of attitude are important as well as shifts of behaviour “because both sides adjust their actions according to how they gauge their support”. Above the “third parties” in Figure 3 are “opponents” who, from the perspective of the NVA proponents, represent potential converts especially among State-coopted intellectuals,

Figure 3 Process of NVA Assertion vis-à-vis Party-State



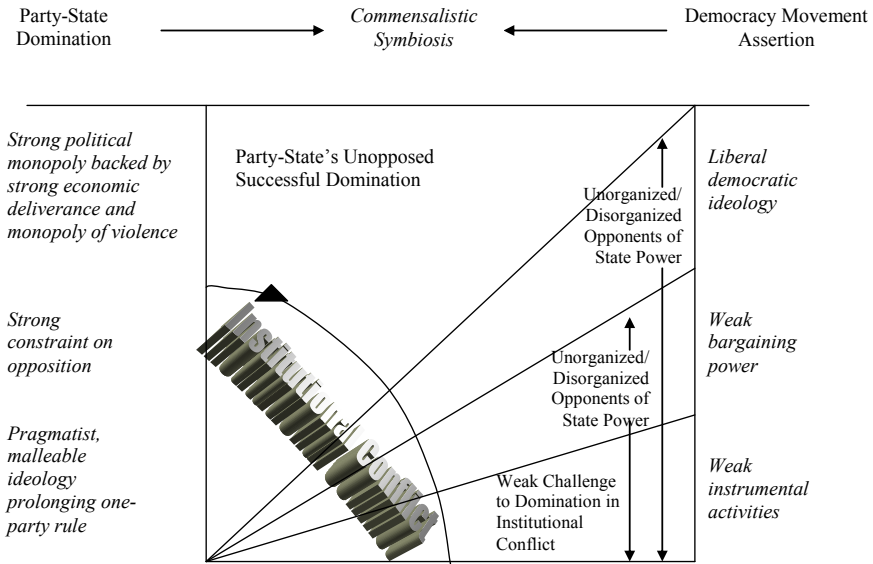
Source: Schema based on Irwin and Faison (1978).

emerging middle class, disgruntled working class but also moderates and reformers in the ruling echelons and bureaucracy, and from the point of view of the Party-State, the dejected and demoralized leaders and members of NVA who feel lost outside the country's economic success and who are at the edge of losing conviction in movements that they feel are increasingly becoming irrelevant facing the continuously growing strength of the Party-State. Such tactics are crucial for if "the assertive group has limited members willing to engage in concerted action and a low degree of internal organisation, while the dominant group has a strong and highly organised portion of its membership engaged in applying constraints, domination is likely to prove stable" (Vaughan and Archer, 1971: 28). However, such variations in relative numerical and organizational strength on the two sides could only account for their relative degrees of success in this process of "political *jujitsu*", as Vaughan and Archer caution, for a parameter inevitably influencing this power interplay that has to be taken into account is "the alliances either group can form in order to acquire wider support for either domination or assertion" (*ibid.*), i.e. not only the active and passive opponents but also the "neutrals", the uncommitted third parties, to win over as portrayed in Figure 3. In striving to arouse doubts and conflicts among their opponents, for instance, agents of repression could induce cracks in activists' solidarity and causes the activism to be stymied by appearing moderate and conciliatory to certain more "agreeable" factions in order that they would abandon their goals. Internal cracks are more prone to occur under a situation where the NVA movement is relatively weak in bargaining power as well as instrumental activities, as portrayed in Figure 4.

4. Strategic Action and Change Mechanisms

From a broader perspective, subtle or overt forms of suppression as illustrated above could come in different forms, but what Gene Sharp identified as four mechanisms of change produced by NVA in their opponents could similarly be mechanisms through which the Party-State, besides outright violent suppression, could break its opponents in the NVA movements, namely, conversion, accommodation, nonviolent coercion, and disintegration (Sharp, 2010: 35-37). The reason that the Party-State may no longer opt to rule by just brute force like old-style dictators but choose to use more subtle forms of coercion beneath a coat of democratic trappings, including grassroots elections, modern free market, politically censored but otherwise free access to Internet and other social media and "evolving" rule of law, is simply that it has grown smarter with experience to realize that the old-style autocratic "thuggish repression" no longer works in this globalized Internet age, as William J. Dobson analyzes in his recent book *The Dictator's Learning Curve*:

Figure 4 State Domination and NVA Assertion: Commensalistic Symbiosis



Source: Schema based on Vaughan and Archer (1971: 16-32).

Inside the Global Battle for Democracy (2012). Having evolved with the times into a much more public relations-savvy technocratic clique, operating by consensus at high levels while enhancing economic efficiency at the lower tiers of government, the modern Party-State thus presents a uniform face of a government that delivers to the citizens and the world to dissuade attempts to challenge or destabilize its political monopoly which is today, of course, no longer purely a matter of politics and governance, as the Party-State has grown into a complex nexus of politico-pecuniary interests, a gargantuan structure of interfeeding power, favour and lucre with simply too much to lose.

Referring to Archerian realist social theory, the abovementioned relationship between NVA and the Party-State could be illustrated with a taxonomy of institutional configurations of second order emergent properties and the situational logics (see Table 2). According to Archer, when “there are necessary and internal linkages of a complementary nature between systemic structures, then institutions are mutually reinforcing, mutually invoke one another and work in terms of each other” in the form of necessary complementarities. On the other hand, a more complex situation occurs when “the constitution of the social system is marked by incompatibilities between institutions which are none the less internally and necessarily related [...] to one another yet the effects of their operations are to threaten the endurance of the relationship

Table 2 Structural Conditioning of Strategic Action: Archer's Four Institutional Configurations and Their Situational Logics

Second order emergent properties	Situational logic	Consequence
Necessary complementarities	Protection	Morphostasis
Necessary incompatibilities	Compromise	Morphostasis
Contingent incompatibilities	Elimination	Morphogenesis
Contingent compatibilities	Oppression	Morphogenesis

Source: Based on Archer (1995: 218), Figure 13.

itself", leading to the situational logic of compromise, because necessary incompatibilities mean that "the promotion of vested interests has to be a cautious balancing act, a weighting of gains against losses, where to accrue bonuses is also to invite or incur penalties" (Archer, 1995: 222-224), portrayed in Figure 4 as an inadvertent commensalistic symbiosis between NVA and the Party-State. However, such configuration, according to Archer, is inherently unstable because whereas "the respective corporate agents co-exist on uneasy compromises which serve to contain the incompatibility itself" in the form of a roughly symmetrical mutual dependency (the "commensalistic symbiosis", largely inadvertent, in Figure 4), "if symmetry slips for any reason [...] then the counter-balancing of gains and losses which constrained all parties to compromise gives way because gain now attaches to counter-actualisation" (*ibid.*: 224-225). This occurs in a situation that not even overt or tacit "forgiveness" and reluctant amnesia of the oppressed or tactical or genuine expression of reconciliation, promise of gradual political reform and atonement as those from Wen Jiabao could effectively restore the inherently unstable balance whose tensions have always only been temporarily held in check by such compromise. While both the configurations with necessary complementarities and necessary incompatibilities were internally morphostatic,

[...] the continued containment of incompatibility in the latter case clearly depended on no radical changes in the resource distribution which would have dispensed with the need to compromise in order to defend vested interests. On the contrary, change in available resources would have resulted in the pursuit of vested interests cracking through the system fault line represented by the incompatibility and realizing a different structural state of affairs.

(*ibid.*: 225)

In other words, whether in terms of the inadvertent commensalistic symbiosis portrayed in Figure 4 or Archer's morphostasis or Reeler's "cold stuckness" in Figure 1, the long uneasy coexistence between the democracy movement, largely seen as a moral persistence otherwise ineffective so far as a pressure

group, and the Party-State, is never inherently stable and potential changes to this reluctant compromise of a status quo is always simmering under the present façade of economic prosperity and social harmony which in the meantime continue to hide from the dominant political power the urgent need for change that in turn, ironically, when revealed could even provoke stronger resistance to change. Similarly simmering is the so far illusive transformative change since the 1989 massacre, biding its time before reaching a critical point of bifurcation²⁷, in which the role of the individual as a catalyst for change cannot be underestimated, even if the long-term impact of the action or suffering of the individual, whether s/he be a Wei Jingsheng 魏京生, a Li Wangyang 李旺阳, a Ni Yulan 倪玉兰²⁸, or a Liu Xiaobo 刘晓波, is not immediately explicit and the activist's lone crusade does not at the moment receive the due sympathy of the wider public.

4.1. Contingent Incompatibilities and the Situational Logics

In addition to the above two varieties of situational logics, Archer reminded us of another possible generic effect “when contingent incompatibilities does arise (whether from within or without the system in question) because both sides become party to the situational logic of elimination, where the greatest gains coincide with inflicting maximum injuries on the other side” (Archer, 1995: 226). While one could argue that with the power imbalance as portrayed in Figure 4, the results of such ultimate showdown would inevitably be one-sided, firstly the configuration in Figure 4 does in no way deny this, and secondly the results might not be so clear-cut given the well recognized social contradictions of the country that with the strategic mobilization of material and human resources (which are, for example, at best dormant on the side of NVA) even if not leading to such implosion as Gordon Chang has time and again predicted²⁹, could serve to contribute to the engendering of new or accentuated form of social cleavages which are, as Archer believed, “antithetic to (a) the stable reproduction of social relations fostered by, and constitutive of, the necessary complementarity and, (b) the containment of divergent interests promoted by and sustaining the balance of resources and forces which serve to ‘preserve’ necessary institutional incompatibilities (despite their internal tensions)” (Archer, 1995: 226).

Lastly in the Archerian configuration is the case of contingent compatibilities which entails a “situational logic of pure opportunism” with emerging new interests and new material means for their realization – “an institutional re-patterning which is antithetic both to the protective reproduction of the *status quo* and also to the repressive containment of incompatibilities where the unavailability of alternative resources was what previously bound the parties to mutual compromise” (*ibid.*: 227). This is so

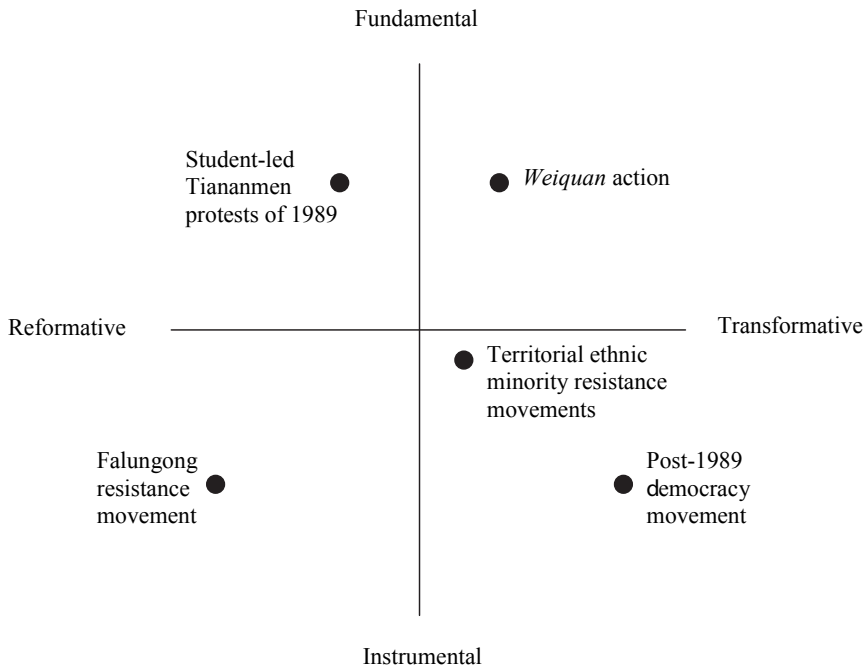
in both the morphostatic configurations observed earlier, especially if stability is only enforced by an uneasy compromise while “significantly agents are constantly on the look out for [resources] in order to break out of stalemate and counter-actualize their interests” (*ibid.*: 226).

Ultimately whether morphostatic or morphogenetic in construction, any emerging confrontation between the dominant Party-State and the assertive (NVA) group would be dependent upon the balance of factors present on both sides, and Figure 4 is in fact showing a limiting situation of an unchallenged domination by the Party-State under which all the factors of assertion that exist in the NVA has so far been weak and suffering from disorganization. Of course the focus here so far has been on the wider democracy movement, largely in disarray in exile and ruthlessly crushed domestically, while other elements of NVA could well give a somewhat different picture.

4.2. Strategic Dimension of Chinese NVA

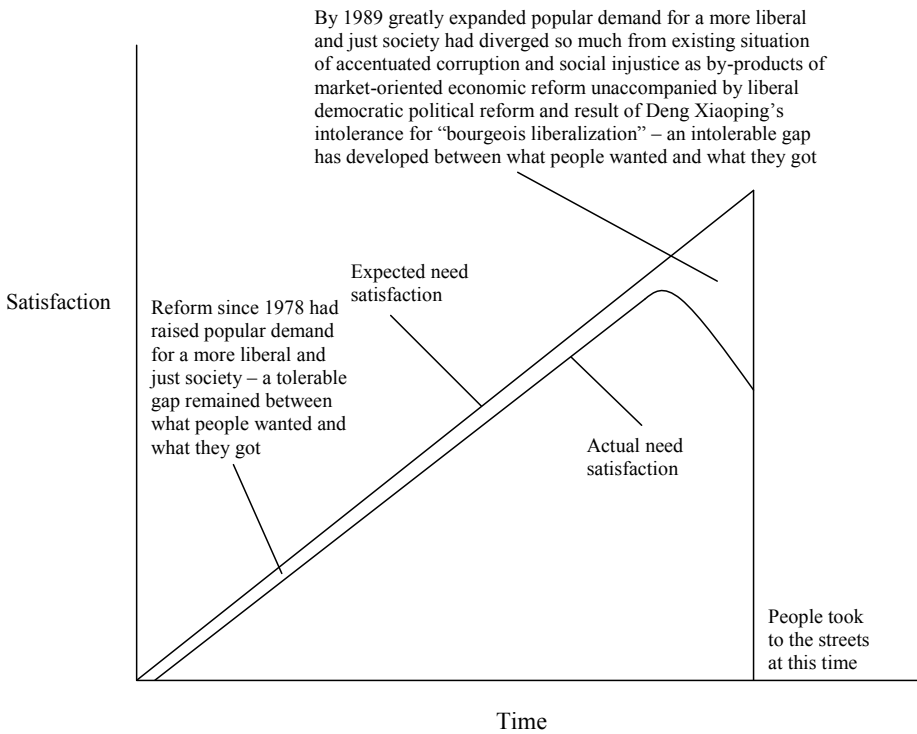
See, for example, Figure 5 which shows a matrix of Chinese NVA. On the horizontal axis is the strategic dimension, or the “tactical-strategic” dimension of Weber and Burrowes’s typology of NVA, which indicates “the depth of

Figure 5 Matrix of Chinese NVA



analysis, the ultimate aim and the operational time-frame which activists use” (Weber and Burrowes, 1991). In the context of contemporary China, along this strategic spectrum could be found protesters in 1989’s student-led demonstrations and members of today’s Falungong resistance movement who represent the more “reformatory” (or “tactical” in Weber and Burrowes’s terminology) exponents of NVA in terms of their assertive orientation, and who resort to short- to medium-term campaigns in pursuing a particular goal within an existing social framework, setting their eyes on reform, but not revolution. Protesters in 1989’s student-led demonstrations were not revolutionaries aiming to overthrow the CCP as in the interpretation of the hardliners in convincing Deng Xiaoping to order the bloody crackdown, but common people from all walks of life voicing their demands for rectifying mainly corruption-related social injustices, as understood by the conscientious Zhao Ziyang who objected to but failed to avert the violent suppression – an

Figure 6 China: Expanding Demand for Political Institutional Change, 1978-1989



Source: Base on Davies’s J-Curve Theory of Revolution; see Vander Zanden (1988: 584), Figure 21.2 (adapted from Davies, 1962: 6, Figure 1).

unavoidable social development over the first decade of market reform that culminated in an intolerable gap between what the masses got (*vis-à-vis* the élite) and what they really wanted, as portrayed in Figure 6.

Also falling more towards the “reformative” wing along the spectrum is the Falungong resistance movement. While Jiang Zemin’s decision to ruthlessly crack down on Falungong and the extreme extent of his action have remained some sort of a mystery – explanations among observers have ranged from perceived ideological threat to a spillover of power struggle within the politburo to even Jiang’s personal jealousy of the influence and appeal of the movement’s founder, Li Hongzhi 李洪志 – it seems that despite the brutal total onslaught launched by the State upon Falungong followers, the action has largely backfired as the fervour of the movement’s resistance has been truly remarkable, something that is unprecedented in the Chinese democracy movement post-1989. Some observers have even described Falungong’s resistance to State suppression as “fanatic” but the term is apparently misleading as it has remained a peaceful physio-spiritual movement combining meditation and *qigong* 气功 exercise with a moral philosophy. Despite the relentless discrediting propaganda campaign launched by the State media centring on “superstitiousness” of the movement and painting its founder as a “fake guru”, such discrediting which may be effective against a personality cult does not seem to work well with a movement centred on traditional Chinese moral philosophy combined with meditation and *qigong* exercise, with deep root in traditional Chinese Confucian, Taoist and Buddhist world view. One may not need to agree with Li Hongzhi’s particular brand of *qigong*-based philosophy or with Li’s personal capacity or even his deservedness or worthiness to be the founder of such a movement which some would consider pseudo-religious for its wide appeal and the degree of devotion of its followers – and by the same token, one needs not agree with Karl Marx’s particular brand of socialism or the personal capacity of the myriad prophets. However, this is a far cry from concurring with the State’s brutal suppression of the movement and condoning the harassment, imprisonment and the psychological and physical torture meted out to the movement’s followers, sometimes to death such as in the suspicious case of Qin Yueming 秦月明 of Shandong. Ironically, such ruthless clampdown on a harmless movement has in a curious way strengthened the exiled democracy movement for the Falungong movement in exile – mainly US- and Canada-based – has added itself to the worldwide Chinese dissident community not only in terms of moral support but practical, material means unprecedented in the Chinese democracy movement. To challenge the State media, the Falungong movement in exile has set up highly effective international media organizations including *The Epoch Times* newspaper, New Tang Dynasty Television and Sound of Hope radio station, and in support of these, the

movement's followers also went into establishing performing arts companies and producing software to circumvent State censorship in order to reach the Mainland Chinese audience. Such efforts have indeed introduced a much required vitality to the wider exiled democracy movement and these far-reaching English-Chinese bilingual media outlets (besides eight other languages in the case of the newspaper), run by well-educated Falungong practitioners overseas who are not known to hold back when it comes to devoting their time, money and technological expertise in fighting back against Chinese State suppression, have provided a channel for activists of the democracy movement to voice their criticisms of the CCP regime. In short, the brutal suppression of the Falungong movement since 1999 under the Jiang Zemin administration has unexpectedly given the wider exiled democracy movement a huge boost in voice and morale, and definitely represented a milestone in the development of the Chinese democracy movement. However, while the emergence of the Falungong movement, or rather its brutal suppression by the CCP regime, has ironically given the perpetually disorganized and squabbling exiled democracy movement an unexpected but such a much needed boost, in terms of Weber and Burrowes's criteria of analytical depth, ultimate aim and operational time-frame the movement at present is still essentially more tactical than strategic – or more “reformative” rather than “transformative” as portrayed in Figure 5 – as a movement which was forced to fight back by continuing brutal State persecution. It aims basically to pressure the State to give up its persecution – i.e. to “rehabilitate” the peaceful physio-spiritual movement and recognize its right of existence in Chinese society. Its target of removal from power is not exactly the CCP monopoly but the faction that began and continued the persecution – in Falungong-speak, the *xiezhai pai* 血債派 i.e. “blood-debt” faction. Its contribution to the organizing strength of the wider democracy movement, while truly remarkable, is hence incidental.

On the other hand, upon the same spectrum, the post-1989 pro-democracy dissidents, whether domestically based or in exile, and probably to a lesser extent the rights-defending (*weiquan*) activists, whether single-issue or cross-issue advocates, fall in terms of their assertive orientation more towards the “transformative” (or “strategic” in Weber and Burrowes's terminology) pole, as they are being guided more by a “structural analysis of social relationships”, with their main concern being about the fundamental transformation of society and hence their particular campaigns being conducted within the context of a long-term revolutionary strategy (Weber and Burrowes, 1991). The *weiquan* activists can be seen slightly less “transformative” than those in the democracy movement, for unlike the latter, the *weiquan* activists are often compelled to advocate a regime change towards multiparty liberal democracy simply as a result of the disillusionment with a Party-State which is too repressive and

unaccommodating. With a less repressive leadership which is more caring in responding to their demands, these *weiquan* activists or at least some of them would probably choose to retreat further from the “transformative” pole, and instead of pressing for multiparty liberal democracy, would accept extensive reform of the Party-State as an alternative.

“It is not an accident that Premier Wen Jiabao once called himself ‘grandpa Wen’ – *Wen yeye* [温爷爷] – in front of the people”, noted Hung (2011). In a sense, the role of Wen, long cultivated as the loving grand patriarch who is at every scene of disaster to offer moral care for his “children”, is orchestrated to be an on-site projection of the central Party-State as the modern successor of the caring benevolent emperor who was always there to *zuozhu* 做主 (do justice) for his downtrodden subjects and punish his abusive officials, in a system that survives till today in the form of *shangfang* 上访 (travelling to the capital for petitioning) by the abused people suffering in the hands of corrupt local officials. Such an image is crucial to the survival of the Party-State, as any self-seeking dynasty-builder has long been acquainted with, for the mandate of heaven would be lost if that image is shattered – ever since Mencius (Meng Zi 孟子) emphasized two thousand three hundred years ago the people’s satisfaction as an indicator of a ruler’s moral right to power, and justified the overthrow of an unworthy ruler³⁰. Just imagine if Wen Jiabao does have the power and leverage within the Party-State to translate his caring image into a force that would turn the Party-State into a less repressive, more benevolent political monopoly, giving due consideration to contemporary China’s tortured history as well as her potential for breaking up, it probably would not be too far-fetched to think that most of the *weiquan* activists whose advocacy is increasingly converging with the wider democracy movement might move further back from the “transformative” pole and be content with intra-Party-State institutional reform rather than revolutionary regime shift to multiparty electoral democracy. It is a fact that even under the present repressive atmosphere, most of the *weiquan* activists are careful to show that they are protesting *to* rather than *against* the central CCP government by limiting their demand for redressing civil grievances to single issues and localizing the targets of their protests, and justifying their actions by appealing to the written laws and constitution of the People’s Republic. Immediately after the escape from his two-year house arrest in Shandong, the blind civil rights lawyer Chen Guangcheng 陈光诚 brought a video clip to *Youtube* asking Premier Wen Jiabao to enforce justice (*zuozhu* 做主) by punishing the Shandong officials, hence in a way endorsing the authority of the CCP central government. In a recent interview by the *Yangguang Shiwu* 阳光时务 magazine³¹, Her Peirong 何培蓉 (“Pearl”/Zhenzhu 珍珠) reiterated that she was not a pro-democracy activist but just a simple person who felt the need to assist those other civil

rights activists who were being persecuted by the authorities ever since, as a volunteer helping the child survivors of the 2008 Sichuan earthquake, she got to know about the injustice done to Tan Zuoren 谭作人 and Huang Qi 黄琦 because of their exposure of and investigation into the real death toll of students and the “tofu dregs” schoolhouse scandal.³² Despite her apparent contempt for the Shandong government that perpetuated the injustice towards Chen Guangcheng, Her Peirong said during the interview that she was more concerned with effectiveness of her action than unending rhetoric criticizing the government, for it is always important to leave “face” for the government, i.e. to be realistic in order to open space for positive interaction with the government in solving problems, and that she would rather believe in gradualism in building a democratic society. Such utterances of moderation of course also reflect the vulnerability of the civil rights activists, especially those who are less known internationally and hence more helpless in the face of State persecution and abuse, who desperately need to protect themselves against the recurring charge of “inciting subversion of State power” (煽动颠覆国家政权罪) that the State has been unfailingly using to put them away.

Relating to this, there has been a debate recently among the pro-democracy activists and June Fourth survivors over the conventional use of the term “pingfan 平反” (i.e. to rehabilitate or to redress a mishandled case) in the demand “to pingfan June Fourth”. The concern is understandable as the demand for the CCP regime “to pingfan June Fourth” is rightly, as argued by those opposing the use of the term, tantamount to admitting the legitimacy of the CCP regime who is merely asked to rehabilitate the 1989 protests as a patriotic movement, to release those remained jailed for the protests and to apologize to and compensate those injured during the brutal crackdown or persecuted thereafter and families of those who were slain on the Chang’an Avenue³³ and elsewhere in Beijing in June 1989, and to allow the long-exiled former protesters to return home. Hence, while no one doubts the political defiance shown by the exiled democracy movement, the continued use of the word “pingfan” could probably explain the internal dilemma concerning the determination and the ultimate aim of the movement and its leadership, as well as throw light upon the current disarray of the movement.

4.3. Strategic Dilemma of Territorial Ethnic Minority NVA

Such dilemma faced by the *weiquan* activists and the wider democracy movement takes on a somewhat different dimension in the case of the territorial ethnic minority resistance movements. While still largely being nonviolent in action against what is perceived as central State repression – ethnic frustration and alienation, as well as interethnic mistrust do sometimes lead to violence (e.g. in Xinjiang) or “negative violence” – here referring to

the Tibetans' self-immolation as the ultimate protest by suicide (a poignant Chinese classical term referring to this being *sijian* 死諫).

Dissidents and dissident activities among China's non-Han minority groups or in the ethnic regions no doubt represent a dimension of Chinese dissent which is often ignored in studies on Chinese dissidents. Indeed, they are usually seen in terms of China's ethnic relations and ethnoregional problems, but as long as these dissidents are Chinese citizens challenging the dominant one-party State in their struggle for ethnic human rights, against the encroachment, whether economic, cultural or environmental, of the Han-dominated central State, and for other key issues related to ethnic autonomy and self-determination, their action is but just a dimension of China's democracy and civil rights movement. It is true that secessionist, centrifugal forces are often at work in China's dissent with an ethnoregional flavour, but much of such sentiment in many ways reflects a deep distrust of the central State, being fed by new grievances caused by perceived exploitation by the central State and the Han influx and the resultant interethnic inequalities and the destruction of the ethnic regions' natural environment and traditional way of life by a pattern of economic development seen more as a tool for Han exploitation, as well as hurtful memories left by the Maoist horrors during the "Great Proletarian Cultural Revolution" – the decade when China went crazy.

4.3.1. Legacy of Cultural Revolution's atrocities

During the Cultural Revolution, the purge of Ulanhu (Ulaan Hūū) and the accompanying attack on the so-called "Ulanfu Anti-Party Treason Clique" (乌兰夫反党叛国集团), the ruthless witch-hunt to find members of the fabricated New Inner Mongolian People's Revolutionary Party (新内蒙古人民革命党/新内人党), and the attack on the so-called "Inner Mongolia's February Counter-Current" (内蒙古二月逆流) implicated 80 to 90 per cent of Mongolian cadres and many more ordinary herdsmen. Official figures revealed that of around 790,000 people persecuted, more than 27,900 people were beaten to death and more than 120,000 people were maimed. While the number included some Han cadres and others too, most victims were the Mongols, thus having inevitably sown the seeds for interethnic mistrust and animosity (Jin, Kang and Huang, 2006: 85-87). In the Xinjiang Uyghur Autonomous Region next door, copies of Qur'an and Uyghur books were allegedly burned and imams paraded on the streets and humiliated. Religious life and devotees were persecuted, and 90 per cent of the more than 10,000 mosques were closed, deconsecrated, occupied or demolished (Jin, Qing, Bi and Kang, 2006: 186). The attack on minority religious life was also rampant in the Ningxia Hui Autonomous Region,

in the witch-hunt for the alleged “local ethnic nationalists”.³⁴ The worst atrocity committed against the Hui Muslims during the Cultural Revolution, however, occurred outside Ningxia, in the town of Shadian 沙甸 in Yunnan Province’s Honghe Hani and Yi Autonomous Prefecture (红河哈尼族彝族自治州), where the closure of the only three mosques in the town under the “Breaking Four Olds” campaign since 1967 and the continuing savage class struggle offensive³⁵ that saw religion as counterrevolutionary finally led to the masses’ forced reopening of the mosques in October 1973 and severe confrontation and CCP’s brutal crackdown during seven days and eight nights from the dawn of 29th July to 4th August 1975 with PLA guns, cannons and even aerial bombardment that slaughtered more than 900 Hui Muslims, injured and maimed more than 600 and destroyed more than 4,400 residential houses and even the Ming-dynasty Grand Mosque of Shadian (Gao, 2008). While being blamed, as usual, on the “Lin Biao and Jiang Qing Anti-revolutionary Cliques” by the post-Cultural Revolution CCP, the order for the brutal crackdown had allegedly come from Deng Xiaoping who would live on to order a similar massacre in Beijing in June 1989. If inclusive of the neighbouring Hui Muslim villages like Xinzhai 新寨, Chebaini 车白泥, Tianxin 田心, Maolong 茂龙, Songmaopo 松毛坡 and Maoke 茂克 which were also under the 10,000-strong PLA attack, the total number of Hui Muslims killed in the massacre exceeded 1,600 and those injured and maimed approached a thousand, with Xinzhai’s casualty even exceeding Shadian’s (*ibid.*). Listing the Shadian massacre as the four incidents of atrocities committed by Deng Xiaoping, Zhu Changchao 朱长超 of the Shanghai Academy of Social Sciences in a recent iconoclastic research article described the action of Deng as the military chief of staff in ordering the shooting and bombardment of Shadian and the neighbouring Muslim villages not only as a massacre but a crime against humanity. So were the other three incidents of atrocities committed by Deng – the expanded anti-rightist campaign of 1957 led by him that was responsible for the cruel persecution of 569,957 so-called “rightists” who were jailed, exiled, tortured or murdered (among whom 559,952 were later rehabilitated two decades later in 1980, thanks to the efforts of Hu Yaobang); his brief invasion of Vietnam in 1979 resulting in a casualty of about 100,000 (50,000 on either side, including a large number of casualty among the Vietnamese civilians), in support of China’s ally, the genocidal regime of Pol Pot’s Khmer Rouge in Kampuchea (Camdodia), to “teach Vietnam a lesson” for the latter’s invasion of Kampuchea that overthrew the Khmer Rouge regime and effectively stopped a genocide which had by then already murdered 2 million Cambodian people including 20,000 ethnic Vietnamese and 400,000 ethnic Chinese in its four-year rule since 1975; and of course the June 1989 Beijing massacre whose notoriety needs no elaboration (Zhu, 2012).

In Tibet, the destruction of Tibetan culture during the Cultural Revolution has been devastating. Of the 6,000 monasteries, temples and shrines in Tibet, over 99 per cent were looted or destroyed by the Han and Tibetan Red Guards. Tibetan monasteries were destroyed with dynamite and artillery while hundreds of thousands of sacred Buddhist scriptures, rare books and paintings were recklessly burned or even used as shoe soles or wrapping paper. The destruction of the Tibetans' traditional culture and religion is total, extending into every village and family as all cultural and religious instruments were to be destroyed, and brutal denunciation campaigns had involved all forms of torture and beating resulting in deaths, maiming, insanity and suicides. What lied behind the brutal attack on Tibetan culture is a policy of full assimilation to Han culture and the destruction of a Tibetan identity different from that of the Chinese, as the countless temple ruins around Tibet today bear witness to the horrors of the extremely violent implementation of the "Break Four Olds" campaign during those insane years of the 1960s (Tsering, 2011: 394-398).

It is a fact that for nationalities in these ethnic minority regions today, at least at a higher level Cultural Revolution is still widely seen as a purely Han matter, a result of the power struggle among the Han élite, and in the case of Tibet, as Professor Tsering Shakya highlighted in his 1999 detailed study, no Tibetan had adequate clout and status to consider engaging in internal power struggle with the Han cadres. While Tibetans were also involved in various forms of violence and partisan politics, their participation are seen by today's Tibetans as under duress from the Chinese authorities to choose sides and to engage in the brutal class struggle campaigns, within an undeniable environment of continued Han enmity and attack on Tibetan culture and identity, as reflected in the continued official connivance towards the brutal and violent denunciation sessions against the locals labeled "black five types" (*ibid.*: 421).

Hence, while it is absolutely misleading to see the Cultural Revolution excesses purely as a part of the Han-dominated central State's repression of minority regions and it is true that fractional rivalry within the non-Han ethnoregional communities whether local cadres or Red Guards did share the culpability in these regional disasters whose sources are more ideological than ethnic, this would exonerate the present CCP neither from the sins of the fathers nor from the continuing disastrous mass in its regional policies wherein lies its incapability to achieve national reconciliation beyond a fake harmony enforced by brutal repression, being constrained by its cardinal principle of perpetuating the one-party rule that places it at loggerheads with the concepts of unreservedly facing its past crimes and bringing itself to justice in a court of political choice and free and fair elections, separation of powers, and ethnic self-determination.

4.3.2. Realities of current ethnoterritorial unrests: the case of the Tibetans

As the clearest manifestation of the Tibetan despair, the cases of Tibetan public self-immolation since 2009 have recently totaled 51 (which resulted in 41 deaths over the past three years, according to the Tibetan government-in-exile based in Dharamsala, India) after an 18-year-old monk and a 17-year-old former monk burnt themselves to death in Sichuan Province's Ngawa 阿坝 *Zizhizhou* 自治州 ("autonomous prefecture") on 27th August 2012.³⁶ The number rose to 70 after a 19-year-old burnt himself to death in a village of the Hezuo 合作 city in Gansu Province's Gannan 甘南 Tibetan Autonomous Prefecture on 10th November 2012, being the seventh Tibetan who committed self-immolation since 7th November, concurrent with the holding of the 18th National Congress of the CCP.³⁷ There is reportedly another self-immolation immediately after the closing of 18th National Congress of the CCP – this time by a Tibetan woman on 17th November in Qinghai Province's Tongren 同仁 county which resulted in her death.³⁸ Arguing against the standard official explanation of the source of the Tibetan unrests almost solely in terms of the influence of the alleged exiled "Tibetan independent movement" – the so-called "Dalai Lama clique" – and Western conspiracy, and Western media's focus on the suppression of human rights and cultural genocide, the now-proscribed civil rights legal advocacy group, the Open Constitution Initiative (OCI) (*Gongmeng Falü Yanjiu Zhongxin* 公盟法律研究中心), published a report of its field survey of the Hezuo city and Xiahe county (合作市、夏河县) in the Gannan Autonomous Prefecture of the Anduo Tibetan region (安多藏区甘南自治州), and the Lhasa city and Naidong county (拉萨市、乃东县) in the Weizang region (卫藏地区). The areas surveyed are respectively the important places of origin of the Tibetan arts and culture and ancient centre of Tibetan political culture, today both facing accelerated modernization and transformation, subject to huge external influence not least as the frontier of Tibetan-Han interaction.

A legal research centre set up in 2003 which has been involved in various sensitive cases in recent years – including the case of the blind civil rights lawyer Chen Guangcheng, the melamine-contaminated baby milk scandal, the case of Hubei girl Deng Yujiao 邓玉娇 who killed an official who was trying to rape her, and various other civil rights and press freedom cases – and published critical reports on China's human rights and minority policies, the OCI/*Gongmeng* 公盟 was closed down by the government on 17th July 2009 ostensibly for tax offenses, subsequent to the 5th July 2009 Xinjiang riots and with the 60th anniversary of the founding of the People's Republic approaching, immediately following the revoking of the licenses of 53 Beijing lawyers, many of whom being well-known personalities active in civil rights cases.³⁹ Just like the suppression of OCI, this "Survey

Report on the Social and Economic Causes of the 14th March Incident of the Tibetan Region” (藏区3.14事件社会、经济成因调查报告) was also swiftly banned by the government. Focusing on the Tibetan region’s social polarization, economic alienation and ethnic marginalization especially in facing the influx of the economically much more successful non-Tibetan ethnic migrants, the long report provides a Chinese, yet non-official, explanation of the 2008 unrests. China’s economic reform has forced upon the Tibetan people, according to the report, a new value of development and consumerism based upon Deng Xiaoping’s dictum “Development is *the* hard principle” (*Fazhan caishi yingdaoli* 发展才是硬道理), wherein the Tibetan people are told to displace their “backward” traditional culture with the new mantra of GDPism that together with overall economic, infrastructural and technological advancement, also brings about local officials’ corruption, destruction of local way of life and communal cohesion, as well as pollution and other manners of environmental degradation. The report points out that large scale investment and support by the central government for regional development have hardly benefited the Tibetan masses who have been thrown into a limbo where traditional values and way of life are being eroded rapidly by the advent of materialistic modernization which at the same time is bringing little noticeable benefit to them. On the other hand, money pumped in by the State is of little help to the independent development of or injecting vitality into the local Tibetan economy and bringing larger benefits to the Tibetan masses, in view of the lack of core industries of advantage, given the fact that agriculture and livestock husbandry are still being stuck in an elementary stage, and that the main driving force of the commodity economy is ironically non-Tibetan. In terms of governance, even the localization of bureaucracy accompanying the development of ethnic “autonomous region” over many decades has ironically brought more problems than tangible benefits, according to the banned OCI report.

Unlike other provinces⁴⁰, an ethnic “autonomous region” like the Tibetans’ suffers in terms of public service from the lack of wide cross-province mobility in appointment. In her comments on Gillian Hart’s clever abbreviations of CC, MM, and SS – “Confucian culture” as emphasized by anthropologists, “magic of the market” by economists, and “strong State” by political scientists – for explaining the Asian booms⁴¹, Lynn White highlighted specifically the role of the local power networks in these almost miraculous economic *tours de force* (White, 2009: 11). Nevertheless, local entrenched elite power network, which has inevitably resulted in the lack of mobility mentioned above in the Tibetan region, is in fact prevalent in many parts of the country, not necessarily being a result of inadequate supervision as attributed to in the OCI report, but often derived from intricate power bargaining linked to the centre. Whichever the reason, such power network has always

been a good breeding ground for corruption, power abuse, rent seeking and low efficiency. Restoration of the religious institution in the Tibetan region after the end of the Cultural Revolution, ironically, has brought about power entanglement between government officials, new economic élite and the religious establishment, leading to a new power framework with the formation a class of “new aristocrats” (*xingui* 新贵, here mainly referring to the newly appointed high officials and their cliques), thus adding to the difficulties for institutional reform to break down the class-based group interest barrier in order to bring about a fairer resource distribution. Compared to the “traditional aristocrats” (*chuantong guizu* 传统贵族, here mainly referring to the feudal cleric and landlord classes), these “new aristocratic” strata are much stronger, given their more complex social resources and legitimacy. However, while the legitimacy of the traditional aristocratic class were internally generated through clan and tribal approval and politico-religious arrangement, the “new aristocratic” strata have their power derived externally from their approval by the Chinese central State, and hence at times of severe social contradictions are less able to act as an authority recognized by the Tibetan masses or as a buffer during State-masses confrontation. In addition, these “new aristocratic” strata’s loyalty to the central government also does not appear to be any much stronger than the traditional aristocratic class. While the old aristocratic class’s first preference was to strive for a political balance between the interests of the local masses and the central State, the alienation of the “new aristocratic” class from the local masses, whether from the tribal or religious perspective, has to some extent led to the local people considering them as “outsiders” and holding the central government as being liable for the results of any of their improper actions or misdeeds.

Due to the peculiar characteristic of the Tibetan region as an ethnic minority frontier territory, *weiwēn* (“maintaining stability”) has an added significance as a policy imperative and represents an absolutely overriding task prevailing over “development” though “development and stability” has been the officially stated guideline of governance for the country’s ethnic minority regions. While much power has been delegated to the local ethnic Tibetan officials to stabilize the region, the lack of effective supervision, according to the OCI report, has led to these officials using “maintaining stability” as an excuse for their failure in governance and pretext for suppressing social grievances, by blaming everything on “foreign forces” and the Tibetan independence movement. The report cites a case where a county government in the region even simply defined a dispute with the farmers and herdsmen over compensation involved in the building of a hydroelectric power station as an “anti-splittism” and *weiwēn* issue. “Shouting ‘anti-splittism’ and blaming everything on ‘overseas hostile forces’ has become a tool for the local officials to strengthen their status and interests and to secure

more power and resources”, the report cites Phüntso Wangye, founder of the Tibetan Communist Party.

Thus, it can be seen that like *weiquan* activism, territorial ethnic minority resistance movements are being pushed into an uncompromising position by outdated, repressive State policy which has further fueled ethnic resentment which was originally engendered by socioeconomic inequality and public corruption. The fact of the absolute demographic dominance of the Han Chinese dwarfing the minorities out of a critical mass, coupled with a reductionist Marxist legacy of perceiving ethnic problem as class problem, is apparently clouding the CCP regime from effective understanding of China’s ethnic problem, including that in the volatile ethnic regions of Xinjiang and Tibet (Yeoh, 2010b: 609). As a result, continued repressive handling of regional grievances is leaving ethnic territorial groups no choice but to embrace a universal struggle for democracy in the hope that a regime change at the centre could lead to more territorial compromise, accommodation and real ethnic autonomy and even a genuine federalism or a confederation, and for the moderates, in the hope that such more amicable solutions would forestall secessionist calls from their hard-line compatriots which are gaining an expanding audience thanks to the continued iron-wrist manner of the present central State’s ethnoterritorial policy.

4.4. *Ideological Dimension of Chinese NVA*

And when you look long into an abyss, the abyss also looks into you.

– Friedrich Nietzsche (1886), *Beyond Good and Evil*⁴²

Shown on the vertical axis of Figure 5 is the ideological dimension of NVA, or the “pragmatic-ideological” dimension of Weber and Burrowes’s typology, which indicates “the nature of the commitment to nonviolence and the approach to conflict” utilized by activists, including “the importance attached to the relationship between means and ends and the attitude towards the opponent” (Weber and Burrowes, 1991). Today’s mainly exiled democracy movement and the Falungong resistance movement fall on the “instrumental”, or “pragmatic” in Weber and Burrowes’s terminology, side of the spectrum in their mission to defeat the Party-State whose relentless and uncompromising persecution of them has left them with no choice but view the conflict between themselves and their common antagonist as one stemmed from and continued to be fueled by incompatible and irreconcilable interests. This position is in stark contrast to the 1989 (pre-massacre) Tiananmen protesters and today’s *weiquan* activists who, in a sense, view the Party-State as a partner in their struggle to bring about social justice for the masses. Instead of aiming at nothing short of dismantling the political monopoly of the Party, an

end they perceive as impractical and might even be harming their cause, they are more willing to work with the Party – or what they perceive as the more conscientious and moderate faction of the Party – to eventually bring about meaningful reform of the Party-State as a partner and a means to promote social justice. They, as portrayed in Figure 5, hence fall on the “fundamental” wing of the spectrum, to be exponents who, as Weber and Burrowes described, “choose nonviolent action for ethical reasons and believe in the unity of means and ends” and more fundamentally, “may view nonviolence as a way of life” rather merely as an instrument of political struggle – be that a manifestation of some personal belief or faith, or an acceptance of a second-best solution after carefully weighing the costs and benefits of, or of the struggle for, more drastic structural transformations.

Again, on the other hand, the territorial ethnic minority resistance movements would hover about the origin, reflecting the peculiarity of such NVA which is affected by a particular territorial ethnic minority’s relationship with the Han-dominated central State.

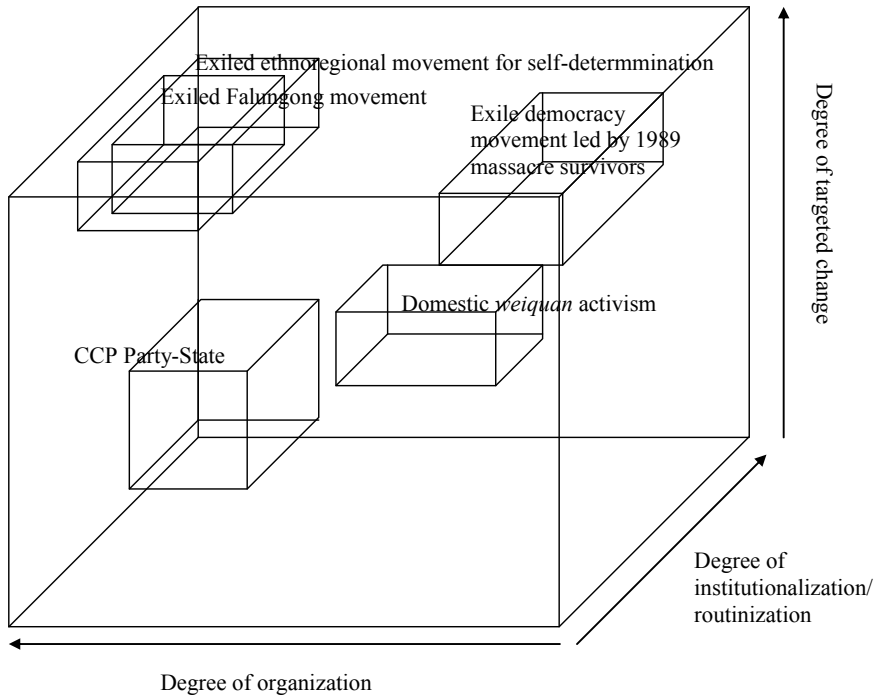
Related to Figure 5, a three-dimensional typology of political actions in terms of degree of targeted change, degree of institutionalization/routinization and degree of organization of the Party-State and the NVA, including the ethnoterritorial movements, is shown in Figure 7.

4.5. Typological Properties of Ethnoterritorial NVA

The characteristic fluidity and complexity of ethnoterritorial NVA assertion can be seen in Table 3 which shows van Amersfoort’s (1978) typology of “majority-minority” relations via a combination of the orientations of dispersed and concentrated subordinate groups with three dimensions of dominant group aspirations. Using the terms “dominant” (or “superordinate”) and “subordinate” that convey more accurately the power dimension, instead of van Amersfoort’s “majority” and “minority” which can be semantically confusing when size and power do not coincide, Table 3 illustrates the complex relationship between different ethnoterritorial groups and the central State, and a number of probable outcomes produced by this configuration.

Ethnic consciousness and ethnic intensity, which are associated with the controversial homeland/immigrant dichotomy and territorial policies in countries with considerable degree of sectionalism, play a crucial role in determining public policy in a multiethnic society. From this perspective, the goals of the dominant and subordinate groups are of particularly great importance. Van Amersfoort summarized the objectives of the dominant community into three major categories that he termed “emancipation”, “continuation” and “elimination”. Emancipation policies aim to ensure full citizenship rights for the subordinate without insisting on their cultural or

Figure 7 Chinese NVA and the Party-State: Typology of Political Actions



Source: Based on Zhao (2008: 767), Figure 26-1.

Table 3 Van Amersfoort's Typology of Dominant-Subordinate Relations

Orientation of Dominant Group	Dispersed Subordinate Group's Orientation		Concentrated Subordinate Group's Orientation	
	<i>Universalistic</i>	<i>Particularistic</i>	<i>Universalistic</i>	<i>Particularistic</i>
<i>Emancipation</i>	emancipation process	sectarian minority	federalism	secessionist movement; eventually secession
<i>Continuation</i>	suppression (struggle for emancipation)	reservation situation	suppression (struggle for regional autonomy)	secessionist war
<i>Elimination</i>	forced assimilation or extermination	forced assimilation or extermination	forced assimilation or extermination	secessionist war, forced assimilation or extermination

structural assimilation. Such policies do not require subordinate communities to disappear as a distinct entity.⁴³ To a large extent such are the policies pursued in, for instance, post-Franco Spain (a radical transformation from the elimination policies, examined below, of the repressive years of Generalísimo Francisco Franco y Bahamonde, the *Caudillo*) and Belgium (close but not completely satisfactory policy description due to the lack of a clearly subordinate community).

Continuation policies seek to preserve the existing relationship between the dominant and the subordinate. The reason may be that the subordinate group performs certain functions for the dominant or is being exploited by the latter. However, the goal of continuation can also arise from passive rather than active policies – “a refusal to pursue a policy of active emancipation for a minority that has become part of the society in the course of historical development” (van Amersfoort’s, 1978: 230). Certain minorities – e.g. the Roma (Gypsy) community, called the “Gitanos” in Spain – may prefer to be left alone to pursue a symbiotic, though unequal, relationship with the dominant society.

Elimination policies can be pursued in two ways. The dominant society may undertake measures aimed at the forced assimilation of the subordinate group by suppressing its constituent elements such as language, religion or culture, e.g. the suppression of the Chinese language in Indonesia under the Soeharto regime, Iran’s persecution of the Baha’is and Turkey’s repressive policy against Kurdish language and culture. It may also attempt the physical extermination of the subordinate group, e.g. the expulsion of Asians from Uganda by the Idi Amin regime, population transfer during the partition of India, the genocide against Chinese in the history of Indonesia and the Philippines, and the “ethnic cleansing” occurred in the successor states of former Yugoslavia in the early 1990s. While the Falungong followers might perceive the Chinese Party-State’s relentless persecution of their community as belonging to this category, the context of the crackdown which began during the Jiang Zemin administration on the nascent, fast-spreading physio-spiritual semi-religious movement is admittedly political rather than cultural. So is the persecution of recusancy in the form of the underground Catholic and other Christian churches (“house churches” independent of the official/“patriotic” churches) in the country.

On the other hand, while the dominant groups vary in their attitudes towards the subordinate communities, the latter may aim to achieve different relationships with the rest of the society. Wirth (1945) suggests a framework that allows for a fourfold response to subordinate (or “minority”) status: pluralistic, assimilationist, secessionist and militant. Aiming to live side by side with, though not to be a part of, the dominant group, a pluralistic subordinate group seeks the dominant society’s toleration for its differences. It achieves its goal when “it has succeeded in wresting from the dominant

group the fullest measure of equality in all things economic and political and the right to be left alone in all things cultural” (Wirth, 1945: 357). While the pluralistic subordinate group is content with the dominant group’s toleration and aims at no more than cultural autonomy, its assimilationist counterpart aspires to be integrated unidentifiably into the dominant group. Working towards complete acceptance by the latter, this minority aims to merge eventually with the larger society. On the other hand, a secessionist (or separatist) community seeks to achieve political as well as cultural independence from the dominant group, by repudiating assimilation and scorning mere toleration or cultural autonomy. Lastly, a militant community attempts to assert its dominance over others, which may include the existing dominant group. In a description that befits the Serbian minority’s conquest of Bosnia before the tide of war turned in late 1995 (in contrast to the four-year Serbian secessionism in Croatian Vojna Krajina)⁴⁴, Wirth depicts the ambitions of a militant minority:

Far from suffering from feelings of inferiority, it is convinced of its own superiority and inspired by the lust for conquest. While the initial claims of minority movements are generally modest, like all accessions of power, they feed upon their own success and often culminate in delusions of grandeur.

(Wirth, 1945: 363)

In terms of orientation, van Amersfoort defines universalistic subordinates as those who aim at participation in society and demand equality and, in general, also the preservation of alternative roles. They thus correspond to Wirth’s “pluralistic”, and to a less extent, “assimilationist minorities”. In the case of concentrated subordinates, universalism can take on the form of regionalism. While also aspiring to improve their position, particularistic subordinates “do not demand ‘equal’ rights with the [dominants], but derive their rights from their own particularistic value system” (van Amersfoort, 1978: 230). They thus correspond to Wirth’s “secessionist” and “militant minorities”. Table 3 demonstrates that a stable relationship between the dominants and subordinates free of conflict is an exception rather than a rule, since only two out of a total of twelve cells formed by the interface of dominant-subordinate orientations – those marked “emancipation process” and “federalism” – suggest the prospect of a stable form of participation in society by subordinate groups. Federalism, as a “process and institutional framework for territorial management of power and resources [...] appropriate for those communities that occupy geographically delineated areas and are both willing and able to preserve and exercise self-government within these areas” (Duchacek, 1988: 16), is thus far from a prevalent phenomenon in the world context.

Intergroup relations in the case of China indeed do not fit nicely into van Amersfoort’s typology. In contrast with the treatment of exotic minorities⁴⁵,

the Chinese central government's dealings with the "real" minorities – the Tibetans, Uyghurs, Mongols and the highly Sinicized Manchus and Hui⁴⁶ – seem to be close to a version of passive continuation. On the part of the minorities such as the Tibetans, the Uyghurs and increasingly the Mongols, their orientation has so far seemed largely to be pluralistic and universalistic, but inflexible State policy could be carrying a risk of pushing them towards particularism, as illustrated in Table 3, through further alienation, and towards the "fundamental" and "transformative" pole in the dimensions portrayed in Figure 5, thus exacerbating the already simmering secessionistic tendencies, and hence, in line with the typology set out in Table 3, making it immensely more difficult to reach a viable future amicable, federal or confederal solution.

4.6. More on the Ideological Dimension: NVA, State Legitimacy and Harmony by Coercion

With the carrot-and-stick approach to maintain its survival, the once-brutal-dictatorship-turned-benevolent-*dictablanda* (à la O'Donnell and Schmitter, 1986)⁴⁷ has managed to preserve the *status quo* of its own rule as well as the interests of the "other power-holders" by both selling the credit it claimed on behalf the industrious, enterprising and persevering masses whose newly freed entrepreneurial spirit, long-recognized in the communities of their brethren worldwide, resulted from the Party's repudiation of the Maoist policies, has doubtlessly led to the country's economic success during the economic reform decades since 1979, as well as extracting the support of these "other power-holders" who are willing to abdicate their opportunity to rule in exchange for other kinds of protection by the ensuing strong State run by the present regime (Stepan, 1985), in a *faute de mieux* deal much akin to Karl Marx's description of the Bonapartist regime in *The Eighteenth Brumaire of Louis Napoleon* (1852). Marx's classic analysis of Bonapartism as a basis of State autonomy rests mainly in the sharing of common interests between the State and the dominant group, which in the case of contemporary China, the ruling CCP regime and the dominant social élite and groups whose inability to overcome the present State's monopoly of violence to force a regime change has given the Party-State the opportunity to use the leverage gained both to preserve the *status quo* and to propound its claim as the protector of stability and prosperity in exchange for the acceptance of its legitimacy, for even when "a government's use of force imposes a large cost, some people may well decide that the government's other services outbalance the costs of acceding to its monopoly of violence" (Tilly, 1985: 172), though it could turn out to be a Faustian bargain that these social élite and interest groups might live to rue. In the stylized representation in Yeoh (2010a: 254, Figure 8), proscription

of even the slightest manifestation of dissent against the one-party rule has managed to contain societal political action to the routine intra-party politics at the far bottom right-hand corner, despite the sporadic outbursts of people power usually stemming from localized grievances which have always been quickly suppressed. Amidst all this, individual political actors are playing a central role in giving existence to the obduracy of the system, for the causal powers of systems and structures cannot exist without the mediation through the human agency, as Archer (2003) admits despite her rejection of the theorem of the duality of agency and structure.

Hence, while State making gives existence to durable instruments of surveillance and control within a country, the establishment of the State apparatus, together with the process of war making and resource extraction, also necessitates the forming of alliances by State managers with specific social classes, whose members contribute resources and technical services, as well as assist to ensure the compliance of the rest of the population, “all in return for a measure of protection against their own rivals and enemies” (Tilly, 1985: 181, 183) who of course include the massive labouring classes always need to be suppressed and subdued – which in turn seems to respond to the question posed by Lynn White at the beginning of her book *Political Booms*: Why are all the main parties in the East Asian countries she studied including China’s ex- but still nominally communist party so business-oriented and relatively uninterested in workers? (White, 2009: 3) On the other hand, it is indeed a basic characteristic of such a racketeer government – one that perpetuate its power through violence – that brutality is part and parcel of its drive to maintain stability, at all costs. Take the case of the high-profile case of Chen Guangcheng – not that brutality is particularly evident here but just for the fact that it is well reported.

4.6.1. *Chen Guangcheng’s dramatic escape and its implication for weiwén*

In the night of 22nd April 2012, blind civil rights lawyer Chen Guangcheng scaled the wall of his village residence where he and his family had been placed under strict house arrest since September 2010 after having served his jail term of four years and three months, ostensibly for the destruction of public property and traffic disruption, after his revelation of the brutal implementation of population control policy by the government of the prefecture-level city of Linyi 临沂 in Shandong Province, involving women’s forced abortion and sterilization, and made a dash for freedom.⁴⁸ According to Chen’s fellow *weiquan* activist Her Peirong who is better known by the name “*Zhenzhu*” (i.e. “Pearl”, from her twitter name “Pearl Her”) and Beijing scholar Guo Yushan 郭玉闪 who both played a key role in Chen’s escape, despite being a blind man, Chen miraculously scaled eight walls, crossed over

ten field ridges, slept in pig sties and crop fields, and fell hundreds of times over the almost 20-hour trail, depending only on hearing and with a broken leg, and finally exited the village after crossing a stream, virtually crawling his way out over the last stretch of his escape route, full of injuries. Thereafter, he escaped from Shandong in a car driven by Her Peirong, met up with a team of dissidents in Beijing led by Guo Yushan, and ended up seeking protection in the American Embassy.⁴⁹

Other than the drama of the incredible escape, which allegedly even involved a car chase in the streets of Beijing, and the breathtaking bravery of all those who helped him escape, including Her Peirong, Guo Yushan and other *weiquan* activists and some of Chen's fellow villagers and even allegedly some conscience-stricken guards enforcing his house arrest, the case of Chen Guangcheng has again brought into focus various critical issues related to current situation of dissent in authoritarian China.⁵⁰

During his inhuman house arrest in Linyi, Shandong, *weiquan* activists who were coming to visit him to render help were repeatedly beaten up by local thugs who were guarding his house. At least a hundred local thugs were paid to enforce a watertight round-the-clock surveillance of his residence – a structure that Chen himself in a dry humour referred to as the “Chen Guangcheng Economic Zone”, though probably some local villagers were under duress and threat to themselves and their families to be paid to guard Chen.⁵¹ To get Chen to leave the American embassy, his wife was reportedly tied on a chair for two days and threatened to be beaten to death. Activists and friends who were trying to visit Chen at the Beijing hospital where Chen was after he left the American embassy were beaten up too. Well-known *weiquan* lawyer Jiang Tianyong 江天勇 was brutally beaten to deaf in his left ear by the *guobao* 国保 (national security officers). Others who came to the hospital to support Chen, such as artist Liu Yi 刘毅 and *weiquan* activist Wang Lihong 王荔蕪, were also beaten up or detained.

On 14th June 2012, shortly after the mysterious “suicide” of Li Wangyang, a petitioner named Yu Rufa 于汝法 from Hebei Province, apparently trying to take a cue from Chen Guangcheng, attempted to enter Beijing's US embassy but was taken away by the police. Again mysteriously, he died on 16th June after having been transferred to the Hebei officers to be taken back to his home province. Is that a dire warning to those who were trying to follow in Chen's footsteps?

The case of Chen Guangcheng has served to show that squandering economic resources on “maintaining stability” (*weiwen*) which is fast becoming a bottomless pit of endemic corruption instead of on solving the root causes of such instability is engendering an ironic phenomenon of *weiwen* feeding into the instability itself by resorting to more and more repression on expressions of protest and hence creating more and more acute grievances.

However, any attempt to break out of such dilemma would put the regime in a Catch-22 situation as the effort would entail a paradigm shift involving the abrogation of the present self-imposed legitimacy of the authoritarian one-party rule and moving towards a human rights-respecting liberal democratic system of multiparty electoral institution that recognizes not only civil liberties of the people but also their freedom of political choice.

4.6.2. Regime legitimacy and the dilemma of *hexie*

On the issue of the CCP regime's legitimacy, while not denying that much progress is required before China turns democratic, Bo (2010) argues against the accusation that the CCP's rule is illegitimate. According to him, CCP faces no crisis of legitimacy because to assess the legitimacy of a political regime, one needs "to see whether such a regime is receptive to the governed", and it is "wrong to evaluate the legitimacy of the CCP rule by relying solely on 'expert' opinions of the Western academia and media because they are in no position to judge whether the CCP has right to rule or not" (Bo, 2010: 117).

By the same token, CCP has been adamantly arguing that the Western notion of human rights should not be made applicable to China which has a completely different set of national conditions (*guoqing butong* 国情不同). Such argument could be seen as for the convenience of legitimizing the continued authoritarian rule of the one-party regime that ruthlessly proscribes freedom of speech and freedom of political choice, but there could also be an ideological basis for it. Causes of social changes can usually be categorized into three groups, viz. the economic, the political and the cultural factors. Economic factors, especially the impacts of industrial capitalism, form the core of the Marxist approach to social changes. Such Marxist emphasis on economic factors, whether for ideological reasons or for the convenience of power maintenance, still forms the basis of the CCP's fundamental definition of human rights as the people's rights to be fed, to be sheltered, to be educated and to be employed. It is upon this ideological foundation that regime-coopted intellectuals could be so confidently singing praises for the Party's definition of human rights (with Chinese characteristics) while providing academic support for the Party's rule. For instance, Professor Xu Xianming 徐显明, president of the China University of Political Science and Law (中国政法大学) posited in 2005 the *hexiequan* (和谐权, i.e. "harmony rights", apparently in line with the official "construction of a harmonious society" policy of the CCP) which according him is to "supersede the earlier three generations of human rights (i.e. rights of freedom, rights of survival and rights of development)"⁵². The proposal of this so-called "rights of harmony" is apparently closely linked to the introduction of the "index of Chinese revival" which according to Yang Yiyong 杨宜勇, director of the

Institute of Social Development at the Macroeconomic Research Institute of the National Development and Reform Commission (国家发展和改革委员会宏观经济研究院社会发展研究所), in a paper presented in August 2012, had reached 0.6274 by year 2010, i.e. 62.74 per cent had been achieved in Chinese national revival which was defined as consisting of five components – further strengthening of mainly economic composite national strength; realizing comprehensive social advancement; enhancing perfection of socialist democracy; harmonious development between human and nature; and accomplishing the motherland’s unification. An impressive achievement indeed, given that the revival index was just 0.4644 five years earlier in 2005, says Yang, according to his computation.⁵³ Without getting engaged in a futile debate over the spuriousness of such novel concepts and indices (the latest in a series that also included the *xiaokang* 小康/moderately well-off index and the *xingfu* 幸福/happiness or well-being index) that doubtlessly reflect a concerted attempt by co-opted intellectuals to lend academic credence to the feel-good factors promoted by the Party-State (sparing-no-cost, as can be seen in the US\$40 billion spending on hosting the 2008 Beijing Olympics – the most expensive Olympics extravaganza in history, even after taking inflation into consideration – see Table 4)⁵⁴, hand-in-hand with the media suppression on reporting of “negative news” – all in all part and parcel of the overriding *weiren* policy imperative.

As Weidong Zhang comments in his critical discourse analysis of the *People’s Daily* editorials and commentaries: “The self-congratulatory accounts of the Beijing Olympic success, in the light of China’s rise and its return to the glory, speak aloud to a domestic audience, function not only to hail the domestic audience into a subject position of proud Chinese to cheer for the party-state, but also to promote national solidarity with this

Table 4 Cost of Hosting the Olympics

Year	City	Cost (US\$)
2008	Beijing	40 billion
2004	Athens	15-16 billion
2012	London	14.5 billion
1992	Barcelona	9.4 billion
1988	Seoul	4 billion
2000	Sydney	3.8 billion
1980	Moscow	2 billion
1996	Atlanta	1.8 billion
1976	Montréal	1.2 billion
1984	Los Angeles	0.546 billion

rekindled national pride of the rise of China.” (Zhang, 2012: 18-19) Such “subject position of proud Chinese to cheer for the Party-State” however definitely is not limited to the domestic audience but also leaders and respected intelligentsia in the overseas Chinese communities – a generation whose outlook has been shaped by their personal first-hand experience of China’s humiliation at the hands of the Western powers and Japan up to the Second World War, and to whom the *bainian guochi* 百年国耻 (hundred years of national humiliation) is still crying out loud for redemption. Hence they also constitute a generation of business leaders and intelligentsia among whom Beijing’s stance that the benefits of stability under one-party rule far outweigh the risky endeavour of democratization and decentralization and that the human rights of the 1.3 billion-strong populace to be free from starvation and to be sheltered far outweigh the Western notion of freedom of speech and freedom of political choice would find resonance, and a generation to whom a China that could stand tall among the community of nations, a China that is fast becoming a superpower, and a world that stoops to a rising economic, military and “Cultural China” (*Wenhua Zhongguo* 文化中国) are all that count in bestowing pride on one’s Chinese ethnicity, whilst probably little else matters.⁵⁵ Nevertheless, how far the Party-State could continue to exploit this antediluvian cycle of what William A. Callahan (2010) termed “pessoptimism”⁵⁶ of national humiliation and national glory to rally the people – both Chinese citizens and Chinese Overseas – around the five-star red flag and garner support for the legitimacy of CCP’s enforced political monopoly and suppression of political dissent in the name of *hexie* (harmony), especially among the Internet-savvy post-90 generation who are further removed from the memory of the “hundred years of national humiliation” seems to be increasingly doubtful.

In November 2010, a few months before the arrest of Ai Weiwei 艾未未 on 3rd April 2011, a “Sumptuous River Crab Feast” (*hexie shengyan* 河蟹盛宴) was called by the renowned dissident artist through an Internet appeal as a satirical protest against the government’s imminent demolition of his Shanghai studio, in an ongoing mockery of the State’s political rhetoric of building a *héxié* 和谐 (i.e. “harmonious” – the Party-State’s euphemism for censorship and muzzling of dissent) society by Chinese netizens’ witty punning with a slight tonal change into *héxiè* 河蟹 (river crab).⁵⁷ Ai was immediately placed under house arrest at his Beijing residence but the “feast of 10,000 river crabs” went on as planned on 7th November 2010, attended by 400 to over a thousand people⁵⁸ under the surveillance of numerous plainclothes policemen, with some participants yelling “I want to tear up and gobble up this sideways rampaging, tyrannizing, sinister river crab (*hexie*)!”⁵⁹ To Ai Weiwei, who is not short of practical experiences of being brutalized by the State apparatus for his involvement in civil rights struggles⁶⁰, the severe

ensorship, euphemized as *hexie* (harmony) to muzzle unofficial perspectives, has served the State to hide the inefficiency and inhumanity in society and politics, while the government is allowing its cronies to accumulate huge, indecent wealth at the expense of education, environment, natural resource and public interest of the masses. Ai sees such a society composed of cheap labour and tight control by the public security apparatus, *sans* creativity, as unsustainable, especially with the advent of the age of the Internet which he perceives as an effective technology to terminate authoritarian regimes – witness the role IT played in the jasmine revolutions – and the best gift heaven has ever bestowed upon China.⁶¹

While admirers of the Chinese economic miracle⁶² has unreservedly credited the post-1989 CCP with bringing back China's long-lost glory and even seen the economic achievement as justification for the 1989 crackdown, such views could be naïve and greatly misguided. As Bao Tong 鲍彤 ruminates in his introduction to Zhao Ziyang's posthumously published memoir:

There are people who said that the crackdown has led to prosperity. What I know is: economic reform created prosperity. It is the people who have, with market economy, crushed the yoke of Mao Zedong to create prosperity. Now there are people who concluded that prosperity is the output of crackdown. Facing the global economic crisis, I do not know whether they are preparing to introduce the experience of crackdown to save the world economy. There are people who applaud that a muzzled China – a China in Total Silence – has leapt forward to become the world's second largest economic entity – just after the United States; I believe this is true. Under the brutal rule of Kublai Khan, China has so early already been the prosperous paradise witnessed by Marco Polo [...] June Fourth opened up a new phase of Total Silence. After Deng Xiaoping's southern tour, the China in Total Silence reiterated economic reform and wealth redistribution. But who are the beneficiaries of such redistribution in a China in Total Silence?⁶³

This brings us back to the issue of the regime's legitimacy which relies so much on CCP's seemingly proven ability to deliver on the economic front and China's astounding new national strength for which the Party has been given so much or even sole credit. Contrary to the "receptive to the governed" argument referred to above⁶⁴, legitimacy according to Arthur Stinchcombe depends rather little on abstract principle or assent of the governed for the "person *over whom power is exercised* is not usually as important as *other power-holders*" (Stinchcombe, 1968: 150, italics in the original)⁶⁵ the probability of whose confirmation of the decisions of a given authority constitutes the latter's legitimacy. These other authorities, says Tilly (1985), "are much more likely to confirm the decisions of a challenged authority that controls substantial force; not only fear of retaliation, but also

desire to maintain a stable environment recommend that general rule [which] underscores the importance of the authority's monopoly of force" (Tilly, 1985: 171-172). Lynn White in her four-country study⁶⁶ of money-power nexus observed that: "By no means are state agents the only powerholders with whom business owners (as well as regional gangsters and mob-affiliated political canvassers) make liaisons. They also link up with each other. The coherent state, even if it behaves as a single actor, is just one of the interlocutors for other networks in either a fair or coercive 'civil' polity." (White, 2009: 37) In a wider context, it is in this way that these "other powerholders", be they societal pressure groups, professionals, or academics and the intelligentsia, "have been co-opted into the decision-making process, rewarded with perks and privileges, and are no longer available as a source of inspiration [for the dissident activists ...]", having retreated "from 'politically engaged and intellectually oppositional topics' to inquiries reconcilable with the prevailing order and designed to legitimate the hegemonic order" (Benton, 2010: 321-322)⁶⁷. The "hegemonic order" here refers to that of a regime claiming credit for the economic successes that brought along heightened international stature and diplomatic prowess and propounding existing stability as the key to continued economic prosperity which itself actually being the unflinching characteristic of the Chinese and Chinese diaspora worldwide – an achievement which could have been brought to fruition naturally by the people once the Maoist yoke, both in the forms of the suppression of free entrepreneurial spirit and the political horrors, was lifted by the same regime that had foisted that yoke upon the Chinese people for three decades since 1949.⁶⁸ Anyhow, according to Tilly, a tendency to monopolize the means of violence "makes a government's claim to provide protection, in either the comforting or the ominous sense of the word, more credible and more difficult to resist" (Tilly, 1985: 172).

Hence, while many authors inside and outside China have been lauding the country's "grassroots democratization" and intra-Party reforms as pointing to a promising path of de-authoritarian evolution, the perception that China is moving out from the "politically closed authoritarian" category of regime type⁶⁹ could prove to be as misleadingly whimsical as it is empirical unfounded. Furthermore, past record of mismanagement and repressive, often violent, response to dissent, including the excesses during the Cultural Revolution both in China proper and in the ethnic regions like Tibet and Xinjiang, and the June Fourth atrocities, may not be encouraging for many.

Postponing critical decisions on the last leg of reform – that in the political sphere – could only be postponing the inevitable and in fact accentuating the existing social contradictions, for both the speed and volatility brought about by the country's breakneck economic transformation under increasing morphogenesis are making whatever State-sanctioned system

with the bottom line of one-party rule short-lived in viability when all State-guided *modi vivendi* as such could be at best *pro tem*. This inevitably brings the present train of analysis down to the level of agency.

The inability to face up to the rapidly changing reality and shifting social context and keep their meta-reflexivity (Archer, 1995) constantly on call to realistically assess their existing *modus vivendi* and to be receptive to a transformative change⁷⁰ has trapped the ruling élite, for political survival, in the unwavering upholding of a prolonged stage of morphostasis, being the agency and most powerful institution that is best positioned to block or promote the path of morphogenesis⁷¹, which according to Archer (1995), like morphostasis, is both generated and only exerting causal powers by working through social agents. Distinctively, Archer's critical realism grants causal powers to the human agency that are indeducible from or irreducible to the causal powers of society (Archer, 2000). Such endowment of causal powers must be crucial for the Bourdieuvian human agents who, involuntarily occupying social positions that define their life-chances, upon gaining cognizance of their class members' common interests, are being transformed into Tourainean corporate agents who now set out as social actors to transform society, personalizing the latter as per their ultimate concerns (Bourdieu, 1974; Touraine, 1969, 1973, 1978). It is in this context that, according to Archer, the existing system itself would shape the life-world practices geared towards reproducing, reshaping or transmuting the system, whose result, not really incompatible with Deng's "river-crossing" dictum⁷² or Mao's "perpetual revolution", is poised to be contested and modified in the subsequent phase of the series of endless morphogenetic cycles of sociopolitical and sociocultural interaction and systemic conditioning and elaboration.

5. Weiquan Activism and Democracy Movement: Convergence and Divergence

Archer's double morphogenesis sees both structure and agency as conjoint products of interaction in which agency is both shaped by and reshapes structure (Archer, 1995; 1996; 2000; 2003). Operating structures and purposely acting human agencies (combinations of acting individuals) in combination form the praxis and interface of social interaction that effects social change, wherein agencies are both creating and being limited by the structures, exemplified no doubt in the present context by the voicing of dissent and the corresponding crackdowns justified by the notion of "stability above all else". However, social control, as ironically seen by Ralf Dahrendorf (1959), could be the broadest basis of social conflicts. In a sense, such coercion to extract conformity is normal, as all social systems exhibit association of roles and statuses that embody power relationships which tend

to be institutionalized as authority, sometimes self-perpetuated, with normative rights to dominate.

On the macrosociological level, while conflict is an inevitable part of social life and not necessarily negative as it is the engine for social change from both Marxian and Weberian perspectives, the key question is ultimately who gains at whose expense – the very question of equity – and this leads to the actions of the *weiquan* (rights-defending) activists. Indeed, from the interpretive perspective, social reality is ultimately a construction by people – in the present context be they the ruling political élite or the increasingly persecuted civil rights lawyers and activists, many of whom being the survivors of the 1989 Beijing massacre – and through interactions among them patterns and standards of behaviour would emerge. Nevertheless, unlike the democracy movement organizers like Liu Xiaobo and Xie Changfa who are also persecuted, these civil rights activists tend to seek instead “to protect and improve the rights of citizens within China’s constitutional constraints and legal framework with minimal political requests” yet not totally apolitical (Hung, 2010: 333-334).

As can be seen in Figure 5, while the current *weiquan* activism shares much with the wider democracy movement in terms of assertion for social justice and necessary political defiance, the two diverge when it comes to both practical strategy and fundamental ideological outlook and such differences would inevitably engender deviations in the nature of commitment to NVA and approach to conflict with the opponent.

Such unity and differences are shown in Table 5 and Table 6. The Falungong resistance movement and territorial ethnic minority resistance movements are not shown as separate columns but they are not excluded from the basic dichotomy shown in the two tables, for their shared properties (both in terms

Table 5 Chinese Democracy Movement and *Weiquan* Activism: The Strategic Dimension

	Democracy Movement	<i>Weiquan</i> Action
Criterion	Transformative, revolutionist	Reformative, involutional
Analysis of Social Framework	Relatively structural; focusing on a structural analysis of overall sociopolitical relationships	Relatively conservative; focusing on a particular goal within an existing sociopolitical framework
Aim	Revolution (planned change of <i>system</i>)	Reform (planned change of <i>elements</i> within a system)
Operational Timeframe	Long Term	Short/Medium Term

Source: Based on framework from Weber and Burrowes (1991); Vinthagen (2010).

Table 6 Chinese Democracy Movement and *Weiquan* Activism: The Ideological Dimension

	Democracy Movement	<i>Weiquan</i> Action
Criterion Nature of Commitment	Instrumental, practical Despite lack of progress, still committed to NVA as the most plausible and effective means to effect change	Fundamental, ideational Despite State persecution under the pretext of <i>weiwen</i> , still committed to NVA as ethically best in fighting for social justice
Means and Ends	Relentless persecution by the Party-State and frustration over lack of progress of a moderate approach could be leading to belief that means and ends are separable, precipitating radicalism, e.g. justification of “lies against lies” in media combat, especially in territorial ethnic minority resistance movements which could more easily foster a “we vs. they” mentality	Believing in the unity and indivisibility of means and ends, because the end can never justify the means “for the simple and obvious reason that the means employed determine the nature of the ends produced” (Huxley, 1938: 9)
Approach to Conflict with the Party-State	Incompatible interests; aiming at terminating one-party political monopoly and replacing it with multi-party free and fair electoral system; rejecting the compromise solution of a <i>dictablanda</i> or a benevolent ruler within the Party-State	Shared interests, at least with the more liberal, reformist and moderate faction within the Party-State; looking more for synergy of action together with “enlightened” members of the central Party-State against local corruption and abuse of power
Approach to Opponent (Party-State)	Disillusioned with the traditional idea of waiting for an “enlightened ruler” (<i>mingjun</i> 明君) within the system (imperial court in the old days; the one-party State today), hence in a competitive relationship with ruling Party-State to destroy the Party’s political monopoly	Seeking cooperation at least with the more liberal, reformist and moderate faction within the Party-State to <i>zuozhu</i> (enforce justice) for the people

Source: Based on framework from Weber and Burrowes (1991); Vinthagen (2010).

of ideology and strategy) with the wider democracy movement and the *weiquan* activism – as have been illustrated in Figure 5 – and divergences can be seen as particular cases within the construction shown in the two tables. For instance, related to the issue of “means and ends”, it would be interesting to see how the coming leadership changes in CCP (reflecting its factional struggles) after its 18th National Congress as well as possible factional changes in the governments in exile (post-Dalai Lama scenario for the Tibetan government in exile, developments in World Uyghur Congress and Southern Mongolian Democratic Alliance) will affect the State’s approach in terms of suppression or accommodation and minorities’ response in terms of moderation or radicalism in their continued struggle for ethnic self-determination whether in the form of autonomy or secessionism (see Table 3 for the intertwining influences of central State/dominant group’s and minority/subordinate group’s orientations on central State’s response to peripheral nationalism’s demands and the corresponding ethnoterritorial responses from the frontier regions).

5.1. Resiliency of Weiquan Activism and Dilemmas of Central State’s Weiren Imperative

Clamping down on civil rights activists and whistle blowers like Cheng Guangcheng, Hu Jia 胡佳 and Ai Weiwei on the basis of *weiren* could be initiated directly from the central government if the voicing of grievances were to be seen by the latter as potentially risky and possible to trigger a wider movement especially in view of the recent trend of coalescence of single-issue activisms – a phenomenon that brings to mind how the 1989 Tiananmen protests that started off as students’ protests circled around campus dormitory conditions, jobs and corruption, triggered by the death of the respected former president Hu Yaobang, soon escalated into a wider movement joined by intellectuals, reporters and others from all walks of life, which finally and inevitably spiraled into general pro-democracy demonstrations that threatened the political monopoly of the CCP. Or it could be, sometimes according to voices from the centre, a result of over-zealous implementation on the part of the local leaders and cadres. Guangdong’s deputy party secretary cum *Zhengfawei* 政法委 (政法委員會/Political and Legal Committee of the CCP) secretary Zhu Mingguo 朱明国, who was sent to set up a working group to deal with the Wukan 乌坎 crisis – who then went on to agree to the protesting Wukan villagers’ three demands on the government (i) to return village land, (ii) to return Xue Jinbo 薛锦波’s body and release the other villagers still in police custody, and (iii) to recognize the temporary committee of village representatives as legal – has commented on what he criticized as “lopsided interpretation of ‘stability above all else’” on the part of some local government leaders and cadres, which has led to inappropriate

responses to “mass incidents” as the misguided logic of equating “being safe and sound” as “being without incident”, according to him, has resulted not in rights-oriented but power-oriented *weiwen*, not active but passive *weiwen*, and not harmonious but coercive *weiwen*. (“一些地方和领导干部片面理解‘稳定压倒一切’，认为平安就是‘不出事’... 这种逻辑下的维稳，不是权利维稳，而是权力维稳；不是动态维稳，而是静态维稳；不是和谐维稳，而是强制维稳。”)⁷³

Such *weiwen* deviations, as highlighted by Zhu Mingguo, can also be seen in the details and handling of many other high-profile cases. For instance, in the dramatic escape of Chen Guangcheng from his house arrest in Shandong due to his exposure of the inhumanity in the local government’s enforcement of one-child policy that involved cruel forced sterilization and late-term abortion, among the group of dissidents who played a key role was Her Peirong (“Pearl Her”), the Nanjing school teacher who fought for the rights of parents who lost their children during the 2009 Sichuan earthquake and who were harassed and persecuted when they pressured the government to probe into the suspected “tofu dregs” school-house scandal that led to the collapse of large number of school buildings during the earthquake. Also among these dissidents were the well-known environmentalist and HIV/AIDS advocate Hu Jia, who is also the director of the June Fourth Heritage and Culture Association and recipient of several awards from various European bodies including the European Parliament’s Human Rights Prize in December 2008 after he was sentenced in April that year to three years and six months in prison on the charge of “inciting subversion of State power”, and scholar Guo Yushan of the proscribed Open Constitution Initiative (OCI/*Gongmeng*).

It is a fact that such largely single-issue civil rights activisms are struggling to work within China’s current written legal framework (that at least is in existence on paper) and in most cases what they are challenging are the corrupt or extra-judicial practices, abuses of power and other excesses of the local – provincial, county, prefecture, municipal or village – governments, authorities or officials rather than the legitimacy of the CCP-monopoly of the central State, and they are hence in a way, even just in a tactical way, endorsing the legitimacy of CCP’s right to rule. However, to consider such single-issue civil rights activisms as posing little threat to CCP’s enforced political monopoly is to underestimate their potential threat to the CCP central State by ignoring their intrinsic concertedness with the wider democracy movement in terms of the common struggle for humans rights, though the relative emphasis on either political rights or civil liberties could differ in some ways from one to another mainly due to environmental differences and as a response to constraints on the ground. Such constraints, as shown in Figure 2, largely come more directly from the local governments, authorities or officials, and the degree of brutality and excesses differs from locality

to locality, depending variously on local political atmosphere, the relative power of hardliners⁷⁴ *vis-à-vis* the more liberal, or at least less hard-line, factions⁷⁵ projected through the appointments of local party secretaries and other officials, the degree of discretion of the local governments and officials derived much from a complex web of tier-to-tier linkages all the way up to the centre through a whole range of illicit but prevalent arrangements of bribery and lobbying, and the choice of the central government to continue turning a blind eye towards the excesses of the local governments and officials which it tacitly endorses as its hatchet men to protect central power and whose brutality is in many ways a direct result of the pressure from the centre to *weiwèn*, or alternatively the tactical decision of the centre to tolerate a more liberal, benevolent approach at the local level in a particular case at a particular time. A good example is a comparison between the local government's treatment of Chen Guangcheng in Shandong and the Wukan incident in Guangdong.

The extent of the abuse of power and blatant disregard for the judicial system is atrocious in the case of civil rights lawyer and activist Chen Guangcheng. While the abominable action taken towards Chen Guangcheng, a activist fighting for the civil rights of the downtrodden and underprivileged but not a democracy advocate who challenges CCP's rule, whether his jailing or his subsequent house arrest, can easily be blamed on the wayward local government and public officials who understandably see him as a troublemaker, the role of tiers of governments and officials above them could be intriguing. What Chen has revealed – the inhuman practices of forced sterilization and late-term abortion – are indeed a result of the central State's strict implementation of its one-child policy. The gruesomeness of such actions was recently widely publicized in the case of a 23-year-old Shaanxi Province woman Feng Jianmei 冯建梅.⁷⁶ The case of Feng's forced late-term abortion attracted attention from all over the world after the photograph of a despondent Feng and her murdered seven-month-old foetus lying on a bed was posted on the Internet, after which Feng was virtually placed under house arrest at the hospital and her husband was allegedly beaten up and put under constant surveillance while a gang of people holding banners gathered noisily outside the hospital blocking her from returning home and condemning her and her family as "shameful traitors of the nation", apparently referring to her talking to the foreign media about the issue.⁷⁷ Feng's case, despite the wide publicity, might actually yet not be the worst, for there was allegedly another recent case of forced late-term abortion involving a woman in Xianyou 仙游 county of Fujian province who was already into her eighth month of pregnancy when she was dragged into a hospital and have her baby murdered.⁷⁸ According to Bob Fu 傅希秋, founder and president of the China Aid Association (对华援助协会), in his testimony at a hearing of the

US House Committee on Foreign Affairs' Subcommittee on Africa, Global Health and Human Rights on 9th July 2012, tragedies like that happened to Feng Jianmei and her baby amounted to hundreds or thousands every single day in China.⁷⁹

5.2. Political Boom, State Violence and Weiwen

While such higher-profile cases of late-term forced abortion could eventually be played down with compensation from the authorities, the inhuman State coercion involved in implementing the one-child policy – the exposure of which has led to the persecution of Chen Guangcheng and many other civil rights activists – has always been part and parcel of the overall civil rights abuses perpetrated by the Party-State on its citizenry who has been denied political choice and judicial independence, over the decades marked otherwise by impressive market reforms and economic miracles. Turning a blind eye towards and tacitly condoning or even endorsing whatever atrocious and extra-judicial local action in silencing a trouble-making civil rights activist thus fit well into the central State's top priority of *weiwen* (maintaining stability) which together with GDPism constitute the key to CCP's continued political monopoly.

Such a phenomenon has been observed by Lynn White when referring “political booms” in her four-country study on local money and power, where she notes that: “Violence has been common in these political booms, along with money. Development has occurred only when national or local leaders who could benefit from it were sufficiently strong to effect it.” (White, 2009: 6-7) White defined a “boom” as a “quick economic or political change that is welcomed by most citizens” and posited that “both the origins and results of quick economic growth or stasis depend on specifically political incentives among the most effective social elites” (*ibid.*: 1). Based on her four-country findings covering the People's Republic of China (PRC, more specifically mainland China's eastern regions of southern Jiangsu and Zhejiang province), Thailand, Taiwan (province of Republic of China/ROC) and the Philippines, White argues that both the origins and results of booms are more political, and less narrowly economic, than usually thought to be, and interestingly, while monetary capital is a factor for growth, “violence and threats of physical coercion often substitute for the local effects of money” (*ibid.*: 2-3) Such violence, as commonplace as in CCP's long history of bloody purges and political campaigns, has again manifested itself today in the post-idealist web of contradictions made up of money and power, as vividly revealed in an October 2007 telegraph of Shanghai's American consulate dispatched to Washington released by WikiLeaks recently. The contents of the telegraph, according to WikiLeaks, include a failed attempt to assassinate Hu Haifeng

胡海峰, the son of Hu Jintao, in 2006, and an allegedly successful murder of the son of Wu Guanzheng 吴官正, the Secretary of the Central Commission for Discipline Inspection, in January 2007 which could be linked to the corruption case of the Shanghai party secretary Chen Liangyu 陈良宇 at that time that implicated many high-level officials and princelings.⁸⁰ WikiLeaks's revelation could also be lending credence to the rumoured three attempts on Hu Jintao's life – two naval vessels firing on a destroyer carrying Hu in May 2006 in the Yellow Sea (Huanghai 黄海), a failed bomb attack on Hu in October 2007 when Hu attended the opening ceremony of that year's Special Olympics World Summer Games in Shanghai, and another failed assassination of Hu in April 2009 again in Huanghai when Hu attended a naval parade off the coast of Qingdao 青岛 participated by delegations from 29 countries – long circulated around Western media and reported by Falungong-run *The Epoch Times*.⁸¹

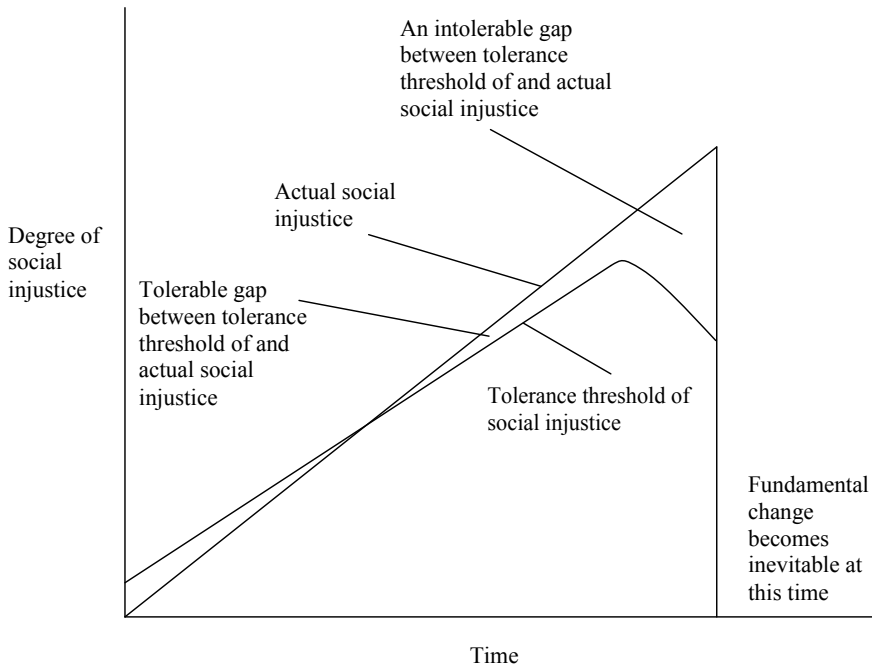
On the other hand, the intricate nexus of private interest functions across tiers of public official circles and cliques, demanding mutual protection, shielding and conniving to destroy the perceived source of threat to their private interests, are corroding a society where official corruption and abuse of public office have reached an unimaginable level. Adding to this phenomenon is the local permeation of the central State's factionalism – the unending power struggle in a complex web of power cross-alignments between the “leftists”, “rightists”, hardliners, relative liberals, as well as the complex intertwining so-called “team of rivals”⁸² (政敌团队): the “princelings” (*taizidang* 太子党), youth league, the *tuanpai* 团派 coterie, etc. On the other hand, China's successful decentralization (that has led to a market-fostering or -preserving *de facto* federalism or a “helping hand” *vis-à-vis* a grabbing hand as some see in the case of Russia⁸³) has not led to a liberal multi-party competitive democratic federalism that respects civil rights, political choice and ethnoterritorial autonomy because the central State has remained a single-party autocracy, as Duchacek rightly explains while drawing attention to federalism being a territorial twin of the open democratic society⁸⁴:

Federalism is not compatible with authoritarian socialist and fascist one-party systems and military juntas. If a single party delegates some minor parts of its central power to the territorial components in which single-party rule also prevails, the result is a unitary and centralist system or, at best, an association or league of territorial dictatorships [...] a spatially sectorized unitary system or a confederation of [...] single-party territorial components [...] a territorial dimension of Lenin's “democratic centralism” – inter-territorial and inter-factional consociationalism of a special kind, but not a federal democracy.

(Duchacek, 1988: 16-17)

Constraint on opposition consists not only of jailing of pro-democracy and *weiquan* activists but also of surveillance (often round-the-clock) of activists and other forms of *weiwēn* efforts. For instance, to enforce Cheng Guangcheng and his family's long strict house arrest after his release from jail, hundreds of village cadres, militias, police and "others" were employed at the going rate of at least 100 yuan a day, according to Chen after his escape⁸⁵, which can help to explain the dedication of these guards to their job which involved brutally beating up Chen and his family members as well as his friends and lawyers and local and foreign reporters who dared to try to visit him. This annual amount of probably close to a hundred million yuan of *weiwēn* funding earmarked for guarding Chen (which he mockingly called the "Chen Guangcheng Economic Zone") had formed an important source of income for the local officials and others involved. For the whole country, such *weiwēn* allocation amounted to 7.017 hundred billion yuan in 2012 (which the government defined as "public security" expenditures), as compared to 6.703 hundred billion yuan for national defense.⁸⁶ Professor Sun Liping 孙立平 of Tsinghua University's Faculty of Social Sciences in a recent report⁸⁷ comments on the sharp increase in the very high *weiwēn* expenditure which in some places has reached a spare-no-expense, regardless-of-cost proportion. Part of these expenses actually do not make economic sense, according to Yu Jianrong 于建嵘, director of the Center for the Study of Social Issues at the Chinese Academy of Social Sciences, as, e.g., ten thousand yuan spent on blocking a *shangfang* petitioner could have been better spent on helping to solve the petitioner's problems. The root of the issue is of course that the cause of the *shangfang* lies more often than not in corrupt State-business collusion whose tentacles go deep into the core of the racketeer State, while the *shangfang-weiquan* activism is seen as a destabilizing element threatening the rule of the one-party State. Such worries on the part of the Party-State are not unfounded, for a normally tolerable gap that exists between the tolerant threshold of and actual social injustice due to effective "protection" function of a racketeer government could grow into uncontrollable proportions if left unchecked, as illustrated in Figure 8. Such great emphasis on *weiwēn* and containment of the threat from the dissidents as reflected in the rocketing *weiwēn* cost seen above can be observed in the tremendous expansion of the power of the *Zhengfawei* (Political and Legal Committee of the CCP) since the June 1989 Beijing massacre. The Central Political and Legal Committee of the CCP in its present form which was set up in 1980 was abolished in 1988 under Hu Yaobang and Zhao Ziyang's effort of political reform that suggested the separation of Party and Government but was reinstated after the massacre and the purge of Zhao Ziyang. The dropping of *Zhengfawei* secretary from CCP's Politburo Standing Committee when the latter's membership was reverted from nine to seven with the conclusion of the 18th

Figure 8 Social Injustice under a Racketeer Government and Fundamental Change



Source: Based on Davies’s J-Curve Theory of Revolution. See Vander Zanden (1988: 584), Figure 21.2 (adapted from Davies, 1962: 6, Figure 1).

National Congress of the CCP on 15th November 2012 thus has to be one of the most significant institutional changes amidst the leadership transition that has otherwise shown little surprises given the overall “conservative” make-up of new standing committee.⁸⁸

The reason for the unparalleled quest for economic achievement, of reckless GDPism at the expense of equity, and the spare-no-expense cultivation of a glorious national image from the 0.9 billion-yuan 2008 Olympic opening gala to the space programme within a national environment of widespread poverty, widening inequality and increasingly acute social injustice as a result of such runaway development can be and in fact needs to be seen in the same light.⁸⁹ In an article later deleted from *Gongshiwang*,⁹⁰ Chinese scholar Cai Shenkun 蔡慎坤 questions whether a yearly spending of hundreds of billions of yuan on a million-strong Chinese police force (or probably above ten million if inclusive of local non-police or para-police public security teams) within an environment devoid of judicial independence is leading to out-of-

control, self-justified *weiwēn*-induced corruption. Defining a racketeer as someone who creates a threat and then charges for its reduction, Tilly (1985), by such standard, considers governments' provision of protection as qualifying as racketeering:

To the extent that the threats against which a given government protects its citizens are imaginary or are consequences of its own activities, the government has organized a protection racket. Since governments themselves commonly simulate, stimulate, or even fabricate threats of external war and since the repressive and extractive activities of governments often constitute the largest current threats to the livelihoods of their own citizens, many governments operate in essentially the same ways as racketeers.

(Tilly, 1985: 171)

Whether evoking the “hundred years of national humiliation” at the hands of the Western capitalist and Japanese militarist imperialists and her neighbour's threat to her self-declared sovereignty over the whole of South China Sea on the external front, or branding all who challenge the self-perceived legitimacy of the Party's continued monopoly of political power and through organized action aim to replace it with a multiparty “Western” electoral democracy, as legally guilty of “inciting subversion of State power”, the Chinese racketeer State run by the CCP has never hesitated to mobilize its formidable monopoly of violence to ensure the survival of its own rule, which is today probably nothing more than a terrifying embodiment of a “web of [...] cliques, factions, and internal knots of organized crime” in the words Garnaut (2012) uses to describe today's corruption-racked People's Liberation Army (PLA). With the June Fourth massacre, which brought a tragic end to the hundred days of demonstrations in 1989 which began as student-led anti-corruption protests, leaving behind a vacuum of ideology, purpose and integrity “which money has rushed to fill”⁹¹, corruption has become “the glue that keeps the whole system together, after the age of idealism” in a secretive gargantuan system where “gangs” and clusters of patronage and bribery are congealing together by favours and corruption (*ibid.*)

According to economic historian Federic Lane, it is the business of governments to sell protection, regardless of whether people would want this protection. Seeing from the economic perspective, Lane's argument for State's monopoly of violence is based on the fact that the very activity of producing and controlling violence enjoys large economies of scale, hence is in favour of a monopoly (competition would in general raise costs) (Lane, 1950, 1958)⁹², which in turn gives rise to a “tribute” (i.e. monopoly profit) that is otherwise called “extortion” in Ames and Rapp's adaptation which sees analogy of such government action with predation, coercion, piracy, banditry and racketeering (Ames and Rapp, 1977).⁹³

In a critique of Lane, Tilly (1985: 181) breaks organized violence perpetrated by agents of states down into four different activities: war making (“eliminating or neutralizing their own rivals outside the territories in which they have clear and continuous priority as wielders of force”), State making (“eliminating or neutralizing their rivals inside those territories”), protection (“eliminating or neutralizing the enemies of their clients”), and extraction (“acquiring the means of carrying out the first three activities – war making, state making, and protection”), all of which being dependent upon the State’s tendency to monopolize the concentrated means of coercion. “From the perspectives of those who dominate the state,” posits Tilly, “each of them – if carried on effectively – generally reinforces the others.” Upon successfully eliminating its internal rivals – in the context of the bloody history of the CCP, the “anti-revolutionaries”, opponents of the one-party State and other dissidents – the State greatly strengthens its ability to extract resources, to wage war or simply to flex its military muscles in the regional or global arena, and to protect its chief supporters, who were the landlords, armed retainers of the monarch, and churchmen in European history (*ibid.*) and in our present context consist of cadres and apparatchiks, and even “princelings” and Party-linked businessmen who are central to the interest and survival of the Party-State, as well as the co-opted intellectuals serving to uphold the image of legitimacy of the regime.

6. NVA Convergence and Divergence: The Role of Agency

Significantly, what were mentioned above are in a way corresponding to Margaret Archer’s three modes of reflexivity which in turn each expresses a particular orientation towards personal-societal relations (Archer, 2003: 351). Without attempting to stretch these Archerian concepts too far, the co-opted intellectuals could be seen as corresponding much to Archer’s “communicative reflexives”, the *weiquan* activists to “autonomous reflexives”, and the, mostly exiled, pro-democracy activists to “meta-reflexives”. The making of these three modes of reflexivity lies in the nexus between contexts and concerns, neither of which are static. While the “projects they forge in their initial social context, which was not of their making or choosing, may be experimental (and thus corrigible) [...] some find sufficient personal satisfaction there to prolong the experiment into a life-project, thus endorsing their original and involuntary social positioning [...] whereas for others] their involuntary contexts of social placement may *simultaneously* be shifting and changing at the micro-level, in ways which represent discontinuities for the subject” (*ibid.*: 344, italics in the original). In other words, these three modes of reflexivity have in fact emerged from three distinctive types of interplay between structural properties (social context in which the subjects find themselves involuntarily) and

personal properties (their concerns), to neither of which alone the resulting form of subjectivity are reducible since those who share the same type of initial and involuntary context might not develop the same mode of reflexivity and “contextual discontinuity” apparently does contribute to their making (*ibid.*: 348). For the co-opted intellectuals who have no choice but to survive and to work *in supporting and as part of* the authoritarian system and have in a way become the Archerian “communicative reflexives” as they develop concerns complementary to their continuous contexts and actively contribute to the replication of their social placement that thus ceases to be largely involuntary, which tends to contribute in turn to prolonging morphostasis even if unintentionally. On the other hand, the *weiquan* activists working day-to-day for their cause in the country in a way exemplify the “autonomous reflexives” who would not be able to accept such contribution to morphostasis due to the incompatibility of their developing concerns with the discontinuous contexts they encounter in society – an incompatibility that serves to foster autonomous deliberations and monitor their quest for a suitable social context to realize their concerns. While the *weiquan* activists are thus working in their own way to achieve change towards their ideal of social justice but in recognition of the political structural constraints within which they have to accommodate themselves, a head-on collision with which they would perceive as futile and counterproductive given the power asymmetry and State monopoly of violence, the pro-democracy activists, mainly and necessarily exiled, would find such accommodation with authoritarianism intolerable. These pro-democracy activists (and arguably some *weiquan* activists too to some extent) are in a way the Archerian “metareflexives”, being driven by the force of their sociopolitical ideals and cultural concerns – for some, shaped by their personal encounter and tragedy at the hands of a ruthless regime, and for others, by the day-to-day grotesque injustices perpetrated by the actions of a racketeer State – and an almost religious devotion to the embodiment, pursuance and actualization of such ideals and concerns.

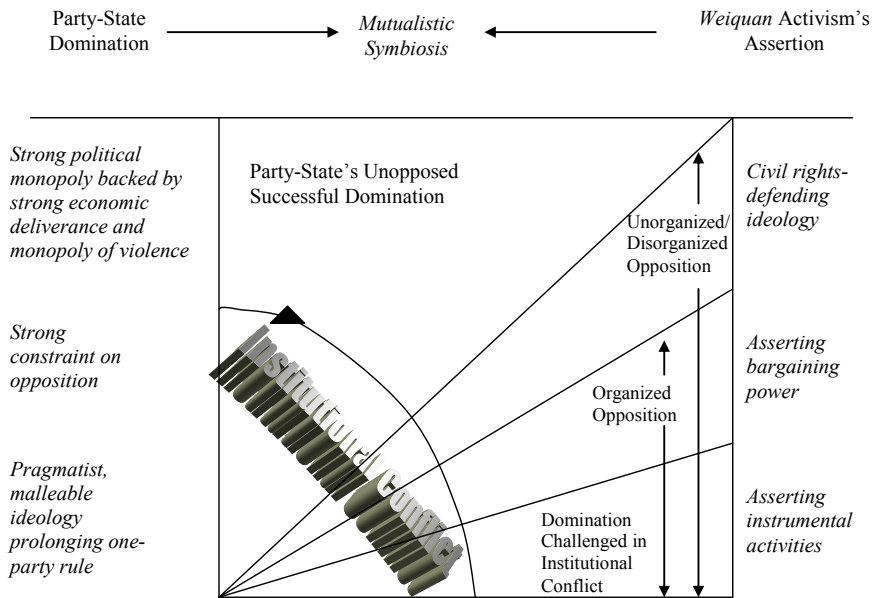
While Archer’s theorizing has sometimes been criticized as focusing too much on internal conversation, conceptualized as a causal power that transforms both human agents and society, at the expense of intersubjective communication which is crucial for understanding the morphogenesis of structure through collective action and social movements – as she emphasized in the opening line of the first chapter of her 2003 treatise that “[w]ere we humans not reflexive beings there could be no such thing as society” (Archer, 2003: 19) – it could be unfair not to take into consideration the relevance of her theorizing to the latter and the great potential of extracting a theory of collective action from her work. Her “metareflexives” for instance, while – true to her assertion that private life is an essential prerequisite for social life – being idealists seeking self-knowledge and practicing self-critique for

self-realization, are also driven by their personal missions to criticize their environment. They, in a way, represent Habermasian Meadian *wertrationale* social utopians constantly judging themselves and their societies in a critical manner from the point of view of the “generalized other” and the alternate “rational society” (Habermas, 1987, 1992; Mead, 1934), thus showing concern for social injustice and refusing morphostasis or “cold stuckness” (Reeler, 2007) in the name of some cultural or political ideal or the preference for stability. Mead’s “generalized other”, after all, is the “organized community or social group which gives to the individual his unity of self” (Mead, 1934: 154), enabling the human agent to raise questions of justice and rights. In this respect, while attributing the quality of the Archerian “metareflexives” to the pro-democracy activists and that of the “autonomous reflexives” to the single-issue, single-case *weiquan* activists, it needs to be noted that the *weiquan* activists inevitably also exhibit some fundamental characteristics of the “metareflexives”. Similarly, in the complex, dense net made up of the social constitution of their *modus vivendi* and the existential projects they construct *in foro interno*, neither the pro-democracy nor *weiquan* activists nor even the co-opted intellectuals could escape from autonomous reflexivity, wherein the internal conversation “is not an area where instrumental rationality has hegemony; it is just as much an arena for reviewing the emotional commentaries on [their] concerns, which are registered internally as [they] contemplate doing this rather than that”, which, as in this harsh winter of Chinese dissent, leads to their being “fractured reflexives” who are unable to conclude upon an ultimate course of action, or conversely sooner or later to a “review of themselves in relation to their circumstances to a plan for action” (Archer, 2007: 285).

According to Margaret Archer, each mode of reflexivity “is a distinctive way of deliberating about oneself in relation to one’s society. It is the modality through which the active agent continues to align her personal concerns with her social context.” (Archer, 2003: 349) The method of alignment varies, though, directly with the mode of reflexivity being exercised, adds Archer, while conclusions are being reached on the prioritized concerns which are in turn crystallized into determined projects, and certain orientation has been arrived at towards the reflexives’ encounters with constraints and enablements. These two deliberative outcomes in turn combine to represent the acquisition of a “stance” towards the sociopolitical context, and the acquired “stances” are “so different that the three distinct modes of reflexivity effectively conjoined subjectivity to objectivity in three completely different ways”, which means that “the internal conversation, as the fundamental process mediating between structure and agency, also canalised the personal-societal relationship in different directions, according to its mode – thus articulating the precise form of the micro-macro link” (*ibid.*). Such canalization of personal-societal

relationship, or in the present context the relationship of the civil society (reflecting the stance of particular reflexives) with the Party-State, would result in the divergences not only within a movement, e.g. the disarray in the exiled democracy movement, but also between movements. The latter, for instance, can be seen in the contrast between the current state of relationship between the *weiquan* activism's assertion and the Party-State's domination (which while coercive, does exhibit certain degree of tactical flexibility as in the case of the Wukan uprising and the Shifang 什邡 incident) that could at the risk of oversimplification be probably described as "mutualistic symbiosis" (see Figure 9), i.e. to a certain extent benefiting both sides, and the relationship between the exiled democracy movement and the Party-State which – probably with the exception of the particular cases of ethnoterritorial resistance movements which have been able to maintain continued influence on events in the particular territories – could probably be described as "commensalistic symbiosis" (see Figure 4), i.e. a fluid relationship of association yet at the risk of indifference and oblivion, if not, as observed earlier, for the injection of the more focused and better organized element of the Falungong resistance movement. Such divergence of course could not solely be attributed to the mode of reflexivity, but also to a higher degree to the variations in the

Figure 9 State Domination and NVA Assertion: Mutualistic Symbiosis



Source: Schema based on Vaughan and Archer (1971: 16-32).

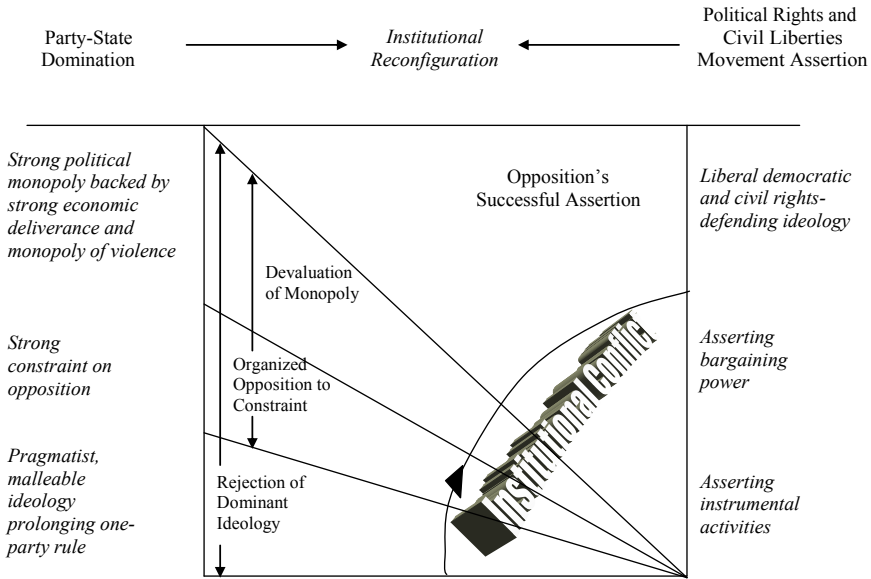
properties of State domination and NVA assertion, shown by the left and right vertical axes of Figure 4 and Figure 9, which with reflexivity, form a complex nexus of micro-macro, agency-structural factors and influences.

7. Democracy Movement and *Weiquan* Activism: Towards a Better Synergy?

As postulated by Margaret Archer, at the final stage of the evolvement of reflexivity, “if no ‘fracturing’ has occurred, the three modes of reflexivity are consolidated and become the means through which subjects determine the concrete projects which they seek to advance in a suitable context – if and when one can be located.” (Archer, 2003: 349) Such necessary conflation as applicable to the present analysis of the Chinese democracy movement, *weiquan* activism and their relationship with the Party-State or at least the more liberal reformist faction within the Party-State and its co-opted intellectuals is shown in Figure 10.

In an eye-catching article “Zhongguo Zhenzheng de Tiaozhan zai Nali 中国真正的挑战在哪里” [Where lie China’s real challenges?] by Yuan Peng 袁鹏, director of the Institute of American Studies at the Academy of Contemporary International Relations (中国现代国际关系研究院美国所), published on 31st July 2012 in the overseas edition of the *Renmin Ribao* 人民日报 (*People’s Daily*), rights-defending lawyers (*weiquan lüshi* 维权律师), dissidents, recusant underground religious groups (supposed to refer mainly to the unregistered, illegal Catholic and Protestant churches outside the government-sanctioned official/“patriotic” churches), disadvantaged groups and leaders of the netizens are grouped as the five types of people acting as the channels through which the United States is infiltrating China’s grassroots to bring about change from bottom up.⁹⁴ Besides the timing of the appearance of the article – just prior to CCP’s 18th National Congress – the accusative warning brought back memory of Mao’s “five black types” (landlords, wealthy peasants, antirevolutionaries, bad elements and rightists) during the Cultural Revolution and hence the article’s five categories are referred to by some readers as the “new five black types”. The accusation is ominous, and placing civil rights lawyers at the top of the list could be a warning that State repression would be intensified upon those in the legal profession who dare to defend in court those dissidents that the State is going after or to take up civil rights cases against the routine State persecution in the name of *weiwen* and *hexie*. On the other hand, grouping together the different strands of NVA as targets to suppress also reflects a certain degree of concern over the potential threat posed to the one-party State by a better coalescence of the different strands of NVA to form a common front in the pursuit of some transplanted “velvet” or “jasmine” revolution.

Figure 10 State Domination and NVA Assertion: Institutional Reconfiguration



Source: Schema based on Vaughan and Archer (1971: 16-32).

7.1. Remembrance of Operation Siskin

An earlier example of how at a critical juncture diverse social forces are galvanized into joint action is the now legendary “Operation Siskin” or “Operation Yellowbird” (黃雀行動). Known as “Secret Passage” at an earlier stage, “Operation Siskin” was a loosely structured Hong Kong-based rescue syndicate hurriedly put together by some key members of the Hong Kong Alliance in Support of Patriotic Democratic Movements in China (香港市民支援愛國民主運動聯合會), Hong Kong actors-cum-filmmakers John Shum Kin-fun 岑建勳, Alan Tang Kwong-wing 鄧光榮 and businessman Chan Tat-ching 陳達鈺 in the immediate aftermath of the June 1989 Beijing massacre. While the United States and Hong Kong’s British colonial government were undoubtedly involved in the rescue missions to various degrees and the costly and highly dangerous operations were financed mainly by Hong Kong businessmen and its underworld among other benefactors, Operation Siskin owed much to the organizing strength and network of the Hong Kong underworld, mainly the smuggling triads, which successfully rescued more than 300 to 400 wanted student leaders, democracy activists, scholars and writers, mainly from June to the end of 1989, but with sporadic operations

lasting till June 1997, just before the “Handover” of Hong Kong to China.⁹⁵ For the protection of lives and careers, many details including the identity of those involved have remained unrevealed, but during the past two decades, most of the well-known figures in the Operation and various other possible participants⁹⁶ have since passed away, including Szeto Wah 司徒華, chairman of the Hong Kong Alliance in Support of Patriotic Democratic Movements in China from 21st May 1989 till his passing on 2nd January 2011 and a member of the Hong Kong Legislative Council from 26th September 1985 to 12th September 2004, Alan Tang Kwong-wing, singer-actress Anita Mui Yim-fong 梅艷芳, and the Hong Kong democrat Leung Wah 梁華 whose mysterious death in neighbouring Shenzhen 深圳 was alleged by some to be the work of Chinese security agents.

While Operation Siskin represents a brazen joint effort of a response at a critical juncture in the yesteryear which is slowly fading into a figment of collective memory, some recent events have brought back vividly that manifestation of a localized “people power” in bringing about breakthrough not only in relatively short-term *weiquan* but also in the implication for the long-term democratization of Chinese politics. The most outstanding of such recent events is the Wukan incident.

7.2. *Wukan, Shifang and Their Implications*

The Wukan crisis first erupted in September 2011 at a time when not only in the Tibetan region or other ethnic regions (where of course a vein of interethnic misunderstanding and scapegoating has been added) but all over the country, public resentment is pushed to the boiling point by the brazen exploitation and brutal suppression of dissent in a mode of development that serves mainly to enrich the corrupt local officials and CCP élites and their business cronies. Among the recent cases of partially successful backlash against such State-business collusion (*guan-shang goujie* 官商勾结 under the cover of the “hard principle of development” at the expense of the interest of the local people) that attracted worldwide attention are the two most outstanding incidents of Guangdong’s Wukan and Sichuan’s Shifang.

The three-month long Wukan protests first erupted after the villagers’ realization in September 2011 that the village’s last and largest piece of land had been sold off by the village’s officials led by Xue Chang 薛昌, the village’s Communist Party secretary for the past 40 years, who allegedly had been secretly selling off the village land through the Wukan Harbour Property Development Company which was set up in December 1992 and of which Xue Chang was the statutory representative – more than 6,700 *mu*⁹⁷ out of a total of 9000 *mu* of village land had been sold off by the time the protests erupted – which was followed by the death of the village

representative Xue Jinbo in police custody in December with a badly bruised body – truly the straw that broke the camel’s back. On the other hand, the Shifang protests erupted after a petition of over a hundred students in front of the party offices against a molybdenum copper factory project in July 2012 swiftly escalated into a student-led 20,000-strong demonstration which ended with the government announcing the abandonment of the proposed project based on environmental and public health concerns. Within the same month, a second demonstration, involving over 10,000 people, erupted in Qidong 启东, Jiangsu, similarly led by post-90 generation students, against a project for a Japanese-invested paper factory to drain waste water into the Yellow Sea, in which demonstrators occupied the government building, leading to the government announcing the cancellation of the project. Back in Guangdong, apparently emboldened by Shanwei 汕尾’s Wukan protests, over 30,000 people, also led by students, demonstrated in the Haimen 海门 township of Shantou 汕头 city against the government’s plan to build a second highly polluting coal-fired power plant – highlighting their sufferance both in terms of high cancer rate and diminishing fishery produce as the result of severe pollution since the building of the first such power plant in Haimen in June 2006 – and clashed with the police. Likewise, over a thousand peasants also walked the streets in another Shantou village, Shangdaimei 上岱美 of the Xinan 溪南 township, on 18th December 2011, and a similar number of villagers also demonstrated on the same day in Lufeng 陆丰’s Longtou 龙头 village – in an unending stream of desperate protests against official corruption and exploitation of peasants’ interests, severe pollution and especially land requisition without fair compensation. Such aspects of social injustice accompanying the country’s high economic growth have led to widespread public protests including numerous cases of self-immolation (the most recent cases, besides the series of Tibetan self-immolations that shock the world, include the alleged self-immolation of a villager in Huidong 惠东 county of Guangdong’s Huizhou 惠州 on 17th October 2012 due to land dispute and accusation of official corruption⁹⁸) and other forms of suicide.

While admittedly not all forms of social protests are seen as system-threatening and ironically some that at first look seem to be system-threatening may instead work for the ruling regime’s advantage (Yeoh, 2011: 439-444, 481-483), the intensification of public protests all over the country (e.g. 19 incidents of public protest just within three days from 17th to 19th October 2012⁹⁹) has served to demonstrate the level of despair in facing the onslaught of oppressive State-business collusion in the name of economic miracle and national glory so lauded by the upper classes and co-opted intelligentsia both domestic and among the Overseas Chinese communities, with similar accusation by death still spreading among the Tibetans in the ethnic Tibetan

regions of China unceasingly in protecting against similar oppression. While such problems are well understood by the central government, there does not seem to be any way out of the quagmire that is trapping at least over 620,000 villages all over China, according to a *New York Times* analysis¹⁰⁰, where rapidly rising land prices are encouraging both village cadres and higher-tier officials to abuse public office to engage in rent-seeking activities at the expense of the villagers in a gargantuan, complex nexus of interest entanglement, both horizontal and vertical. At the same time, the village committee elections system, so lauded by many observers as a bold step of grassroots democratization, has ironically worsened official corruption and “backdoor” practices for such village elections are seldom really free or fair, and independent candidates unendorsed by the Party are continuously being blocked from standing, harassed or even brutalized, while the election process is being easily manipulated.

In terms of their very nature, such incidents like those in Wukan and Shifang are in no way unique among the myriad of cases of the so-called “mass incidents” (the government’s euphemism for public protests and demonstrations) all over the country happening sometimes at an average rate of one case per week. Since the village committee re-elections that the Wukan people were finally allowed to do, albeit probably unique in its free and fair way, are legal within the village committee election system practiced currently in China, there was nothing so outstanding in this too. What is rather unique lies in the amicable resolution of the crisis when the government decided to refrain from cracking down but acquiesce in accommodating the demands of the protesters. In this particular case of Wukan, cannot be ignored is the fact that the villagers are protesting *to* the provincial government to *zuozhu* 做主 (enforce justice) against the misdeeds of the village party secretary and officials and the intra-village family-clan factional power abuse, that the Guangdong province, being the pioneer province chosen by Deng Xiaoping in his experimental “reform and open” policy since the late 1970s, tops the country’s regions in terms of economic openness and has a government led by the Communist Party’s Guangdong Committee Secretary Wang Yang 汪洋 who is known to belong to the relatively liberal faction of the party¹⁰¹ despite his repressive actions towards Guangdong’s media which has greatly tarnished his otherwise liberal reformist image¹⁰², and that this village of the Lufeng city, part of the Hailufeng 海陆丰 region that is reputable among the Chinese for its doughty folkways, carries the historical halo of being a “red” revolutionary stalwart region of the CCP¹⁰³ have in combination led to the rather surprising mode of resolution of the confrontation, even after the Siege of Wukan has brought about the premonition of the Wukan conflict ending in a fate reminiscent of the Shadian massacre in 1975.

Table 7 Progress of Events in Wukan

Date	Event
22nd September 2011	Finding out that land in Wukan has been secretly sold off by village officials, 4,000 people attacked government building and police station of Lufeng City.
9th December 2011	Wukan villagers clashed with police while marching towards the government building of Lufeng City. Villagers' representative Xue Jinbo and four others were arrested. Xue Jinbo died three days later while in police custody, causing situation to turn acute.
20th December 2011	Guangdong's deputy party secretary Zhu Mingguo 朱明國 set up working group to deal with the Wukan incident, agreeing to the villagers' three demands: 1) return village land; 2) return Xue Jinbo's body and release the other villagers still in police custody; and 3) recognize the temporary committee of village representatives as legal.
21st December 2011	Guangdong provincial party committee agreed to re-election of Wukan's village committee.
1st February 2012	Election assembly was held in Wukan and elected an 11-member village election committee by one-person-one-vote.
11th February 2012	A total of 109 village representatives were elected.
16th February 2012	Shanwei City returned Xue Jinbo's body to his family and gave condolence and funeral money of 900,000 yuan.
3rd March 2012	Village committee re-election in which villagers' leader Lin Zuluang 林祖銓 was elected as the village committee director.

Source: “六十年第一次大陸烏坎民主選舉” [First time in 60 years: democratic elections in Wukan on the Mainland], 聯合報 (*United Daily News/UDN*, Taiwan), 4th March 2012.

7.3. Problems of Political Opportunity Structures and Formation of Collective Identity

But when I open the door to step out into the world, there's only a tremendous void. A pale gray nothingness that is all my future holds.

Suzanne Collins (2010), *Mockingjay* (The Final Book of *The Hunger Games*), Chapter 12

Political opportunity structures refer to State strategies such as repression, co-optation, as well as NVA strategies of assertion, forming of alliances, etc., many of which and the problems involved have been discussed earlier over Figures 2, 3, 4, 7 and 8. In urging NVA activists to “face the hard truth” that a liberation struggle “is a time for self-reliance and internal strengthening of the struggle group”, Gene Sharp lists four immediate tasks: strengthening determination, self-confidence, and resistance skills; strengthening the independent social groups and institutions; creating a powerful internal resistance force; developing a wise grand strategic plan and implementing it skillfully (Sharp, 2010: 7-8). Such problem of the construction of a strong collective identity – a “We” – has always been a issue plaguing the Chinese exiled democracy movement, as observed earlier, and also a potential problem in the attempt to bring about a synergy of different strands of NVA. Internal squabbling and clash of egos constitute a long-running problem of Chinese NVA which has long lacked a unifying figure who would serve to bring solidarity – a Lech Wałęsa, a Václav Havel. Examples of instances of such internal discord have been numerous, and those mentioned below are just some recent, prominent ones which might in a larger context look irrelevant but their relatively high profile due to the personalities involved could serve to highlight such long-running problems. On the contrary, other examples involving heart-rending individual tragedies resulted from State oppression and injustice could serve as a galvanizing factor for NVA resistance though again, the concrete results from the rippling effects might take time to actualize.

7.3.1. A potentially crippling law suit and the “forgiveness” controversy

In contrast to the cases of bravery witnessed in the scene of the domestic democracy movement and *weiquan* activism which, against all odds, have continued their struggles to survive with a remarkable extent of solidarity in the harsh domestic environment, the often worryingly pathetic state of disarray that the democracy movement in exile has fallen into is probably epitomized by two recent high-profile examples. The first is the potentially bankrupting multiple lawsuits the exiled former “general commander” of 1989 Tiananmen student demonstrations Chai Ling 柴玲 has brought against the non-profit organization that created the acclaimed documentary film *The Gate of*

*Heavenly Peace*¹⁰⁴, the main indictments leveled against whom centre around its distortion of Chai Ling's views resulted from montage and sequential editing.¹⁰⁵ After the court dismissal of her initial defamation lawsuit, Chai Ling has filed an additional suit against the filmmakers claiming that the mentioning of Jenzabar at their non-profit organization's website constitutes copyright infringement. Whether the continuing lawsuit represent a vengeful dissatisfaction against the filmmakers' response about a month later which denied any misrepresentation or ill intent and emphasized that they too felt that any attack on Chai Ling's character resulted from watching the film is most unfair, wrong and regrettable as one should understand the unimaginable heavy toll those turbulent months of intense pressure on Tiananmen Square had taken on the top student leader who was on the brink of mental collapse but they have presented the facts without any distortion or ill intent¹⁰⁶, or are there really no other more rational approach on both sides to attempt a more amicable resolution of this confrontation, this lawsuit plainly reveals the pathetic state of fragmentation, disarray and loss of emphasis that have befallen the democracy movement in exile. Such internal strife and disarray is also evident, for instance, in Feng Congde 封從德's *Liu-Si Riji* 六四日記 (*A Tiananmen Journal*) published in 2009, one of the latest first-hand account of the 1989 Tiananmen demonstrations and Beijing massacre in print, whose postscript and chapter notes reveal a dismal web of scapegoating, intrigue, clash of egos, personal agenda and even insinuations of planted moles and agents provocateurs.¹⁰⁷

In addition to the lawsuit, another controversy has recently been aroused after Chai Ling's declaration on the 23rd anniversary of the June Fourth massacre that she had forgiven Deng Xiaoping and Li Peng, as well as the PLA, who were held to be responsible for the massacre, following her embrace of the Christian faith in recent years.¹⁰⁸ Her forgiveness apparently did not find endorsement from other exiled survivors of the massacre, with Wang Dan 王丹, who later in the year published his memoir *From June Fourth to Exile*¹⁰⁹, issuing an "urgent statement" that despite respecting her opinion based on her new faith, he absolutely cannot concur with such forgiveness from the victims which he considers as baseless and an affront to justice for the martyrs of 1989 and subsequent persecution, while the murderous regime, still continuing its brutality and butchery, has not shown an inkling of penitence and remorse, and that the world should recognize this forgiveness strictly as the personal view of Chai Ling who is in turn urged to make a correct distinction between personal religious faith and the judgment of right and wrong.¹¹⁰ Örkesh Dölet (Wu'erkaixi 吾尔开希) in his statement on 6th June, "*Wo Wufa Yuanliang* 我无法原谅" [There's no way that I could forgive], declares that although eventual reconciliation – leaving the past and embracing the future – is the common aim, he cannot forgive the murderous

regime before the rectification of the wrongs, before the repentance of the sinners who committed the atrocities of 1989, before the responsibility for the massacre is finally affixed, and he “would like to kindly remind Chai Ling that if we identify ourselves as members of the 1989 democracy movement, we have no right to forgive.”¹¹¹ There are other harsher statements from pro-democracy activists calling Chai Ling a “traitor” to the cause, who also point out that to forgive the dead villains is to encourage their successors to continue their brutality and while the model of replacing violence with violence is to be rejected, the time of forgiveness can only arrive after the villains have lost their ability to continue their brutality.¹¹²

While the squabbling is in many ways reflecting the long-running rift within the exiled democracy movement, doubtlessly it also stemmed from the untimeliness and tactless innocence of the “forgiveness” declaration. However, one has to be fair to the former student leader of the Tiananmen protests, who at a tender age was thrust into a selfless role of leading the most groundbreaking democracy movement that contemporary China has ever witnessed, and who has endured unending pressure from the formative years of a young student through the past two decades of exiled life, being demonized not only by a brutal regime against whom her movement vainly put up a lone, forlorn and foredoomed struggle largely unaided and unadvised, not least by a forever submissive and petrified academe. Adding to this the dismal experience of a factionalized exiled movement bending more on playing the blame game rather than an objective understanding of the inevitable limitations of the student-led movement of 1989 and its protagonists, seeing such absolution as a bridge to national reconciliation is psychological understandable. That said, Wang Dan’s “urgent statement” in response does brought to mind the late Christopher Hitchens’ query in his iconoclastic book *The Missionary Position* that by what rights one assumes the power to forgive and note that there “are even some conscientious Christians who would say that forgiveness, like the astringent of revenge, is reserved to a higher power” (Hitchens, 1995: 88). Hitchens was, of course, talking about the Mother Teresa phenomenon. The particular episode he was referring to here is the Union Carbide factory explosion that spilled toxic chemicals in the Indian town of Bhopal that instantly killed two and a half thousand people and permanently damaged the health of many thousands more with the lung-searing emissions during the mishap. While the “subsequent investigation revealed a pattern of negligence and showed that previous safety warnings at the plant had been shelved or ignored [...] a shocking case of callousness on the part of a giant multinational corporation”, Hitchens noted

At the [Bhopal] airport, greeted by throngs of angry relatives of the victims, [Mother Teresa] was pressed to give her advice and counsel, and she did

so unhesitatingly. I have a videotape of the moment. ‘Forgive,’ she said. ‘Forgive, forgive.’

(*ibid.*: 87)

Hitchens went on to give his searing comments:

On the face of it, a strange injunction. How did she know there was anything to forgive? Had anybody asked for forgiveness? What are the duties of the poor to the rich in such a situation? And who is authorized to recommend, or to dispense, forgiveness?

(*ibid.*)

As well said by Paul Turley, the Deputy District Attorney for Los Angeles, in his letter to Mother Teresa, in reply to the latter’s letter to the court seeking clemency for Charles Keating who was to be convicted in one of the greatest frauds in American history, as reproduced by Hitchens, “divine forgiveness is available to all, but forgiveness must be preceded by admission of sin [...] No church, no charity, no organization should allow itself to be used as salve for the conscience of the criminal. We all are grateful that forgiveness is available but we all, also, must perform our duty [...] We are urged to love mercy but we must *do* justice.” (*ibid.*: 69-70; italics in the original)

Albeit admittedly based on noble intentions, a declaration of forgiveness amidst continued brutal repression and injustice could reasonably be interpreted as a betrayal of the inevitable obligation of those who live on in exile and who can only continue to fight injustice with the pen on behalf of those who died by the sword in Beijing in June 1989, those who have remained behind to face continued persecution by a ruthless State and both those who lost and those who risked their lives embarking on the breathtakingly heroic rescue of the wanted in 1989 in the now legendary Operation Siskin. Needless to say, the declaration of forgiveness could be untimely too. The untimeliness was manifested evidently in at least two shocking incidents immediately before and after the 23rd anniversary of the June Fourth massacre.

7.3.3. *The despair of Zha Weilin*

The first is the suicide of Zha Weilin 轧伟林, a member of the Mothers of Tiananmen group led by Professor Ding Zilin 丁子霖 whose son, like the children of all other members, was killed by the PLA during the June Fourth massacre. After 23 years of fighting for justice on behalf of his younger son Zha Aiguo 轧爱国 who was shot dead by the PLA in the night of 3rd June during the crackdown and suffering from repeated police threats and surveillance, Zha Weilin left home and was found to have hanged himself in a yet-to-open underground car park on 25th May 2012 at the age of 73.

The police cordoned off the area, took away his body and had it cremated on 27th May. Zha's wife and elder son said that they had persuaded Zha not to kill himself, after finding sometime earlier a suicide note in which Zha had written his name and work unit and stated his decision to fight for justice with death after more than two decades of petitioning the government in vain. In its obituary for Zha, the Mothers of Tiananmen group strongly condemned the government's inhumanity and urged it to immediately return the suicide note, which had been presumably confiscated by the police, to Zha's family.¹¹³

7.3.4. *The indomitable spirit of Li Wangyang*

However, the most shocking incident at around the 23rd anniversary of June Fourth massacre has to be the suspicious death of long-imprisoned activist Li Wangyang 李旺阳. A glass factory worker who was first arrested in 1983 for organizing the Mutual Aid Association of Shaoyang Workers (邵阳市工人互助会) under the influence of the first Beijing Spring (Xidan 西单 Democracy Wall) and Poland's Solidarność, and who during the tumultuous months of 1989 organized and chaired the independent workers' union of Shaoyang city (邵阳市工自联) and led workers' demonstrations in support of the students' protests in Beijing, Li was arrested on 9th June 1989 immediately after the Beijing massacre and jailed for 13 years for "anti-revolutionary propaganda and instigation" and released on 8th June 2000 blind and deaf and in extremely poor health, after enduring long years of beating and torture in jail¹¹⁴, but was soon jailed again in 2001 for 10 years for "subverting government institution" and under continued surveillance upon release in May 2011.

Though looked terribly frail and having lost both sight and hearing and most of his teeth (many were broken by prison guards who force-fed him during his hunger strike in jail), the indomitable Li gave an impassioned and heart-rending video-recorded interview, broadcast in Hong Kong on 2nd June 2012 just prior to the 23rd anniversary of the 1989 massacre, in which he condemned the inhuman regime that tortured him and reiterated his continued commitment to fighting for multi-party democracy in China, and that "there's no looking back even if they chop off my head".¹¹⁵ On 6th June, two days after the massacre anniversary and four days after the broadcast of his interview, Li was found dead, ostensibly having hanged himself on the hospital room's window frame. The police took away the body, and against the family's objection, cremated it three days later. Doubt have been raised regarding Li's "suicide"¹¹⁶, and in a show of mockery, many *weiquan* activists, including Hu Jia, Xia Yeliang 夏业良, Wang Lihong 王荔蕓, Wu Gan 吴淦, Hua Chunhui 华春辉, Chen Yunfei 陈云飞, etc., were soon issuing declarations of the following manner: "I shall not commit suicide

under whatever circumstances and in case of my death which the police say to be suicide, I definitely have been ‘suicided’ (*bei zisha* 被自杀)”. As in the case of Chen Guangcheng’s escape, Li Wangyang’s family, who have been under long-term persecution including his sister who was incarcerated after giving a telephone interview to the *Voice of America*¹¹⁷, friends and other *weiquan* associates were silenced, “disappeared”, threatened, or placed under house arrest or close surveillance in the subsequent drive to contain the issue, while it is widely believed, as expressed by the guilt-stricken reporter who interviewed him, that the interview aired on 2nd June, in which he not only showed his indomitable defiance against the one-party State but also revealed the details and extent of inhuman torture inflicted upon him by the prison guards, could have led to his death.

On the other hand, the image of Li Wangyang broken by long years of beating and torture and his suspicious death also brought into the limelight the plight of those still in jail since participating in the demonstrations 23 years ago. According to the San Francisco-based watchdog Dui Hua Foundation (中美對話基金會), of the 1,602 people thus jailed, seven has still not been released and long years of imprisonment and ill treatment had not only led to a broken body like the case of Li Wangyang but also mental disease, like the activist Yu Rong 余蓉. Li Yujun 李玉君, a hawker who fought the PLA with a burning oil cart during the June 1989 crackdown, who was released in May 2012 after his 23-year long imprisonment, but placed under surveillance for another 8 years, was also said to suffer from mental illness and a broken body after long years of ill treatment and beating in jail.¹¹⁸ While the 23-year imprisonment, beating and torture, and ultimately death, of Li Wangyang could be seen to epitomize the fate of Chinese democracy movement and the inhuman extent to which the Chinese State machinery could be used to crush any expression of dissent and defiance, the suicide of Zha Weilin truly symbolizes the increasing dejection and despondency of those struggling to hold on to their principled but forlorn fight for justice in an environment devoid of political morality and decency, where two decades of relentless censorship and GDPism have resulted in the prevalent political apathy, acquiescence and resignation among the citizenry.¹¹⁹ On the part of the ruling political élite, could it be that the continued survival of one-party rule has to remain the paramount concern even after the imminent change of leadership post-18th National Congress of the CCP? – while the prime directive of “stability above all else” and the ruthless “dissent-harmonizing” maintenance of a “harmonious society” delineate a safe zone wherein political “seemers”¹²⁰ are continuing to parade administrative innovations as political reforms and political fudge (*zhengzhi huyou* 政治忽悠) as visionary leadership, in a political regime that has been disillusioned with the once-revolutionary vision of socialist transformation while still struggling

on maintaining the monopoly of political power. Instead of risk-taking revolutionaries and statesmen with conscience and prescience, could it be that holding the helm of this regime has to be some visionless, overcautious risk-avoiding political careerists resplendent in hollow, sentimental rhetoric and showmanship, being both the products and survivors of the yesteryear of Maoist horror and still reeling from the shock of the perceived political debacle of 1989? These are questions that probably the new leadership that is taking over the reins of power soon could not avoid to ponder.

8. Concluding Remarks

We have it in our power to begin the world over again.

– Thomas Paine (1776), *Common Sense*, Appendix to the Third Edition

From the perspective of interpretivism, change in the forms of interaction, process and negotiation is primal, while structure a by-product and temporary. In this context, both the pro-democracy and civil rights activists on the side of recusance and members of the ruling political élite on the other are human agencies engaged in the constant creation, negotiation and re-creation of the social order, in an Archerian “double morphogenetic” scenario for agency wherein is found “the progressive expansion of the number of Corporate Agents, of those who are counted among them and of the divergent interests represented by them, which thus results in substantial conflict between them” (Archer, 2000: 267). Within this process of social change there exists a negotiated consensus about what constitutes objective social reality – an outcome of the historical process of symbolic interaction and negotiation that is society as social construction because human agencies, be they State agencies or civil societal groups or organizations, become real only if the human agents believe that they are to be real, significantly in the context of “a complementary shrinkage of Primary Agents, due in part to their mobilisation to join burgeoning promotive interest groups and in part to the formation of new social movements and defensive associations, as some of them combined to form novel types of Corporate Agency” (*ibid.*), be they, in the present context of State and recusance, the Falungong resistance movement with its dynamic media outlets and cultural troupes, or the *weiquan* activism with its legal aid bodies or informal support groups on the side of NVA, or the existing and emerging factions of princelings, youth league, *tuanpai* or other intertwining factions and cliques on the side of the Party-State.

In huge and complex societies with a multitude of contending realities whatever consensus on what constitutes objective social reality is at best partial – an environment which the corporate agency seeks to control and yet being constantly reconstituted by the responses of the primary agency

that also necessarily inhabits therein (*ibid.*: 266-267). This can be seen in the context of the interpretive understanding of social action (*verstehen*) – the Weberian focus on human agents’ interpretation, definition and shaping by cultural meanings well beyond overt behaviour and events wherein human agents define their social situations, while these definitions influence ensuing actions and interactions and such human interactions entail the negotiation of order, structure and cultural meanings. It is in this context that the primary agency “unleashes a stream of aggregate environmental pressures and problems which affect the attainment of the [...] promotive interests” of the corporate agency which thus, in turn, has two tasks to undertake, i.e. “the pursuit of its self-declared goals, as defined in a prior social context, and their continued pursuit in an environment modified by the responses of Primary Agency to the context” which the latter confronts (*ibid.*: 267) – the primary *vs.* corporate agential turbulence that is continuously unfolding in the present context on both sides of the NVA-Party-State “political *jujitsu*”, whether they be the tumultuous intra-Party struggle that led to the fall of Bo Xilai 薄熙来 or the personal interest- or orientation-induced internal disarray of the NVA, whether they be an innocent expression of forgiveness at the wrong timing or overzealous enforcement of *weiwen* at the local level, even over a blind man, yet not unrelated to factional strife at the centre. After all, this is the inevitable outcome of the process of the integration, at the level of the individual human agent, of subjective projects and objective circumstances in a viable *modus vivendi* linking structure with agency, through constantly examining one’s social contexts, asking and answering oneself in a trial-and-error manner about how one can best realize the concerns that oneself determines, in circumstances that were not one’s own choosing (Archer, 2003: 133).

Adapting Walter Frederick Buckley’s concepts¹²¹ of morphostasis referring to “those processes in complex system-environment exchanges that tend to preserve or maintain a system’s given form, organization or state” and morphogenesis referring to “those processes which tend to elaborate or change a system’s given form, structure or state”, Archer (1995), on the other hand, posits that humanity has entered the stage of the morphogenetic society and speaks of the central importance of the role of the human agency that generates both the social segments’ morphostatic and morphogenetic relationships which, in turn, are not able to exert causal powers without working through human agents. It is clear that while Archer’s double morphogenesis sees both structure and human agency as cojoint products of interaction, upon the praxis between operating structures and purposely acting human agents, agency is constantly shaped by structure which in turn is being reshaped in the process. Hence, it needs to be noted that amidst the dynamic interplay of such an array of critical socioeconomic factors that underlie the surging currents of sociopolitical change, be they the overt

or subliminal emergent changes that tend to act to subvert the stability of well laid-out projectable changes envisaged by the ruling regime (Yeoh, 2010a) or an illusive transformative change biding its time prior to a critical point of bifurcation as pointed out by the chaos theory (*ibid.*; Prigogine and Stengers, 1984), the role of the individual as a catalyst for change cannot be underestimated, even if the long-term impact of the individual's action is not immediately explicit and the lone crusade involved does not receive adequate sympathy of the wider public. Such is the tragedy of the commons (*à la* Hardin, 1968) resulted from incomplete feedback loops, among others.

On the other hand, shocking it might have been, it was not surprising that the 1989 Beijing Spring had ended in the tragic Rape of Beijing¹²² when the system segments' relations did not mesh with those of the human agents. Such poignancy results, in Archer (1988)'s explanation, from the disjunction between the system segments' relations of contradictions and complementarity and those between human agents in terms of conflict and cooperation. This same mismatch that is still manifesting itself today where the political élite in the life-world are adamant in holding ground against the masses' demand for transformative political change amidst lively debate and consensus on universal values at the general level of the cultural system – thus nipping morphogenesis in the bud, leading to the subsequent protracted morphostasis. Ironically, the duality of structure and agency pointed out by the structuration theory implies that there exists a symbiotic relationship between structures that shape agencies' motives into practices and agencies whose routine practices in turn create structures. None can exist without the other. For instance, the huge, heroic showing of “people power” in 1989 and its brutal crushing by a ruthless State “were of such magnitude that they continue to reverberate in people's imagination and the collective memory – and in the sleep of party leaders and officials, as a nightmare”, commented Benton (2010: 322), “The experience of facing down the government created a generation no longer prepared to act as an off-stage army for party factions, an attitude passed on to the protestors' children. Although most of the 1989 generation have stopped being active, some continue to work for political and social change. The Chinese democracy movement in exile has survived in the current harsh environment and there have been many attempts to organize a political opposition in China, for example, the establishment of the China Democracy Party in 1998.” After all, individuals, who together form social movements, are at the very foundations of all socioeconomic and sociopolitical changes. However, in comparison with the different waves of almost a century of Chinese dissent, as pointed out by both Benton and Wasserstrom, today's dissent in China lacks a unifying thread that connects the actions of different disgruntled groups (Wasserstrom, 2009), partly due to the actions of the regime, partly also being “a result of the increasing complexity,

differentiation, and individualization of Chinese society, which is no longer monochrome and predictable but as diverse as other contemporary societies, and geographically even more diverse” (Benton, 2010: 322). This increased diversity has inevitably impacted on the increasingly complex structure of the agent-institution interface (see Green’s model of social change as applied to the Chinese case – Green, 2008; Yeoh, 2010a: 271, Figure 19) at the core of the circles of social, including sociopolitical, transformation.

On another note, while the uncanny tale of two blind men – Li Wangyang and Chen Guangcheng – stands to symbolize the mix of agony and hope of the Chinese democracy movement and *weiquan* activism, the release of Aung San Suu Kyi in 2012 from house arrest (which she was placed under most of the time during the past two decades), with her political rights restored, upon the sudden, surprising democratic reform across the border in Burma has undoubtedly given so much hope to the long-persecuted pro-democracy and *weiquan* activists in China and the democracy movement in exile since the June Fourth massacre. The concern over the potential danger of the turn of events in Burma to the Chinese regime through a demonstration effect was apparently behind the recent self-criticism the weekly *Nanfang Renwu Zhaokan* 南方人物周刊 was ordered to make after publishing an interview article on Aung San Suu Kyi in its 13th February 2012 issue. *Nanfang Renwu Zhaokan* is one of the publications of Nanfang Media Group (南方报业传媒集团) which also include *Nanfang Dushi Bao* 南方都市报 (*Southern Metropolis Daily*) and the weekend *Nanfang Zhoumo* 南方周末, all of which are well known to be relatively vocal among China’s media.¹²³ The muzzling these media outlets prior to the 18th National Congress of the CCP has represented a main blemish upon the Guangdong party secretary Wang Yang’s otherwise liberal reformist image¹²⁴.

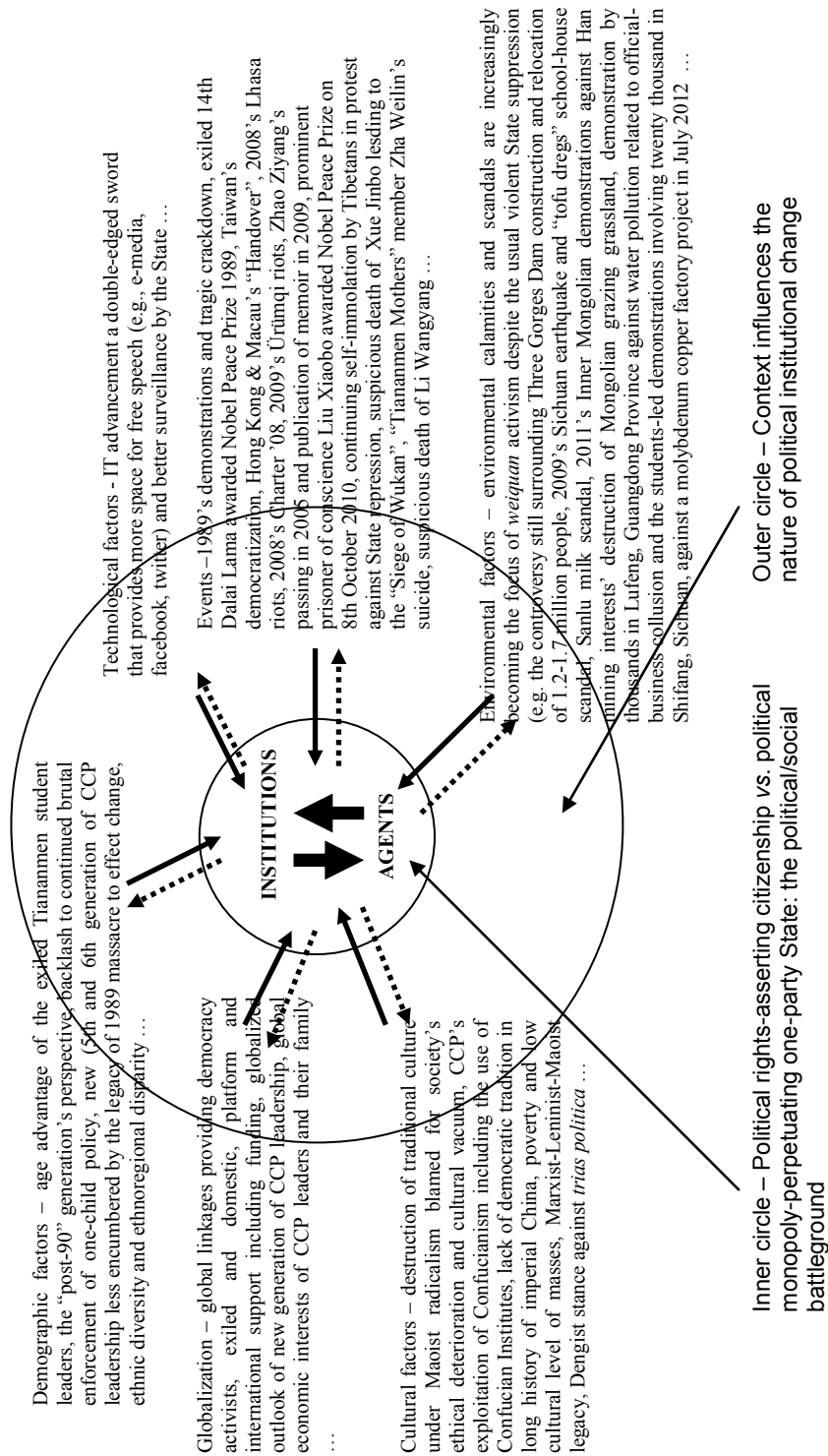
Nevertheless, in contrast with Burma, it is a fact that contemporary Chinese recusance and NVA suffer from a lack of leadership – the lack of a “centre”, an Aung San Suu Kyi. While the Tibetan resistance movement has its 14th Dalai Lama, Tenzin Gyatso¹²⁵, and its Uyghur counterpart has Rebiya Kadeer, there is no single figure in the democracy movement for the exiled democracy activists or their counterpart in China to coalesce around – neither Liu Xiaobo, nor Wei Jingsheng, nor any of the exiled former Tiananmen student activists or former labour leaders like Han Dongfang. Neither is there any such figure among the relentlessly harassed *weiquan* activists in the country. Chen Guangcheng’s indomitable spirit underlined by his disability and accentuated by his incredible escape might make him the much needed symbol of struggle but he is now also exiled, with little hope of return. That said, while the lack of solidarity and a united front may make the movement look weak or even pathetic, but the fragmentation could also have the potential of being turned into advantage. After all, democracy is and has

to be a messy business, in contrast with an authoritarian system – a “China model” as such – where decision making is usually very much facilitated by the existence of a strongman or a party that monopolizes political power by force. “You pays your money and takes your choice”, as Aldous Leonard Huxley says in his 1946 foreword to *Brave New World* (1932). On the other hand, the lack of a central figure of leadership aside, stranded in faraway lands, the exiled former Tiananmen student leaders do have an advantage on their side – age. They can wait. They could take wrong actions, make unwise statements, be at loggerhead with each other but that could also add to the impression of innocence and lack of guile like that characterized their 1989 effort, in sharp contrast to the craftiness and deviousness of the unfeeling regime they stand to challenge. For all the tears shed at natural calamity sites, for all the photoshoots that were splashed across newspaper front pages of the loving human face of the Party, a grandpa who is indifferent to, even if not directly taking command of and directing, the inhuman brutality meted out to the labour activists who were rotting away in jail for two decades in prisons across China, to civil rights defenders, to victims of State-business collusion, to the Li Wangyangs who were being “suicided”, is a grandpa from hell. Finally, if Aung San Suu Kyi and her seemingly doomed Burmese democracy movement could still witness a change of tide after two decades of repression, it would be difficult to try to seal the fate of the equally long repressed Chinese democracy movement and hit a final nail in its coffin within the institution-agent-event-context interface in the long and arduous process of contemporary Chinese political institutional change (see Figure 11). The stake is simply too high for the fate of over 1.3 billion people – one fifth of humanity. In this regard, the present predicament of both the Chinese democracy movement, exiled and domestic, and the *weiquan* movement is probably best summed up in Her Peirong (“Pearl Her”)’s homepage motto: “I persevere, therefore I am” (*Wo cheng gu wo zai* 我撐故我在).

Notes

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Figure 11 Chinese Political Institutional Change: Institution-Agent-Event-Context Interface



Source: Based on Green (2008).

and contributor, include *Ethnic Interaction and Segregation on Campus and at the Workplace* (2004), *Economic Kaleidoscope* (2005), *China and Malaysia in a Globalizing World* (2006), *Emerging Trading Nation in an Integrating World* (2007), *Facets of a Transforming China* (2008), *China in the World* (2008), *CJAS Special Issue (26(2)): Transforming China* (2008), *Regional Political Economy of China Ascendant* (2009), *China-ASEAN Relations* (2009), *Towards Pax Sinica?* (2009), *IJCS Special Issue (1(1)): Changing China* (2010), *East Asian Regional Integration* (2010), *IJCS Special Issue (1(2)): Social Change in the Age of Reform* (2010), *IJCS Special Issue (2(2)): Reform, Governance and Equity* (2011), *IJCS Focus (2(3)): South China Sea and China's Foreign Relations* (2011) and *CAPF Special Issue (2(1&2)): From Ethnic, Social to Regional Relations* (2012). <Email: yeohkk@um.edu.my, emileyeo@gmail.com>

1. Or more officially, the “Communist Party of China” (CPC).
2. 维稳 (maintaining stability).
3. <http://www.thinkread.cn/author/dengyuwen/>
4. *When China Rules the World: The Rise of the Middle Kingdom and the End of the Western World*, London: Allen Lane, 2009.
5. *Deng Xiaoping and the Transformation of China*, Cambridge, MA: Harvard University Press., 2011.
6. See, e.g., Qi (2010: 420).
7. See a recent WikiLeaks’s revelation of a telegraph from Shanghai’s American consulate to Washington in October 2007 (*ODN*, 5th August 2012). Current news items in this paper, unless otherwise stated, are sourced from 东方日报 (*Oriental Daily News/ODN*), a Malaysian daily in Chinese, with China news sources mainly from the Hong Kong and Taiwan media.
8. Public grievances against such frenzied quest for GDP growth with little regard for human and environmental consequences have led some Chinese netizens to translate GDP mockingly as “gou de pi 狗的屁”, meaning “dog’s fart”.
9. *ODN*, 12th October 2012.
10. Although the scope of China’s economic decentralization goes far beyond decentralization in public finance, but even measured solely by the latter, China has been said to be the world’s most economically decentralized country (Xu, 2008: 187-188) given that China’s local public spending has since the mid- and late 1980s been steady at about 70 per cent of her total national public spending, whereas in federal countries such as the US, Germany and Russia, the proportions of local public spending in total national public spending are only respectively 46 per cent, 40 per cent and 38 per cent. From the angle of central-local economic relations, China is also one of the most, or to some, even *the* most economically decentralized countries in the world, with most parts of resources controlled by the local governments, including the allocation of land, energy and financial resources (*ibid.*: 187). In fact, one of the characteristics of China’s economic decentralization is the relative self-sufficiency of the local economy whether at the provincial level or the county level. The local governments are fully responsible for the launching and coordination of local reform, for local economic development, and for the legislation and law enforcement within their respective jurisdictions. Such a characteristic not only

- marks China's economic institution apart from a central planning economic system, but also makes her local governments more powerful in competences than the local governments in most federal countries in the world. (*ibid.*: 188)
11. Recusance or recusancy is defined as “nonconformity” or “refusal to obey or conform, especially in religious matters”, and a recusant is as used here, aside from its English history-related religious sense, “a person who refuses to obey or conform to an established authority or its regulations” (see *Webster's New Twentieth Century Dictionary of the English Language*, unabridged, second edition, New York: New World Dictionaries/Simon and Schuster, 1983). “Recusant” is an adjective meaning disobedient of authority (especially in religious matters), or dissenting or nonconformist.
 12. Russell, Bertrand (1946), *History of Western Philosophy and Its Connection with Political and Social Circumstances from the Earliest Times to the Present Day*, London: George Allen & Unwin Ltd, Book Two, Part 1, Chapter IV (second edition (reset) published in 1961, see page 361).
 13. Alan Ryan was referring to this as Bertrand Russell's debt to Aldous Huxley's *Brave New World* whose ideas Russell thought as having been stolen from him (see Alan Ryan, *Bertrand Russell: A Political Life*, Allen Lane/The Penguin Press, London, 1988, re-published in Penguin Books, London, 1990, p. 136).
 14. *ODN*, 31st August 2012.
 15. ‘Society in every state is a blessing, but government even in its best state is but a necessary evil; in its worst state an intolerable one [... man] finds it necessary to surrender up a part of his property to furnish means for the protection of the rest; and this he is induced to do by the same prudence which in every other case advises him out of two evils to choose the least’, said Thomas Paine in the beginning paragraphs of *Common Sense* (1776).
 16. See Archer (1988).
 17. “Not only is Peking a nightmare streetscape awash in atrocity and anguish; the nation at large has become a haunted land. This howling, lurching mega-ghost is the Chinese Communist Party. In one staggeringly brutal stroke, it shot itself through the heart. It will not recover. A regime that professes itself to be the distillation of popular will has turned on the Chinese people, committing the ultimate sacrilege of eating its own children. Hundreds of China's brightest, most idealistic sons and daughters, their movement commanding wide public sympathy, were nakedly sacrificed to the cause of preserving an élite.” (*Asiaweek*, 16th June 1989, p. 16, editorial: “The Rape of Peking”)
 18. Not a first-time nominee, Gene Sharp, professor emeritus of political science at the University of Massachusetts Dartmouth, heads the annual nominee shortlist of Peace Research Institute of Oslo (PRIO) director Kristian Berg Harpviken in 2012. <<http://in.reuters.com/article/2012/02/27/nobel-peace-idINDEE81Q0HL20120227>>
 19. Charter 08, signed in December 2008 by over three hundred prominent Chinese citizens, was conceived and written in emulation of Charter 77 founded in former Czechoslovakia in January 1977 by over two hundred Czech and Slovak intellectuals, including the future Czech president Václav Havel. Charter 08's number of signatories, local and overseas, later increased to about 7000

- by March 2009 (*ODN*, 14th March 2009). Liu Xiaobo, the leading dissident arrested and jailed, also played a prominent role in the 1989 Tiananmen 天安门 demonstrations and hunger strikes. Liu was awarded the Nobel Peace Prize on 8th October 2010 but was unable to receive it as he was serving his 11-year sentence.
20. Lee's survey also found that as high as 73.66 per cent of respondents stated non-participation in any non-governmental organizations (NGO). In an interview by the Voice of America, Hu Xingdou 胡星斗, a professor of economics at the Beijing Institute of Technology (北京理工大学), opined that the proportion should correctly be 99 or 100 per cent due to the basic fact that the presently so-called "NGOs" in China could hardly be recognized as NGOs because Chinese law demanded government linkage or dependency for an "NGO" as such in most parts of the country, hence strictly speaking there were no real NGOs in China (Voice of America, as reported in *ODN*, 16th July 2012).
 21. Accessing the article "李开盛: 中国网民的政治与社会认知 —— 基于互联网的调查" [Li Kaisheng: the political and social notion of China's netizens – an Internet-based survey] <<http://www.21ccom.net/plus/view.php?aid=8089>> at *Gongshiwang* returned the line "文章被删除或正在审核中!!" [essay has been deleted or is being checked!!] (accessed 16th July 2012).
 22. "In developing our democracy, we cannot simply copy bourgeois democracy, or introduce the system of a balance of three powers. I have often criticized people in power in the United States, saying that actually they have three governments. Of course, the American bourgeoisie uses this system in dealing with other countries, but when it comes to internal affairs, the three branches often pull in different directions, and that makes trouble. We cannot adopt such a system." – Deng Xiaoping, "Take a Clear-Cut Stand against Bourgeois Liberalization", 30th December 1986. <<http://web.peopledaily.com.cn/english/dengxp/vol3/text/c1630.htm>>
 23. See Yeoh (2010a) for its adaptation for the Chinese context.
 24. Formed by Wei Jingsheng 魏京生, the grand avant-garde of post-Cultural Revolution Chinese democracy activism exiled in 1997.
 25. Thomas Paine, *The Age of Reason, Part First* (1794). An antithesis of Archer's "metareflexives" is an *amoral* State which can be benevolent or malevolent depending on which suits its paramount, overriding ultimate objective of self-perpetuation – a Bonapartist regime *par excellence*. The CCP is a party born on ideological ground devoted to the Marxist vision of social justice, but just like its Soviet counterpart, after becoming a personal tool of Mao (like Stalin in USSR) – an inevitable result of the Marxist trust in the "Dictatorship" of the proletariat – and the collapse of the Marxist ideology (due to economic failure) with the disintegration of USSR and Deng Xiaoping's *coup de grâce*, what has emerged is an ideological vacuum while party leaders have been acting more like political careerist rather than visionaries. All that counts now is how to perpetuate the Party's rule, and to protect the élite's – including the family members' – spoils. If it pays to uphold the "socialism with Chinese characteristics" and "socialist democracy" banner, if it pays to go capitalist and to jump on the GDPism bandwagon, if it pays to appease the people by

- punishing the local officials (like in Wukan), or if it pays to further silence the victims and whistle blowers – all actions are possible as far as they work in favour of maintaining the one-party rule in a truly utilitarian manner.
26. *Jujutsu* 柔術 is a Japanese martial art of close combat, using no weapon or only a short weapon, for defeating an armed and armored opponent.
 27. As pointed out by the chaos theory (Prigogine and Stengers, 1984).
 28. Ni Yulan was a lawyer before she was permanently crippled in the legs after being savagely beaten up while in police custody in 2002, lost her lawyer's license and became unemployed and homeless, for fighting on behalf of herself and other affected residents against forced demolition to make way for the Beijing Olympics. She has since become a prominent *shangfang-weiquan* 上访维权 activist and was sentenced in 2008, just before the Olympics, to two years in jail. This indomitable *weiquan* activist in crutches had refused to be intimidated and was arrested for a third time in 2011. She was sentenced in April 2012 to two years and eight months in prison and her husband to two years (ODN, 29th June 2010, 29th January 2012, 10th April 2012).
 29. See, e.g., Gordon G. Chang (2001), *The Coming Collapse of China*, New York: Random House.
 30. *Mencius*, edited and translated with an introduction by D.C. Lau, London: Penguin Books, 2005 (Penguin Classics first published 1970).
 31. Kuang Da 旷达, "Nanjing Nūzi Zhenzhu: Wo Bushi Yingxiong 南京女子珍珠: 我不是英雄" [Pearl from Nanjing: I'm not a hero], *Yangguang Shiwu* 阳光时务, 18th May 2012.
 32. At that time she began an Internet donation campaign to provide the two jailed activists' families 1500-2000 yuan monthly for subsistence, as she has also been long doing for other incarcerated activists. She then turned her attention also to the plight of Chen Guangcheng and his family, and made six trips to Linyi 临沂's heavily guarded Dongshigu 东师古 village to attempt to visit Chen, despite being warned repeatedly by the *guobao* 国保 (national security officers) in Nanjing of the danger and knowing well that other activists including Hu Jia 胡佳 and Wang Keqin 王克勤 had been beaten up by the guards while trying to do so. Others who had been roughed up in their attempts to visit Chen Guangcheng include the Hollywood actor Christian Bale who, accompanied by CNN reporters, tried to reach Chen's residence on 15th December 2011.
 33. Chang'an Jie 长安街 (literally "Street of Eternal Peace"), the main theatre of the June Fourth massacre that spanned across Beijing when People's Liberation Army (PLA) troops fired into the crowds blocking their advance towards Tiananmen 天安门 square during that fateful night of 3rd-4th June 1989.
 34. The persecution against Muslims there included forced cutting off of beards and plaits, tearing off of scarves, annulment of halal canteens at offices, schools, factories and mines, tearing down of halal signs at Muslim restaurants and in some place even forcing Muslims to eat pork, forced changing of Islamic funeral practices and canceling of Muslim festivals. For example, in Ningxia's Muslim county of Haiyuan 海原 a total of 67 mosques, 3 *gongbei* 拱北 (sacred tombs) and 17 temples were demolished just within three to four days, a "plait station" was set up in Guyuan 固原 county for the force cutting of all women's

- plaits and in Helan 贺兰 county 3,009 Muslim women had their scarves torn away (Jin, Yu and Chen, 2006: 402-403).
35. This involved profane deconsecration of mosques, burning of the Qur'an, beating and humiliating imams and devotees, forcing Hui Muslims to mimic pigs and to lick swine heads during brutal denunciation sessions and beating to death and maiming (Gao, 2008).
 36. *ODN*, 11th July 2012, 25th August 2012, 29th August 2012.
 37. *ODN*, 13th July 2012.
 38. *ODN*, 19th November 2012.
 39. *ODN*, 19th July 2009.
 40. "Provinces" here refer to the country's 31 *sheng* 省 (i.e. provinces of Anhui 安徽, Fujian 福建, Gansu 甘肃, Guangdong 广东, Guizhou 贵州, Hainan 海南, Hebei 河北, Heilongjiang 黑龙江, Henan 河南, Hubei 湖北, Hunan 湖南, Jiangsu 江苏, Jiangxi 江西, Jilin 吉林, Liaoning 辽宁, Qinghai 青海, Shaanxi 陕西, Shandong 山东, Shanxi 山西, Sichuan 四川, Yunnan 云南 and Zhejiang 浙江), *zizhiqu* 自治区 (i.e. "autonomous regions" – each a first-level administrative subdivision having its own local government, and a minority entity that has a higher population of a particular minority ethnic group – of Guangxi 广西 of the Zhuang, Nei Monggol/Inner Mongolia 内蒙古 of the Mongols, Ningxia 宁夏 of the Hui, Xizang/Tibet 西藏 of the Tibetans and Xinjiang 新疆 of the Uyghurs) and *zhixishi* 直辖市 (i.e. municipalities directly ruled by the central government – Beijing 北京, Chongqing 重庆, Shanghai 上海 and Tianjin 天津).
 41. Cited by Lynn T. White (2009: 11) from Ruth McVey (1992: 9), reported as a personal communication from Gillian Hart.
 42. Friedrich Nietzsche, *Jenseits von Gut und Böse: Vorspiel einer Philosophie der Zukunft* (1886), translated by R.J. Hollingdale as *Beyond Good and Evil: Prelude to a Philosophy of the Future* (1973), reprinted with revisions and an introduction by Michael Tanner (1990), London: Penguin Books.
 43. Such a policy option can be due to the dominant group's perception of the subordinate group/groups as "exotic" rather than "real" (Hoetink, 1973: 177-91).
 44. The fact that ethnicity was more territorially based in Croatia than in Bosnia shows the significance of the pattern of settlement – regional concentration or intermingling – in determining the type of minority movement.
 45. The dominant group may perceive a subordinate group as "exotic" rather than "real" (Hoetink, 1973: 177-91). An example of such an "exotic" minority is the small *Gente Kristang* community (autoglossonym, from Portuguese "*Gente Cristã*") in the state of Melaka in Malaysia descended from the 16th century Portuguese settlers and occupiers. Defined as "deviating in somatic and/or cultural respects, without being conceived subjectively as a menace to the existing social order" (Hoetink, 1967), "exotic" groups (or Cox's (1948) socioracial "strangers") are not perceived as "real", because they are not subjectively comprised within the "societal image" of the dominant. Thus they do not attract the latter's hostility, as do "real" subordinate groups viewed as a menace. The case of the Ainu and the Burakumin in Japan and that of the

Amerindian natives and Afro-Americans in the United States today are good examples of these two polar subordinate situations – the Ainu and Amerindians being in some way viewed as “exotic” *vis-à-vis* the other two “real” minorities; instead of bitterness and hostility, they are met with “a mild benevolence, a condescending philanthropy” on the part of the dominant society (Hoetink, 1973: 179). Such distinction between the two types of subordinate groups was vividly described by DeVos in his study of the Burakumin: “The basic attitudes held [by the dominant Japanese society] toward the Ainu are not as pejorative as towards the outcastes [i.e. the Burakumin] [...] the Ainu have been treated ambivalently very much as the American Indians have been, in contrast to the caste distinctions which underlie the treatment of American blacks.” (DeVos, 1972: 326)

46. Paradoxically, China’s largest minority, the Zhuang, could actually be more “exotic” than “real”. Being the most assimilated of minorities, the Zhuang’s ethnic consciousness was virtually created by the Han-dominated central Communist State in the early 1950s (see, for instance, Kaup, 2000).
47. O’Donnell and Schmitter opines that a transition from authoritarian rule could produce a democracy, but it could also terminate with a liberalized authoritarian regime (*dictablanda*) or a restrictive, illiberal democracy (*democradura*) (O’Donnell and Schmitter, 1986: 9, cited in Diamond, 2002: 24). While shadows of the remnants of her ghostly past still linger to haunt the one-party State, there are already telling signs that the continuing transformation from a *dictadura* (dictatorship) into a *dictablanda* leading further to a highly restrictive *democradura* in the near future is the most possible direction the CCP regime is heading to and indeed planning to head to, given the fact that the Western, “bourgeois liberal” democracy (*democracia*) has already been ruled out of the cards, or at least not until mid-2000s. In fact, following Professor Zhou Tianyong from the Central Party School, China’s authoritarian one-party political system will and should remain unchanged until at least 2037 (Zhou, Wang and Wang (eds), 2007: 2, 6, 45-46, see Bo, 2009: 10-11). This is in line with what Deng Xiaoping stated in 1987, that direct general elections could only be held after half a century had passed in the 2000s, and at the moment the country had to make do with indirect elections above the county level and direct elections only at county and below county level, given the colossal population and inadequate level of cultural quality of the people (Hu, Hu, He and Guo, 2009: 19-20, cited from 《邓小平文选》第3卷, 人民出版社1993年版, 第220~221页).
48. The story of Chen’s dramatic escape actually began when he was put under house arrest in 2005 following his involvement in the legal cases of women’s forced abortion and sterilization in the prefecture-level city of Linyi 临沂 in Shandong Province. The blind rights-defending lawyer and activist was formally charged in 2006 with the destruction of public property and traffic disruption and sentenced to four years and three months in prison. Though he was released on 9th September 2010, he and his family have since been under tight round-the-clock house arrest and complete seclusion. After the publicizing of an image recording he secretly made of his house arrest ordeal, Chen and his

- wife Yuan Weijing 袁伟静 were cruelly beaten up by seventy-odd people who broke into their house on 18th February 2011, according to a letter sent out by Yuan. The terrorizing and intimidation continued, she said, with their windows being sealed up with iron sheets on 3rd March, television antenna broken on 7th, and the intrusion of forty-odd people who took away their computer and certain handwritten materials. According to another *weiquan* activist Liu Shasha 刘沙沙, Cheng Guangcheng's 6-year-old daughter Chen Kesi 陈克斯 was denied her right to schooling because of her parents' house arrest although she had reached the school age. (*ODN*, 18th June 2011, 5th September 2011).
49. *ODN*, 30th April 2012, 28th April 2012, 2nd May 2012.
 50. Later, after her release from a week's custody, for perfectly understandable reasons, He Peirong would deny anybody's involvement in helping Chen escape. Instead, she said, Chen, a blind man, had somehow been alone through the 17 to 19 hours of escape through the village, until she picked him up when he emerged, after being contacted by Chen's wife.
 51. *ODN*, 1st May 2012.
 52. "Let the *hexie* spirit transcend the confrontational spirit of the three generations of conventional human rights, to cultivate and produce a new generation of human rights – the *hexie* rights (rights of harmony). *Hexie* rights will become the foundation stone and key element of the building of the *hexie shijie* (harmonious world). 以和谐精神超越传统三代人权的对抗精神，将化育出新一代人权——和谐权。和谐权将成为和谐世界建设的基石和要素。” (See “法学专家徐显明提出第四代人权‘和谐权’”，中国新闻网/腾讯网, 22nd November 2006 <<http://news.qq.com/a/20061122/002038.htm>>.)
 53. See “发改委专家称中华民族复兴至2010年已完成62%”，中国新闻网/腾讯网, 4th August 2012 <<http://news.qq.com/a/20120804/000015.htm>>.
 54. *ODN*, 5th August 2012.
 55. For instance, in a recent case in Malaysia, much publicized after the related video clips were uploaded onto *Youtube*, local Falungong followers were subjected to the rudest verbal abuse including death threat, according to what was recorded on the video clips, when they were trying to submit a letter to the administration of a local Chinese college run by the country's United Chinese School Committees' Association (*Dong Zong* 董总) which earlier, like the umbrella body for Malaysian Chinese associations *Hua Zong* 华总, also issued a statement in 2010 condemning the award of that year's Nobel Peace Prize to Liu Xiaobo (see “谴责诺委会含不良政治意图 董总：和平奖成了世界笑柄” [Condemning Nobel Prize committee as having bad political intention, Dongzong said the Nobel Peace Prize had become the world's laughing stock], *Duli Xinwen Zaixian* 独立新闻在线/*Merdeka Review*, 20th October 2010 <<http://merdekarereview.com/news/n/15335.html>>; “陈友信：中方以友人身份提点 隆雪华堂对晓波获奖意见分歧” [Tan Yew Sing (president of the Kuala Lumpur & Selangor Chinese Assembly Hall): China side gave suggestions as a friend; divergence of opinions within KL & Selangor Chinese Assembly Hall towards Liu Xiaobo being awarded Nobel Peace Prize], *Duli Xinwen Zaixian* 独立新闻在线/*Merdeka Review*, 30th October 2010 <http://www.merdekarereview.com/news_v2.php?n=15492>), after a student experimental

newspaper's license renewal in June 2012 was blocked by the administration following the paper's report in its March issue on a local Falungong promotion parade. In the video clips, respected Chinese community leaders were seen wresting away pamphlets from the peaceable female Falungong representatives and tearing them into pieces while hurling insults like "*hanjian* 汉奸" (i.e. Chinese traitors betraying China) and "American 'running dogs' (*zougou* 走狗, i.e. stooges) attacking China". (See Yong Sun Yong 杨善勇, "Huajiao Hufa Dazhan Falungong 华教护法大战法轮功" [Chinese educationist custodians battled Falungong], *ODN*, 1st September 2012 <http://www.orientaldaily.com.my/index.php?option=com_k2&view=item&id=22139:&Itemid=202>; also see coverage and related video clips ("法轮功组织欲交公开信至董总主席遭华教人士奋力阻止" <<http://www.youtube.com/watch?v=nDHC0hCd-4I>>, <<http://www.youtube.com/watch?v=P8UGof5nt7o>>) in Li Zhen 李甄's article "Malaixiya Huajiao Jie Renshi Fa Kongbu Yanlun 马来西亚华教界人士发恐怖言论" [Malaysian Chinese educationists issued terror statements] at *Kan Zhongguo* 看中国 [Look at China], 28th August 2012 <<http://www.secretchina.com/news/12/08/28/464656.html>>. See also coverage in news article "Dongzong Ju Jiejian Falungong Daibiao 董总拒接见法轮功代表" [Dongzong refused to receive Falungong representatives] with the rough outburst from the community leaders against the peaceful Falungong representatives related under vivid subheading "Huhe Ruma Qugan 呼喝辱骂驱赶" [Shouting verbal abuse, hurling insults and chasing away], *ODN*, 25th August 2012, p. MC2; 叶家喜, "Xinwen Ziyou Meng Yinying 新闻自由蒙阴影" [Pall over press freedom], *ODN*, 27th August 2012, p. MC6.)

56. See Zhang (2012: 19).
57. *ODN*, 8th November 2010.
58. According to Reuters and Hong Kong's *Apple Daily* (蘋果日報) respectively.
59. "我要把这个横行霸道、张牙舞爪的河蟹撕掉、吃掉!" (*ODN*, 9th November 2010) If one could allegorically liken today's CCP to the monk Fahai 法海 in the classical Chinese legend *Lady White Snake* (*Baishe Zhuan* 白蛇传) who ruthlessly imposed a monopoly of his cosmic value upon the society in his relentless persecution of the dissenting couple of the kind and indomitable white snake and her human paramour, is the present overarching "harmonious society" political rhetoric not in some way analogous to the crab in which Fahai had sought sanctuary from the fury of dissension represented by the counterattack by the white snake after her rescue from the Leifeng Pagoda (*Leifengta* 雷峰塔) by the little green snake, according to a variant of the myth? Legend also has it that the crab has walked sideways since Fahai sought sanctuary in it – a unique behavioural trait that gave rise to the popular Chinese adage: "Let's keep a cold eye on the crab; see how much longer it can continue to walk sideways (i.e. to brutally tyrannize over people)" (*Qie jiang lengyan guan pangxie, kan ni hengxing dao jishi* 且將冷眼觀螃蟹, 看你橫行到幾時). For the Chinese dissidents who feel such repugnance and yet so vulnerable in facing the pressure "to be harmonized" (*bei hexie* 被和諧) by the Party-State's "harmonious society" campaign, the aforesaid legend and adage, coupled ironically with Deng Xiaoping foreign policy advice for China to "Lie low and

- bide your time” (*tao guang yang hui* 韬光养晦), could probably provide some comfort.
60. For instance, Ai Weiwei suffered a head injury from an attack by the police who broke into his Chengdu, Sichuan, hotel room at 3 a.m. on 12th August 2009 to stop him from acting as defendant’s witness for a court case of “inciting subversion of State power” against his fellow dissident Tan Zuoren 谭作人 (whom he had worked together to compile a full name list which the State has tried to suppress as usual, of the huge number of schoolchildren who died during the Sichuan earthquake that led to the exposure of the insidious “tofu-dregs schoolhouse scandal” that rocked the nation), for which he underwent a brain surgery in Munich in 2009 (Groupe Radio France Internationale/法国国际广播集团, 14th September 2009 <http://www.rfi.fr/actucn/articles/117/article_16123.asp>).
 61. *ODN*, 9th November 2010
 62. Reflecting such admiration are, among others, recent influential works by renowned Western China scholars like Martin Jacques (*When China Rules the World: The Rise of the Middle Kingdom and the End of the Western World*, London: Allen Lane, 2009) and Ezra F. Vogel (*Deng Xiaoping and the Transformation of China*, Cambridge, MA: Harvard University Press., 2011). Herein also lies the danger of the current fashionable glorification of the “Beijing Consensus” (*à la* Joshua Cooper Ramo, 2004) and a “China model”. Chinese democracy movement is not a domestic affair of this huge nation of 1.3 billion people who constitute one fifth of humanity. The increasing influence and acceptance of the so-called Beijing Consensus and “China model” is tantamount to a subliminal universal acceptance of a political authoritarian, repressive model of development where economic advancement takes unquestionable precedence over liberal democracy, free political choice, free speech and human dignity. The also currently fashionable so-called “soft power” (*à la* Joseph S. Nye, Jr, 1990, 2004) projection of China includes such politico-cultural outposts like the Confucius Institutes and Confucius classrooms, but language teaching and learning is never purely about language, for it inevitably embodies the inculcation of not only cultural values but subliminal political brainwashing through textbooks (including what is omitted in them) and “cultural immersion programmes”. Similar concern over the subliminal universal acceptance of political authoritarianism can be seen in the 2009 Nobel Literature Prize laureate Herta Mueller’s recent description as a “catastrophe” the 2012 award of the Prize to Mo Yan 莫言 whom she criticized as “celebrating censorship”. (*ODN*, 26th November 2012. Mo Yan, who in 2011 joined a group of authors to transcribe by hand a 1942 speech by Mao Zedong on how art should serve communism – a speech that began decades of government control over Chinese writers and artists, is the vice-chairman of the State-run Chinese Writers’ Association.) However, in the latest ranking of countries by soft power according to the British magazine *Monocle*, it seems that China, not being ranked among the top 20, would still have some way to go. According to this latest investigation by *Monocle* on soft power based on government standard, diplomatic facilities, cultural exports, educational capability, business environment, etc., topping the

list this year is the United Kingdom, followed by the United States, Germany, France, Sweden, Japan, Denmark, Switzerland, Australia, Canada and South Korea (*ODN*, 20th November 2012).

63. Translated from Bao Tong's introduction in Zhao (2009b), pp. 33-34.
64. See Bo (2010: 117).
65. Cited in Tilly (1985: 171).
66. On China, Thailand, Taiwan and the Philippines.
67. Citing Lewis and Xue (2003: 933); Ma (2007); Xu (1999: 1, 168).
68. Indeed, building upon the foundation set by the Hu-Zhao administration's audacious reformist programmes, Deng Xiaoping moved forward from where his purged former protégés have left by reinvigorating the post-Tiananmen chilling politico-economic milieu through his "southern tour" (*nansun* 南巡) in 1992, culminating lately in China first superseding Germany to become the world's third largest economy in early 2008, ranked only after the United States of America and Japan, and finally superseding Japan in mid-2010 to become the world's number 2. According to a report published on China's National Bureau of Statistics website on 14th January 2009, the confirmed 2007 GDP of China at current prices amounted to 25.7306 trillion yuan, an increase of 13 per cent from the previous year (*ODN*, 16th January 2009). While observed to be still short of a third of US's GDP, analysts had predicted China's GDP to overtake Japan's in three to four years, just as it overtook the United Kingdom and France in 2005 and Germany in 2008. Nevertheless, according to an announcement by Yi Gang 易纲, the director of the State Administration of Foreign Exchange and the deputy governor of China's central bank, the People's Bank of China, on 30 July 2010, China had already superseded Japan to become the world's second largest economy in 2010. However, in terms of GDP per capita, Japan's (US\$37,800) was more than 10 times that of China (US\$3,600) in year 2009, and Japan's GDP per capita ranking, while having dropped from world's number 2 in 1993 to number 23 by 2008, was still far ahead of China's which ranked beyond 100 (*ODN*, 9th August 2010).
69. See taxonomy in Diamond (2002: 30-31), Table 2.
70. See Yeoh (2010a: 285), Figure 21.
71. See Yeoh (2010a: 271-272), Figure 19.
72. Referring to Deng's well-known gradualist dictum "Cross the river by groping the stones" (*Mo zhe shitou guo he* 摸着石头过河).
73. *Lianhe Zaobao* 联合早报 (Singapore newspaper), 19th July 2012.
74. Largely seen to be presently represented in the centre mainly by the still influential Jiang Zemin faction, though the real power configuration could be less simple.
75. Largely seen to be presently represented by the Wen Jiabao faction, though again, the real power configuration could be more delicate.
76. Feng Jianmei, who was married from Inner Mongolia to Shaanxi in 2006, began her second pregnancy in late 2011. On 30th May 2012, while she was alone at home, over 30 staff from the family planning centre surrounded her house, followed by three-day round-the-clock house arrest enforced by close to 50 guards. However, Feng finally managed to escape into the hills but was

- caught by the guards on 2nd June, who proceeded to wrap her head in clothes, beat her up and forcefully carried her to the county hospital. Instantly the family planning centre staff contacted her husband who was working in Inner Mongolia, asking him to pay a 40000-yuan fine for above-quota childbirth (*chaoshengfei* 超生费) – “40000, not even one cent less”, according to a short message text received by her husband which he later showed to the media. The husband agreed to pay but was unable to do it immediately; so after one hour of waiting the officers proceeded to press a pillow on Feng’s face and carried her to the operation table, forced her to sign and give her fingerprint, and a doctor gave an injection to kill and expel the seven-month old baby in her womb. (ODN, 15th June 2012)
77. ODN, 27th June 2012. Ironically at the same time when this woman from a peasant family was being victimized by such inhuman State coercion, the nation was basking in the glory of sending into space for the first time a woman astronaut, Liu Yang 刘洋.
 78. ODN, 11th July 2012.
 79. ODN, 11th July 2012.
 80. ODN, 5th August 2012.
 81. 大紀元時報 (*The Epoch Times* (Malaysia)), Special Issue, June 2012.
 82. See, e.g., Cheng Li, “China’s Team of Rivals”, *Foreign Policy*, March/April, 2009. <http://www.foreignpolicy.com/articles/2009/02/16/china_s_team_of_rivals>
 83. See Krug and Zhu (2004), Frye and Shleifer (1997), Shleifer and Vishny (1994, 1998), Oi (1992, 1995), Unger and Chan (1995) and Nee (2000) as summarized in Krug, Zhu and Hendrischke (2004). See also Yeoh (2010a: 249).
 84. See Yeoh (2010a: 298), note 51.
 85. Hai Tao (2012). <<http://m1.aboluowang.com/news/print/151748.html>>
 86. According to a 30th April 2012 Reuters report (see Hai Tao, 2012); see also report in ODN, 17th November 2012.
 87. “Yi Liyi Biaoda Zhiduhua Shixian Shehui de Changzhijiu’an 以利益表达制度化实现社会的长治久安” [Realizing society’s long-term governance and stability by institutionalization of interest expression], cited in “Gonggong Anquan Zhangdan 公共安全账单” [Bill of public security], *Caijing* 财经 [Finance and economics], 9th May 2011.
 88. ODN, 17th November 2012.
 89. *Ibid.*
 90. Cai Shenkun 蔡慎坤, “Zhongguo Teshe Weiwen Fuchu le Duoda Daijia 中国特色维稳付出了多大代价?” [What is the price of stability maintenance with special Chinese characteristics?], *Gongshiwang* 共识网, 10th May 2012.
 91. Garnaut citing a disillusioned “princeling” and former PLA colonel, Chen Xiaolu 陈小鲁, son of one of China’s 10 great marshals, Chen Yi 陈毅.
 92. Cited in Tilly (1985: 175).
 93. Cited in Tilly (1985: 175).
 94. <http://www.chinadaily.com.cn/dfpd/2012-07/31/content_15634274.htm>; 人民网/中国共产党新闻网 <<http://theory.people.com.cn/n/2012/0731/c136457-18634867.html>>; *Ming Pao* 明報 (Hong Kong), 13th August 2012.

95. See “黃雀行動背後港人捨命救危內情” [Inside story of how Hong Kong people risked their lives to embark on rescuing those in danger behind the Operation Siskin] by Jiang Xun 江迅, originally published in *Yazhou Zhoukan* 亞洲週刊, Issue 23, 14th June 2009; reproduced in *Bajiu Yidai Tongxun* 八九一代通訊 [89 generation bulletin], Issue 2, 30th May, 2012.
96. Referring to personalities reportedly to be involved, but unconfirmed, in the covert operation in some way, whether in terms of direct organization and operation, financial support or otherwise.
97. 1 *mu* 畝 = 0.0667 hectares.
98. *ODN*, 21st October 2012.
99. Occuring in Foshan 佛山, Shenzhen 深圳, Guangzhou 广州, Huizhou 惠州, Shangrao 上饶, Qingdao 青島, Changchun 长春, Taiyuan 太原, Sanya 三亚, Zhongshan 中山, Shanwei 汕尾, Ningde 宁德, Hefei 合肥, Xuzhou 徐州, Shijiazhuang 石家庄, Chengdu 成都, Nanping 南平, Beijing 北京 and Wuhan 武汉, some resulted in severe clashes between protesters and police (*ODN*, 21st October 2012).
100. *ODN*, 29th December 2011.
101. As compared to, for instance, the hardliners-affiliated Shandong government that persecuted Chen Guangcheng.
102. *ODN*, 1st November 2012.
103. Like the standing of Ai Weiwei’s father, the “red poet” Ai Qing 艾青 in the eyes of the CCP leaders and stalwarts.
104. The former Tiananmen student leader who fled China in April 1990 after ten months of hiding after the massacre, moved on to acquire an MBA from Harvard Business School in 1998 and founded a software company Jenzabar in the same year, has brought the lawsuits on the ground that the documentary has maliciously insinuated that she has sacrificed her fellow student demonstrators for personal gain. Many student leaders and activists exiled since the massacre has come out in support of Chai Ling, including her former husband Feng Congde 封从德. Feng escaped with her to France after the massacre, moved on to acquire a master’s degree in 1996 and PhD in 2003 from École Pratique des Hautes Études, and founded in 2001 the “June 4th Memoir: On Beijing Massacre 1989” / “Liu-Si Dang’an 六四檔案” (*64memo.com*) website that documents the history, research information, audio-visual reports and first hand accounts of the June Fourth Beijing massacre. Others who came forward to support Chai Ling are Fang Zheng 方政 of the Beijing Academy of Physical Science at the time of the demonstrations, whose legs were crushed by tanks in the morning of 4th June during the massacre; Zhang Jian 张健 also of Beijing Sports University, who was shot three times on Tiananmen Square during the massacre; Xiong Yan 熊焱 of Peking University who was on Chang’an Avenue attempting to block the rampaging army and, like Chai Ling and Feng Congde, whose name is on China’s Most Wanted list for the 21 Tiananmen Square Protest leaders; Zhou Fengsuo 周锋锁 of Tsinghua University whose name is also on the 21 Most Wanted List and who was among the last batch of students to leave the Tiananmen Square on June Fourth; Cheng Zhen 程真 of Beijing Normal University and Pan Qiang 潘强 of Shandong University who

were also among the last batch of students to leave the Square; writer Zheng Yi 郑义 who was an organizer of Beijing intellectuals' demonstrations during the Tiananmen days and escaped in 1992 after in hiding for three years after the massacre; another Tiananmen Square activist Yang Jianli 杨建利 who later moved on to acquire two PhDs from Harvard University (in political economy) and University of California, Berkeley (in mathematics), and who was later the vice-chair of the Alliance for a Democratic China and founder of the Foundation for China in the 21st Century; Zhang Boli 张伯笠 who was on the 21 Most Wanted List and who managed to escape from China after in hiding for two years after the massacre. Also included among those who stood up to defend Chai Ling are Yan Jiaqi 严家祺 who was formerly political advisor of Zhao Ziyang and a leading intellectual supporting the 1989 student movement, fled to Paris after the massacre and was involved in forming the Federation for a Democratic China and was elected its first president, and was a member of the Chinese Constitutional Reform Association and has suggested the formation of a Federal Republic of China; and Wang Dan 王丹 who was on the 21 Most Wanted List, arrested in July 1989 after the massacre, sentenced in 1991 to 4 years but released on parole in 1993, then re-arrested in 1995 for conspiring to overthrow the CCP and sentenced in 1996 to 11 years but released on medical parole to the United States in 1998, moved on to acquire a master's degree in East Asian history in 2001 and a PhD in 2008 from Harvard University, and became the chairman of the Chinese Constitutional Reform Association. These prominent pro-democracy activists and Tiananmen veterans, together with many others, in an open letter of 28th May 2009 to the filmmakers of the documentary, Carma Hinton and Richard Gordon, called for the rectification of the misleading portrayal of Chai Ling through their selective quotes from her poignant "last will and testament" recorded on 28th May 1989, with the help of an American student cum free-lance reporter Philip Cunningham, that insinuated Chai Ling's intention to flee, as well as interpretive and erroneous translation especially surrounding Chai Ling's use of the term *qidai* 期待 by which they believed she meant *yuqi* 预期 or *dengdai* 等待, i.e. anticipate or wait (for the imminent bloodshed) but was misleadingly translated in the film as "hope for" (see "八九天安门运动幸存者、参与者和支持者致纪录片《天安门》制片人卡玛·韩丁和理察德·戈登的公开信", 28th May 2009 <<http://www.64memo.com/d/Blog/HostsBlog/tabid/229/EntryId/12/.aspx>> / "Open letter of Tiananmen survivors, participants, and supporters to Carma Hinton, Richard Gordon, Director and Producer of the *Gate of Heavenly Peace*", 28th May 2009 <<http://www.64memo.com/d/Default.aspx?tabid=97>>). Carma Hinton (or Han Jing 韩惊) is a documentary filmmaker and Clarence J. Robinson Professor of Visual Culture and Chinese Studies at George Mason University, United States. Philip J. Cunningham is today professor of media studies at Doshisha University in Kyoto, Japan.

105. See Feng Congde's "Xianshen yu Qiusheng de Mimang: Dui Yingpian *Tiananmen* Shiliao Genju de Zhiyi 献身與求生的迷茫 —— 對影片《天安門》史料根據的質疑" [Perplexed between sacrifice and survival: querying the basis of the film *Tiananmen*'s historical material], written on 7th May 1997 at

- Leiden University, published on 4th June 1997 in *Shijie Ribao* 世界日報 (*World Journal*, US) <<http://www.duping.net/XHC/show.php?bbs=11&post=1212396>>.
106. “我们没有做错什么 —— 纪录片《天安门》制片人回应《公开信》澄清事实” [We didn't do anything wrong: response of the filmmakers of the documentary *The Gate of Heavenly Peace* to the “Open Letter” to clarify the facts], 13th July 2009 <<http://www.ywpu.com/forums/history/post/A0/p0/html/536.html>> / 澄清事实：《天安门》制片人对《公开信》的回应 [To clarify the facts: response of the filmmakers of *The Gate of Heavenly Peace* to the “Open Letter”], 18th August 2009 <<http://blog.dwnews.com/?p=56498>>.
 107. See Feng Congde's “Xianshen yu Qiusheng de Mimang: Dui Yingpian Tiananmen Shiliao Genju de Zhiyi 献身與求生的迷茫 —— 對影片《天安門》史料根據的質疑” [Perplexed between sacrifice and survival: querying the basis of the film *Tiananmen's* historical material], written on 7th May 1997 at Leiden University, published on 4th June 1997 in *Shijie Ribao* 世界日報 (*World Journal*, US) <<http://www.duping.net/XHC/show.php?bbs=11&post=1212396>>.
 108. *ODN*, 5th June 2012.
 109. 《王丹回憶錄：從六四到流亡》 [Wang Dan's memoir: from June Fourth to exile], Taipei: 時報出版 (China Times Publishing Company), 2012 (October).
 110. *ODN*, 7th June 2012.
 111. “[...] 我无法在正义是非得到匡正之前原谅，无法在被害人原谅他们之前原谅！也想善意提醒柴玲，我们如果认同自己八九民运一分子的身份，我们就无权原谅。和解是我们所追求的目标，期待终有一日，我们可以放下过去、拥抱未来，但那一天的到来首先需要的是对于真相还原不懈的努力，正义伸张不懈的坚持，首先需要的是追究责任，首先需要的是罪人的忏悔 [...]” <<http://wuerkaixi.com/>>, 6th June 2012.
 112. “原谅已经死去的恶人，是对活着的他们的继承人地最大鼓励：鼓励他们继续做恶。我们坚决反对以暴换暴的模式，我们坚持认为只有在恶人失去了作恶能力的时候，才是我们说原谅的时候，才是我们真正宽恕时。” See “就柴玲的言论，八九·六四南京高自联领导人联合声明”, 20th June 2012 <<http://boxun.com/news/gb/china/2012/06/201206201218.shtml>>.
 113. *ODN*, 29th May 2012; “Tiananmen Muqin Qunti Fugao 天安门母亲群体讣告” [Obituary by Mothers of Tiananmen], 27th May 2012, from Mothers of Tiananmen (天安门母亲群体), posted by Ding Zilin 丁子霖 (see *Bajiu Yidai Tongxun* 八九一代通讯 [89 generation bulletin], Issue 2, 30th May, 2012).
 114. The torture of Li Wangyang included the use of the inhuman undersized handcuffs and pincers and repeated solitary confinement (sometimes for as long as three months) in the dark, hot, smelly and lice-, fly- and mosquito-infested “coffin cabin” of just 2 metres x 1 metre x 1.6 metres and being long shackled with rusty fetters weighing over 50 kilogrammes that caused terrible festering and ulceration from ankles to haunches, according to the Hong Kong-based 中国人权民运信息中心 (*ODN*, 14th June 2012).
 115. http://www.youtube.com/watch?feature=player_embedded&v=IK47hlQtCQ0
 116. Such doubts include the fact that the death scene photographs show that Li's legs did not leave the floor and his hand was on the window frame, the white bandage strip around Li's neck was not tightened and the loop was too small to fit his head, Li's face showed no distortion and there was no trace of struggle as

often with hanging, where the white bandage had come from as the bed sheet and blanket were not torn, how a blind and deaf person who could hardly walk without help managed to tie the strip on the window frame and on his neck to successfully commit suicide and how he did manage to commit suicide under the watchful eyes of as many as nine guards that night, whether it was the purpose of the hospital to let Li's family see him having hanged himself the reason that it had chosen to notify the family first instead of taking him down urgently to resuscitate him, and whether the police was trying to hide something by urgently wresting his body away from his family.

117. <http://www.peacehall.com/news/gb/china/2011/05/201105110149.shtml>
118. *ODN*, 4th June 2012, 7th June 2012, 8th June 2012, 9th June 2012, 10th June 2012; 11th June 2012; 13th June 2012; *Bajiu Yidai Tongxun* 八九一代通讯 [89 generation bulletin], Issue 2, 30th May, 2012; “关于要求严肃调查李旺阳死亡真相的紧急呼吁/Urgent Appeal for Credible Investigation into the Truth of Li Wangyang's Death”, initiated by Hong Kong journalist Bei Feng 北风 (Wen Yunchao 温云超), Peking University's economics professor Xia Yeliang 夏业良 and scholar of historic documentation (US) Wu Renhua 吴仁华, 6th June 2012 <<http://www.peacehall.com/news/gb/china/2012/06/201206070601.shtml>>.
119. Besides Zha Weilin who killed himself just before the massacre's 23rd anniversary and Li Wangyang who was suspected of “being suicided” immediately after, Fang Zheng 方政 who went on stage on his wheelchair during the Victoria Park commemoration in Hong Kong which was attended by the largest number ever of 180,000 people also stands to represent a poignant living proof of State cruelty and hypocrisy. A student of the Beijing Academy of Physical Science, Fang Zheng lost both his legs 23 years ago in the early morning of 4th June 1989 in saving a fainted student during their evacuation from the Tiananmen Square from a row of approaching tanks along West Chang'an Avenue. While he successfully pushed the girl out of harm's way, his own legs were crushed by a tank. Though the authorities had asked him to state instead that he was hit by a car, the gruesome photograph shot by a foreign reporter of his shattered body lying at the crossroads of Liubukou 六部口 stands to symbolize the brutality of the ruthless crackdown and cut through the lies and conceits fostered by the authorities in subsequent decades in whitewashing the unfortunate “incident”. (*ODN*, 2nd June 2012, 6th June 2012; *Bajiu Yidai Tongxun* 八九一代通讯 [89 generation bulletin], Issue 2, 30th May, 2012)
120. To use a Shakespearean term from: “Hence shall we see, / If power change purpose, what our seemers be.” (William Shakespeare, *Measure for Measure*, Act I, Scene IV)
121. See Buckley (1967: 58–59).
122. “The Rape of Peking” (editorial), *Asiaweek*, 16th June 1989.
123. *ODN*, 23th July 2012.
124. *ODN*, 1st November 2012.
125. Tenzin Gyatso is the 14th Dalai Lama, who was born Lhamo Dondrub on 6th July 1935. “Tenzin Gyatso” is the shortened form of the religious name “Jetsun Jamphel Ngawang Lobsang Yeshe Tenzin Gyatso”.

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