



◆ CHINA POLICY SERIES

THE IMPACT OF CHINA'S 1989 TIANANMEN MASSACRE

EDITED BY JEAN-PHILIPPE BÉJA

ROUTLEDGE

The Impact of China's 1989 Tiananmen Massacre

The 1989 pro-democracy movement in China constituted a huge challenge to the survival of the Chinese communist state, and the efforts of the Chinese Communist party to erase the memory of the massacre testify to its importance. This consisted of six weeks of massive pro-democracy demonstrations in Beijing and over 300 other cities, led by students, who in Beijing engaged in a hunger strike which drew wide public support. Their actions provoked repression from the regime, which – after internal debate – decided to suppress the movement with force, leading to a still-unknown number of deaths in Beijing and a period of heightened repression throughout the country. This book assesses the impact of the movement, and of the ensuing repression, on the political evolution of the People's Republic of China.

The book discusses what lessons the leadership learned from the events of 1989, in particular whether these events consolidated authoritarian government or facilitated its adaptation towards a new flexibility which may, in time, lead to the transformation of the regime. It also examines the impact of 1989 on the pro-democracy movement, assessing whether its change of strategy since has consolidated the movement, or if, given the regime's success in achieving economic growth and raising living standards, it has become increasingly irrelevant. It also examines how the repression of the movement has affected the economic policy of the Party, favoring the development of large State Enterprises and provoking an impressive social polarisation. Finally, Jean-Philippe Béja discusses how the events of 1989 are remembered and have affected China's international relations and diplomacy; how human rights, law enforcement, policing, and liberal thought have developed over two decades.

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**To the hundreds of anonymous citizens who sacrificed their
lives to accelerate the advent of a democratic China**

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Abbreviations

ALL	Administrative Litigation Law
BBC	British Broadcasting Corporation
BLDC	Basic Law Drafting Committee
CCP	Chinese Communist Party
CCPLA	Central Commission on Political and Legal Affairs
CLGPL	Central Leading Group on Politics and Law
CTBT	Comprehensive Test Ban Treaty
DAB	Democratic Alliance for the Betterment and Progress of Hong Kong
HKSAR	Hong Kong Special Administrative Region
HRW	Human Rights Watch
KMT	Kuomintang
MOJ	Ministry of Justice
MPS	Ministry of Public Security
NPC	National People's Congress
PAP	People's Armed Police
PLA	People's Liberation Army
PRC	People's Republic of China
R&D	Research and Development
ROC	Republic of China
SOE	State-Owned Enterprise
SPC	Supreme People's Court
SPP	Supreme People's Procuratorate
UDHR	Universal Declaration on Human Rights
VOA	Voice of America

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Introduction

4 June 1989: a watershed in Chinese contemporary history

Jean-Philippe Béja

Sometimes, silence can be deafening. The way the Chinese Communist Party (CCP) has treated the anniversary of the June 4th Massacre since it took place 20 years ago is a good illustration of this saying. Since 1990, every 15 April and during the first days of June, Tiananmen Square, the centre of the 1989 democracy movement, has been occupied by plainclothes policemen, prominent actors of the 1989 democracy movement have been ‘taken on vacation’ out of the capital or placed under 24-hour surveillance, the Babaoshan cemetery has been closed to the public, and, last year, the Beijing municipal government issued an order prohibiting its inhabitants from wearing white, the colour of mourning in China. The nervousness displayed by the authorities shows clearly that despite their imposition of a blackout on any information relating to June 4th, this event still casts a long shadow over Zhongnanhai.

Monopolising the interpretation of history to control the present

In a civilisation where history is traditionally revered as a guide for the present, for a Party officially based on Marxism-Leninism and that pretends to be founded on ‘historical materialism,’ the authorities’ refusal to face the past might seem paradoxical – all the more so as the return to power of Deng Xiaoping at the end of the 1970s was legitimated by the denunciation of the ‘Leftist errors’ of the recent past, notably the Cultural Revolution. In the first three years of Deng’s rule, discussion of the history of the People’s Republic of China (PRC) was rife, not only in Party circles, but also in society, particularly on the Xidan Democracy Wall.¹ Despite attempts by the Party to impose limitations on these discussions, they continued throughout the 1980s.

It was nevertheless a risky enterprise. When three former Rightists tried to organise a conference for the 30th anniversary of the launch of the Anti-Rightist Movement in 1987, they were expelled from the Party, and the conference never took place.² The 40th and 50th anniversaries of this important episode of the

history of the People's Republic likewise passed uncommemorated in China. This might be related to the fact that Deng Xiaoping headed the small team that led the Anti-Rightist Movement.

Even so, it is more difficult to understand why the leadership has been equally reluctant to allow reflection on the Cultural Revolution. When the philosopher Xu Youyu edited a special issue of a magazine dedicated to a discussion of the movement on the occasion of the 30th anniversary of its launch, why did the authorities immediately ban it?³ After all, Deng Xiaoping and the leading reformists had themselves been victims of this campaign, and the 'Decision on some points of Party History' adopted in 1981⁴ had clearly criticised this episode. The only possible explanation is that the Communist leadership is convinced that it must at all costs maintain its monopoly on the interpretation of history so that ordinary citizens do not question its legitimacy.

This is doubtless one of the reasons why, in the run-up to the 60th anniversary of the establishment of the regime, there have been no debates on the history of the PRC: no official version of the history of the regime similar to Stalin's *History of the Communist Party* has been published, and it goes without saying that no alternative version has appeared in books or articles. The films chosen to mark⁵ the event described the Chinese situation in 1949, whereas the parade that took place on 1 October depicted the impressive stage of development reached by the motherland with no allusion to the history of the regime, as if China had leapt from the disastrous conditions of 1949 directly to the brilliant state of 2009. History is an awkward topic for the CCP, and it would rather not let ordinary citizens discuss it.

However, despite its overwhelming propaganda and attempts to silence dissenting voices, the Communist regime has not been able to achieve absolute control over the texts that circulate in China. In the last two decades, victims of the Maoist campaigns have written their autobiographies, and writers have published the 'subversive' *dazibaos* and articles that landed them in labour camps, thus contributing to the development of a new reflection on contemporary history. Let us just mention an anthology of dissident writings by Niu Han – a former friend of Hu Feng condemned in 1955 – along with Xu Youyu's stories and articles on the Cultural Revolution, and Liu Xiaomeng's books on the *xiaxiang* movement. Breaches in the wall of propaganda have not ceased since. In the summer of 2009, pictures of the 1978–79 Xidan Democracy Wall found their way into an official photo exhibition in Guangzhou.⁶

But June 4th has remained completely taboo. Never during the last two decades has it been possible to publish works about the events of that time, or even so much as to mention the conjoined Chinese characters for 6 and 4; a search for that Chinese phrase on the Internet in China pulls up only blank pages. However, more and more Chinese are travelling abroad and can access information on the recent past. The presence of thousands of mainlanders at the candlelight vigil that takes place every June 4th in Hong Kong also shows that amnesia can't be imposed so easily any more.

Times have changed, and in the spring of 2009 the numerous postings referring to the imaginary date of 35 May⁷ showed that many people not only remember the event, but do not hesitate to ridicule the blackout imposed by the Party. Moreover, on 10 May 2009, in the suburbs of Beijing, two dozen intellectuals who had been active during or after the movement organised a ‘Conference on the Beijing June 4th Democracy Movement’ (*Beijing liu.si minzhu yundong yantaohui*),⁸ with the stated aim of keeping the memory of the event alive. The organisers of the conference were not sent to jail, but of course this event was organised secretly and almost nobody in China heard about it outside dissident circles. This conference could not break the wall of silence, and it is a fact that the majority of young people who were born after 1989 do not know what really happened on June 4th. One can’t help wondering why a government that is so proud of its economic and diplomatic achievements is so worried by an event that took place more than 20 years ago.

The risk of a split in the Party

There is reason for this paranoia. One should remember that the 1989 democracy movement was the largest spontaneous mass movement since the founding of the People’s Republic. Triggered by the death of purged reformist Party General Secretary Hu Yaobang, it exposed the profound fractures that existed inside the Party. It started when the students, worried by the suspension of political reform, seized the opportunity of Hu’s death to denounce the conservative backlash that had taken place in 1988 and the upsurge in corruption. Their protest and their demands for democracy and freedom coincided with the grievances of an urban populace angry at rampant inflation and the emergence of a class of privileged businessmen, predominantly the heirs of Party leaders. After a period of hesitation, the *People’s Daily* published an editorial⁹ inspired by Deng Xiaoping denouncing the movement as a ‘turmoil’ manipulated by ‘a small handful of people with ulterior motives.’ To any Chinese citizen, *People’s Daily* editorials represent the Party line, and until then, they had always been considered irreversible. So when 100,000 students took to the streets on 27 April to protest the editorial and attracted the support of tens of thousands of citizens, it looked like an unprecedented provocation to Deng and his comrades. The movement developed and the students demanded that the editorial be disavowed. They also asked for a dialogue on equal terms with Party leaders. Confronted by official silence, they started a hunger strike on 13 May, and ordinary citizens, often organised by *danwei* (state production units and offices), took to the streets to support the students. The movement spread to 83 cities.

The demand for dialogue on equal terms posed an existential question to the Party: could it acknowledge the right of social groups to organise spontaneously, and even negotiate with their representatives? This would have meant a fundamental change in the nature of the regime. When a few thousand workers

organised an autonomous federation at Tiananmen, the situation was considered urgent. If the proletariat started to create its own organisations, did this not mark the end of power for the Chinese Communist Party? This unprecedented movement provoked a serious split within the Party. Zhao Ziyang, then Party General Secretary, opted for negotiation with the students, whom he declared ‘patriotic,’ and tried to convince Deng of the necessity of adopting a soft line. The paramount leader could not accept this viewpoint, and after deciding to send in the army to crush the movement, he required Zhao Ziyang to support his decision. Zhao’s refusal to submit was considered an attempt to split the Party, and to a Leninist, there is no worse crime.

This is the reason why, for the last 20 years, Deng Xiaoping and his successors have been obsessed with the need to avoid a repetition of such an episode. Furthermore, Zhao’s refusal until his death on 17 January 2005 to write a self-criticism was a reminder of the danger that still threatened the Party. Therefore, during the past two decades, everything possible has been done to avoid the emergence of what Mao Zedong called a ‘struggle between two lines.’ Whereas the 1980s were marred by the struggle between ‘reformers’ and ‘conservatives’ over the pace of reform, the ensuing decades have been notable for the absence of serious conflict at the top. Of course, there have been diverging approaches on various concrete problems, but no member of the Politburo has tried to rally support for his position outside the Party; divergences have been resolved through discussion before they could develop and crystallise into opposition between two lines. Despite personal ambitions and whatever divergences on policies that may exist among standing committee members, a remarkable consensus has characterised political life during the last two decades. Zhu Rongji may have shown more impatience than his colleagues towards the decentralising tendencies of the provincial elites, Jiang Zemin may have favoured the new rich and the coastal areas, particularly his stronghold of Shanghai, while Hu Jintao has given more attention to ‘vulnerable groups’ (*ruoshi qunti*), but never have these nuances developed into political lines. When Jiang finished his second term at the 16th National Party Congress in 2002, despite all rumours to the contrary, he passed his position to Hu Jintao, the successor whom Deng Xiaoping had chosen before his death.

This unity, which supposedly should characterise an organisation based on the Leninist concept of ‘democratic centralism,’ had never actually existed during the entire previous history of the Communist Party. Mao himself declared in 1976 that there had been ‘11 episodes of the struggle between two lines,’ and as stated above, conservatives and reformers had numerous confrontations during the 1980s, leading to the dismissal of two Secretaries General and culminating with the crisis in May and June of 1989. The looming danger of repetition of such an event has played an important part in the willingness to compromise that has been displayed by China’s top leaders ever since.

But the impact of the massacre is not limited to the behaviour of the Communist Party leadership.

The June 4th Massacre is a ‘total social fact,’¹⁰ and its impact can be felt in all fields of activity: from the strategy of the democracy movement to economic policy; from intellectual creation, including literature, to diplomacy. However much official China seeks to erase this event, any thoughtful observer can feel its influence on present-day life.

It is with the objective of analysing the various aspects of these impacts that a group of authors decided to write this book. First of all, they felt the need to understand why, once Party leaders had committed the massacre, they and their successors decided to obliterate it from memory. This task has been assumed by Perry Link, who in ‘June Fourth: memory and ethics’ shows that the question of memory is complex, and tries to envisage it from three points of view – those of the victims, the perpetrators, and the bystanders. ‘The custodians of the CCP post-1989 regime have wanted their political opponents to remember June 4th, but have wanted others (notably foreigners) to forget.... They can hardly expect older generations to forget the truth, but hope that the young will never learn it.’ Perry Link goes on to describe how Party leaders have prevented commemoration of the massacre and the emergence of what Pierre Nora calls ‘*lieux de mémoire*’¹¹ (*loci* of memory). Link sees the fact that plainclothes policemen are sent to the Square to prevent commemoration as evidence of the guilt complex of the perpetrators: ‘If they truly believed their own lies about what happened – that “a tiny minority” of “hooligans” had “opposed the interests of the masses,” and so on – then they would open Tiananmen Square to all and expect to see spontaneous popular commemoration of the soldiers who lost their lives.’ Instead, they want the people to forget. ‘But these very facts – of wishing that others be ignorant – show that they themselves certainly do remember.’ Link offers a deep reflection on the memories of the victims, who have not been able to write about these tragic events, not only because of repression by the government, but also because the trauma is too deep. He also reflects on the way bystanders remember the massacre, drawing on Havel’s writings, which show them as craving heroes, whereas ‘victims, under duress, lie, steal, cheat, and betray. A bystander does not have the right to expect otherwise.’

Looking at the question of memory from a more directly political viewpoint, Michel Bonnin explains how the massacre has affected Party legitimacy. He shows that Deng Xiaoping blamed the lack of ideological work in the education of the youth, and decided to remedy it by giving more power and more resources to the Central Propaganda department. Since 1989, emphasis has been placed on ‘patriotic education’ that develops the discourse of the humiliation of China by Western powers, and states that the Communist Party has saved the motherland. Rewriting history is a part of this education, one of the most remarkable aspects of which is the absence of any reference to the 1989 democracy movement and to the

June 4th massacre in elementary and high school textbooks. However, the Party has to explain the events to university students so they won't commit the same mistakes as their predecessors. Bonnin analyses how a history textbook puts the blame on Zhao Ziyang, accused of interrupting the 1987 campaign against bourgeois liberalisation and of opening the door to 'the advocates of westernisation and capitalism,' and therefore to the turmoil that took place in the spring of 1989. In another textbook, Western imperialists are blamed, but Zhao Ziyang is not even mentioned. Bonnin shows that the Party has been quite successful in its endeavour, as a majority of young people do not know that a massacre was perpetrated in the centre of Beijing just 20 years ago. He concludes that the refusal to face the reality of the past has had a tremendous cost in terms of respect for human rights, and has delayed the democratisation of the regime.

Despite the overwhelming presence of official propaganda, the pro-democracy forces that were the main victims of the massacre have tried to continue to act and to keep memory of the movement alive. The massacre has had a strong impact on their strategy, which is analysed in the chapter by Jean-Philippe Béja and Merle Goldman. After being driven underground for some time through arrests and Public Security pressure, the pro-democracy forces have rallied and proceeded to a deep reflection on their past behaviour: the elimination of Zhao Ziyang and of the faction that had supported political reforms and had protected them during the 1980s has led them to abandon the intra-elite strategy that they adopted during that decade. Whereas a minority of dissident intellectuals opted for a Havelian position consisting of 'living in truth' and refusing to compromise (Liu Xiaobo is the best example), new participants opted for different strategies. One group oriented all its action towards the demand that the Party acknowledge the massacre and rehabilitate its victims. Modelled on the Argentine 'locas de Mayo' (May Fools), the Tiananmen Mothers have become an important component of the movement, extending their struggle to respect for human rights in general. At the same time, despite the general atmosphere of repression and preoccupation with money making, young people have stood up to criticise one-Party rule, organising study groups, posting critiques on the Internet, and going to jail for these actions. Campaigns for their liberation have seen the pro-democracy forces unite on a basic platform: the defence of human rights. Deprived of their relays inside the system by the purge of the reformist faction members in the wake of June 4th, and isolated from mainstream intellectuals who have joined the elite, democracy activists have tried to influence emerging public opinion. In 2008, a group of more than 300 individuals from various social strata inside and outside the system launched Charter 08, which demanded respect for fundamental freedoms and an end to one-party rule. It enjoyed immediate success, and through the Internet has gained more than 10,000 signatures. This combination of a Czech dissident-like action and the use of modern technology has proved efficient in circulating liberal ideas among the population.

The rise of liberalism

The emergence of these ideas among the intelligentsia is characteristic of intellectual debate after the massacre, and is analysed in the chapters by Feng Chongyi and Sebastian Veg. Whereas Feng presents the ideas of those who have chosen to call themselves liberals, with a focus on social scientists and philosophers, Veg introduces us to a liberal writer, Wang Xiaobo, whose success became a social phenomenon at the end of the 1990s. Feng starts with a typology of liberal intellectuals, and distinguishes between ‘the core of the liberal camp’ represented by middle-aged scholars of the ‘Cultural Revolution generation’ who maintain very close relations with the liberals inside the Party, older cadres who refused to follow the leadership after the June 4th massacre, and finally, Christian liberals – younger philosophers and legal and social science scholars active in the House Church movement. Feng shows that liberalism that started with a critique of Marxism-Leninism has become increasingly sophisticated. Chinese liberals don’t hesitate to tackle China’s most burning issues, including the problem of growing inequality. They have strong arguments with New Left intellectuals who denounce the market as the one force responsible for the polarisation of Chinese society. They establish concrete programmes for the transition to constitutional democracy, and have an original position on the question of nationalism: they are convinced that ‘neither Chinese citizens nor Chinese “national interests” need to stand in opposition to the West.’ For Feng, this development is a clear break from the nineteenth-century tradition of Chinese liberals who abandoned their liberal ideas to become nationalists in order to ‘save the motherland.’

A good example of the sophistication of the liberal intellectuals after June 4th is Wang Xiaobo. Impressed by the massacre, Wang has reflected on the position of the intellectual. For him, in certain circumstances, especially under totalitarianism, intellectuals should choose to be silent, as speech is the monopoly of power. Wang is critical of the image of the Confucian intellectual: ‘While Wang mentions a “duty” (*yiwu*) to “talk about” what he has seen and heard, be it in Yunnan with the peasants and educated youth or during his sociological investigations, this duty is not of the same nature as the “responsibility for the world under heaven.” It is a purely individual form of responsibility to oneself, and as such, it can escape from the power relationships that inevitably arise from a sense of social responsibility (and the superiority it presupposes).’ Wang, who refuses to be directly involved in politics, has chosen to speak not for the underprivileged, but from their point of view. To him, after the failure of the 1989 democracy movement, a writer or an intellectual can ‘enter the world of public speech and politics’ not by directly getting involved in political groups, but ‘only by virtue of occupying a marginal, non-representative position in society.’

This attitude held a strong appeal among youths during the latter part of the 1990s. However, the increasing social polarisation of society, the rampant

corruption that has followed June 4th, and Deng Xiaoping's Southern Tour, which triggered a new wave of capitalism, have driven some citizens to involve themselves in the struggle against injustice. Drawing the lessons of the massacre that showed the impasse of the traditional strategy of the democracy movement, and taking advantage of the new discourse of the Party that pretends to develop the 'rule of law' (*fazhi*), ordinary citizens have decided to defend their rights, and have obtained the help of intellectuals, especially journalists, legal scholars, and lawyers. The 'rights defence movement' (*weiquan yundong*), as this new resistance is called, is analysed in the chapters by Li Xiaorong and Eva Pils. Li describes the movement's characteristics and resorts to the theories of political science to determine whether it can be regarded as a social movement, whereas Pils presents the itinerary of rights defence lawyers. Li Xiaorong proposes the following definition of the *weiquan yundong*: 'Initially emerging around the year 2003, the so-called "rights-defence movement" consists of clusters of collective actions, mostly spontaneous, voluntarily participatory, non-violent, and independent of the government, aimed at defending an array of variously endowed or bestowed rights, using the constitution, the law, civil disobedience tactics, and the Internet.'

A long way to the rule of law

Li shows that the activists of the movement came of age after 1989, and that, unlike the 1989 democrats, they are 'typically young white-collar professionals, newly minted lawyers who take seriously China's promise to build a country of rule of law, property owners, and recently graduated university students determined to go into the non-government, non-profit, public interest sector, which was unheard of in China until recent years.' In a very original analysis, she shows that the choice of the term '*weiquan*,' rights defence, signals a change in people's consciousness: they don't rely on the government to protect them, but defend rights that are theirs, irrespective of the government's opinion.

In her chapter, Eva Pils shows how young students became rights defence lawyers. She describes the influence of the 1989 democracy movement on these citizens who were too young to participate in it. Although they admire their predecessors, they don't refrain from criticising their abstract demands for 'freedom and democracy,' and prefer to fight for the concrete rights of citizens. They attach much importance to competence, and they study law and try to hold the government to its word. But this mode of action is not without danger, and Eva Pils describes the persecution that lawyers are subjected to. She also shows that, despite everything, they are convinced that use of the law will eventually lead the authoritarian government to mend its ways.

However, in order for the law to genuinely limit the government's behaviour, the judiciary needs to display at least a minimal degree of independence. In his chapter, Willy Lam shows that this condition has not yet been met, and that the

situation has deteriorated since the Hu-Wen leadership consolidated its power at the 17th National Party Congress in 2007. The role of the Central Commission on Political and Legal Affairs (*Zheng fa wei*), the party organ that supervises the judiciary at all echelons, has been enhanced. The appointment of the Commission's former General Secretary, Wang Shengjun – a cadre who spent his entire career in Public Security and has no law degree – as president of the Supreme Court is a sign of a trend against the development toward professionalisation that had prevailed until then. Hu Jintao 'has politicised the Ministry of Justice, which is playing an increasingly potent role in rendering the judicial system into a "tool of the proletarian dictatorship."' Willy Lam also shows that the image of judges has deteriorated as they have been asked by the Party leadership to put loyalty 'before other considerations.' The reinforcement of its control over the judiciary shows that the Party is not ready to tolerate the emergence of an autonomous space where ordinary citizens can put limitations on the power of its cadres.

Neither is it willing to get rid of the 'Re-education Through Labour' (*laojiao*) system, despite the criticism it has attracted from international opinion. In their chapter, Jerome Cohen and Margaret Lewis compare this administrative punishment to the *guanxun* (reformatory training) that existed in Taiwan under the *liumang* (hooligan) act and allowed the police to jail any offender without having to go through the courts. The authors describe how this administrative punishment was transformed and eventually suppressed in Taiwan after the full democratisation of the regime, and suggest that the evolution of this measure can serve as a test of the reality of democratisation. In 1985, the *Liumang* Act 'introduced use of special 'public security tribunals' (*zhi'an fating*) within the district courts to determine whether alleged *liumang* should be incarcerated.' Cohen and Lewis note that many legal scholars in the People's Republic have been demanding that the decision to sentence people to *laojiao* be transferred to a special section of the courts, which is very similar to what happened in Taiwan. They also note that it was not until the Taiwanese Constitutional Court declared the *Liumang* Act unconstitutional that the situation really changed. At this point, the Criminal Procedure Code had undergone 'seismic changes,' but it was not until the installation of President Ma Ying-Jeou that Taiwan's legislature voted to repeal the act. This shows the distance that the mainland has to cover to achieve a comparable result. As noted by the authors, the PRC's lack of a constitutional court makes it difficult to follow the Taiwanese path. In a pessimistic conclusion, they note that 'until the Party leadership decides that such reform will not undermine police efforts to bring "stability" and "harmony" to an increasingly restive society, efforts to seriously transform, let alone abolish, *laojiao* and other forms of police-imposed detention and incarceration are doomed to languish.'

The refusal to limit the powers of the police, as documented in this chapter, and the refusal to allow for some independence of the judiciary, as described by Willy Lam, show that the June 4th massacre has reinforced the Communist Party's

determination to prevent the emergence of judicial independence in the same way that it restricted the room for manoeuvre of the pro-democracy forces.

Chinese new capitalism, a product of June 4th

But the impact of the dramatic event has not been limited to the judicial and political spheres. It has also influenced the economic policies of the leadership. In his chapter, Barry Naughton shows that, contrary to common wisdom, the turn to capitalism taken by Deng Xiaoping in 1992 has been largely shaped by his analysis of the events that led to June 4th. Naughton shows that the model that emerged after the crisis was profoundly different from the one that had dominated the 1980s. ‘The reality is that economic reform in the 1990s was tightly constrained and evolved within limits that were closely circumscribed by political requirements.’ Naughton notes that the strengthening of control over society, and the enforced unity at the summit of the hierarchy, have led to a dramatic narrowing of the spectrum of opinions. For example, the word ‘privatisation’ has become taboo – preventing any discussion on the subject – but privatisation has continued, only to the benefit of insiders. Despite its protestations of marketisation, the State has retained a strong ownership stake in the economy, with central government ownership becoming ‘far more concentrated in a relatively small number of strategic sectors.’ The strengthening of Party control, enforced after 1989, has facilitated the emergence of ‘locally based corporate conglomerates, loosely managed by local party committees.’ The new policy has resulted in a ‘high input, high investment, high growth model of development,’ and Party control has been expanded into a broader ‘human resources management.’ The system is now characterised by large central government corporations and local corporate bodies with strong political linkage, while the private and household sectors remain weak. ‘The limits to privatisation and the strengthened role of the Communist Party were direct responses to the crisis.’ The high growth, high investment regime coincided with a crumbling of social security, and the reforms initiated after 1992–93 ‘took a much harsher form that exposed some social groups to major losses and widened inequality.’ Barry Naughton’s conclusion is that the rapid polarisation that triggers numerous protests today is directly linked to the strategy adopted as a response to the 1989 Tiananmen crisis.

The challenge represented by this crisis has led the Party leaders to harden their position on the question of Hong Kong. Wary that the former colony might become a base for subversion, they have been keen to prevent real democratisation in the former colony of Hong Kong after it became part of Chinese territory. Joseph Cheng shows that although the authorities have allowed the people of the Special Administrative Region to commemorate the June 4th massacre, they have tried to lead the populace away from political participation, and have insisted that Hong Kong was an ‘economic city.’ They also have continued to rule Hong Kong

by enforcing United Front policy. The population has expressed many times its craving for democracy, especially in 2003 during the demonstration against Article 23 and the anti-subversion law, but Beijing has constantly refused to maintain its promises in this field.

June 4th and the rise of China

The last three chapters are dedicated to the impact of the Tiananmen Massacre on China's position in the world. Jean-Pierre Cabestan shows how the People's Republic used all its diplomatic resources to emerge from the isolation that Western countries imposed on it in the wake of the massacre. To achieve this goal, the Chinese government adopted a two-pronged strategy. First of all, it turned towards countries that didn't share the Western approach, such as the Soviet Union and then Russia, and also towards Asian countries, notably Japan, Singapore, and even Taiwan. In a bid to rally the adversaries of the West, it denounced the West's sanctions as an imperialistic manoeuvre designed to precipitate a 'peaceful evolution' of the socialist regime towards capitalism. Second, it developed its participation in the United Nations and other multilateral organisations. This strategy bore fruit, and by the early 1990s, China was gradually coming out of its isolation. But it was the end of the Soviet Union and Deng Xiaoping's turn towards capitalism that really changed the situation. China's rapid development led Western countries to gradually abandon their policy of sanctions and to welcome the People's Republic into the international community. This development also fed Jiang Zemin's 'great power diplomacy,' which led to frictions with the US, particularly over Taiwan. At the same time, China joined the World Trade Organization and became an indispensable partner of the West. Cabestan shows that the Tiananmen massacre caused no real diplomatic harm to the People's Republic, but rather helped her develop a remarkable capacity to adapt to the new post-Cold war environment.

Andrew Nathan, in his thought-provoking chapter, shows that the PRC did even better than just adapt to that environment. Whereas 'the immediate aftermaths of Tiananmen marked a high point of China's vulnerability to international pressure concerning human rights, the People's Republic has been able to use its economic clout and its "rise" to blunt the impact of international human rights advocacy efforts on its internal politics,' and has been proactive in shaping the international human rights system since the beginning of the twenty-first century. Nathan shows that, contrary to the expectations of many observers, it is not China that has adapted to international norms on human rights, but international norms that have been profoundly changed by the rise of China.

Finally, Wu Guoguang shows that, with Hu Jintao's rise to power, China has acted quite rashly with its international partners, using access to the Chinese market as a means of pressuring economically dependent Western countries.

Wu shows that during the last two decades, the Chinese government has been very successful in bullying Western countries, which have lacked the cohesion required to stand up to Beijing's pressure. Wu notes that Western democracies have made enormous concessions over their principles, either to avoid the appearance of imposing their culture on an ancient civilisation, or because they were seduced by the famous 'China market.' Multinational corporations have been no better in upholding their principles. In a pessimistic conclusion that confirms Andrew Nathan's, Wu Guoguang deplors the fact that, in the last two decades, the influence of authoritarian China on international relations has battered the progress made in the decades preceding the Tiananmen Massacre.

Whatever the denials of Chinese Communist Party leaders, the 1989 democracy movement, and the massacre that put an end to it, have had a profound impact on the development of China. Given China's political system, this fact can be ignored for now, but sooner or later it will be necessary for the Chinese people and their leaders to face history.

Notes

- 1 See Victor Sidane, *Le printemps de Pékin* (Beijing Spring) Paris: Gallimard, Coll. Archives, 1979.
- 2 Liu Binyan, Wang Ruowang, and Fang Lizhi had planned to organise a conference on the Anti-Rightist Movement in May 1987. They were expelled from the Party in January, at the same time as the dismissal of Hu Yaobang.
- 3 Xu Youyu, 'Wenhua da geming 30 nian ji' (Condolences on the 30th anniversary of the Cultural Revolution), *Jiaodian* (Focus), Guangzhou, 1996, pp. 10–38.
- 4 Cf. David Pong (Ed.), *Encyclopedia of Modern China*, Farmington Hills, MI: Thomson Gale, 2009.
- 5 *Tiananmen* and *Jianquo daye* (The founding of the Republic).
- 6 Guangdong meishuguan bian, *Di san jie Guangzhou guoji sheying shuangnian zhan 2009* (2009 Guangzhou photo biennial), Guangzhou: Guangdong Museum of Arts, 1989, pp. 80–81.
- 7 François Bougon, 'En Chine, les internautes évoquent le 35 mai,' *AFP*, 4 June 2009, www.aujourdhuilachine.com/actualites-chine-en-chine-les-internautes-evoquent-le-mai-11288.asp?1=1.
- 8 See <http://globalvoicesonline.org/2009/05/19/china-the-democracy-movement-since-1989/>.
- 9 *People's Daily*, 26 April 1989.
- 10 Marcel Mauss, *Essai sur le don*, essay published in *L'Année sociologique*, Seconde série, 1923–1924.
- 11 Pierre Nora (Ed.), *Les lieux de mémoire*, Paris: Gallimard, 1997.

1 June Fourth

Memory and ethics

*Perry Link*¹

In the minds of people who experienced or witnessed the June Fourth Massacre of 1989, the events scream in memory as if they happened only yesterday. For these people, it can seem odd that the intervening 20 years are fully one-third of the history of the People's Republic of China, or that the same years are more than 10 per cent of Chinese history since the founding of the Republic of China in 1912. To realise that events that feel like 'only yesterday' in fact occurred 20 years ago startles us, in part, because we normally expect that memory will fade. Most memories do. But with traumatic memories like those of June Fourth, the fading does not happen – or, at least, happens much more slowly – and the result is that events of 20 years ago do indeed present themselves in the mind as if little time has elapsed since they occurred.

But unusual vividness is only one of several special effects that a traumatic or politically charged event can bring to human memory. In the case of June Fourth, families of victims have felt special needs to preserve memory and to memorialise the dead; survivors have hoped to use memory in pursuit of their continuing political ideals; government authorities have tried to repress memory and even to annihilate it if possible. And problems such as these are all in addition to normal problems of human memory. In this essay I look first at some general problems of memory and of how events are retold from memory. Then I focus on memory of June Fourth and organise the analysis by asking how three categories of people – perpetrators, victims, and bystanders – have remembered, have failed to remember, or have altered memory, whether willingly or not. The tripartite division of 'perpetrators, victims, and bystanders' is not analytically perfect, but it opens important and illuminating questions. Nearly all the questions that I raise have moral implications, so I call the essay 'memory and ethics.'²

Memory

Human memory is a complicated topic and only partly understood. University departments of psychology offer entire courses on it, and yet the mysteries of how

(and how well) memory works remain largely unsolved. Even more radically, professional philosophers ask a range of questions about memory, including whether ‘the past’ is an illusion, essentially nothing more than a collage of memories and other sense impressions (from relics, books, etc.) that, rigorously speaking, are impressions that exist only in the present. Questions like this are beyond my scope here. But it is worth reminding ourselves how, in several ways, the phrase ‘simple memory’ is a gentle fraud. Memory is hardly as simple as, in daily life, we normally take it to be.

From ordinary life we generally become aware of two systematic weaknesses in memory: first, that memories tend to fade with time, and second, that memory as a whole gets weaker as a person ages. These and other problems raise the classic question of ‘How reliable is memory?’, and one of those ‘other problems’ is that a person’s interests and values can introduce distortion. (Did she really see clearly that her son was fouled as he was trying to kick the winning goal? – Or is that only what her memory is telling her?) It is important to distinguish this question from the related one of whether we *consciously* use our values and interests to construct memories. Of course we do the latter. We build monuments, museums, and dedicated libraries, and in many other ways purposefully tell each other stories about the past. One can fairly ask of any of these activities, ‘How reliably do they represent the past that they claim to represent?’ But the point that I am raising here is different; it is that we also need to ask, ‘How much is memory affected *unconsciously* by our values and interests? How much do our values and interests shape our memories even before, as it were, they are delivered into our conscious minds?’

The question is brilliantly presented in a 1988 essay called ‘Wenge jikui’ (Remembering Cultural Revolution guilt) by the Chinese writer Shi Tiesheng.³ Shi recalls the late 1960s, when, as a favour to a friend, he copied out a piece of unauthorised fiction for a group of friends to pass around and enjoy. His copy later fell into the hands of Public Security, who declared the story to be ‘counterrevolutionary’ and went looking for the person in whose handwriting the copy had been made. The police found Shi, who then faced the terrible dilemma of whether to divulge the name of the person who had given him the original of the offending manuscript. Shi remembers, with regret, that he did eventually reveal the name of that person, but on one crucial point memory fails him: he cannot remember whether his divulging of the name came before or after he learned that the police had already discovered the crucial facts from a third party. This point made all the difference, morally speaking. He concludes his essay with two alternate endings for the whole episode – ‘version one,’ which exculpates himself, and ‘version two,’ which does not. He confesses that reliance on memory alone does not allow him to decide which version is true. Then he writes:

I hope it was version one [that was true], but *this very hope* is strong evidence that it was probably version two, because the sieve that is memory not only allows inconvenient details to leak out, but also lets self-protecting details to seep in.

Shi's suggestion that memory can actually be creative – that it can invent details that provide comfort to the rememberer – recalls Mark Twain's whimsical observation that what most astonishes him about his memory in his senior years is 'the number of things I can remember that aren't so.'⁴ Neither Shi Tiesheng nor Mark Twain would want us to abandon memory. In many cases, it's all we've got. But we need to be aware of the possibility of unconscious distortion.

Telling from memory

After memory serves up its offerings, whatever they may be, an additional set of problems impinges when the owner of the memories seeks to put them into words or pictures for others. Subjective memory impressions are not the same as the stories we tell about what we remember. (Here I mean 'stories' very broadly, to include not only casual re-tellings but also film, artwork, museums, and any other media that we use to communicate our impressions of the past.) Original memory impressions are always more ragged and unorganised than the stories that we tell. Putting things into words or pictures, or into rows in museums, inevitably simplifies them, smooths them out, and allows us to order them according to our interests and values. Can this streamlining be avoided? It is hard to see how. Occasionally someone tries, though – for example the Chinese writer Can Xue when she writes (as she tells us she sometimes does) from a trance-like state, straight from-cerebellum-through-cerebrum-down-arm-nerves-into-hands-onto-paper, where strings of images emerge: 'The sunshine made me dizzy ... I hear wolves howling ... some of the things in my desk drawers were missing ... lots of big rats were running wildly in the wind,' and so on.⁵ Can Xue's experiment is fascinating, but even in this kind of writing, words, which are public things, are not the same as subjective impressions. Both Can Xue's own subjective impressions, which help to produce her words, and the subjective impressions of her reader, which her words in turn help to produce, are fundamentally different things from the words themselves.

The problem of how a story like *June Fourth* gets 'smoothed out' in the re-telling showed itself to me personally during the years after the massacre. I was living in Beijing when it happened. I did not see any killing, but I did see, when I went out onto the streets on the morning of 4 June 1989, young people carrying bloody clothing on bicycle racks, banners bearing inscriptions such as 'blood debts must be paid in blood,' an angry crowd surrounding a military jeep, another military vehicle in flames, and articulated buses jerked sideways to block broad avenues, where they lay like great dead caterpillars. I heard people wailing. I heard student speakers, at a makeshift broadcasting platform at the gate of People's University, taking turns telling about the killing that they had witnessed in various parts of the city. Some of the speakers were shaking with rage as they spoke, some spoke with an icy calm. From time to time someone in the crowd screamed. Later that day I went to visit a

number of Chinese friends, both to learn from them what had happened and to offer my help if needed. The government had named the physicists Fang Lizhi and Li Shuxian as numbers one and two on their list of criminals to be apprehended, and, from 4 June to 6 June I assisted the couple in leaving their apartment and reaching the US Embassy, where they took ‘temporary refuge.’⁶

I left Beijing on 9 June and went to Hong Kong for two months and then to California for one month before landing in Princeton, New Jersey, where I began teaching in September 1989. At each stop, people asked me what I had seen, had heard, and had felt in Beijing on 4 June. They asked and they asked and they asked. The first time I answered, and probably the second and the third, too, my recourse was to consult the store of my memory images – multifarious, dramatic, unorganized – and to pick from these. But after doing this several times, my task began to seem easier. I had done it before, after all, so now I knew ‘where to go’ in memory. But that very ease in knowing where to go tended to simplify the story I produced. I was no longer confronting the jumble in memory’s warehouse, but recalling the pathways that I had already established. What’s worse, I fear, is that I began to notice which aspects of my stories were getting good receptions from listeners. Being a congenial sort who wants happy listeners, what I began to recall, after countless encounters with the same questions, was not my original memory data but ‘how well I had told the story last time.’ My ‘set stories’ – which were my own creation, even though I had never set out consciously to create them – began to take over in memory space. That compartment of my memory became like a cupboard: stories A, B, and C rested there, ready to take off the shelf when needed. Over the years, I’m afraid, most of my original memory impressions have drifted away and are lost. But the stories survive.

I am sure that I am not unusual in this problem. It must affect others, including direct eyewitnesses of the June Fourth Massacre. The original scenes were of a kind that any web of words can only suggest, never adequately represent. Eyewitnesses have had to simplify from the outset, and many of their accounts, under the wear of repetition, must have been reduced to boilerplate. There remains a distinction, of course, between boilerplate that results from direct experience and boilerplate that results from second-hand impressions or from parallels to other situations. And all of these can be distinguished from set stories that result from the lies of a ruling authority that wants to establish an essentially false account, as well as from versions produced by various bystanders, both inside China and around the world, whose values and interests have contributed to shaping what they remember. Let us now divide these cases by considering perpetrators, victims, and bystanders, asking for each what the uses of June Fourth memory have been and what ethical issues have arisen.

June Fourth memory: perpetrators

First, whom do we mean by ‘the perpetrators’? The most direct perpetrators of the massacre were the 27th and 38th Divisions of the People’s Liberation Army.

But the soldiers in these units were following the orders of higher-ups. Moreover, in the days immediately before the massacre, at camps outside Beijing, the soldiers had become objects – victims, one might say – of intensive ‘thoughtwork’ that had trained them in a radically false version of what was happening inside China’s capital.⁷ Hence it is hard to call the soldiers ‘perpetrators’ in any but a superficial sense. Of the ultimate perpetrators of the massacre, the most prominent were Deng Xiaoping, who gave the order for the attack, and Li Peng, the highest-ranking advocate for this course of action. In a related sense, all in the Chinese Communist Party (CCP) leadership who favoured the massacre, including those who fashioned and advertised false accounts of ‘rampage’ by ‘hooligans’ engaging in ‘counterrevolutionary rebellion,’ can be viewed as perpetrators.

What should we say about perpetrators and memory? It is often observed that the perpetrators of June Fourth have wanted the world to forget what happened that day. But this answer is too simple. Inside China, at the time of the massacre and for several ensuing years, the perpetrators wanted exactly the opposite. They wanted both the Chinese people and the defeated group inside the CCP (Zhao Ziyang and other associates of the recently deceased Hu Yaobang) to notice the bloodshed and to heed it well. Intimidation depends crucially upon memory. A crackdown cannot induce self-censorship if people are forgetful.

The decision to clear Tiananmen Square on the morning of June Fourth by using tanks and machine guns – instead of billy clubs, tear gas, or water hoses – was not made because more benign equipment was unavailable. It is true that a few days after the massacre Li Peng told foreign reporters that bullets had been used because Beijing lacked water hoses, but this absurd claim has no value except to those who wish to study the ways in which CCP leaders seek to mould foreign opinion. Billy clubs had been sufficient to clear Tiananmen Square of tens of thousands of protesters at a similar demonstration in April 1976, following the death of Zhou Enlai. Some of the billy clubs that year reportedly bore nails that were designed to tear flesh, but there was little if any loss of life. The regime’s goal in 1976 was to clear the square by arresting protesters or forcing them to go home. On 3 and 4 June 1989, a broader goal was evidently at stake. There had been uprisings not only in Beijing, but also in Shanghai, Nanjing, Wuhan, Chengdu, Xi’an, Ji’nan, Guangzhou, and more than 100 other cities across China. The protesters were in touch with one another by telephone and through VOA and BBC broadcasts. Foreign media called it a student movement, but CCP leaders knew that it sprang from dissatisfaction that ran much deeper in society than the shouting of democracy slogans by elite students. It was dangerous. Someone needed to crack a whip that would bring a definitive end to all challenges to the ruling authority. The massacre plan worked. For three years following 1989, China’s general mood was sullen and sluggish. It began to turn better in 1992 when Deng Xiaoping’s ‘Southern Tour’ announced the leavening message of ‘get rich now.’ But the populace bore in mind – and has held in mind ever since – that only economic freedoms, not political ones, are

permissible. Memory of massacre has played a crucial role in the establishment of the post-1989 ‘understanding’ between rulers and ruled in China.

Yet there is also much truth in the observation that the perpetrators of June Fourth have sought forgetfulness. Aware that some of the public images of their roles in the massacre (‘butchers of Beijing,’ ‘bloody hands,’ and so on) impose political costs on them, Beijing’s rulers have sought to downplay June Fourth, especially among the young. The story of the massacre is banned from textbooks, the media, and all other public contexts. Immediately after the massacre the student movement at Tiananmen was renamed a ‘counterrevolutionary rebellion;’ then, in ensuing years, it was gradually downgraded to ‘events,’ then to ‘incident,’ and finally to ‘skirmish’ (*fengbo*). Twenty years later it is possible to meet otherwise well-educated young Chinese who know nothing about what really happened. Foreigners have been lulled to sleep as well.

So we need to ask: When have the perpetrators (and their heirs) wanted remembering, and when have they wanted forgetting? Here we need distinctions. The custodians of the CCP’s post-1989 regime have wanted their political opponents to remember June Fourth, but have wanted others (notably foreigners) to forget; they have wanted their ‘official’ version of events to be remembered, but the authentic stories of victims to be forgotten; they can hardly expect older generations to forget the truth, but hope that the young will never learn it.

While seeking in these ways to control memory, they have been even stricter in opposing what people call ‘commemoration.’ Commemoration is a special kind of remembering: it is a planned effort, involving more than one person, that aims to establish public memory of something that is generally regarded as praiseworthy. It is commonly associated with a physical thing: a place, a monument, a statue, a postage stamp. Building a monument or statue for the victims of June Fourth has been out of the question in China, but each year since 1989 a number of veterans of the protest movement have sought to return to Tiananmen Square to commemorate the dead. Each year such people are threatened or harassed by plainclothes police, and they are often physically blocked from the Square. The fact of using plainclothes police is telling, because it shows that the perpetrators of June Fourth and their heirs are prisoners of their own pretences. If they had legitimate, publicly defensible grounds for blocking peaceful commemoration, they could use uniformed police. If they truly believed their own lies about what happened – that ‘a tiny minority’ of ‘hooligans’ had ‘opposed the interests of the masses,’ and so on – then they would open Tiananmen Square to all and expect to see spontaneous popular commemoration of the soldiers who lost their lives.

How do the perpetrators of the massacre themselves (those who are still living) remember it? What images, in the privacy of their own minds, do they recall? The question is worth pondering even if it is impossible to answer. First, let’s consider the soldiers who were the direct perpetrators of the massacre even though they bear much less moral responsibility than their bosses. My own guess is that some

day, if and when the ‘verdict is reversed’ on June Fourth, we will see accounts from soldiers who say they regret what they did, were forced to do it, and perhaps even have suffered nightmares about it. These accounts might be motivated by a need for catharsis – the need to unburden one’s conscience about the commission of atrocities. We have seen this kind of cathartic confession from elderly Japanese remembering their misbehaviour at the Nanjing Massacre in China 60 years ago. The June Fourth accounts could also be motivated – in the tradition of ‘releasing resentment’ (*jiechen*) writing in Communist China – to supply portions of the public with texts that they can rally around in order to vent their anger and regain their moral footing on topics on which public discussion has been banned for many years. (Much of the ‘scar’ literature of the late 1970s was this kind of writing.) In any case, no one should doubt that it is politically possible for this kind of confession suddenly to appear. The speed with which denunciations of Jiang Qing popped up after October 1976, when it suddenly became all right to vilify her, shows that surfaces can be deceiving when politically ‘sensitive’ topics are involved, and that Chinese writers can bide their time.

What about the ultimate perpetrators – those who advocated and ordered the massacre? What did Deng Xiaoping recall while he was alive, and what has Li Peng recalled, between then and today? We cannot know, of course. Only people very close to these individuals might have some evidence, and those people are not talking. The rest of us can only guess, based on other evidence that we have about the thinking of these men. My own guess is that thoughts of inner-Party struggle, rather than the blood on the streets, preoccupied their reminiscences in the 1990s. I would bet that Li Peng recalls images such as Zhao Ziyang – with outrageous temerity, in Li’s view – going to Tiananmen Square to meet personally with protesting students at dawn on 19 May, the day before martial law was declared. Much else that Li recalls, if I were to guess, is likely to be about urgent phone calls, small late-night meetings, and other private and still-secret contacts among top leaders. These are the sorts of things that dominated Li’s conscious attention, and likely occupy his memories as well. Images of dead bodies or burning buses may lurk, too – but in the background, I would guess.

What about the top leaders of the CCP today, people who are not as directly responsible for the massacre as the leaders in 1989 were, but who inherit the regime that grew from it, who fear that ‘reversing the verdict’ on it might lead to an unravelling of their own power, and who thus feel the need to insist that the decision to use lethal force in 1989 was ‘correct’? We know that at one level these people advocate forgetfulness. They want foreigners to forget, and they prefer that their own young never learn. But these very facts – of wishing that others be ignorant – show that they themselves certainly do remember. It shows not only that they remember but also that they feel some kind of vulnerability about what is remembered. Why would they wish their young not to know if they were proud of their roles in what had happened? By downgrading the massacre in public language

to a ‘trifle,’ they seek to give the impression that the whole thing is but a dot on the map of modern Chinese history, something that no one in the contemporary world of things like hundred billion *yuan* stimulus packages should look at twice. But in the privacy of their own minds, is June Fourth really so trifling? How prominently, actually, does it figure?

The experience of Ding Zilin, the symbolic leader of the group called Tiananmen Mothers, is illuminating in this regard. Ding is now 72 years old, a retired professor of philosophy, and somewhat frail of body despite her still-sprightly mind. She is not the kind of person who breaks laws, and would be utterly incapable of violence even if – madly – she were inclined to try it. Yet this old lady is guarded by plainclothes police. Guarded for *her* safety? No, for the state’s safety. That’s right, the CCP, with its trillion *yuan* budgets and its army of millions, needs to protect itself from Ding Zilin. Ding gets special attention: a monitored telephone, and watchful eyes when she travels near or far. When June Fourth anniversaries come around, or foreign heads of state visit Beijing, the care is intensified. Do you want to buy vegetables? We will come with you. George Bush is coming to Beijing for the Olympics? Perhaps you should leave town, for everyone’s good. Both sides know that the ‘soft’ approach of the police is only the surface. If Ding were to resist, soft hands would turn as hard as needed. Both sides also know that the young policemen themselves are not the architects of the policy toward Ding and other ‘dissidents.’ That policy comes right from the top. And here emerges one answer to our question of how prominently June Fourth figures in the minds of the people at the top. Would they behave in this way if they really thought that June Fourth is only a trifle? If they did not fear that the ideas Ding Zilin symbolizes might have deep and broad resonance in Chinese society, why would they guard her in this way? How nervous does one have to be in order to assign a bevy of police to accompany a 72-year-old woman to a vegetable market?

June Fourth memory: victims

As when considering ‘perpetrators’ of June Fourth, we need to define what we mean by the massacre’s ‘victims.’ Certainly the term includes the dead and wounded. In a slightly broader sense, we should probably include family members of the dead and wounded as well. Beyond that, should we include friends, supporters, and sympathisers? Just how far to extend the circumference of the ‘victims’ category is an arbitrary matter about which people can make their own decisions. In the broadest sense one might argue that anyone whose conscience was shocked was a victim. For the purposes of this essay, my criterion separating ‘victim’ from ‘bystander’ (a separate category that I discuss below) is that a victim suffers directly whereas a bystander feels (or fails to feel) empathy with an observed victim. In practice even this separation can be fuzzy, since there are several ways in which a person can be both victim and bystander. In any case, I include below,

within the ‘victim’ category, people who were not themselves physically injured but who wrote memoir, reportage, fiction, or film script that not only describes the anguish of victims but also to some extent shares it.

To be fair, any survey of how June Fourth victims remember the massacre should begin – as a thought experiment only, of course – with the dead. These people cannot speak, and as far as we know have no memories, either. But it is useful to pause for a moment to imagine what their memories and words might be if they could see the bustling streets and ping-pong video arcades that now cover the sites where they lost their lives. The haunting problem of their silence is made all the more poignant by its shadowy twin, which is the living silence of people who survived the massacre but do not speak because of fear. Their fear was born within hours of the massacre, not only by the shock of the killings themselves but by the government’s official view of the killings, which spread over China like an acid mist. No one could mistake its draconian terms: the offenders on the night of 3–4 June had not been soldiers with machine guns but ‘hooligans’ and ‘riffraff’ backed by counterrevolutionaries and hostile foreign forces. If you, dear citizen, were part of this foul pack, you had better lie low; if you feel pain, you had better be quiet unless you want more of it; if we killed your son, you need to apologise to us, not the other way around. Ding Zilin’s remarkable book *In Search of the Victims of June Fourth, 1989–2005 (Xunfang liu-si shounanzhe, 1989–2005)*⁸ presents moving accounts of how it took months and years for some bereaved parents to crawl from beneath the indictment – preposterous but terribly heavy nonetheless – that the government had laid upon them. Atomised and isolated within an ocean of other intimidated citizens, some of the bereaved even came to feel that indeed they must in a sense be the criminals, not the victims.

In the 20 years since June Fourth, the least audible voices among the living victims have been those of the ordinary workers and common folk of Beijing (the ‘social dregs,’ in the CCP’s jargon) who supported the students and whose names we seldom know but who still mourn their dead and wounded in silence. In 2004, on the fifteenth anniversary of the massacre, Beijing lawyer Pu Zhiqiang wrote a moving tribute to this voiceless group.⁹ Liao Yiwu has a powerful interview with one of them in his book *Record of China’s Unjust Cases*.¹⁰ But when others in this group remember the massacre – as surely they must – they discuss it only in private. Like many others in society, they know that June Fourth is a ‘sensitive’ topic. The taboo on mentioning it in public has been in place for so long that it now seems to be no more than a feature of the social landscape. The active sense of fear upon which the taboo was originally based has drained away, and people obey the prohibition somewhat in the way they obey a traffic light. To defy it would seem counterintuitive, even stupid. The principled few who do choose to violate it report that family members upbraid them for speaking out – not because of any problem with the truth or morality of what they say, but because the act risks detriment to themselves and to the rest of the family.

This condition of ossified self-censorship is part of what makes the Tiananmen Mothers movement so extraordinary. Ding Zilin, Zhang Xianling, Huang Jinping, and the others in their small group have laid down a lonely thread of truth across a fetid swamp of suppression and lies about June Fourth. They seek out victims, support them, and encourage them to ask for justice. Never mind that they are elderly, mostly female, and few in number: the rulers of the largest country in the world still feel, as noted above, that they need groups of police to monitor their moves. Thirty years after Vaclav Havel wrote about ‘the power of the powerless,’ the Tiananmen Mothers continue to illustrate that oddly magnified power that Havel noticed Russian and Eastern European dissidents to have. Here is one of Havel’s examples:

Why was Solzhenitsyn driven out of his own country? Certainly not because he represented a unit of real power, that is, not because any of the regime’s representatives felt he might unseat them and take their place in government. Solzhenitsyn’s expulsion was something else: a desperate attempt to plug up the dreadful wellspring of truth, a truth that might cause incalculable transformations in social consciousness, which in turn might one day produce political debacles unpredictable in their consequences.¹¹

It is not clear that the Tiananmen Mothers, at the outset of their movement, realised that they owned the surprising power to frighten the Chinese rulers in this way. But they certainly were aware of the risks they were undertaking, and specifically the risk of being first to speak out. Like most Chinese, they knew of the danger, when dealing with the CCP, of *qiangda chutou niao* – ‘the bird that sticks its neck out gets its head blown off.’ Most of their fellow citizens, even if bitterly aggrieved, wait for someone else to go first. It is always easier to follow a lead than to take one.

Where exactly Ding Zilin and the others found the courage to take their initiative is an intensely private question about which outsiders can only guess. But to lose one’s only child must have been a factor, and to be approaching the final stage of one’s life may have been another. If I don’t care about *this*, and don’t do something *now*, what am I waiting for? In any case, once the Mothers stood forth, there were several reasons why the regime could not immediately knock them down but had to settle for corralling and harassing them. One was that they were known abroad, where repression creates embarrassment. If known abroad, moreover, there was always the danger that news of a repression could spread through the Internet or foreign broadcasts back to China, where the Mothers, because they had personally lost children (or other relatives) in the June Fourth killings, would have an immediate moral authority before their fellow Chinese. In addition, the regime would find it hard to attack them directly because most had not been ‘dissidents’ to begin with; they had been dutiful members of the system, indeed in some cases leaders within it, before the murder of their children jolted them loose.

But the difficulties that June Fourth victims have in coming to terms with their painful memories are deeper than the problem of government repression. Human beings can find it hard to examine their own suffering and then to articulate it; we get a sense of this by looking at how people have responded to disaster in other contexts. Seldom do victims immediately leap to their feet crying ‘never again!’; some prefer to remember quietly, or only privately, or sometimes not at all. Primo Levi, a survivor of the Holocaust and one of the most eloquent analysts of its victims’ suffering, reports a sense of ‘shame’ that victims, unfairly but quite commonly, carry with them for years afterwards. Before examining or publicising their memories, many Holocaust survivors first sought the practical reassurances of returning to normal life.¹² Victims of the Nanjing Massacre in 1937 were similarly slow to produce publicised accounts of their memories, and the dropping of the atomic bombs on Japan in 1945, although it eventually generated a considerable literature, did not give rise to much published memory and reflection within the first two decades after the events. In several ways there appear to be questions, for victims, of whether the examination of memory brings a ‘coming to terms’ and thus a healing, or whether it only keeps wounds open and pain alive.

When Ōe Kenzaburō visited Hiroshima 20 years after the devastation there, he found some of the victims resentful of his investigations. One of them wrote him a letter saying:

People in Hiroshima prefer to remain silent ... they do not like to display their misery for use as ‘data’ in the movement against atomic bombs or in other political struggles. ... I detest those who fail to appreciate our feelings about silence.¹³

Ōe developed a deep respect for what he called the ‘dignity’ of Hiroshima victims, as well as a keen sensitivity to the distinction between victims and bystanders. He notes how people of various kinds come forth with proposals about what should be done with the legacies of victims’ pain – ban bombs, start an international movement, build a memorial, or just ‘put this behind us and get on with life.’ Ōe concludes that if anyone is to take the lead in such matters, ‘victims can lay first claim to that right.’¹⁴ He sees himself as a writer wishing only to do good, but is careful to defer to them. By the same standard, we bystanders of June Fourth, even while honouring Ding Zilin for choosing to remember and to act, should not give less respect to parents who wish (if it is truly their wish, and not the CCP’s) to absorb their losses privately.

For Chinese writers who have made the decision to do their remembering publicly, there have been difficulties in looking squarely at the events and in probing them in much depth. For several years there was general silence on the massacre, and then, when Chinese writers did begin to ‘reflect’ it in their work,

they tended to put it into the background, into the wings, into a metaphor, or, if they did look straight at it, for the most part treated only its surface phenomena. It is as if a large reverse magnet lies at the heart of the June Fourth topic. A writer sets out in its direction, draws near, and then, as focus begins to seem possible, is deflected into another direction. Hong Ying's short novel *Luowudai*, published in Taiwan in 1992 and later in English translation as *Summer of Betrayal*, tells of a young woman struggling through the summer of 1989 in Beijing, betrayed by both her government and her lover.¹⁵ The story opens in the shock, chaos, blood, and smoke of the morning of June Fourth, and representatives of the government remain fearsome figures throughout the narrative. But the novel's focus is on lovers, poetry, and sex, and in the end sex overwhelms all else. The Internet novel *Lan Yu*, published anonymously under the pen name 'Beijing Comrade' (Beijing Tongzhi) also uses the 1989 protest movement and massacre as a backdrop, but here the focus is an exploration of homoerotic passion and commitment.¹⁶ Now, to be sure, sexual liberation has sometimes been a partner and component of other kinds of liberation, and it is true that students in the 1989 movement felt that democracy and sexual freedom had much to do with each other. Still, to look back at June Fourth and make sex the main point is a diversion.

Ha Jin's fine novel *The Crazy* (2002) similarly uses the June Fourth events as background, and pulls no punches about the events, but the heart of the novel lies in the relationship between the protagonist and the half-mad father of his fiancée.¹⁷ The fullest attempt in fiction to look at June Fourth is Ma Jian's *Beijing Coma* (2008)¹⁸ in which the author brings us into student dormitories, classrooms, and the life on Tiananmen Square during the protests. Ma Jian gives us a lot of credible dialogue and detail. He also couches his novel as the meanderings of the memories of the injured brain of a participant who was shot during the massacre. But still, the problems that compose the novel have to do with rivalries, sex, police, violence, and hallucination. The deeper problems of June Fourth remain unprobed: What did it mean for China that a nationwide democracy movement was crushed? How did the massacre affect the psyche of the nation? Can there be a recovery, and if so how? Writers from other countries whom I have noted in this essay (Havel, Solzhenitsyn, Levi, Ōe) have addressed such questions with depth and eloquence. Chinese writers, at least so far, seem still under the sway of that 'reverse magnet' that deflects them from what needs to be addressed – not only for June Fourth, by the way, but for the much more massive disasters of late Maoism as well. Michael Berry, in his 2008 book *A History of Pain*, devotes a chapter of 66 pages to more than two dozen works of fiction, film, poetry, painting, and installation art that in one way or another mention June Fourth;¹⁹ yet somehow the historical event itself seems to stand above all these, not very much touched by them. The time may still be too soon, of course. Only 20 years have passed. But the deep issues still lurk.

Some of the writers I have just mentioned – Hong Ying, Ha Jin, and Ma Jian, for example – might seem more appropriate for what I have called the ‘bystander’ category than the ‘victim’ category. Such questions are not clear cut. Hong Ying and Ma Jian experienced June Fourth directly and wrote, at least in part, from their own memories; all three writers can no doubt be said to have suffered psychological shock. But all three also achieved some distance by the fact of writing and publishing abroad, from the vantage, in a sense, of bystanders. Acknowledging such ambiguities, let us now turn to the issue of bystanders.

June Fourth memory: bystanders

By ‘bystander’ we usually mean someone who observes an event and is physically close enough to it to intervene in some way if he or she chooses. In this sense many people in Beijing on the night of 3–4 June 1989 were bystanders, and many did intervene. In a broader sense, ‘bystander’ can be a synonym for ‘witness’ – meaning a person who observes an event even if he or she has no way to intervene. In this latter sense – if one accounts for television images of June Fourth that were beamed around the world – there were likely tens of millions of bystanders to the massacre. And if we expand the window of contemporaneity just a few hours as television images were replayed, the witness-bystanders likely numbered in the hundreds of millions. A few hundred people were killed that night, or a few thousand at most. This means that the June Fourth massacre probably has had the highest bystander-to-victim ratio of any disaster in history.

This fact is not merely an oddity. It raises the question of why June Fourth seems so ‘disproportionately’ important. Consider, by comparison, that the Kashmir earthquake of 2005 took about 86,000 lives, and suffering in the cold mountains there was intense. If we say (for the sake of argument) that 1,000 died at June Fourth, why don’t we care 86 times more about Kashmir than about Beijing? Because an earthquake is a natural disaster, and June Fourth was controlled by humans? Certainly this is part of it. But consider this: more than 2,000 children under age five die of malaria every day, and malaria is something human beings *can* do something about. How can the deaths of 1,000 people 20 years ago at June Fourth compete in our minds with 2,000 dead children every day? It probably should not. But my point is not to make people who remember June Fourth feel guilty about their priorities. (I could not do that, by the way, without counting myself among the guilty.) My point is to make explicit something that perpetrators, victims, and bystanders to June Fourth all sense – namely that the event carries significance that extends well beyond the numbers of dead and wounded. People died and were wounded over an issue that had very high stakes for China, and indirectly for the entire world. A fairer, more honest, and less corrupt government in China could make a large difference to many, many people for a very long time. Witness-bystanders around the world sensed this at the time. And those who remember today remember it that way as well.

The huge number of witness-bystanders to June Fourth included people from a wide variety of political positions, and the ‘bystander’ category in my analysis, if treated exhaustively, would have to be at least as complex as those of ‘perpetrator’ and ‘victim.’ I cannot pretend to be exhaustive, but will comment on a few bystander positions that raise what I believe to be important ethical questions. I will look first at some of the positions that a bystander can take, and then address questions of how bystanders remember.

A bystander, not being involved as either a perpetrator or victim of wrongdoing, has the opportunity – or, many would say, the responsibility – to ‘bear witness,’ by which is usually meant a bringing to the side of the victim the moral authority of a disinterested voice. Bystanders to crime – be it a mugging in the Bronx or a massacre in Beijing – sometimes do bear witness in this sense, but also sometimes do not. The questions that can lead to reluctance are: Will I myself be hurt? Will I be drawn into entanglements? And so on. In some cases bystanders may not be purely disinterested: What if a person involved in a mugging is my friend, or of my ethnicity, or from my school? Or what if I am a businessman or diplomat and – while I observe on television that a government is carrying out a massacre – I remember that I need that government’s favour in order to buy something, to sell something, or to negotiate something with a third government? What if the offending government, despite the blood on its hands, is the government of my ancestral country and remains an important symbol of my national pride? In all such cases I remain a bystander, but not a disinterested one.

Some of China’s best writers of the twentieth century, beginning most notably with Lu Xun, worried very much about bystanders. For them apathy, not bias, was the most troubling problem. The crowd at an execution that stares blankly – or, worse, ‘enjoys the spectacle’ – is for Lu Xun, Lao She, and Wu Zuxiang almost as objectionable as a perpetrator, and perhaps even more disgusting.²⁰ Although there is scant evidence of this kind of wooden response to the June Fourth massacre at the time that it happened, the problem of apathy in retrospect (as we shall note below) has been something that would likely make Lu Xun cringe.

Shows of sympathy for victims are normally preferable to apathy, but the sympathetic stance can present ethical questions of its own. Vaclav Havel tells how, in Prague in the 1970s, he occasionally received Western tourists who were eager to meet, and to offer support to, a genuine ‘dissident.’ While naturally feeling grateful for the good intentions of such visitors, Havel also felt frustration when they asked, ‘What can we do for you?’ To Havel, the question seemed to imply that only the dissident’s fate – not the questioner’s, and not the world’s – was at stake. He writes:

Was not my arrest an attack on him? ... the deceptions [by the regime] to which he is subjected an attack on me? Is not the destruction of humans in Prague a destruction of all humans?²¹

Sympathetic bystanders to June Fourth (I include myself here) are susceptible to blind spots like those of Havel's tourists. Indeed, it seems to me that only Havel's decency may have stayed him from expanding on his topic. I believe he could have presented a taxonomy of the ways in which the failure to appreciate the fundamental commonality between the situations of bystander and victim can lead the bystander into morally dubious attitudes toward victims. Let me sketch a few of those ways.

Lu Xun's distaste for viewing victims as 'spectacles' applies not only when the victim is seen as wretched – a case that, for him, raised the troubling question of why human beings can find it uplifting to watch disaster fall upon others. It applies as well to the case where the victim is held up as a hero or saint. 'We outsiders,' writes Ōe Kenzaburō in *Hiroshima Notes*, 'often want to find a sacrificial saint on every corner.'²² The bystander's tendency to view victims as saints seems to derive in part from the pity that the bystander feels, and from the sense of superiority that the pitying position can afford. This sense is only magnified when some victims die. At the moment of death, a victim seems to pass into an ethereal realm in our memories, where he or she stands in silent dignity, shrouded in an aura that suggests sainthood. The workings of these psychological events make it important for us to remember that the victims who did not die are still human beings, and we are mistaken, indeed unfair, to hold them up to the yardstick of sainthood. We should not need to be told that trauma and degradation tend, if anything, to make people less saintlike, not more. If we do need to be told, then accounts from contexts as various as those of Primo Levi writing of Auschwitz, Bloke Modisane writing of a South African township under apartheid,²³ and Zhang Xianliang writing of a Chinese labour camp²⁴ all converge to make this fact quite clear. Victims, under duress, lie, steal, cheat, and betray. A bystander does not have the right to expect otherwise.

A spectator's desire to watch a hero win a contest can be even more dangerous. When we watch a football game it is quite all right to root for a hero without asking why we ourselves are not out on the field helping him. But in contests over human rights in the real world it can be perplexing, and quite wrong, for a bystander who lives in safety and comfort to ask someone else to be a hero, and then to issue criticisms when the heroism seems not stout enough. Fang Lizhi and Li Shuxian, for example, were victims of June Fourth. They quite unfairly had to spend 13 months confined to a tiny, windowless room in an American diplomatic building. They made this choice in preference to surrendering themselves to the Chinese government, in whose hands their treatment would certainly have been worse, and perhaps far worse. It is legitimate for bystanders to ask what the consequences of Fang's and Li's decision were, and what the consequences of alternate choices might have been. But who – other than Wei Jingsheng, Xu Wenli, Zheng Yi, and others who put their own safety and comfort on the line – has the right to chide Fang Lizhi for lack of heroism? Yet many 'sympathetic' Chinese bystanders did this. Still worse, some criticisms of Fang's decision were based not on judgements of

how China might have developed differently had he chosen differently, but on an essentially aesthetic judgement about his image: if he had been a true hero, like Tan Sitong, he would have chosen martyrdom. This would have shown ‘class’; we bystanders could have applauded a new hero in Chinese history. But this is morally obtuse. To make the aesthetic satisfaction of an onlooker a higher priority than the safety of someone who has already incurred major risks exposes a deplorable self-regard in the onlooker. Risking a life is not a stage show. People who want a martyr should be their own.

If the desire for a hero can raise ethical questions, a corresponding thirst for a villain can be morally hazardous as well. Bystanders who stand with victims – for June Fourth, that means human rights activists, critics of the Communist Party, and so on (again I include myself) – can grow dependent on the idea of an adversary, a fixed pole against which to define the direction of our striving. Year after year we aim our arrows at The Beast, yet it does not die, and continues to supply us with a steady stream of its victims. In an odd sense we can become dependent on those victims. We need them in order, as it were, to maintain our skills in peak form. When we hear about yet another outrage, the news can strike us at one level almost as good news, because it gives us more material to work with and more proof that our work has all along been needed. But this plainly is wrong. We need to step back far enough to see that such an attitude, no less than the demand for a hero, is self-serving. When we insist, as we often do – and rightly so – that the CCP’s human rights abuses are continuing, we need to remind ourselves that this is purely bad news. To view it as anything less is to view victims as implements. We always need to hope that better times will put us out of business.

How can we monitor ourselves to stay honest in this regard? To me, Vaclav Havel’s insight, noted above, may be the key. If we can bear in mind that ultimately there is no border between victims and us, that affronts to humanity do not happen in some separate sphere from which we are shielded but that, indeed, the ‘destruction of humans in Prague [or Beijing, or Darfur, or wherever] is a destruction of all humans,’ then I think the role of an ethical bystander can remain possible. We will not hope for a continuing supply of victims if we can see how they and we are the same.

In the years following the June Fourth massacre there arose, among Chinese living abroad, a debate over yet another way in which victims appeared to be used as implements for self-serving purposes. The debate went under the archly stated label of the ‘blood-drenched bun’ problem. In Lu Xun’s famous story ‘Medicine,’ a superstitious father, in an attempt to save the life of his consumptive son, ventures out at dawn to the site where a revolutionary martyr is to be beheaded; the father believes that capturing some fresh human blood on a steamed bun will provide a ‘medicine’ to cure his son.²⁵ The sick boy dies despite this tonic, but that is not the point of the phrase ‘eating human-blood buns’ (*chi renxue mantou*) that has survived ever since in the Chinese language. The phrase is used when a person callously tries

to benefit from a disaster that befalls another. After June Fourth it was said, for example, that Chinese students who were in Western countries on visas sometimes exaggerated their revulsion at the massacre, loudly and in part artificially, in order to build 'asylum' cases for permanent residence abroad. It was said, too, that student leaders of the 1989 protest movement June Fourth sometimes used the massacre to promote themselves through books, films, and visits with Western politicians or journalists. Such claims are hard to evaluate; my point is not to endorse them, but simply to illustrate that this, too, is one way in which the 'use' of victims for private purposes is a danger.

These are some of the complexities in the ethical role of the bystander. Let us turn now to problems in how bystanders remember. Amnesia is one such problem, and bias born from personal interests gives rise to several others.

Less than a year after June Fourth, while Fang Lizhi and Li Shuxian were still inside their tiny, windowless quarters in Beijing, Fang wrote a remarkable essay called 'Gongchandang de yiwangshu' (The techniques of amnesia of the Communist Party).²⁶ Robert Silvers, co-editor of *The New York Review of Books*, had used the US diplomatic pouch to get a letter to Fang asking him for an essay on a topic of his choice, and when the essay arrived, Silvers asked me to translate it for publication. I have to say that I was surprised at the topic. Fang's theme was that the CCP crushes one generation after another of Chinese free-thinkers, and that each crushing is easy because one generation never remembers what happened to the last. The students at Tiananmen did not know much about the 'Democracy Wall' activists of ten years earlier (or their eventual fates); those activists, in turn, were not very aware of the 1957 'Rightists.' The recurrent amnesia arose from no particular problem with Chinese brains or Chinese culture, Fang argued; it was the result of deliberate tactics by the regime.

'All probably true,' I thought when I saw the essay. 'But why would Fang have chosen this topic – among all possible topics – at a time when world opinion was still ablaze in revulsion at the massacre?' June Fourth was receiving immense attention, indeed much more attention than the leaders of the protests, now scattered around the world, could easily handle. How, of all things, could 'amnesia' be a problem?

But Fang was right, indeed prescient. Now, 20 years later, the world has largely forgotten June Fourth. Worse than forgetting the massacre itself, people have allowed memory of the violent nature of the political regime to fade as well. There have been no televised massacres in recent years, but the regime still applies violence behind the scenes when it feels it needs to and would no doubt risk another massacre if it concluded that its grip on power were at stake. Not just the outside world, but the young in China, too, have drifted into oblivion on these issues. Textbooks, museums, and the media simply omit June Fourth. Websites on the topic are blocked; foreign broadcasts that discuss it are jammed. College students may have heard vague reports of it, but tend not to care, often preferring

such topics as fashions, stock prices, and e-chats. Among the young educated people who do have views on larger public issues, far too many run on a thin fuel of adolescent chauvinism, which is an ideology that sometimes make the rulers nervous, but on the whole suits their purposes just fine. The young elite in China, markedly different from earlier generations, are largely unattuned to the plight of the poor and oppressed in their society. Eerily, they also show little sign of realising that if – for whatever reason – they themselves were ever to seriously cross purposes with their rulers, those rulers would seek to squash them, just as earlier generations have been squashed.

Memory of the massacre among bystanders overseas has done better, but not much better. China's economic growth, and the shining new skylines of Shanghai, Beijing, and the other destinations of short-term visitors, have diverted foreigners' attention from the regime's history of violence and its continuing potential for violence. Foreigners' perceptions of China (and this has been true for centuries) have been coloured by their own interests. These interests are myriad, and I cannot presume to summarise them all here. But two important versions of the problem, which we might call 'the money bias' and 'the China-pride bias,' deserve special mention because they represent many important cases and have been especially destructive to memory of June Fourth.

The 'money bias' among foreigners comes from several sources, such as a desire to export more airplanes, soybeans, or soft drinks to China, or to profit from the import of countless low-cost consumer goods that flow in the other direction, or to establish 'market share' for the future even if there are no profits now, or (for governments) to take the financial short cut that Chinese government purchases of treasury notes allows, or (for former government officials) to harvest money from commercial 'China consulting.' None of these roles provides foreign observers with much incentive to remember June Fourth or anything like it. On the contrary, all the incentives of this kind are to cooperate with, and not to upset, China's political-economic elite. Bill Clinton, Tony Blair, both George Bushes, and other leaders of Western democracies have long argued that commercial engagement will bring political change to China. And in some ways it has. But on questions such as June Fourth and a considerable range of other political and ethical questions, the influence has flowed primarily in the opposite direction. The Chinese political-economic elite has influenced, and in some ways even fused with, elites in other countries.

In raising the 'China-pride bias' as a problem among foreign onlookers to June Fourth, we must first be clear that the problem is by no means limited to people who reside overseas. As noted above, Chinese people inside China are fed a diet of 'the CCP is the country's saviour,' and this message, added to an underlying sense in many Chinese minds that Western powers have been humiliating their country for the past two centuries, leads many to excuse CCP excesses in the belief that the Chinese government is a standard-bearer of their national pride. Among Chinese

who live abroad, where views other than the CCP's are readily available, the problem is not brainwashing so much as a thirst for a strong symbol of Chinese pride within a non-Chinese context. As minorities living in foreign lands, and occasionally as targets of unjust anti-Chinese expression in those places, overseas Chinese can draw confidence and comfort from a strong Chinese government as their 'backing.' Not themselves needing to live under the bullying of a local Party Secretary or other irritations of authoritarian rule, any impulse they may have to criticise the Chinese government must derive almost entirely from their powers of empathy with their fellow Chinese back home. Those powers peak at a time like the June Fourth massacre, but over time they do not fare very well in competition with the more personally felt needs for a strong symbol of Chineseness. The CCP offers this to overseas Chinese, and indeed deliberately cultivates it in them. Indignant memories of June Fourth massacres fade, under these circumstances, even faster than ordinary memories normally fade.

What of those people, about whom I began this essay, for whom the June Fourth Massacre still 'screams in memory' as if it happened only yesterday? Twenty years ago they were among a mainstream that comprised a large portion of the world's population; today they stand as a lonely few, while the mainstream has flowed elsewhere. But their loss in number of companions is not the only loss that we need to consider. Much larger, and more worrisome, is what the mainstream itself has lost.

Notes

- 1 An earlier version of this article was previously published in *Perspectives Chinoises/China Perspectives*, No. 2, 2009. Reprinted with permission of the journal.
- 2 The essay draws in part on a similar essay, entitled 'June Fourth: Massacre and the Morality of Memory,' that I wrote for the occasion of the tenth anniversary of the June Fourth Massacre. That essay was published in *Chinese Rights Forum*, summer 1999, pp. 18–21, 74.
- 3 *Dongfang Jishi*, no. 1, 1989, pp. 41–43.
- 4 www.twainquotes.com/Memory.html.
- 5 Can Xue, seminar at Harvard University, 1992; the quoted images are from pp. 47–49 of 'Hut on the Mountain' in Can Xue, *Dialogues in Paradise*, Evanston, IL: Northwestern University Press, 1989, pp. 46–53.
- 6 An account of these events appears in my book *Evening Chats in Beijing*, New York: W.W. Norton, 1992, pp. 45–48.
- 7 Zhang Liang, *The Tiananmen Papers*, New York: PublicAffairs, 2001.
- 8 Hong Kong, Open Books (Kaifang chubanshe), 2005.
- 9 Pu Zhiqiang, 'Bugai bei wangque de "baotu" qunti: "Liu-si" shiwu zhounian ji' (The 'hooligans' whom we should not forget: Remembering the fifteenth anniversary of June Fourth), *Dongxiang* (Hong Kong), no. 4, 2004. Translated into English as 'In Remembrance of the "Hooligans" of June Fourth,' Stacy Mosher, trans., *China Rights Forum*, no. 2, 2004.
- 10 Interview with Wu Wenjian in Liao Yiwu, *Zhongguo yuanan lu*, Washington, DC: Laogai Research Foundation, 2005.
- 11 Vaclav Havel, 'The Power of the Powerless,' in *Living in Truth*, London and Boston, MA: Faber and Faber, 1989, p. 59.
- 12 Primo Levi, *The Drowned and the Saved*, New York: Vintage Books, 1988, Ch. 3.
- 13 Ōe Kenzaburō, *Hiroshima Notes*, New York: Grove Press, 1996, pp. 19–20.
- 14 *Ibid.*, p. 109.

- 15 Hong Ying, *Summer of Betrayal*, trans. Martha Avery, New York: Farrar, Strauss, and Giroux, 1997.
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- 21 Vaclav Havel, 'Politics and Conscience,' in *Living in Truth*, London: Faber and Faber, 1989, p. 149.
- 22 *Hiroshima Notes*, p. 136. Primo Levi writes a remarkably similar line about Holocaust victims: 'It is illogical to demand ... that they all and always followed the behavior expected of saints ...' *The Drowned and the Saved*, p. 49.
- 23 Bloke Modisane, *Blame Me on History*, New York: Simon and Schuster, 1986.
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2 The Chinese Communist Party and 4 June 1989

Or how to get out of it and get away with it

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The victory in repressing the rioting and counter-revolutionary rebellion [of the spring of 1989 in Beijing] has deep historical significance. It has preserved the fruits of the victory of the Chinese revolution, strengthened socialism's strategic position in our country as well as the results of ten years of reform and opening, and it has provided the party and the people with an experience from which they have learnt extremely useful lessons.²

I have told foreign guests that during the last ten years our biggest mistake was made in the field of education, primarily in ideological and political education – not just of students but of the people in general. In future, we must make sure that no adverse trend is allowed to reach that point.³

The Chinese government believes that it learned the lessons of Spring 1989 and that the Chinese Communist Party (CCP) emerged strengthened. Overall, the events of the past 20 years confirm this. The price of this success was a lasting postponement of any hopes of democratisation in China. In this paper we will first present a general view of the means used by the CCP to strengthen its hold on the country, and then look in greater detail at the problems that the June 4th massacre continues to cause, at the way it is 'dealt with' but not resolved by the regime, and the possibilities of a future solution. The Chinese regime was able to extract itself from the June 4th crisis, but will it be able to erase the scar it has left on the history of contemporary China?

Facing the challenge

According to one of the history textbooks we will describe below, the Tiananmen Movement was the most serious political challenge faced by the CCP since it came to power. The Party's internal cohesion and legitimacy were seriously undermined, just at a time when Communism was in a state of turmoil in Eastern Europe and in the USSR. Contrary to the official version, the movement itself did not

challenge the Party's authority at the outset. But the intransigent attitude of the hardliners supported by Deng Xiaoping and other extremely powerful veterans led to a rift between the authorities and the demonstrators that was sealed by the bloody repression that followed. In the aftermath of June 4th the Party was faced with three main tasks: to rebuild its own cohesion, to regain control of the populace (especially of 'hearts and minds'), and to reconstruct its own legitimacy. Its first instinct was to return to the tried and tested methods of the Leninist party-state, which had begun to ease during the 1980s.

The return to party-state fundamentals

In this type of regime the party's own cohesion is decisive, for divisions in the senior leadership provide the sole opportunity for opponents to express themselves to any extent. That cohesion was obtained by eliminating the 'liberal reformist' faction, that is to say, the one that favoured political as well as economic reforms. At the highest level, this meant putting Zhao Ziyang under house arrest, arresting his secretary Bao Tong, and ousting Hu Qili, a close collaborator of Zhao's in charge of propaganda for the Politburo Standing Committee, together with Yan Mingfu, head of the United Front Work Department of the Central Committee, and Rui Xingwen, from the Central Committee Secretariat.⁴ The purge then spread to the other echelons. At the other end of the Party spectrum, the conservatives, who favoured greater economic orthodoxy, were gradually but efficiently edged out. An unprecedented consensus was therefore created around the idea of audacious economic reforms accompanied by the greatest possible political stability.

The consensus was obtained all the more easily since many leaders were alarmed by the 1989 movement, as well as by the spectre of collapsing Communism in Eastern Europe, the dire fate of China's great friend Ceausescu, and the fragmentation of the USSR. The leadership paid a great deal of attention to 'party construction,' that is to say its regular operation, development, and especially its effective leadership role in every field of activity, which Zhao Ziyang had begun to relax by advocating a clear separation between party and state. In addition, the quantitative and qualitative development of the Party apparatus was secured by a policy of systematic recruitment from the economic and intellectual elite, including from among students.

Control of society was restored in the same systematic way. The first action, of course, was to crush any remnants of dissent. This was first achieved by sheer terror, not only through the massacre itself, but also by parading tanks through Beijing over the following weeks, and broadcasting the list of wanted people on television, with appeals for informers leading to countless arrests, sometimes followed by rapid executions and heavy sentences. After this period of terror, the authorities in charge of political security, while continuing to use the routine system of prisons and labour camps for 'serious' cases, established systematic,

albeit more subtle and discreet, procedures for the surveillance of 'high risk' individuals. A range of measures remains in use, depending on the notoriety of the individual, from simple plainclothes police surveillance, to temporary house arrest or transfer to suburban hostels or even seaside resorts, to prevent dissidents from expressing themselves to journalists or visiting dignitaries on specific occasions.

At the same time, after June 4th all the social organisations outside of the Party, as well as the Party's own mass organisations, were dissolved and obliged to re-register with the authorities. That successfully eliminated a large number of those who had appeared receptive to the democracy movement or who were too close to the liberal faction in the Party. Later, state withdrawal from certain sectors such as education and health obliged the authorities to accept many new organisations, but strict rules were drawn up to ensure official supervision of their operations to and prevent any organisation from acquiring a nationwide footing. There is, of course, still no question of the Party accepting one of the students' demands from 1989: dialogue with voluntary groups arising spontaneously to represent the various social sectors.

One vital factor in the return to fundamentals was the reinforcement of every apparatus charged with propaganda and thought control. Deng Xiaoping had insisted in his 9 June speech (quoted above) on the need to remedy the Party's clear failure in this domain. Jiang Zemin hastily called for the strengthening of ideological work at the fourth plenum of the 13th Central Committee on 24 June 1989. Greater means and powers were immediately conferred on the Central Propaganda Department and all organs controlled by it.⁵ The 'liberal' democratic ideas blamed for the 1989 disturbances were firmly denounced and a connection was made between these ideas and the efforts of capitalist countries to foment a 'peaceful evolution' in socialist countries to force them off the socialist path. Since then, and despite the vast increase in the number of publications that have blossomed with the growth of the market economy, the propaganda authorities have succeeded in retaining a tight hold on all media and funnelling the Party's political message to the people. Even that new challenge, the Internet, has only partially escaped the efforts of the sophisticated and multifarious bodies in place to control it.

The control of young minds necessitates schooling, and special attention has been devoted to the ideological training of the country's youth since June 4th. We will see later how history textbooks have been used to this end. Political education classes, which are mandatory for everyone, also provide the setting for indoctrination in Marxist-Leninist-Mao Zedong Thought, in addition to the more recent developments in official ideology. These efforts at thought control have had only limited impact, since it is difficult to convince young people in China today that they are taking part in the country's march to a Communist society. The aim is really to impose a certain degree of compliance by teaching them what they must

say in official circumstances. But the Party has succeeded in finding another, far more powerful source of legitimacy, namely nationalism.

Constructing a new legitimacy

Since the events of 1989, nationalism, as presented under the label of patriotism, has been systematically promoted among young people. Daily flag-raising became obligatory in schools in the early 1990s. In 1993, the Central Propaganda Department issued a patriotic propaganda plan that included increasing the number of 'patriotic education sites,' and in August 1994, the Central Committee issued a 'National Program for Patriotic Education' that launched a major nationwide campaign. Funds were provided to develop activities as well as to build new museums and monuments. Patriotic education officially became 'the main task in the work of constructing spiritual civilisation.' This government-promoted nationalism has two major characteristics: it emphasises that China is under threat from the West, and it systematically defends the idea that the Party and the country are indissoluble. During an important working meeting on propaganda held in early 1994, Jiang Zemin stated, 'The international community is resolutely opposed to China becoming strong and powerful and will never abandon its stratagems for Westernising and dismantling China.' He added, 'In China patriotic, collectivist, and socialist education are one and the same thing. They are mutually supportive.'⁶ It was around this time that history textbooks and museums systematically produced references to the 'national humiliation' to which China was subjected by the Western powers during the nineteenth and twentieth centuries.⁷

The use of nationalism as a means of uniting the populace and distracting it from democratic ideals of Western origin met with some success, notably among young people. Chinese nationalism has a long tradition and is relatively easy to reactivate. It can also be based on a feeling of pride in the progress of the country's economic development, with its positive effect on purchasing power. Since the reforms began, the population's improved standard of living has been the regime's main source of legitimacy, and even more so with China easing into economic globalisation since the 1990s. The government has never failed to congratulate itself on this success or to boost national pride by insisting that China has become a major economic player and has a vocation to be a leading twenty-first century power.

But strengthening the regime and finding a new legitimacy after the ordeal of 4 June 1989 were not enough to make people forget the government's 'original sin.' The spectre of the massacre continues to haunt the leadership, as witnessed by the feverish activity every year as the anniversary date approaches, notably by placing under surveillance anyone who might be tempted to commemorate the event publicly, and tightening controls over the media and the Internet. Indeed, the events of 1989 remain an open wound in Chinese society, and the Party's attitude to the problem reveals its weaknesses, as well as its strengths.

The government's 'treatment' of June 4th

One factor in CCP domination over Chinese society has been its control of the past; the Party pays special attention to the sombre events in its own history.⁸ The 1989 movement is a particularly sensitive topic and therefore a good example. Moreover, the way it is dealt with in history books is deeply significant.

The events of June 4th in school textbooks

The main method employed is quite simply total concealment. That method is applied throughout primary and secondary school. Ideally, of course, these events would be made to disappear from social memory altogether, and be transformed into non-events for all the generations who did not actually witness them directly. Consequently, high school history books contain no mention of June 4th. The textbook used by Chen Ziming's son in Beijing jumps directly from 1984 to 1998 as far as domestic policy issues are concerned; nor does the textbook mention the names of leaders such as Hu Yaobang or Zhao Ziyang, since they are not considered positive figureheads, even though they played important historic roles. Their names do not appear in the official media, either, or only very rarely, and they are unknown to the younger generation.⁹

It is rather more difficult to pass over the entire period in silence for university students with the history of China in their curriculum. Yet their textbooks provide a highly edited version of events. We will discuss two of these (which we will call TB1 and TB2) that are widely used today, both published by the Higher Education Press.¹⁰ The first (TB1) is the final volume of a three-volume set on the history of China. It was originally published in 1997, and updated for a second edition on the occasion of the 50th anniversary of the foundation of the People's Republic of China in 1999. The second textbook (TB2) is the sixth and last volume of a collection that also covers the entire history of China. This one was first published in 2001 as part of a series called 'Textbook Series for the Twenty-first Century.' Work for the six-volume collection began in 1994, and every sentence has been carefully weighed and discussed. The target readers are undergraduate students with Chinese history in their curriculum, including history students and also students of Chinese, philosophy, and social sciences (it is stressed that they are not obliged to read everything; only selected passages), as well as postgraduate students in the same subjects, and history teachers (TB2, p. 2).

In its introduction, TB1 clearly states its objectives in publishing a history of the People Republic of China (PRC) (TB1, pp. 2–3):

- 1 'To reinforce the patriotic spirit and national cohesion.' While expressing pleasure that the period of China's weakness is over and that the Chinese people can at last 'raise their heads' as never before in their history, the authors

caution, ‘But we must also recognise that our country is still not powerful enough [...], and that all sorts of difficulties and dangers lie ahead, notably due to the continued frenzy of hostile foreign forces, and growing hegemony, and because those forces are continually seeking opportunities to foment trouble in the insane hope of overturning Socialist China.’ Therefore it is necessary to continually reinforce the nation’s patriotic heritage and national cohesion ‘so that Socialist China will never again be in a losing position and will continue to advance victoriously.’

- 2 ‘Strengthen socialist faith.’ Having confirmed that the CCP, armed with Marxism-Leninism-Mao Zedong Thought, led China to national independence and development, the authors note with pride that ‘Today, at a time when the socialist cause has been subjected to serious setbacks in the world, socialism in China continues to demonstrate its vitality and energy.’ According to the authors, despite past errors committed on the socialist path, the CCP developed its own theory, namely ‘socialism with Chinese characteristics,’ that has been proved to suit the Chinese situation, and will enable the country to ‘strengthen its faith in the final victory of socialism.’ On the basis of this faith, one must ‘unite the people in this new century, to win new victories in the construction of a powerful modern socialist state.’
- 3 ‘Study and master the theories of good national governance.’ History shows, continues the textbook, that Mao Zedong Thought was the appropriate theory for the revolutionary phase and the establishment of power, and that Deng Xiaoping’s theories were suited to the next stage of development. Thus, ‘to study the history of the PRC means studying and mastering Mao Zedong Thought and Deng Xiaoping’s theories.’ The authors stress that the latter theory dominates in China today, and mastery of it is ‘the surest way to overcome all the difficulties in our path, of rejecting all nefarious interferences and overcoming all obstacles.’

The textbooks’ aim to indoctrinate through history is clearly avowed, the important matter being that everything in the textbooks is ‘correct’ (*zhengque*), that is to say, politically correct.¹¹ Thus the title of the final chapter (Chapter 10) is ‘Raise high the banner of Deng Xiaoping Thought to victoriously enter the new century,’ a slogan launched by Jiang Zemin for the 50th anniversary celebrations of the PRC. The final section is devoted to reasons why the Chinese people can be confident in the future: 1) the fact that the Party and the state have assigned them ‘clear struggle objectives’; 2) the experience acquired since the foundation of the PRC, and notably since reform and opening up; 3) the socially and politically stable situation; and 4) the ‘immense spiritual energy’ generated by the patriotic spirit and national cohesion. On the final page of the book, the authors note with pride ‘the unprecedented patriotic tide’ that followed the bombing of the Chinese Embassy in Belgrade in a NATO air strike just a few months before the book

was published. The authors were also delighted that ‘this barbaric act carried out by NATO forces led by the United States has made people think carefully and discover the true face of US hegemony and superpower policy, and to see the imperialist and hypocritical nature of American democracy and the strategic ambition of the United States, which consists of containing China and exercising global hegemony.’

Thus, in China today a history manual is also a combat manual for ‘arming’ (*wuzhuang*) youth with the correct thought so that young people may take part effectively in the ‘clear struggle objectives’ assigned to them. We should not, therefore, be surprised by the omissions and distortions of fact that blot the section on the 1989 Democracy Movement, or its biased interpretation and strident tone.

TB2 is shorter and therefore less detailed, but the reasoning is better structured, the style clearer and more concise, and the tone and underlying ideas slightly more restrained. The difference between the two texts is reflected in their covers. The entire cover of TB1 consists of the well-known Tiananmen grandstand with the portrait of Mao in the middle, against a backdrop of the red flag with its five yellow stars. TB2’s cover shows a small photograph of the Chinese space rocket, against a backdrop of geometrical figures in a somewhat less aggressive red than is used for TB1. However, these are mere details. Essentially the two textbooks present the same history, often using the same arguments and the same quotations – and of course with the same omissions. Their similarity is due to the fact that there is only one official version of history. With regard to the episode that interests us here, the version used is the one honed during the official statements that followed June 4th, and especially the one given in Deng Xiaoping’s speech of 9 June and then perfected during the fourth plenum of the 13th Central Committee on 23 and 24 June 1989.

In TB1 this section is called ‘The political disturbances (*zhengzhi fengbo*) of 1989 and the convening of the fourth plenum of the 13th Central Committee.’ It is approximately eight pages long, without any sub-divisions (pp. 358–366). In TB2, the title is ‘Putting down the political disturbances of 1989,’ and it consists of just over three pages (pp. 309–312) divided into two parts: 1) the political turmoil of 1989 and how it was quelled, and 2) establishing a new central collective leadership during the fourth plenum of the 13th Central Committee. Both texts start by analysing the causes of the disturbances (*fengbo*).

In TB1, the blame is laid first and foremost on Zhao Ziyang. He is criticised for having prematurely interrupted the campaign against bourgeois liberalism after 15 March 1987, attacking the Marxists inside the Party, criticising the ideological and political work, and failing to fight the spread of corruption. In addition, inflation and economic unrest led to discontent among the people, who misunderstood (*wujie*) what was happening. This situation was used by the advocates of bourgeois liberalism to attack the Party leadership and promote extensive Westernisation and capitalism. Gradually, through meetings and petitions demanding a change of political regime, a reactionary force was established. Hostile foreign powers then reinforced their strategy of peaceful change by exerting pressure. The wave of

‘social-democratic’ thought that was unleashed in a number of East European socialist countries at the time further encouraged the liberal bourgeois elements. That explains the turmoil (*dongluan*) that occurred in the country between 15 April and 4 June and the counter-revolutionary rebellion (*fangeming baoluan*) that took place in Beijing.

In TB2, the ideas are roughly the same but the argumentation is better structured and the style is clearer and more concise. The events, described as ‘serious political disturbances’ (*yanzhong de zhengzhi fengbo*), are first placed in context: a time when the Party and the government were beginning to adjust the economy (*zhili zhengdun*). The authors explain that the extent of the violence was unprecedented since 1949 and was a severe test for the Party and its policies as laid down in the third plenum of the 11th Central Committee. There were numerous causes, the authors claim, and they proceed to introduce a certain detachment early on by quoting Deng Xiaoping’s *a posteriori* evaluation of the events, by which ‘These disturbances were bound to occur at one time or another. They were caused by the international macroclimate and the Chinese microclimate. They had to happen. This was not something that could be altered by human volition.’ (Now, as then, this stance absolved Deng and the CCP of their considerable responsibility.)

The authors then mention the external causes, insisting on efforts by ‘the Western imperialist world’ to force socialist countries to abandon their socialist road through the increased insistence on ‘peaceful evolution’ and the unleashing of social-democratic ideas in the USSR and Eastern European countries. Within China, a number of leaders at all levels, including the central level, are accused of having neglected their ideological work. (Here the difference with TB1 is clear: Zhao Ziyang’s name is not even mentioned.) A small minority (*ji shaoshu*) of leading cadres are accused of having used their powers for personal gain, which gave rise to a serious problem of corruption and led to a weakening of the Party’s prestige. In addition, inflation reduced standards of living, which had risen continually since the reforms, and led to discontent and misunderstanding among the population. All these factors encouraged the fanatics of bourgeois liberalism to demand ideological pluralism, total Westernisation, and privatisation, which further perturbed the people.

With regard to the events themselves, there is scarcely any difference between the two textbooks. According to TB1, the factor that triggered events was the death of Hu Yaobang on 15 April. ‘A tiny minority of advocates of bourgeois liberalism believed that this provided them with a good opportunity. They fomented political troubles that had long been brewing and that aimed to overthrow the Party’s leadership and Socialist China.’ The tribute to Hu was justified, they say, but the tiny minority used that pretext to set off untruthful rumours in which Hu’s death was the result of political persecution. Consequently the student commemorations were rapidly transformed into political-style demonstrations. Suddenly the rumours spread, along with attacks in posters, banners, and slogans against the main Party and state leaders, the Party leadership, and the socialist system. Within

a few days illegal acts were occurring, such as the serious incident of the attack on Xinhuaamen,¹² the occupation of Tiananmen Square, and large-scale demonstrations. 'They also set up illegal organisations such as the Autonomous Student's Federation,' and they (the 'they' is unclear) aroused the masses, to the extent that the demonstrations spread throughout the country. Riots and other criminal acts occurred in Xian, Changsha, and Chengdu. Troublemakers (*dongluan zhizaozhemen*) used the student movement to include a number of political demands in their programme, the two most important being, 1) to re-evaluate Hu Yaobang and refute the way the Central Committee forced his resignation in 1987; and 2) to refute the campaign against bourgeois liberalisation and rehabilitate those who had been targeted by it. Thus, from the outset the unrest revealed the deep antagonism between bourgeois liberalism and the Four Cardinal Principles.¹³ But faced with the unrest, Zhao Ziyang adopted a tolerant and supportive attitude.

On 23 April, Zhao Ziyang went to North Korea. On 24 April, Li Peng convened a meeting of the Standing Committee of the Politburo, and after examining the facts decided that the country was already facing planned and organised political anti-Party and anti-socialist unrest. A decision was taken to 'mobilise the masses unreservedly, to try to rally the majority, isolate the minority, and fight hard to rapidly quell the unrest.' On 25 April, Deng Xiaoping made an important speech in which he declared his full support of the Standing Committee decisions. On 26 April, *People's Daily* published an editorial summarising the speech and calling on everyone to 'fight to rapidly put an end to this unrest.' The textbook goes on to say, 'After the editorial was published and thanks to the increased political and ideological education of the students by Party organisations at all levels, many students understood the nature of the struggle. The situation of higher educational establishments in Beijing and other cities began to stabilise. But then Zhao Ziyang, who had returned to the country a few days earlier, suddenly changed his positive attitude to Deng Xiaoping's speech, and declared that the account of the movement in the 26 April editorial was erroneous and should be corrected.'

This is an interesting passage, for it starts with a monumental historical untruth about the effect of the editorial. Not a word is said about the massive demonstrations of 27 April, which proved to be the movement's veritable take-off point. By deciding to pursue their actions despite the condemnations and threats in the *People's Daily* editorial, the students presented Deng Xiaoping and Li Peng with a challenge unprecedented in the history of the PRC. But the textbook's authors, not content with concealing this vitally important event, affirm the exact opposite of what happened by stating that the situation stabilised as a result of the editorial disseminated by the Party organisations. And by describing acts that Zhao was accused of having committed, they logically pursue their construction of an explanation entirely based on a plot by a handful of bourgeois liberals and Zhao Ziyang's betrayal.

The authors mention Zhao's speech on 4 May to the Asian Development Bank, which went against the Party decisions and revealed divisions in the leadership,

thereby encouraging the troublemakers. Zhao is accused of making a speech on 6 May encouraging freedom of the press, with the result that 'an erroneous tendency emerged in public opinion in support of the student movement and the disturbances.' The leaders of the disturbances then played two cards: 1) they claimed that they wanted 'dialogue' with the government (a blatant lie once again, since the students asked for discussions with the government from the very start of the movement);¹⁴ and 2) they organised a hunger strike: 'On 13 May, at the instigation of a tiny minority, some of the students held a hunger strike on Tiananmen Square.' This action attracted sympathy from the people, and as a result hundreds of thousands of people expressed their support. The important Sino-Soviet summit (the despised name of Gorbachev is not even mentioned) was partially disrupted by these activities. On the evening of 16 May, an emergency meeting of the standing committee was called but failed to reach a decision because of Zhao. On 17 May the number of demonstrators and attacks against Deng Xiaoping reached an unprecedented level. On the evening of the same day, a Standing Committee meeting decided to implement martial law, since the police could no longer control the situation. A meeting of Beijing Party cadres was convened for the evening of 19 May to take the radical decisions required to put an end to the disturbances, but Zhao Ziyang refused to take part, thus demonstrating his open break with the Party.

In accordance with the constitution, martial law was set to take effect on 20 May at 10 a.m. However, the troublemakers continued to occupy the Square, create incidents, and aggravate the situation, and the unrest in Beijing was transformed into counter-revolutionary rebellion. (There is no mention of the fact that the population of Beijing had massively prevented the troops from entering the city; a 'tiny minority' would not have been able to do that.) On 3 June, when martial law troops were taking up their positions, the leaders of the illegal organisations set up barricades at several crossroads, blocked the military trucks, and even burnt some of them, killing soldiers and officers in the process. It is worth quoting the end of this passage in full: 'They even planned to use the fact that the following day was a Sunday to round up the maximum amount of people in the streets and create a riot situation for the purpose of overturning the government and taking power in one fell swoop. Faced with this extremely critical situation, on the evening of 3 June, the Party Central Committee, the government, and the Central Military Commission had no choice but to make the determined decision to order the martial law troops stationed around Beijing to enter the city by force and quell the counter-revolutionary rebellion. As they advanced, and faced with an intolerable situation, the troops were obliged to defend themselves against the barbaric attacks of the rioters. At dawn on June 4th, the few thousand students still on Tiananmen Square were all persuaded to leave peacefully by the troops, who showed extreme patience and perseverance.'

This version contradicts every eye-witness report and all available documents about the event, including reports that appeared in numerous Western media whose correspondents were present at the time. It is written in an aggressive tone and is especially virulent against Zhao Ziyang. The authors appear to have stuck closely to the official version of the time, especially that of the leader most targeted by student hostility, Prime Minister Li Peng.

To conclude this section, the authors provide a quotation by Deng Xiaoping on the inevitable nature of this event, which was also used to introduce the events in TB2. The description in TB2 is almost identical, but with fewer details. The condemnation of Zhao Ziyang is slightly less virulent but the criticisms are the same.

The effects of ideological control on young people

Today we are able to see the relative effectiveness with which the Tiananmen Movement has been concealed from the country's youth. The majority of young people today, even in cities, do not know that the People's Liberation Army carried out a massacre in the centre of Beijing at that time. And while the picture of the young man in a white shirt courageously facing a column of tanks on 5 June 1989 is known throughout the world, the director of the 2006 film *The Tank Man* revealed that young students in Beijing today have no idea of what that picture represents and are quite incapable of guessing what it was about.¹⁵ Some of my Beijing friends have told me of their children's astonishment when they decided to tell them about what happened in the night of 3–4 June 1989. Those young people, already at university, were astounded to discover that an event of that nature had occurred in their city in their own lifetimes, and had never heard it mentioned before. Only some children of democracy movement activists or from the families of victims have heard June 4th mentioned by their parents since childhood. Of course this official blackout is not restricted to school books but extends to the entire media, including the Internet, where any references to the events are systematically removed. And many of those who have learned about the 'political upheavals' of 1989 in the course of their studies or authorised political activities believe the official version of counter-revolutionary unrest manipulated by foreign anti-Chinese forces.

The spectre of June 4th

The Chinese authorities therefore maintain the interpretation of events they gave at the time, and have never expressed the least regret for the loss of life, which is still impossible to quantify because of the total ban on any debate or enquiry. Nevertheless, despite all efforts to expunge this event from popular memory – successful where the younger generation is concerned – June 4th continues to haunt

Chinese society. Families who lost a child, participants who suffered physically, and countless others who endured mental trauma or who were at least shaken and shocked by this massacre, will never forget what happened. But the possibility remains that even those who did not witness the events and know nothing about it, or only the official version, may one day learn the truth. The existence of this skeleton in the Chinese closet directs the behaviour of those who know themselves to be guilty and who consequently use every trick in the book and devote all their energies to ensuring that the closet door will never open.

Under these circumstances, the victims' wounds will obviously never heal. In addition to the injustice to several thousand families, June 4th is an intractable problem that has paralysed relations between the government and the people, creating an unhealthy situation composed of lies on one side and mistrust on the other. Any loosening of control over publications and the media, and especially in the monopoly of the interpretation of history, carries the risk of the government having to answer questions about what really happened in 1989, and ultimately about its responsibility in the matter. The June 1989 events are therefore an aggravating factor in blocking political reform in China.

So what is the way out? Many Chinese intellectuals have given this a great deal of thought, especially participants and direct observers at the time. The writer Dai Qing caused a sensation in March 2009 when she published an article in the Hong Kong magazine *Yazhou Zhoukan* calling for reconciliation between the government and the populace regarding June 4th, on the model of the South African Truth and Reconciliation Commission.¹⁶ She believes that achieving reconciliation requires the truth to be established first, and that both government and students must recognise their errors.

Dai Qing was not the first to come up with the idea of the need for reconciliation. A Chinese reconciliation think-tank (*Zhongguo hejie zhiku*) has been in existence since March 2007, gathering Chinese intellectuals in China and abroad, the main leader being a Chinese university professor living in Australia. This group has started to establish a 'truth and reconciliation commission enquiry.' Acknowledged participants in the 1989 movement, such as Chen Ziming, Liu Xiaobo, and Zhou Duo, are members of the commission and have publicly defended the reconciliation idea.¹⁷ The concept is also included in Charter 08 (Item 19 of the chapter called 'Our proposals'), which is not surprising, given that many think-tank members are signatories.¹⁸ But while numerous supporters of the democracy movement claim that they would like to see reconciliation one day, most agree that it can only be done on the basis of an acknowledgement of facts and responsibility on the part of the government. Charter 08 is very clear on this point. But as Wang Dan has observed, there is no sign that the government intends to make a move in this direction; rather, it is reinforcing its control over this highly sensitive issue.¹⁹

So long as the same people (or their direct political heirs) remain in power, the principal obstacle to a search for historical truth is of course the leaders' fear of

being brought to account. One might conceive that, as in the case of South Africa, the commission's participants would accept from the outset the principle of individual pardon for those held accountable. But even if the victims accepted that, the authorities would certainly not tolerate a commission of this nature, given the current relationship between the government and society. As the philosopher Zhang Boshu from the Chinese Academy of Social Sciences has remarked, 'Reconciliation is symbolic of a certain political culture. It is a connection that establishes people on an equal footing, an exchange or a compromise. That tradition is missing in China.' If there is such a thing as a 'Chinese tragedy,' it is undoubtedly the government's incapacity to hold a dialogue with society. The CCP's refusal to budge an inch from its position of radical superiority prevented it from replying honestly to the students' demand for dialogue. As early as 25 April, it also led Deng Xiaoping to condemn the spontaneous student movement, contrary to all evidence, as 'riots organised by conspirators whose basic aim is to overthrow the Communist Party leadership and the socialist system.' This concept of power as a citadel to be defended at all costs led the government to resort to the most brutal force against the so-called 'counter-revolutionary rebellion.'

The tragedy is that Chinese society is powerless to extricate the government from its closed, paranoid arrogance. The debates that have taken place on the Internet regarding the various stances of the reconciliation think-tank members have stressed the difficulty of the task. Indeed, if the CCP has no intention of recognising its wrongs, it will not accept any expressions of goodwill intended to make it do something it does not want to do. It will always ask the other side for more repudiation, which would cut off any potential dialogue participants from their own base. The main criticism on the Internet, targeting Dai Qing's suggestions in particular, is that asking each side to recognise their mistakes puts the students' tactical and organisational errors on the same footing as the government's crimes. Hence the concern of one proponent of reconciliation: 'I would like the Chinese intellectual elite demanding reconciliation not to defend the mentality of a servile people at the same time.'²⁰

Several commentators have pointed out that there are characteristics in the South African situation (conflict between races, the positive role of religion and Cardinal Tutu, etc.) that were not present in the case of June 4th. The most comparable event would probably be the Kwangju Massacre in South Korea in 1980.²¹ But if the South African case has become a model, it is because it was a brilliant symbol of peaceful democratic transition. And as the Chinese Communist Party has constantly repeated, especially in the past few months, China will in no way follow the 'Western' political model.²² So despite the sincere desire for reconciliation advocated by Dai Qing and many other Chinese intellectuals, they must understand that 'it takes two to tango,' and that as long as the government feels secure only in a position of absolute superiority, the gulf that lies between the fortress of power and the people will be very difficult to breach.

The June 4th events and the future of the regime

The 20 years following the events of 4 June 1989 have seen a great economic leap forward, combined with a terrible political leap backward. The resulting split has produced an enigmatic regime, something of an unidentified political object. We are fascinated by its socio-economic vitality and flexibility, but concerned by its internal and external political rigidity. We might agree with Xu Ben, a democracy movement intellectual, that June 4th made the CCP regime shift from the post-totalitarian period of the 1980s to a neo-totalitarian one that is even harsher and, more importantly, further from any possible democratic transition.²³ It is true that 'authoritarian' is a weak description for the sort of control we have described. Any authoritarian regime could carry out a massacre like the one of June 4th, but the systematic concealing of that event, to the extent that the country's entire youth is ignorant of it, is an exploit quite specific to a certain kind of regime.

Whatever concept most appropriately defines the regime, we should emphasise that, despite everything, there has been a continuity throughout the 'reform and opening' period (*gaige kaifang*) attributable to the personality and volition of one man, Deng Xiaoping. Deng was the man of development under dictatorship, and his influence was decisive, both at the end of the 1970s and at the end of the 1980s. His strategy had a dual foundation: the *gaige kaifang* policy that triumphed at the third plenum of the 11th Central Committee at the end of 1978 and established Deng as the true leader; and his speech on 30 March 1979, which set the political limits of reform by establishing the Four Cardinal Principles and signalled the beginning of the end of the first 'Beijing Spring.'²⁴ It is true that Deng was only one among many to fine-tune the reforms. Leaders such as Hu Yaobang, Wan Li, and Zhao Ziyang also played an important role. But it was Deng who set the overall trend with his policy of balancing *gaige kaifang* with respect for the Four Cardinal Principles, as resurrected in the slogan 'seize with both hands' (*liang shou zhua*). And thanks to the famous 'ginseng factor' (by which many CCP veterans were still in a condition to intervene in 1989), Deng was still sufficiently vigorous ten years on to reiterate it in reverse, first by crushing the June 4th movement in a bloody confirmation of the Four Cardinal Principles, and then with his tour of the south in early 1992, which launched a new stage in reform and economic opening.

What June 4th really changed, and this possibly justifies the idea that a new phase had begun, was that the crisis persuaded the entire leadership to adhere strictly to the Leninist party-state and abandon any prospects of far-reaching political reforms. The fact that neither of the two post-4 June General Secretaries, Jiang Zemin and Hu Jintao, strayed from Deng's policy demonstrates that it was viable and suited the interests of the leading cadres. Nevertheless, because of the considerable cost of this policy in terms of individual liberties, especially freedom of thought and creation, the respect of human rights, the fight against corruption, the promotion of social harmony and equity, and civil participation in political life, we

cannot believe that it has been beneficial to the long-term interest of the country as a whole. It is certainly unhealthy for a political regime not to face up to its own history and to impose a collective amnesia or distorted memory on its people. As was the case at the end of the 1970s after Mao's death, only a courageous re-evaluation of past verdicts, especially those concerning the democratic demands of 1989, will enable China to find a more harmonious development.

Notes

- 1 An earlier version of this article was previously published in *Perspectives Chinoises/China Perspectives*, No. 2, 2009. Reprinted with permission of the journal.
- 2 TB1 (see note 10 below), p. 361.
- 3 Extracts from a speech by Deng Xiaoping on 9 June 1989 to the army officers charged with applying martial law in the capital (Deng Xiaoping, *Selected Works*, vol. 3, Beijing: Foreign Language Press, 1994).
- 4 On the events and the players of the crisis in spring 1989, see J.P. Béja, M. Bonnin, and A. Peyraube, *Le tremblement de terre de Pékin*, Paris: Gallimard, 1991, and Zhang Liang, *The Tiananmen Papers*, New York: Public Affairs, 2001.
- 5 See A.M. Brady, *Marketing Dictatorship: Propaganda and Thought Work in Contemporary China*, Lanham, MD: Rowman and Littlefield Publishers, 2008, pp. 44–47.
- 6 *Ibid.*, pp. 49–50.
- 7 W.A. Callahan, 'The Cartography of National Humiliation and the Emergence of China's Geobody,' *Public Culture*, vol. 21, no. 1, 2009, pp. 141–173.
- 8 M. Bonnin, 'The Threatened History and Collective Memory of the Cultural Revolution's Lost Generation,' *China Perspectives*, no. 72, 2007/4, pp. 52–64. See also other contributions in the same issue.
- 9 Chen Ziming, a veteran of the Chinese democratic movement since 1976, was considered as a "black hand" of the Tian'anmen movement. Since his release from prison, he has been living in Beijing. See his interview in *Meiguo zhi yin (VOA)*, 7 April 2009, found at the following link: www.secretchina.com/news/287503.html.
- 10 Textbook 1 (TB1): He Qin (Ed.), *Zhonghua renmin gongheguo shi, di er ban* (History of the People's Republic of China, 2nd edition), Gaodeng jiaoyu chubanshe (Higher Education Press), September 1999 (1st edition: April 1997), 494 pp. (The book we used was bought in Shanghai in January 2009. It was the 16th printing, dated December 2007).
Textbook 2 (TB2): Yang Xiancai (Ed.), *Zhongguo lishi — Zhonghua renmin gongheguo juan* (History of China — The People's Republic of China), Gaodeng jiaoyu chubanshe (Higher Education Press), July 2001 (1st edition), 356 pp. (The book we used was bought in Shanghai in January 2009. It was the 10th printing, dated 10 March 2008), and part of the collection called *Mianxiang 21 shiji kecheng jiaocai* (Textbook Series for the Twenty-first Century).
- 11 He Qin is a professor in the Party History Department at People's University, and Yang Xiancai is a researcher in the Party History Research Centre attached to the Central Committee.
- 12 The publisher uses this three times to describe the textbook in the seven-line 'blurb' at the beginning of the book.
- 13 On the evenings of 19 and 20 April, the students organised a sit-in at Xinhuaamen, the southern gate to Zhongnanhai, the residence of the highest party leaders close to Tiananmen. That was where the first skirmishes with armed police occurred.
- 14 The socialist path, Marxism-Leninism-Mao Zedong Thought, the people's democratic dictatorship, and the leadership of the Party.
- 15 See Béja, Bonnin, and Peyraube, *op. cit.*, p. 157.
- 16 The film can be viewed on the PBS website: www.pbs.org/wgbh/pages/frontline/tankman/view/.
- 17 This commission was established in 1993 and presided over by Nobel prizewinner Archbishop Desmond Tutu. Its aim was to establish an inventory of the crimes and political abuses of power committed in the name of the South African government as well as the national liberation

movements since 1960, and possibly offer amnesty. The commission contributed to the reconciliation between the black and white communities at the end of apartheid.

- 17 See 'Aozhou Zhongguo hejie zhiku' (The Chinese reconciliation think-tank in Australia), *Yazhou Zhoukan*, 15 March 2009. For the objectives and list of members see <http://zxwh.cc333.com/cgi-bin/index.dll?page6?webid=cc33382:421userid=2242535&columnno=10&articleid=934>.
- 18 For the full English text of Charter 08, see the Chinese Human Rights Defenders website at www.crd-net.org/Article/Class9/Class98/200812/20081210142700_12297.html. With regard to the establishment of a truth commission, the Charter does not limit its scope to June 4th but extends it to include all 'past injustices and atrocities.'
- 19 Yawei, 'Zhongguo minjian renshi tichu liusi shehui da hejie' (An unofficial Chinese personality suggests a major reconciliation for June 4th), at: www.voanews.com/chinese/archive/2009-03/w2009-03-18-voa66.cfm?CFID=173048944&CFTOKEN=87543325&jsessionid=003081b60956f0aad4442e52445f661e4264.
- 20 *Duli pinglun* (The independent review), 3 November 2008: www.duping.net/XHC/show.php?bbs=11&post=909435.
- 21 See Mo Li, for example, 'Liusi wenti jiejie fangshi zhi tantao' (Debate on the ways of solving the June 4th problem), *Zhengming*, no. 378, April 2009, pp. 77–79.
- 22 For instance, Jia Qinglin's speech at the meeting of the People's Political Consultative Conference (Xinhua News Agency, 18 January 2009), the report by Wu Bangguo to the annual session of the National People's Congress (Xinhua News Agency, 9 March 2009), as well as articles devoted to the subject by a number of official intellectuals on page 7 of the 9 February 2009 edition of *People's Daily*.
- 23 Xu Ben, 'Zhongguo de "xin jiquanzhuyi" ji qi moshi jingxiang' (Chinese neo-totalitarianism and its end-of-the-world scenario), *Dangdai Zhongguo yanjiu*, vol. 12, no. 4, 2005, pp. 4–26.
- 24 For more about this period see V. Sidane, *Le Printemps de Pékin*, Paris: Gallimard, coll. Archives, 1980.

3 The Impact of the June 4th Massacre on the Pro-Democracy Movement

*Jean-Philippe Béja and Merle Goldman*¹

China's military crackdown on student demonstrators in Beijing's Tiananmen Square on 4 June 1989 demonstrated the Chinese Communist Party's (CCP) determination to wipe out any challenge to its rule. It showed that direct confrontation with the authorities would result in defeat because the forces at the Party's command could easily suppress the demonstrators. At the same time, it also highlighted the events that preceded the crackdown – efforts by various segments of the Chinese population to bring about political change. As the demonstrations moved from Tiananmen Square to other areas of Beijing and then to other cities throughout the country in the spring of 1989, they became a grass-roots, multi-class movement (341 cities, according to official sources)² calling for political reforms, including the reform of China's Leninist political system. This was not the first time that the Party had cracked down violently on a mass movement, but it was the unprecedented events precipitating June 4th – the emergence of a multi-class movement calling for political reforms, rather than the crackdown itself – that is the major legacy of June 4th.

Previous efforts calling for political reforms in the People's Republic had been carried out primarily by intellectuals. In the early 1950s, the writer Hu Feng and his disciples protested against the increasing restraints on freedom of expression. As a result, they were denounced in 1955 as 'counter-revolutionaries' and were severely punished. Yet, shortly after the campaign against Hu Feng, Mao Zedong launched the most far-reaching liberalisation during his rule (1949–76), the Hundred Flowers movement of 1956 and the first half of 1957, during which Mao briefly relaxed the Party's ideological controls and urged the expression of a variety of views.³ In response, a number of well-known intellectuals and students demanded more freedom of speech and association and criticised the Party's repressive policies. As these demands spread and became more persistent, in June 1957 Mao abruptly crushed this brief ideological flowering with the launch of the anti-rightist campaign against intellectuals, their associates, and their families, as well as anyone whom Mao believed was conspiring against him. They were labelled 'rightists' and were literally read out of society. The attacks on the

rightists climaxed with the Cultural Revolution (1966–76), when Mao turned against members of his own party.

After Mao's death in September 1976, Deng Xiaoping, Mao's former Long March comrade, began to move away from Mao's ideological policies, rehabilitated the rightists, opened China to the outside world, and developed the Chinese model of a market economy presided over by an authoritarian government. Despite the continuing political rule of the Communist Party, a number of demonstrations erupted calling for political reforms. In 1978–79, in what is now called the 'Democracy Wall' movement, former Red Guards who had been exiled to the countryside returned to the cities, where they used the techniques they had learned in the Cultural Revolution – putting up wall posters, printing news sheets, and debating on street corners – to call for political reforms.⁴ In late 1986, a number of demonstrations expressing similar demands occurred at Chinese universities. The demonstrations that drew the most attention were led by the astrophysicist Fang Lizhi at the University of Science and Technology in Hefei, Anhui. As these demonstrations spread to other college campuses, the Party abruptly cracked down on the demonstrators, and Deng and the elders dismissed then CCP General Secretary Hu Yaobang, who had tolerated the demonstrations and had advocated political as well as economic reforms.

It was Hu's death of a heart attack on 15 April 1989 that sparked the most far-reaching and widespread demonstrations of the post-Mao era. They began in Tiananmen Square, the seat of China's Party and government, and quickly spread to major cities. What made the 1989 demonstrations different from the earlier protests was that they expanded and continued for nearly six weeks, attracting the growing participation of other classes – entrepreneurs, professionals, workers, housewives, and street vendors – until Deng ordered the military to carry out a violent crackdown in Beijing on June 4th that brought the demonstrations to an abrupt end throughout the country. The crackdown was followed by the arrest of the student leaders, the repression of their followers, and the purge of Zhao Ziyang, who had replaced Hu Yaobang as Party general secretary in 1987 and in the late 1980s had called for the political reform of separating the Party from the government.

These events are remembered by participants and their sympathisers as marking the Party's rejection of major political reforms, with the exception of the village elections that allow 75 per cent of the nation's population, in 600,000 villages, to elect their local leaders.⁵ At the same time, as China's economy continued to grow at 9–10 per cent per year and the Chinese enjoyed relative social stability, the legitimacy of the Party leadership and its authoritarian-market model of development was strengthened. Although not articulated by China's leaders, China's post-Mao experience dramatically refutes the Marxist theory stating that when the substructure, i.e. the economy, changes, the superstructure, i.e. the political

system, will change as well. In the aftermath of 4 June 1989, the economic growth and relative stability in China for almost 20 years has demonstrated that an authoritarian market economy can be a viable model of development.

The antecedents to China's 1989 democracy movement

The spring 1989 Tiananmen Movement of students and intellectuals calling for political reforms was not a unique event in China. Throughout Chinese history, intellectuals have publicly demanded political reforms. During the imperial era, Confucian literati spoke out on matters of public concern, believing it was their responsibility to criticise officials and even the Emperor when they diverged from the Confucian ideals of morality and fairness. In the late Qing dynasty, intellectuals advocated transformative political reforms during the Hundred Days of Reform in 1898 and helped to bring about the fall of the dynastic system in the 1911 Revolution. During the May Fourth movement of 1919, intellectuals and students, with the support of China's workers and part of the rising bourgeoisie, called for 'Science and Democracy.' Although during the period of Kuomintang government (1927–49) Chiang Kai-shek attempted to stifle demands for political reforms, the government was too weak to silence the intellectuals and students who continued to criticise repressive officials and policies. They also called for new political institutions and engaged with others in political protests.

Even during the repressive policies and totalitarian controls of the Mao Zedong era, intellectuals continued to dissent.⁶ As noted above, despite the campaign against the writer Hu Feng and his associates in 1955, when Mao launched the Hundred Flowers campaign in 1956 and the first half of 1957, intellectuals and others did what Mao had urged them to do – express their views and criticise party policies. He then launched a campaign against the critics, whom he called 'rightists.'

These campaigns, climaxing with the Cultural Revolution, had a transformative impact on the participants. Mao had mobilised the youth – the Red Guards – to carry out further revolution and to overthrow people in authority, but when their attacks caused indiscriminate chaos in the cities, he sent them down to the countryside to learn from the peasants. While in the countryside, however, some former Red Guards were surprised to discover that the lives of the peasants had not been transformed by Mao's revolution as they had been indoctrinated to believe; the peasants were still living in abject poverty. Thus, even during the later years of the Cultural Revolution, demands for political reforms started to appear on city walls. For instance, in November 1974, Li Yizhe, a collective pseudonym for a group of disaffected students in Guangzhou, called for 'democracy and legality under socialism.'⁷ Two years later, on 5 April 1976, demonstrations erupted in Tiananmen Square denouncing the dictatorship of Mao Zedong and his radical allies and calling for change.

After Mao's death in September 1976, when most former Red Guards had returned to the cities, they subsequently launched the Democracy Wall movement of late 1978–early 1979, using the methods they had learned as Red Guards during the Cultural Revolution to demand political reform. They formed their own organisations, put up posters on city walls in Beijing and other major cities, published pamphlets, debated on street corners, mobilised supporters, and carried out protests. Known as the 'Democracy Wall' activists, they called for democracy, human rights, rule of law, and freedom of speech. In Beijing and other major cities, crowds gathered daily to read the posters, air views, listen to debates, and purchase pamphlets printed by the activists. Although they were using techniques that they had learned during the Cultural Revolution, the goals of the Democracy Wall activists were very different from those of the Red Guards. Rather than seeking to overthrow those in authority, they called for a variety of reforms. Some demanded revisions of ideology, while others urged the establishment of democratic procedures as well as economic reforms. They hoped that political institutions and legal procedures would prevent the occurrence of another Cultural Revolution and would guarantee protection of rights.⁸

Because they had been indoctrinated in Marxism-Leninism, the activists initially urged ideological revisions and engaged in Confucian-style remonstrations with officials. But as they encountered increasing rebuffs from the post-Mao leadership, a number of the Democracy Wall participants began to call for political reforms, increasingly emphasising the need to establish institutions and laws that would sustain the cultural, ideological, and political pluralism they were advocating.⁹ They echoed views that had earlier been expressed by students and intellectuals during the Hundred Flowers movement, such as the idea that the law is not only a weapon in the hands of the ruling class, but can also help protect the rights of citizens. This idea had figured prominently in the 1957 defence of Hu Feng by Lin Xiling, a student Party member at People's University.¹⁰

But it was not so much the ideas expressed by the Democracy Wall participants as their concrete actions that so disturbed the authorities. In the early months of 1979, some of the Democracy Wall activists helped organise peasant protests. When protestors from the countryside, who were mostly intellectuals who had been sent there during the Cultural Revolution, subsequently travelled to Beijing and other areas to express their grievances, Deng Xiaoping and his supporters ordered a crackdown. They no longer needed the activists in their effort to oust the remaining Maoists in the leadership, whose power was already in decline, and they feared the consequences of an alliance between intellectuals and other classes. At the same time, as the Party cracked down on the protestors from the countryside, the former rightists and recently rehabilitated intellectuals did not move to help the protestors. They were unable or unwilling to draw lessons from the past repressions. Their inaction also demonstrated the difficulty of different generations of oppositionists working together. In fact, most of the former rightists did not sympathise with

the Democracy Wall activists, whom they regarded as Red Guard extremists who risked provoking a return to the Maoist methods that had just been rejected by Deng.

Yet, despite the Party's repression and imprisonment of the leaders of the Democracy Wall movement, by the mid-1980s others were beginning to echo their ideological and political demands. In 1986, student protests erupted on college campuses across China. These protests not only dealt with local issues, such as calling for better food in dormitories and for independent student organisations and student newspapers, but also demanded freedom of speech and association. As similar demonstrations moved from campus to campus and city to city, they became a coherent movement calling for political reform.¹¹ Once again, these protests provoked Deng Xiaoping not only to crack down on the student demonstrators but also to purge their supposed patrons, then Party General Secretary Hu Yaobang and members of his intellectual network who had supported the political reforms.

Nevertheless, demands for political reforms continued with Hu Yaobang's successor, Zhao Ziyang. Although Zhao had emphasised economic reforms, his proposal in the late 1980s to separate the Party from government would have meant a diminution of the Party's power. He also repeatedly urged engagement in dialogue with society.¹² At the same time, in the late 1980s there were calls for the establishment of specific institutions and laws to implement the human rights stipulated in China's Constitution, such as the freedom of speech and association mandated in Article 35. In addition, intellectuals began to organise politically and publicly by establishing semi-autonomous journals and organisations outside the Party's jurisdiction. They were aided by Party reformers who used these ideas to legitimise their struggle against neo-Maoists who, though much weakened, still had some power in the Party apparatus and advocated a return to the system of the early 1950s. Although the activities of critical intellectuals such as the writer Wang Ruowang, the physicist Fang Lizhi, and the journalist Liu Binyan did not develop into an unofficial movement comparable to Democracy Wall, a semi-autonomous sphere began to emerge in the second half of the 1980s.

Equally significant, China's move to the market during this time made it possible for individuals and groups, specifically members of the Red Guard generation, to establish non-governmental publishing houses and journals. They also began to set up their own unofficial think-tanks and polling organisations as alternatives to Party institutions. Among the most successful was the Social and Economic Research Institute, founded by former Democracy Wall participants Wang Juntao and Chen Ziming.¹³ It was not so much what they advocated as what they did by founding these institutions and organisations independent of the Party that was unprecedented in the People's Republic. In addition, coalitions of intellectuals joined with other social groups – business people, rural entrepreneurs, and workers – to participate in their activities. In addition to publishing journals and conducting surveys without official sanction, these groups also coordinated activities and defended one another when they encountered trouble from the authorities.

At the same time, the thaw in the Soviet Union that began after Stalin's death in 1953, and especially the reform movements in Eastern Europe beginning in the 1970s, became as important as the May Fourth legacy in stimulating interest in and demands for political reforms during the post-Mao era. Many of the Chinese participants were inspired by the Charter 77 movement in Czechoslovakia, led by the well-known playwright Vaclav Havel, and by the Solidarity movement in Poland, in which an alliance of intellectuals and workers challenged the Communist regime from below. By the late 1980s, Chinese students and reformist officials were particularly enthusiastic about Mikhail Gorbachev's policies of *glasnost* and *perestroika* in the Soviet Union and were urging China's leaders to follow Gorbachev's example. They were also influenced by the political reforms in the post-Confucian countries of East Asia – Japan, South Korea, and, significantly, Hong Kong and Taiwan – that had not only developed dynamic economies, but were also beginning to establish democratic institutions.

In addition, there was a shift in emphasis among China's politically oriented intellectuals, away from revising the ideology and toward establishing new institutions. Some recommended that the small, supposedly 'democratic' parties under the CCP leadership be granted organisational independence so they could act as a form of 'checks and balances.' An article in *People's Daily*, for example, declared that Marxism had become stagnant because it was not challenged by different views and because it was not allowed to be debated.¹⁴ Moreover, discussions of political reforms were not confined to the intellectual elite and the universities. Wide-open debates and the expression of a range of pluralistic views on political reforms were held all over the country in youth groups, social gatherings, tea houses, and even the national media. Among the most outspoken in calling for political reforms were the astrophysicist Fang Lizhi at the University of Science and Technology in Hefei and the journalist Liu Binyan, who, among others, would later be charged with provoking the 1986 student demonstrations.

The December 1986 demonstrations differed from the 1989 demonstrations in that they did not gain the support or participation of urban residents and workers. In fact, the students purposely kept the workers at arm's length for strategic reasons. They knew that Party leaders greatly feared any alliance with workers, such as those that had occurred in Eastern Europe. Moreover, unlike during the 1989 demonstrations, the Party's order for the students to return to classes resulted in their peaceful dispersal in late 1986. After they returned to the universities, however, they were subjected to long sessions of political education.

The 1989 movement: a multi-class protest

The conjunction of student political activism and the urban discontent sparked by the lifting of price controls in the late 1980s, which resulted in a surge in inflation, provided the socio-economic environment and popular urban support that the

students had lacked in 1986. When Hu Yaobang's death on 15 April triggered the Tiananmen demonstrations, ordinary urban residents were ready to call for an end to official corruption and to support the students' calls for democracy and freedom. Intellectuals, who had been reticent at the beginning of the student demonstrations for fear that calls for political reforms might destroy the fragile institutions they had created during the latter half of the 1980s under the patronage of Party reformers, joined the movement after Deng's declaration of martial law in Beijing on 19 May. At the same time, the vast majority of the urban population rallied behind the students.

Famous writers, journalists and intellectuals began to visit Tiananmen Square to lend their support to the student demonstrators. Two well-known intellectuals who had occupied high positions in the official establishment due to the patronage of Hu Yaobang – Yan Jiaqi, director of the Institute of Political Science at the Chinese Academy of Social Sciences, and Bao Zunxin, a historian at the Institute of Modern History of the Academy and one of the founders of the liberal book series collection 'Marching toward the Future' (*Zou xiang weilai*) – along with seven other intellectuals, issued an open declaration vowing 'never to betray the struggle for democracy ... never to surrender to dictatorship; and never acknowledge the present last emperor of China as our lord and master.'¹⁵ Along with other intellectuals of Hu Yaobang's network, they founded the Beijing Autonomous Association of Intellectuals.

In an attempt to organise a multi-class front to support the students' demands for democracy, former Democracy Wall activists Chen Ziming and Wang Juntao organised the Association of All Circles of the Capital. They demanded a dialogue with the authorities based on the premise that civil society should play a role in political matters. At the same time, when many of the protesting students became ill during the hunger strike they had staged to force the government to engage in dialogue, thousands of urban citizens – workers, entrepreneurs, secretaries, street vendors, and housewives – sought to help them. For a few days in late May, an embryo of organised civil society appeared to be taking shape in Tiananmen Square. But this civil society was short lived. On the night of 3–4 June army tanks ploughed down the demonstrators and their supporters, ending any hope of dialogue with the leadership. The violent crackdown brought an abrupt end to efforts to bring about political reform.

The debate within the Party between those favouring dialogue with the demonstrators and those opposed ended with Deng Xiaoping's decision to use violence to suppress the Tiananmen Movement. General Secretary Zhao Ziyang, who had refused to go along with the Party's decision for a military crackdown, was to remain under house arrest until his death in January 2005. The purge of Zhao and the reformers who had sought to engage the Tiananmen participants deprived the pro-democracy forces of their patrons within the political leadership. The strategies of those seeking reforms during the 1980s by creating semi-autonomous

institutions under the unofficial protection of a liberal faction within the leadership were no longer viable. During the two decades that followed June 4th, the party leadership went to great lengths to prevent the emergence of any autonomous, politically engaged organisations, thus ending the People's Republic multi-class movement for political reform.

The Tiananmen participants in exile

In the immediate aftermath of June 4th, when activists were either imprisoned, exiled, or in hiding, it was difficult for them to draw any lessons from the failure of the movement. It was not until the mid-1990s that the participants began to reflect on and debate their earlier strategies. For the most part, those in exile urged their counterparts in China to make a clean break with the Party and to remain outside the political system, which they considered 'unreformable.' The collapse of the Leninist regimes in the Soviet Union and Eastern Europe strengthened their arguments. In September 1989, the Federation for Democracy in China, founded in Paris, sought to unify all generations of the opposition abroad and create an example for their counterparts within China. Conflicts, however, soon developed between the student leaders and their elders – notably the former rightists, such as Liu Binyan – as well as between the members of Hu Yaobang's network (for example Ruan Ming) and the partisans of Zhao Ziyang (for example Chen Yizi). Zhao's partisans were accused of weakening the reformist faction in the Party by allowing the Neo-Maoists to purge Hu Yaobang. These factional struggles became even more acute during the 1990s, due to the Party's strategy of sending the most famous dissidents into exile. The arrival of new strong personalities further fuelled the factional battles within the exile opposition. The contradictions between generations and personalities and the difficulties in communicating with their allies back in China fatally weakened the exile movement.

At the same time, incapable of setting up opposition networks within China because of the Party's strong repression of such efforts, and isolated from the political forces in the foreign countries where they had settled, the dissidents were unable to develop a political programme for change in China. Their only feasible strategies were to inform international opinion about the violations of human rights in their motherland and to try to convince foreign governments, especially the American government, to raise the issue of political prisoners and human rights in meetings with Chinese leaders. Since they were cut off from China's political life, they could not help the opposition forces at home to devise new strategies. Even in the second half of the 1990s, when some former activists were able to travel abroad, the exiles were unable to recruit them into a united organisation. By the end of the century, the attempts to create an organised opposition in exile had failed. There would be no Sun Yatsen to emerge from the group of refugees who had led the 1989 demonstrations. This did not mean, however, that the exiles had

no influence over their counterparts in China. Still, they were able to exert influence only through personal contacts and private telephone conversations. Consequently, the opposition that remained in China could not count on help from their exiled comrades.

The resumption of the movement for political reform

After the lifting of martial law in January 1990, and especially after Deng Xiaoping reaffirmed his commitment to economic reforms during his trip to South China in 1992, the majority of those who had been active in the 1989 movement abandoned the fight for democracy. Some returned to their universities and research centres, while others set up private businesses (*xiahai*). Despite continued harassment by the police, especially in the provinces, a small minority managed to continue their political activities. Their efforts, however, were dwarfed by Deng's renewed emphasis on developing the economy, which he declared should be carried out by any means possible (*fazhan shi ying daoli*).¹⁶

Consequently, a new mood permeated Chinese society in which all sectors became absorbed in trying to make money. Calls for democracy and political reforms were muted and in most places ignored as the urban residents who had supported the student movement in 1989 sought to take advantage of the new opportunities opened up by Deng's re-energised economic emphasis. In addition, the police remained vigilant, ready to prevent any attempt at organised political protest by discontented citizens. Harsh prison sentences were meted out throughout the 1990s to anyone who sought to keep the struggle for democracy alive. Moreover, the leaders of the various factions within the Party that had supported political reforms had either been expelled from the Party or were silenced. Zhao Ziyang's personal secretary, Bao Tong, for example, who had headed the Centre for Political Reform prior to June 4th, was imprisoned until 1996 and remained under house arrest thereafter. Bao Zunxin and other intellectuals were imprisoned, and Yan Jiaqi fled abroad.

There was no one, therefore, within the political system who could publicly voice demands for political reform and attract others to the cause. The strategy of the 1980s was no longer viable. Furthermore, the omnipresent police presence made it impossible to set up relatively independent political or civic organisations like those that had been established in the 1980s. The toughening of political controls, coupled with economic hardship, made it impossible for the remaining activists to engage in any overt political activities. Every year during the so-called '*min'gan shiqi*' (sensitive period) from 15 April to 4 June, Tiananmen Square was occupied by the police. On June 4th, the police would check anyone attempting to commemorate the victims. The more prominent activists would be sent 'for a vacation' outside Beijing during this period. Thus, it was absolutely impossible to commemorate the lives of the victims of June 4th or to rally allies and sympathisers in

large-scale demonstrations. Most importantly, the June 4th military crackdown, in which ordinary citizens had paid the highest price of the repression with death sentences and long prison terms, deterred others from participating in political activities. The fear of punishment had created a new social environment in which most people focused only on making money.

At the same time, the elite strategy prior to June 4th of establishing autonomous research centres or media outlets under the protection of Party reformers was no longer possible. After June 4th, no one inside the Party was able to grant the kind of protection that had existed in the 1980s. Police surveillance made it difficult for former political activists to keep in touch with one another. Although they were released from prison, their writings remained banned from publication in the official media. Many intellectuals published their works overseas or in Hong Kong in the hopes that they would make their way back into China. International solidarity, especially that of the Hong Kong Alliance in Support of Patriotic Democratic Movements of China (*Zhilianhui*), helped ensure their intellectual and material survival. Also, some former activists who had set up their own companies continued to provide financial aid to their activist colleagues. But many were not content with mere economic survival. With the move to the market, some sought to open their own publishing outlets. For example, former student leader Ma Shaofang started a private publishing house and traded book numbers to publish a number of works on the political evolution of Eastern Europe and the democratisation of Latin American countries. But these ventures were risky and lacked long-term viability. Eventually, the police intervened and disbanded the publishing houses.¹⁷

Yet, despite the risks involved, a small number of political activists continued to express criticism of the regime and organised study groups to discuss their political views. One of the most prominent was the 'New Youth Study Group.' Its eight members, mostly students from Peking University, met regularly to discuss ways to democratise the political system. Its name, which was inspired by the famous May Fourth journal that became an organ of the Communist Party in the early 1920s, was indicative of how far its members were from being anti-Communist. They did not put forth a specific political platform, but 'they all believed that the Chinese people were suffering, that the Party's limits on speech prevented discussion of pressing problems, and that democratic reform was necessary.' The group, however, was infiltrated by the Ministry of State Security, and four of its members were given prison sentences of eight to ten years for supposed state subversion.¹⁸

Others, dismayed by the Party's monopoly on information, and convinced that a modern country needed a well-informed citizenry, sought to expand information on the Internet. The journalist Shi Tao, for example, emailed to an overseas pro-democracy website the contents of a report detailing how the authorities intended to prevent the commemoration of the fifteenth anniversary of the Tiananmen crackdown in 2004.¹⁹ As a result, he was sentenced to ten years in prison for

supposedly revealing state secrets. Still others, such as the political essayist Du Daobin, posted articles on the Internet critical of Party General Secretary Jiang Zemin. Du was arrested and sentenced to three years with reprieve.

In 2002, Peking University psychology student Liu Di (whose Internet pseudonym was 'Stainless Steel Rat') posted satirical and critical essays on the Internet. In her defence of the writer Huang Qi, who had been jailed because his website made reference to June 4th, she wrote, 'People like us, subversives who have posted a huge number of reactionary speeches and writings on the Web, cannot bear the thought that we remain at large while others suffer in jail. So we have decided to turn ourselves in en masse and see justice done. Here is our proposal: at a specified time on a certain date all those in China who have posted subversive messages on the Internet will go to the police and turn themselves in.'²⁰ For this article, Liu was arrested on 7 November 2002 and spent more than a year in prison. The police ransacked her apartment, where among the things they confiscated were a book on the 1989 Tiananmen demonstrations and the prison letters of Wei Jingsheng, one of the leaders of the Democracy Wall demonstrations. Clearly, the 1989 demonstrations had had a profound impact on Liu's thinking and actions. Upon her release from prison in November 2003, Liu Di joined with dissident intellectuals in signing petitions calling for political reforms. Despite harsh treatment and repression, like a number of other political dissidents, she did not abandon her efforts towards Chinese political reform.

The reverberations from the 1989 Tiananmen Movement

Although such terms as 'pro-democracy movement' or 'opposition movement' have been used to describe the 1989 protests, they are meant to facilitate expression rather than describe the political movement. They refer to the scattered individuals and groups interested in political reforms who attempted to establish informal networks of like-minded counterparts. In the closing years of the twentieth century, some space opened up in which people who had been pushed outside of the political system or had served prison terms and were victims of police harassment were able to meet periodically. The Wansheng Bookstore, for example, founded by Gan Qi and Liu Suli, the latter of whom had spent a year in prison after June 4th, became a popular meeting place. But they remained under surveillance and were not able to engage in organised political activities. The relatively few intellectuals and former student leaders still advocating political reform remained comparatively isolated from the population at large.

Nevertheless, as a new generation of students founded study groups and wrote criticisms of Party policies on the Internet, they were assisted by the new generation of journalists, professors, and intellectuals working both inside and outside the system. Those advocating political reforms after June 4th were a heterogeneous group who expressed diverse political views. Political scientist Liu Junning, for

example, who had been expelled from the Chinese Academy of Social Sciences because of views that had antagonised General Secretary Jiang Zemin, was able to find a position at the Ministry of Culture, where he joined an informal group of reformist intellectuals that had formed around members of Hu Yaobang's network.

Paradoxically, one could say that the Party selected members of the pro-democracy movement by sacking them from their official positions. This is what happened, for example, to Jiao Guobiao, a Peking University professor who was sacked after writing a denunciation of the Central Propaganda Department, and to Li Datong, the editor of *Bingdian* (Freezing Point), the supplement of the *Zhongguo qingnian bao* (China Youth Daily), who lost his job after publishing an article that diverged from the official version of the Boxer Rebellion. These former insiders began to relate to members of other generations and people with other organisational origins and social classes, thus overcoming the Party-imposed barriers preventing such inter-organisational, inter-generational, and multi-class communications.

The Tiananmen Mothers: the struggle for historical truth about June 4th²¹

The most persistent and dedicated of these groups consists of relatives of the victims of June 4th. Since 1989 they have attempted to keep alive the memories of their victimised loved ones by drawing public attention to the events of June 4th. They have continued to insist that the Party acknowledge its responsibilities and compensate victims' families. At the same time, some of them have also become strong advocates of the political reforms their loved ones had tried to achieve in the 1989 Tiananmen demonstrations.

This movement of the parents of those killed on June 4th began in reaction to the Party's efforts to suppress the memory of the military crackdown on the peaceful student demonstrators. It sought a reassessment of the events and urged that those responsible for the killings be held accountable. This movement was led by Ding Zilin, a professor at People's University, whose only son had been killed on his way to Tiananmen Square. Defying government harassment, Ding launched a one-woman campaign to document the names of all those killed on June 4th, establish the truth of what happened, and determine who should be held responsible. Professor Ding was gradually joined by others who had lost relatives and by ordinary citizens seeking justice. Despite escalating repression, the members of Ding's group did not relent in their efforts.

Whereas the majority of the families of the victims obeyed the authorities' order requiring that they never mention the circumstances under which their relatives had been killed, they steadily refused to behave as if they were guilty, and they tirelessly demanded that the 'truth' about June 4th be established. Their fight was reminiscent of the campaign by the mothers of the victims of Argentina's 1980s 'dirty war,' the *locas de mayo*, the 'crazy women of May,' who dared to demonstrate

every week in Buenos Aires's May 1st Square, demanding that the junta free their loved ones. And just as the *locas de Mayo* over time became closer to becoming an opposition, some of the Tiananmen Mothers have also become public advocates of the political causes of the victims. Despite repeated Party efforts to suppress their activities, a few dozen relatives of those killed met annually on June 4th throughout the 1990s. On the seventh anniversary of June 4th in 1996, a group of relatives and sympathisers jointly sent a petition to the Standing Committee of the National People's Congress, demanding the formation of a special committee to conduct an independent investigation of what had occurred on 4 June 1989.²²

In September 1998, the Tiananmen Mothers, led by Ding Zilin and her husband Jiang Peikun, circulated two declarations as China was about to sign the UN Covenant on Civil and Political Rights in October 1998. The first declaration detailed how individual rights were suppressed in China, and the second described the growing official corruption that had accompanied China's emerging market economy. These declarations were unprecedented in the Tiananmen Mothers' movement in that, rather than focusing only on the events of June 4th, they called on all Chinese citizens to take the initiative to realise their fundamental freedoms and rights. They also urged that China's current legal system be amended to bring it into compliance with the Universal Declaration of Human Rights, to which the Chinese government was already a signatory.

As the Mothers' demands moved closer to those expressed by dissident intellectuals and June 4th veterans, the Mothers gradually began to participate in activities calling for political reforms and the rule of law. Because of the absence of a Party response to the Tiananmen Mothers' demands for an official accounting of what occurred on June 4th, the involvement of the Mothers deepened as they extended their fight to the larger domain of human rights. Professor Ding Zilin, for example, who until June 4th had been a strong supporter of the prevailing political system, became one of its fiercest critics. She signed a number of petitions requesting that the authorities respect human rights. In December 2008, she also signed the Charter 08 manifesto, a multi-class effort based on the Czech Charter 77 movement led by Czechoslovakia's playwright and later president, Vaclav Havel, calling for political reforms. China's Charter 08, like Charter 77, urged the government to abide by the Universal Declaration of Human Rights and China's own Constitution, which includes stipulations calling for freedom of speech and association. Although Charter 08 began as an effort by a small number of dissident intellectuals, by the time its website was closed down by the authorities, more than 10,000 people from all walks of life had signed their names.²³

Campaigns to free prisoners of conscience

Beginning early in the twenty-first century, a number of pro-democracy activists of various generations, including student leaders of the 1989 movement and dissident

intellectuals, launched efforts to obtain the release of people who had been imprisoned for the expression of their views. Internet essayist Du Daobin, writer Liu Xiaobo, and Professor Ding Zilin, well-known pro-democracy activists, launched a petition in November 2003 calling for the release of ‘Stainless Steel Rat’ Liu Di.²⁴ Although Liu Di was released on 1 December 2003 and thereafter joined the ranks of the movement,²⁵ Du Daobin, who had been active in the campaign to release her, was arrested in October 2003. Petitions to obtain Du’s release were then launched by fellow activists, including Liu Di. These joint protests against the persecution of colleagues and friends for political crimes, and efforts to win their release, are a new phenomenon in the People’s Republic. During the Mao era, those accused of political crimes had few supporters even among their own families, who feared being persecuted themselves. In June 2004, nine months after his arrest, Du was sentenced to three years in jail with reprieve and was released ten days later.²⁶ This unusual decision by the authorities confirmed to the pro-democracy activists that their protests had been effective.

Even though the 1989 Tiananmen Movement, like the Charter 08 movement, garnered the support of professionals, workers, street vendors, and housewives, as well as defence lawyers and public intellectuals, the strategy of those seeking political reform in China remains largely elite centred. The short-lived alliance with workers and ordinary citizens (*shimin*) that occurred during the spring 1989 movement has not been replicated. Those advocating political change remain primarily intellectuals who do not have close relations with ordinary workers. This separation has been reinforced by the segmentation of Chinese society, in which the various social strata have few contacts with one another. Furthermore, the legacy of the Maoist-era campaigns, from the anti-Hu Feng and the anti-rightist campaigns of the 1950s to the Cultural Revolution of 1966–76, in which intellectuals were treated like pariahs and workers and peasants were symbolically placed at the top of the social hierarchy, made it difficult for the various classes to join in combined political efforts.

Equally important, the Party views any attempt by politically oriented intellectuals to ally with the ‘working people’ (*laodong renmin*) as a major challenge to the regime that must be ‘nipped in the bud.’²⁷ Furthermore, until the end of the 1990s, the various protests by workers and peasants that had begun to develop in the mid-1990s went virtually unnoticed, not only in the official press, but also by the survivors of the pro-democracy movement. Intellectuals remained primarily focused on maintaining contact with one another and with other members of the elites. They engaged in scattered initiatives to set up study groups, write critical essays, and publish articles in the overseas press and later on the Internet that could be reported back to China. Unlike during the several weeks of spring 1989, few made any efforts to incorporate other social groups into their political protests.

With the establishment of non-governmental organisations (NGOs) in the mid-1990s that would move China in the direction of a civil society, new possibilities

opened up for political activists. Some seized the opportunity to become involved in the creation of officially recognised NGOs. This was one path out of their isolation and toward a more open society. However, only those who were not overtly targeted by the authorities were able to set up NGOs. Student leaders who had been imprisoned after June 4th and dissident intellectuals such as Liu Xiaobo, one of the authors of Charter 08, and Bao Zunxin, who had set up an independent PEN group, were not allowed to form NGOs. The founders of nascent NGOs barred pro-democracy activists from participating in their organisations in order to ensure their survival. The strategy of the Party was to use the NGO activists to undermine the pro-democracy groups. As a result, the authorities succeeded in further isolating and preventing dissidents from participating in public actions while at the same time ensuring that the new generation of NGO activists were relatively unaware of the ideas and actions of the dissidents.

Therefore, despite the brief participation of a variety of classes in political action in the spring of 1989 and in the Charter 08 movement, China's pro-democracy activists and veterans of June 4th remain generally isolated from the rest of Chinese society. The political activists continue to discuss social movements, such as protests by laid-off workers and by peasants whose land has been seized, but very few of them actually participate in workers' and peasants' protests. Veterans of June 4th publish articles in the international press and help to inform the world about China's social conflicts. Unlike 1989, however, their activities are primarily limited to commentary, and they are better known abroad than they are at home. At the turn of the twenty-first century, China's pro-democracy forces, with only a few exceptions, continued to be isolated from the widespread social conflicts that had erupted during the second half of the 1990s among laid-off workers protesting their loss of jobs and non-payment of salaries, urbanites protesting increasing official corruption and environmental pollution, and peasants protesting the expropriation of their land by the authorities.

Nevertheless, a new generation of intellectuals, especially defence lawyers, public intellectuals, and journalists who were in high school during the Tiananmen Movement, have at the turn of the century begun to fight for the civil and political rights of victims of the economic reforms. Taking the official discourse at face value, they help ordinary citizens to defend their rights by organising public opinion through collective letters or providing legal advice to peasants whose land has been confiscated without suitable compensation. These concrete actions are a new development in China's pro-democracy movement.

The 1989 Tiananmen legacy

Despite its repression and the Party's efforts to erase the memory, the 1989 Tiananmen Movement is remembered by its participants and onlookers as a

moment when, for a few weeks in the spring of 1989, China's politically oriented students and intellectuals were joined by other social groups in demands for political reforms. Even though after June 4th such politically oriented intellectuals were isolated from the general population, the Tiananmen demonstrations helped to expand rights consciousness among the population. The most important impact, however, was not so much the ideas espoused by the 1989 Tiananmen demonstrators, as the appeal of the movement to people from different walks of life and multi-class participation. By the beginning of the twenty-first century, the struggle for political rights in China has expanded beyond intellectual circles. The presence of petitioners in front of the tribunal on the day that Liu Xiaobo was sentenced to 11 years in jail shows that ordinary people who have fallen victims to the excesses of the cadres are anxious to show their solidarity with the dissidents who, after all, are not so isolated from society as the Party charges.²⁸ Coalitions of intellectuals and other disaffected social groups, as exemplified by the Charter 08 movement, looked to the 1989 Tiananmen demonstrations as an example of the strength of uniting with other groups to help bring about political reforms in China. These changing alliances and views, as exemplified in the 1989 demonstrations, may in time be regarded as the progenitor of political changes in the People's Republic of China.

Notes

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4 The Chinese Liberal Camp in Post-4 June China

*Feng Chongyi*¹

In the context of the contemporary West, liberals are generally regarded as a right-wing political and intellectual force prioritising efficiency over equality and promoting market mechanisms at the expense of the welfare state. Liberals in contemporary China are fundamentally different. They understand liberalism in the classical sense as a political philosophy that considers individual liberty as the most important political goal and upholds principles such as legal protection of individual rights, the rule of law, and limitations on government power. For them, liberalism takes the form of political liberalism for the support of liberal democracy over dictatorship, economic liberalism for the support of private property over government control, and social liberalism for the support of equality over privilege. China's liberals not only strive for individual freedom and seek to replace the despotism of the Leninist party-state with liberal democracy, but also stand at the front line in the fight against social inequality, and champion the cause of the working class in the quest for a better life.

The June 4th massacre was a major setback for the democratisation project in China, but the discourse on democracy has continued to flourish in defiance of the party-state. The massacre not only hurt Chinese intellectuals deeply, but also compelled some of them to reconsider the trajectory of China's political development and strategies for achieving the goal of democracy. It is in the process of this intense reflection that a number of Chinese intellectuals have achieved an intellectual breakthrough to fully embrace liberalism since the 1990s. This paper is an assessment of the thoughts and activities of Chinese liberals in the two decades since June 4th. It will provide an analysis on the emergence of the Chinese liberal camp, the latest intellectual developments among Chinese liberals, and their contributions to the quest for constitutional democracy in China.²

The formation of the Chinese liberal camp under 'Market-Leninism'

China's 'reform era' was divided into two different phases by the June 4th massacre in 1989, which brought a premature end to the healthy trend of political

liberalisation inspired by democratic aspiration. Following the massacre, and in the wake of the collapse of Communism in the former Soviet Union and Eastern Europe, the Chinese Communist Party (CCP) led by Deng Xiaoping took two resolute measures for survival: a ruthless purge of democratic forces in society and within the CCP on the one hand, and the introduction of 'market economy' on the other. With the tremendous aid of capital, technology, and consumer markets facilitated by globalisation, the post-totalitarian regime in China rapidly evolved into a new order of 'Market-Leninism,' a useful term coined by *New York Times* correspondent Nicholas Kristof that refers to a Leninist party-state sustained by a combination of relatively free-market economics and autocratic one-party rule.³ In other words, it is an astonishing paradox that combines previously incompatible elements of capitalism and Communism, which by definition aims at eliminating capitalism.

To the surprise of many throughout the world, this strange hybrid has produced an economic miracle parasitic on exceptionally low-cost production factors, the expanding global market, and imported technologies and expertise. The enormous wealth generated by this new prosperity has provided a much greater incentive for Chinese Communist power-holders to retain power, and more resources for them to co-opt other social groups and repress the opposition. The result has been a transition to and consolidation of 'power elite capitalism' (*quanguo zibenzhuyi*), in which the development of the cruellest version of capitalism is dominated by the Communist bureaucracy, leading to phenomenal economic growth on the one hand and endemic corruption, striking social inequalities, ecological degeneration, and skilful political oppression on the other. This unexpected outcome has disheartened many democracy supporters, who worry that China's transition is 'trapped' in a 'resilient authoritarianism' that can be maintained for the foreseeable future.⁴

However, because it has produced unmanageably acute social tensions and new social and political forces that challenge the one-party dictatorship, Market-Leninism is not actually that resilient. In particular, social tensions have given rise to an amorphous but increasingly forceful wave of 'rights defence movements' (*weiquan yundong*).⁵ The most promising new political force engendered by Market-Leninism in China has been the formation of a liberal camp in the late 1990s, consisting of at least six vaguely distinctive but to some extent overlapping categories: liberal intellectuals, liberals within the CCP, Christian liberals, democracy activists, human rights lawyers, and grassroots rights activists. These six groups have advocated liberalism in their own perspectives through publications and speeches, have taken part in a variety of social and political activities in the cause of democracy, have expressed mutual support for each other when persecuted by the party-state, and have occasionally united to issue joint petitions or open letters on the Internet to express their shared concerns or demands for democratic change.⁶

Liberal intellectuals and liberals within the CCP

The majority of intellectuals in China today are at least semi-liberals, in the sense that they share beliefs in market economy, individual rights, and, to a lesser extent, liberal democracy, although only a tiny minority of them hold these liberal ideals profoundly enough to express them in a systematic way or are brave enough to put their beliefs into practice by actively confronting the party-state.⁷ A claim of a 'rebirth' or 'resurfacing' of liberalism in China was made by Chinese liberals themselves in the late 1990s. According to some leading Chinese liberal intellectuals, one of the most important events in intellectual circles in China in 1998 was the 'open discourse' of liberalism after 50 years of silence.⁸ Several factors contributed to this new development of liberalism in China, including expectations of change after Deng Xiaoping's death, the Asian financial crisis rooted in authoritarianism, the perception that economic development necessitated further reforms, the provocative attacks on liberalism by the new left, awareness of the accelerating pace of globalisation, and the posture of Jiang Zemin's leadership in respect of human rights and rule of law, as shown by the political report of the Fifteenth Party Congress and the signing of the 'International Covenant on Economic, Social and Cultural Rights' and the 'International Covenant on Civil and Political Rights.'⁹

The core of the emerging liberal camp is a group of middle-aged scholars who can be largely identified as members of the 'Cultural Revolution Generation,' including Zhu Xueqin, Xu Youyu, Qin Hui, He Weifang, Liu Junning, Zhang Boshu, Sun Liping, Zhou Qiren, Wang Dingding, and Zhang Weiyang. Their conversion to liberalism is rooted in their own political experience as well as their exposure to liberal theories. While their experience of and reflections on totalitarian rule during the Cultural Revolution provided strong stimuli for them to search for a new political belief, in the 1970s they were intoxicated with the 'heresy' of humanism from different sources, and since the 1980s they had been attracted to the liberal thinking of both Western sources and the liberal tradition of modern China. They have published their ideas in monographs, theoretical journals such as *Dong Fang* (Orient) and *Kaifang Shidai* (Open Times), newspapers such as *Nanfang Zhoumo* (Southern Weekend) and *Nanfang Dushibao* (Southern Metropolitan Daily), and more conveniently, on the Internet. The post-totalitarian regime has prevented them from forming an organisation for their political endeavour, but they have managed to get together regularly at informal occasions and at conferences organised by liberal colleagues.¹⁰

Zhu Xueqin, born in 1952, is a leading historian and public intellectual based at Shanghai University. He established his belief in liberalism through a thorough examination of the French Enlightenment in his PhD thesis and became a major exponent of contemporary Chinese liberalism.¹¹ Xu Youyu, born in 1947, is a philosopher and public intellectual based at the Chinese Academy of Social

Sciences. Apart from his promotion of liberalism, Xu is also an expert on Western social theories, including Marxism and the Frankfurt School, and is a well-known historian of the Cultural Revolution.¹² Qin Hui, born in 1953, is a historian and public intellectual based at Tsinghua University. Within the liberal camp, Qin stands out particularly for his advocacy of privatisation under strict conditions of democratic openness, the supremacy of social justice, and institutions of social democracy.¹³ Wu Guoguang, born in 1958, is a political scientist and public intellectual currently based at the University of Victoria after receiving his PhD from Princeton University and working at the Chinese University of Hong Kong for many years. Wu's earlier experience as an editor for *People's Daily* and a member of the Political System Reform Research Office serving then-Party General Secretary Zhao Ziyang provided him with special insights into Chinese politics.¹⁴ He Weifang, born in 1960, is a professor of law and public intellectual based at Peking University, who rigorously advocates judicial independence and modernisation of the entire Chinese judicial system in accordance with the principles of the rule of law.¹⁵ Liu Junning, born in 1961, is a political scientist and public intellectual, currently based at the Institute of Chinese Cultural Studies since his dismissal from the Chinese Academy of Social Sciences due to his expression of liberal views. Liu has played a leading role in spreading the concept of constitutional government and in organising several liberal journals and book series such as *Gonggong Luncong* (Res Publica) and *Minzhu Yicong* (Translated Works on Democracy).¹⁶ Zhang Boshu, born in 1955, is a philosopher and public intellectual based at the Chinese Academy of Social Sciences until 2010. Among liberal intellectuals in China today, Zhang goes the farthest in directly confronting the Communist autocracy and promoting liberal-democratic alternatives in a systematic way.¹⁷ Sun Liping, born in 1955, is a sociologist and public intellectual based at Tsinghua University. Sun is well known for his criticism of the divisions in the current social system and his advocacy of transformation into an open and liberal society.¹⁸ Zhou Qiren (born in 1950), Wang Dingding (born in 1953), and Zhang Weiying (born in 1959) are like-minded economists and public intellectuals based at Peking University, sharing an emphasis on private property rights.¹⁹

Liberal intellectuals have forged close alliances with liberals within the CCP, usually known as '*dangnei minzhupai*' (democrats within the CCP).²⁰ Liberals within the CCP usually choose to speak to the top party leadership in a coded language familiar to the Communist bureaucracy. They also have special outlets for publishing their ideas, such as *Yanhuang chunqiu* (Chronicles of China), *Tongzhou gongjin* (Advance in the same boat), and *Zhongguo shichang jingji luntan wengao* (Chinese market economy forum drafts), the journals under their control. Most active members of this group are retired officials, including Du Daozheng, director of *Yanhuang chunqiu*, former director of the State Press Bureau and former chief editor of *Guangming Daily*; Du Guang, former director of the Research Office and the Librarian at the CCP's Central Party School; He Jiadong (1923–2006), former

deputy director of Workers' Press; Hu Jiwei, former chief editor and director of *People's Daily*; Jiang Ping, former president of the Chinese University of Political Science and Law; Li Rui, vice-minister of the Ministry of Water Conservancy in the 1950s and deputy chief of the Organization Department of the CCP Central Committee in the 1980s; Li Shenzhi (1923–2003), former vice-president of the Chinese Academy of Social Sciences; Ren Zhongyi (1914–2005), former Party Secretary of Guangdong Province; Wu Jinglian, senior research fellow at the Development Research Centre of the State Council; Xie Tao, former vice-president of Renmin University; Yang Jisheng, deputy director of *Yanhuang chunqiu* and former senior journalist of Xinhua News Agency and chief editor of *Chinese Market*; and Zhu Houze, former Party Secretary of Guizhou Province and chief of the Propaganda Department of the CCP Central Committee. Indeed, liberals within the CCP have used their positions to create space for discourse on liberalism, and played a key role in the resurgence of liberalism in China in the late 1990s.

Christian liberals

The emergence of Christian liberals is a new phenomenon in the social and political landscape of China in the first decade of the twenty-first century. The journey from politics to Christianity among Chinese democracy activists started with Yuan Zhiming, who gained renown as one of the three authors of the influential political television series *River Elegy*, aired in 1988. As a PhD candidate in philosophy at Renmin University, Yuan escaped to the United States in 1989 after the June 4th massacre, and following profound disappointment with the failure of the Chinese democracy movement and the endless infighting among its leaders in exile, he was converted to Christianity in 1991 while a visiting scholar at Princeton University. With his 12-part video CD *Why Do I Believe in Jesus Christ?* circulating widely in China at the time, Yuan's conversion sent shock waves among his colleagues in the Chinese democracy movement.

Equally influential was the conversion of Yang Xiaokai (1948–2004), a fore-runner of the Chinese democracy movement who was well known during the Cultural Revolution for his profound big-character poster *Zhongguo xiang hechu qu* (Whither China), circulated in 1968 when he was 19 years old. Yang earned his PhD in economics from Princeton University in 1988, became a well-known neoclassical economist at Monash University, and was twice nominated for the Nobel Prize in Economics (in 2002 and 2003). For his Chinese audience, Yang is of particular significance in promoting *xianzheng jingjixue* (constitutional economics), which champions the views that constitutional democracy provides the best foundation for economic development.²¹

In the last few years, many liberal intellectuals have converted to Christianity and become leaders in the fast-expanding 'house church' (*jiating jiaohui*) movement, which has an estimated membership of 50–80 million.²² Chinese 'house

churches,' also known as the 'underground' church or the 'unofficial' church (although they do not belong to a single denomination but operate separately), are assemblies of unregistered Chinese Christians independent of the Three-Self Patriotic Movement, the government-run Christian organisation.²³ 'House churches' operate outside of government regulations and restrictions, but they are not officially outlawed. Their leaders and members are often harassed by government officials, mainly for fear of popular mobilisation outside of government control.

Active Christian liberals include Yu Jie (born in 1973), one of China's most independent and outspoken writers and social critics, who earned his MA in Chinese literature from Peking University in 2000 after publishing six books, served as Secretary General of the Independent Chinese Pen Center for one term, and has published more than 20 books on Chinese political, social, and cultural issues; Ai Xiaoming (born in 1953), a professor in Chinese literature, well-known feminist, and public intellectual based at Zhongshan University; Wang Yi (born in 1973), a former lecturer in law at Chengdu University, who earned his undergraduate degree in law from Sichuan University and has become one of the most influential Chinese public intellectuals with expertise in legal studies; Fan Yafeng (born in 1969), a former research fellow at the Chinese Academy of Social Sciences, where he earned his PhD in Law; Wang Dongcheng, a professor in Chinese Literature at Chinese Youth Political College; Fu Guoyong (born in 1967), a freelance writer and public intellectual, who was imprisoned five times for his political commentaries during 1989–98; Qi Yanchen, another freelance writer and public intellectual, who was imprisoned for four years for his political commentaries; Ren Bumei (born in 1967), a freelance writer who was probably the first to argue the case for 'theological liberalism' in contemporary China; Wang Guangze (born in 1972), a freelance writer who earned his first degree in law from Henan University and an MA in Philosophy from Renmin University, but lost his positions, one after another, as editor and journalist at *Xinyang Daily*, *Legal Daily*, *21st Century Economic Herald*, and *Phoenix Weekly*, due to his dissenting views; and Zan Aizong (born 1969), a freelance writer who was dismissed by *Chinese Ocean Daily* in August 2006 after reporting on the case of police demolishing a four-storey 'house church' in Xiaoshan, Zhejiang Province on 29 July 2006. These Christian liberals publish journals such as *Fangzhou* (Ark) and *Lingshan* (Holy Mountain), which discuss religion-related political issues as well as Christian beliefs.

The theoretical sophistication of Chinese liberalism

The comprehensive purge of 'bourgeois liberal elements' by the hard-line CCP leadership after 1986, and particularly in the wake of the June 4th massacre, meant that liberal elements became weaker in the establishment in the early 1990s. However, the loss has been compensated by the greater depth of liberal beliefs, the sophistication of liberal theory, and the expansion of liberalism into the greater

society since the mid-1990s. Six theoretical breakthroughs in Chinese liberalism can be readily identified: abandoning Marxism and embracing liberalism as the guiding ideology; refuting Chinese despotism as embodied by the communist party-state; replacing rule by law (法制) with rule of law (法治); addressing issues of social justice; formulating liberal ideas into concrete programmes for democratisation; and transcending nationalism.²⁴

Abandoning Marxism and embracing liberalism as the guiding ideology

The open break with the Marxist framework and embrace of liberalism in China is quite an achievement. We know that Chinese ‘liberal elements’ in the 1980s, including profound thinkers such as Wang Ruoshui, Su Shaozhi, and Yan Jiaqi, were confined to the Marxist framework in their quest for democracy, typically expressed as ‘socialist democracy and legality.’ This limitation has been overcome by Chinese liberals since the late 1990s, when Li Shenzhi, a senior Communist expert on international affairs and former vice-president of the Chinese Academy of Social Sciences, a vice-ministerial rank, solemnly averred:

After 300 years of comparison and selection in the whole world since the age of industrialization, and particularly after more than 100 years of Chinese experimentation, the largest in scale in human history, there is sufficient evidence to prove that liberalism is the best and universal value. Today’s revival of the liberal tradition stemming from Peking University will beyond doubt guarantee the emergence of a liberal China in the world of globalization.²⁵

In official publications, this was the first time in the history of the People’s Republic of China that an ideological system of liberalism was asserted as the guiding ideology for China, notably by a high-ranking CCP official, although many concepts of liberalism, freedom of speech in particular, had been advocated by pioneers of the Chinese democracy movement such as Chen Ziming, Hu Ping, and Chen Kuide since the turn of 1980s.²⁶ After the publication of this declaration, Li Shenzhi quickly emerged as an opinion leader and mentor of Chinese liberals, who rapidly surfaced as a visible force in the intellectual and political arena.²⁷ Zhu Xueqin summarised the propositions of Chinese liberalism as follows:

Empiricism is its philosophy, as opposed to apriorism; the evolutionary theory based on the process of trial and error is its concept of history, as opposed to any kind of historicism; gradualism is its strategy for change and development, as opposed to radicalism; it supports the market mechanism in economics, as opposed to a planned economy; it demands representative democracy, constitutional government, and the rule of law in politics, as opposed to mass dictatorship by the majority in the name of ‘general will’ or dictatorship by one

man or oligarchy; in ethics it demands protection of individuals, holding that an individual cannot be further reduced to anything else and cannot be sacrificed for any abstract goals.²⁸

Rejecting Chinese despotism as embodied by CCP rule

Their conversion to liberalism also means that Chinese liberals are no longer confined to so-called 'socialist democracy' guaranteeing the leading role of the CCP. The experience of the June 4th crackdown and the collapse of Communism in the former Soviet Union and Eastern Europe provided an opportunity for Chinese liberals to deeply reflect on the illusion of 'socialist democracy,' and they awakened to the fact that the party-state had been deceiving itself and others in claiming Communist one-party rule as a higher form of 'democracy.' They sharply pointed out that the CCP under Mao's leadership overthrew the Nationalist dictatorship only to supplant it with the CCP's dictatorship, and Mao's successors, the post-Tiananmen leadership, had maintained the despotic system and become even more corrupt. Since the 1990s, based on their new-found conviction that one-party dictatorship and democracy are incompatible, Chinese liberals have categorically abandoned one-party rule for constitutional democracy with all its standard features, including multi-party elections, legal safeguards for human rights by limiting the power of the government, and a system of checks and balances between the legislative, executive, and judicial branches.²⁹

The achievement and consensus resulting from the theoretical exploration of Chinese liberalism during the last two decades is summarised in Charter 08 (*08 Xianzhang*), which has been signed by more than 10,000 Chinese citizens of all walks of life since its publication on the Internet on 10 December 2008. It calls on the Chinese to 'embrace universal human values, join the mainstream of civilized nations, and build a democratic system' as an alternative to one-party dictatorship; it provides a succinct exposition of six basic liberal values and concepts: freedom, human rights, equality, republicanism, democracy, and constitutional rule; and it sets forth liberal positions on 19 major issues for political reform: a new constitution, separation of powers, legislative democracy, an independent judiciary, public control of public servants and separation of the military from political parties, guarantees of human rights, election of public officials, rural-urban equality, freedom of association, freedom of assembly, freedom of expression, freedom of religion, civic education, protection of private property, financial and tax reform, social security, protection of the environment, a federated republic, and truth and reconciliation.³⁰

Replacing rule by law with rule of law

Debate arose between 'rule of law' and 'rule of man' (*renzhi*) in China in the late 1970s, when intellectuals in general and the ruling elite in particular wanted to put

an end to the sufferings caused by Mao's personal dictatorship and the lawless practices of the Cultural Revolution. The result was 'socialist legality,' under which dozens of laws were enacted and a court system was rebuilt. The 1990s witnessed a new debate between 'rule of law' and 'rule by law.' According to Chinese liberals, so-called 'socialist legality' is at best 'rule by law,' in which the law is used by the party-state as an instrument to control society, while the Party itself exercises its power above the law and is not subject to the law. Since then, tremendous efforts have been made by Chinese liberals to promote the concept of 'rule of law,' in which everyone, the government in particular, is subject to the law, and government power is limited by law, with the result that individual rights are effectively protected by the law against the abuse of the government in particular.³¹ Due to the efforts of Chinese liberals and other legal scholars, the CCP leadership has also abandoned the concept of 'rule by law' for the concept of 'rule of law' since 1997.³² It is in the process of this debate that the concept of constitutional government (*xianzheng*) has been revived and incorporated into the common vocabulary of formal publications in China. In 2003, when the Chinese constitution was undergoing a major revision, participants in both official and unofficial conferences on constitutional revision called for replacing the concept of *renmin minzhu zhuanzheng* (people's democratic dictatorship) in the constitution with the concept of *renmin minzhu xianzheng* (people's democratic constitutional rule).³³

Addressing issues of social justice

The Chinese new left have labelled Chinese liberals as 'neo-liberals,' causing grave confusion and misunderstanding.³⁴ Even some China scholars in the West assume as a matter of course that the cause of social justice is championed by China's new left and neglected by Chinese liberals. The Chinese new left actually includes three groups of people: nationalists, populists, and neo-Marxists/post-modernists. The nationalist group can be further broken down into two subgroups: xenophobes, who borrow theoretical weapons from postcolonial criticism and blame the invasion of Western goods, Western capital, and Western values for the escalation, if not creation, of inequalities and other vices in contemporary China;³⁵ and statisticians, who argue for an agenda of 'state capacity,' and who not only regard China's national pride and sovereign state power as being sacrificed in an economy increasingly dependent on world capitalism, but also perceive dangers posed by the process of economic decentralisation undermining the fiscal, economic, and political power of the central government in addressing inequalities in Chinese society and in maintaining national unity.³⁶ The populist group, mainly literary critics, spares no effort in exposing the 'social polarisation' (*liangji fenhua*), 'inequalities' (*shehui bujun*), and 'spiritual degeneration' (*jingshen duoluo*) brought about by market reforms and capitalist modernity.³⁷ The neo-Marxist (or

post-modernist) group is the most sophisticated of the three. Borrowing neo-Marxist, post-modernist, and post-colonial critique from the West, utilising class-based discourse, and raising the issues of social justice, class exploitation, and the hegemony of global (Western) capital, it has effectively problematised the Chinese quest for Enlightenment values (such as liberty and rationality), modernity, and globalisation. It fiercely attacks liberalism as if it were the mainstream ideology responsible for social injustice and other evils.³⁸ These groups are labelled 'the new left' mainly because they borrow theories and vocabulary almost exclusively from the new left in the West. However, while their patrons in the West perform a healthy function of social and cultural criticism to balance the excesses of neo-liberalism or market fundamentalism, the new left in China obscures China's real problems by transplanting incongruous dogmas developed in a fundamentally different context.

Chinese liberals are, in fact, tackling China's burning issues, including the problem of growing social inequality. Not only do Chinese liberals do their utmost to advocate market efficiency, liberty, democracy, and rule of law, they also began taking great pains to promote social justice, well before the new left took up the issue; not only do they advocate equality of opportunity and procedural justice, they also stand for distributive justice to a great extent.³⁹ The social democrat elements within the liberal camp, in particular, closely follow the tradition of utopian liberal political economy with great enthusiasm in the egalitarian mode of the welfare state.

However, in tackling the issues of equity and inequality, Chinese liberals differ from both the Chinese old and new left in two fundamental ways. First, the liberals see the despotic political system, as well as the resulting marketisation of political power in the process of transition to the market economy (rather than the market economy per se), as the primary source of inequality, including unequal distribution of wealth. Based on the observation that power holders have abused their power for *yuanshi jilei* (previous accumulation), He Qinglian came to the conclusion that unfair distribution in China today does not manifest itself in the distribution of national income (through wages or taxes), but mainly in the allocation and possession of resources through political power.⁴⁰

Another liberal, Zhu Xueqin, argues:

Current social evils in China cannot be simplified and equated with a 'western disease' or 'market disease.' They are a 'Chinese disease' and a 'power disease' resulting from the peculiar circumstances where the market mechanism is parasitised, distorted, and even suppressed by an outmoded power mechanism. The liberals raised the issue of social justice long before the new left did, and they dug deeper to the root of the problem, pointing out that the problem already existed in the Mao era, such as in the plundering of private property, possession of public property, and suppression of dissenting political views by

the privileged stratum. These social injustices took shape from the inception of that system, but had been covered up by Mao's illusory ideology of egalitarianism. The power mechanism has not changed with the introduction of the market mechanism, but rather has increased its privileges and augmented the scope of rent-seeking. The result is structural corruption and social injustice at an unprecedented level.⁴¹

Second, based on empirical evidence linking economic and political freedoms, and the experience of suffering inflicted by the Communist 'command economy,' the liberals have not waged an all-out war against the market, capitalism, and the 'middle class' as the left has, but rather, firmly defend the market and the 'middle class' while focusing their attacks on the unjust power structure of the Leninist party-state and the 'upstarts' (*baofahu*) who profit from the abuse of political power. It is the belief of Chinese liberals that universal protection of rights, including property rights, is the foundation of social justice. Xu Youyu points out that 'the new left pick up other people's phrases to attack marketisation, ignoring the positive effect of marketisation in breaking down the oppressive old system.' According to him, what should be done is to protect the interests of working people against 'bigwig privatisation' (*quanwei siyouhua*) through the creation of a just legal framework to regulate the market and human behaviour.⁴²

Qin Hui argues that since social injustice in China today is rooted in an unfair process of competition where some abuse political power to create and accumulate wealth while others lose out, 'what is important is that there should be a simultaneous process of taking away both the constraints and the protections of the old system, thereby avoiding a situation in which some people continue to enjoy protection after removing constraints while others continue to suffer from the constraints after losing the protections, and in which opportunities are monopolised by the former while risks are taken by the latter, and the former take the "fruits" while the latter pay the price.'⁴³

Zhu Xueqin summarises the liberal solution to combating the social evil of inequality as follows:

Liberalism aims to deepen market-oriented reform while opposing any attempt to plunder, in the name of economic reform, the social wealth accumulated from the contributions of the lower strata of society, and opposing any attempt to repeat the experience of Land Reform and Boxer-style bogus nationalism. The economic reform of the past 20 years has not been accompanied by corresponding political reform to balance power, hence the accumulation of social injustice. The only way out is to establish constitutional democracy and rule of law through political reform, rather than falling back into the trap of campaigns and mass movements as in the past.⁴⁴

Formulating concrete programmes for the transition to constitutional democracy

Chinese liberals within the CCP such as Shang Dewen, Fang Jue, Du Guang, and Li Rui have made heart-felt proposals to the Party leadership for a smooth political transition from within. The death of political strongman Deng Xiaoping in early 1997 presented an opportunity for liberals to call for democratisation of the party-state. Shang Dewen is a senior professor in economics at Peking University, and also a 'veteran revolutionary' (*laogeming*) who joined the People's Liberation Army in the 1940s. In August 1997, when the 15th National Congress of the CCP was at the last stage of preparation, Shang Dewen sent the Central Committee of the CCP a proposal entitled *Some Issues of the Political Reforms in China and Main Strategies*. His proposals included revision of the constitution according to the demands of market economy, general elections and the establishment of a parliamentary system, and checks and balances of powers – virtually the political system of liberal democracy as established in the West, which he regarded as 'political civilisation' belonging to all humankind. In order to minimise resistance within the CCP, Shang Dewen promised that the backbone of the new political system would be the working class and the CCP. He also proposed allowing three years for preparation through consultation and discussion and another 12 years to complete the process of political transition to full democracy. Shang's proposal was not accepted by the CCP leadership, but led to many interviews and reports by international media.⁴⁵

When these calls for further political reform in the direction of democratisation fell on deaf ears among the 'third generation of leadership' led by Jiang Zemin, democrats within the CCP turned their attention to the 'fourth generation leadership' represented by Hu Jintao and Wen Jiabao, who became the General Secretary of the CCP and the Prime Minister of the PRC, respectively, in early 2003. Before Hu and Wen assumed power in late 2002, Du Guang widely circulated a pamphlet of over 100,000 words analysing the reality and causes of communist despotism in China and calling for reforms to return enterprises to workers, land to peasants, government to citizens, and culture to society. Concretely, he asked the CCP leadership to eliminate all Party institutions and functions that overlapped with those of the government, to deprive Party propaganda departments at all levels of censorship power, to abolish the power of the CCP to intervene in the internal affairs of 'democratic parties,' to grant independence to the army by separating the Party from the army, to grant independence to 'social organisations' (particularly the All-China Federation of Trade Unions, Communist Youth League, and Federation of Women) by severing the Party's administrative and financial ties, to allow genuine multi-candidate elections, to endow the National People's Congress with genuine legislative power, to establish judicial independence, to guarantee freedom of speech and association, and to establish a new government structure.⁴⁶

Following the same line of thinking, Li Rui introduced a proposal for comprehensive democratisation at the 16th National Congress of the CCP in November 2002. In his document, Li Rui divided his suggestions into ‘democratisation of the Party’ and ‘democratisation of the state.’ In the area of ‘democratisation of the Party,’ Li asked for institutionalisation in strictly adhering to the rule of a maximum of two terms of service for standing politburo members; multiple candidates for election to the Central Committee; competitive elections for politburo members, standing politburo members, and the general secretary; freedom of speech within the Party; major decision through votes; and submission of the Party to the state constitution. In the area of ‘democratisation of the state,’ his requests included effective measures to guarantee the operation of the National People’s Congress as the most authoritative organ of state and legislation, establishment of a ‘constitutional court’ to safeguard all the rights stipulated in the constitution, judicial independence, promulgation of a law of political parties to clearly demarcate the power and responsibilities of the ruling Communist Party and other parties, free elections for government at the township level, and restoration of peasant associations for rural residents to exercise equal citizens’ rights.⁴⁷

Transcending nationalism

Liberals in China today have achieved a much better understanding of the tension between liberalism and nationalism than did their predecessors in modern China, prioritising human rights and individual freedom over national wealth and power (*guojia fuqiang*).⁴⁸ A complicated and delicate relationship had existed between nationalism and liberalism in China since modern times, largely due to the different logic of these two ideologies as well as the extraordinary intellectual and political history of modern China in confronting the dual challenges of democratisation and national salvation. Most liberals in modern China were nationalists at the same time. In promoting China’s independence and modernisation, nationalism and liberalism were both utilised as part and parcel. When modern liberalism was first introduced to China, Yan Fu, father of Chinese liberalism, deliberately and masterfully transmuted it into statist programmes, which were upheld by several generations of China liberals.⁴⁹ In a politically charged environment where nationalism has become the most important tool for legitimising the Leninist party-state, and where nationalist sentiment runs high among a population fed with highly selective information by the state propaganda apparatus, Chinese liberals warn against the potential dangers of nationalism in causing social disorder, in arousing xenophobia and chauvinism, in suppressing individual freedom and personal rights, and in sabotaging the project of democratisation and modernisation.⁵⁰ They stress that China’s modern nationalism has been informed by a backward Sino-centrism that has held China back from learning from other civilisations and making

progress, and they call for an end to fanatical populist nationalism (leftist xenophobia), which rejects liberal values in the name of patriotism and breeds hatred and violence against other nations.

For liberals in contemporary China, the regime of the Leninist party-state has always been a combination of Communism and nationalism, in which national interests have been greatly distorted by vested interests, privilege, and the ruling ideology. Having established a firm belief in democracy and liberal values as the prerequisite for 'rational nationalism,' they insist that no abstract 'national interest' exists apart from the sum of individual interests of the members of a nation, and that this kind of 'national interest' can be legitimised only through the democratic process. They argue for the superiority of universal values over nationalism – peace, non-violence, democracy, rationality, freedom, and human rights in particular – and urge their compatriots to abide by these values when engaging in international relations.⁵¹

Liberals in China protest against the cynical manipulation of nationalism by the party-state, especially for the purpose of reinforcing the legitimacy of the out-moded party-state regime. In Sun Liping's words, 'Nationalism has been pragmatically employed as an important resource for the formulation of state ideology during the era of transition.'⁵² This observation is echoed by Fan Baihua, who points to the Chinese Communist party-state's cynical and opportunistic use of nationalism to win the hearts of the people while the party-state assists foreigners in exploiting the Chinese people for enormous profits.⁵³ Xu Youyu has also acutely pointed out the distinct difference between Chinese nationalism in the 1990s and nationalism in modern Chinese history: the latter was a response to national crisis caused by foreign invasion, whereas the former resulted from efforts by the party-state to fill the ideological vacuum created by the collapse of Marxist-Leninist ideology.⁵⁴

Obviously, neither Chinese citizens nor Chinese 'national interests' need to stand in opposition to the West. On the contrary, normal communication with the advanced West benefits the people and 'national interests' of China in political, economic, and cultural development. It is the party-state that perceives a need to be an enemy of the liberal-democratic West, particularly when nationalism has become an ideological pillar maintaining the totalitarian regime at the expense of democratisation in China. Given that the statist tradition has dominated educated minds in China since the birth of state Confucianism, and given that since the nineteenth century several generations of Chinese liberals have fallen into the trap of nationalism and brought tragedy upon themselves by abandoning their belief in liberalism for the sake of national salvation or national construction, the gathering momentum of Chinese liberalism today may constitute the most profound change in Chinese intellectual development since the mid-nineteenth century, if not since the Spring-Autumn period of the eighth to fifth centuries BC.

Conclusion

The emergence of the liberal camp in China since the June 4th massacre indicates an utter failure of the ‘anti-bourgeois liberalism campaign’ launched by the Leninist party-state to root out the elements of liberalism. While Leninist hardliners in China have been moving backwards since the June 4th, Chinese political thought and society have been moving forwards. For the first time in Chinese history, liberalism is fully understood and has become the dominant ideology (*zhuliu huayu*) among thinking Chinese, who with few exceptions regard liberal democracy with regular, multi-party elections, rule of law, and protection of basic civil rights as a superior political system and an end goal for political development.

Is the liberal camp capable of bringing down the Leninist party-state that stands in the way of China’s transition to constitutional democracy? In the conventional sense it is not, simply because under the post-totalitarian conditions it lacks the opportunity to form a powerful party or other form of political organisation to effect social and political change. However, its rigorous intellectual campaigns have laid down a solid intellectual foundation for China’s transition to constitutional democracy and have had an impact from the highest levels of the CCP to the bottom of Chinese society. The emerging rights defence movement is to a great extent the result of the propagation of liberalism and the expansion of rights consciousness in particular. The current CCP leaders, Hu Jintao and Wen Jiabao, have accepted liberal values such as human rights and rule of law as ‘universal values,’ although they have taken a self-contradictory position of pursuing democracy and the Leninist one-party dictatorship at the same time. The very concept of ‘the state respecting and protecting human rights’ has now been written into China’s revised constitution. The new political philosophy adopted by Hu and Wen is best embodied in the slogan ‘people as the end’ or ‘people first’ (*yi ren wei ben*), compared to previous party lines that treated people as means for other ends, as expressed in the slogan ‘class struggle as the key link’ (*yi jieji douzheng wei gang*) or ‘development as the priority’ (*fazhan shi ying daoli*). Subsequently, the idea of ‘putting people first’ was further extended into and supplemented by the ‘scientific development concept’⁵⁵ and the theory of ‘building harmonious society,’ which lists ‘democracy and rule of law’ as the top criteria.⁵⁶ At a press conference on 16 March 2007, Wen Jiabao declared, ‘I said democracy, the rule of law, freedom, human rights, equality, and fraternity are not something peculiar to capitalism. They are the joint achievements of civilization of the entire world during its long historical process and the common values pursued by mankind.’⁵⁷ The open discourse on liberalism is effectively disarming the Leninist party-state intellectually, ideologically, and morally, and may in the end subdue it without a physical fight, as preached in Daoist strategies.

Notes

- 1 An earlier version of this article was previously published in *Perspectives Chinoises/China Perspectives*, No. 2, 2009. Reprinted with permission of the journal.

- 2 In the context of contemporary China, the terms ‘constitutional democracy’ (*xianzheng minzhu*) and ‘liberal democracy’ (*ziyou zhuyi minzhu*) are interchangeable, though the latter is rarely used. Since the term ‘democracy’ has been widely abused and even used to justify one-party dictatorship, for the purpose of clarity Chinese liberals deliberately choose the term constitutional democracy, referring to liberal democracy with not only regular, multi-party elections but also separation of powers and the protection of individual rights provided by the constitution and other laws. ‘Constitutional democracy’ is often substituted with the term constitutionalism (*xianzheng*) as a shorthand, a common practice that originated in modern China and was especially prevalent during the Constitutional Democracy Movement (*xianzheng yundong*) in the 1940s.
- 3 Nicholas D. Kristof, ‘China Sees “Market-Leninism” as Way to Future,’ *New York Times*, 6 September 1993.
- 4 Andrew Nathan, ‘Authoritarian Resilience,’ *Journal of Democracy*, vol. 14, no. 1, 2003, pp. 6–17; Pei Minxin, *China’s Trapped Transition: The Limits of Developmental Autocracy*, Cambridge, MA: Harvard University Press, 2006.
- 5 Wang Yi, ‘2003: “Xin minquan yundong” de faren he caolian’ (2003: The origins and practices of the ‘new civil rights movement’), *Guangcha* (Observation), 19 December 2003; He Weihua, ‘2006 nian weiquan yundong de fansi’ (Reflections on the rights defence movement in 2006), www.peacehall.com/news/gb/pubvp/2007/01/200701180425.shtml; Teng Biao, ‘Zhongguo weiquan yundong xiang hechu qu?’ (Whither the rights defence movement in China?), www.peacehall.com/news/gb/pubvp/200610172340.shtml.
- 6 Due to length constraints and division of labour, this article focuses on liberal intellectuals and to a lesser extent on liberals within the CCP and Christian liberals. Analysis of democracy activists, rights lawyers, and grassroots activists is provided in other chapters of this book.
- 7 The term ‘liberals’ in this article refers to those absolute liberals who have established firm belief in philosophical, economic, and political liberalism and openly defend their beliefs in practice.
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- 10 The first exclusive conference for Chinese liberals was organised by Feng Chongyi at University of Technology, Sydney, on Constitutional Government and China, January 2003, leading to the publication of the book series *Zhongguo ziyou zhuyi luncong* (Chinese Liberalism Series).
- 11 For Zhu’s liberal ideas see Zhu Xueqin, *Daode lixiang guo de fumie* (Downfall of the moral utopia), Shanghai, Sanlian, 2004; and Zhu Xueqin, *Shuzhaili de geming* (The revolution in the study), Changchun: Changchun Publishing House, 1999.
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- 23 The organisation was founded in the early 1950s by a group of government officials and church leaders who were sympathetic to the new Communist regime. It took its name from the principles of self-government, self-propagation, and self-support, which foreign missionaries years before had set forth as goals for the Chinese Church. Thousands of Chinese Christians refused to join the government-run organisation, precisely because they wanted to maintain their independence and the principles of self-government, self-propagation, and self-support. After 1955 these independent Christians were either killed or jailed by the government. The first Chinese 'house church' was founded by a senior priest, Yuan Xiangchen, in Beijing in 1980, when he was released after 21 years of imprisonment.
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- 25 Li Shen zhi, 'Hongyang Beida de zi you zhuyi chuantong' (Promoting and developing the liberal tradition of Peking University), in Liu Junning (Ed.), *Zi you zhuyi de xiansheng: Beida chuantong yu jinxiandai Zhongguo* (The harbinger of liberalism: The tradition of Peking University and modern China), Beijing: Zhongguo renshi chubanshe, 1998, pp. 1–5. Similar ideas had been put forward by others earlier, albeit with much less impact. For example, see Xu Liangying, 'Renquan guannian he xiandai minzhu lilun' (The concept of human rights and modern theory of democracy), *Tansuo* (Exploration), August 1993; also in Xu Liangying, *Kexue minzhu lixing: Xu Liangying wenji* (Science, democracy, and reason: Selected works of Xu Liangying), New York: Mirror Books, 2001, pp. 258–276.
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- 56 The idea of ‘building socialist harmonious society’ was first put forward by Hu Jintao in a speech at a meeting with key officials at the provincial level in February 2005, and elevated in the *Resolution about Some Major Issues of Building Socialist Harmonious Society* at the 6th Plenary of the CCP National Congress in October 2006. The other five criteria are fairness and justice, honesty and fraternal love, full of vitality, stability and order, and harmony between humanity and Nature.
- 57 ‘Full text of PRC Premier Wen Jiabao’s news conference,’ www.chinaelections.org/en/17/03/2007.

5 Wang Xiaobo and the no longer silent majority

Sebastian Veg

Wang Xiaobo, born in 1952, was an atypical member of the educated youth generation. Having returned to Beijing quite early (in 1972, at 20), and after a further six years as a factory worker, he enrolled in a university at the almost normal age of 26, in 1978. Like many others who shared his experience, it seems that he soon began writing about his life on a military farm in Yunnan, his appraisal of the ideology-driven totalitarian Maoist state, and his understanding of the intellectual's role in the new, de-Maoized context of the 1980s. However, unlike almost all of his contemporaries, he did not publish a single piece of writing during the decade of 'cultural fever' that culminated in the student movement. Having taught two years of secondary school after graduation, he left for the United States in 1984 and obtained a Master's degree in East Asian Studies from the University of Pittsburgh in 1988. Upon his return to China, he took up a position as assistant professor in the Sociology Department of Peking University, where he remained for three years, throughout the student protests and subsequent repression of 1989. It was only after leaving Beida for People's University that, in the summer of 1992, he finally decided to publish a novella he had been working on for almost twenty years: 'The Golden Age'. In the five following years, before his death of a heart attack on 4 November 1997, he rose to meteoric fame in China and even, to an extent, in Taiwan, where he won several prizes, and began frenetically publishing novels, short stories and essays, some of which had been accumulating in his drawers, others freshly composed.

Why did Wang Xiaobo suddenly decide to enter the public sphere in this way? What was it in his writings that struck such a chord with the young and disillusioned Chinese readers of the 1990s? This paper argues that, although there is no direct connection between Wang and the 1989 student movement, his decision to 'speak out' as he put it in his most famous essay, 'The Silent Majority' (April 1996) is related to the watershed of 1989: because his writing is both connected with the spirit of the 1980s, and at the same time represents a break with certain notable aspects of this spirit, in particular a revision of its views on dealing with history and politics, on Enlightenment and on the role of the intellectual; it

lent words to the feeling among young intellectuals that they had to invent a new mode of thinking and of public action. This paper will mainly draw on his essays published in the years between 1995 and 1997 in several influential intellectual journals, such as *Southern Weekend* (Nanfang Zhoumo), *Dushu*, *Dongfang* magazine, and others, and collected under the title *The Pleasure of Thinking* (Siwei de Lequ). It will attempt to give a glimpse of the originality of Wang's ideas in several key areas, to illustrate how Chinese intellectuals sought to reinvent their role in the 1990s.

The totalitarian past and the world of power

In the opening essay of the collection 'The Silent Majority', Wang Xiaobo begins by writing about the necessity of keeping silent. In a totalitarian environment, language itself is invested with a dynamics that makes it into a tool of oppression: 'When the "Cultural Revolution" began, I was fourteen and in the first year of junior high school. One day, a frightening change occurred: part of my classmates suddenly became members of the five red categories, and the other part became members of the five black categories' (4).¹ In this example, Wang finds a confirmation of what he has read in Foucault's essays in the 1980s: that language is power, and using categories of language is a way of imposing, or even creating, domination. In this context, using language will necessarily make the writer into one of Stalin's 'engineers of the soul', and the only solution is to keep silent. If you speak out in the public sphere, you enter what Wang Xiaobo calls the world of *yang*, the world of power relations, of politics, and of oppression. When you speak the language of power, you are almost certainly lying, just like the propaganda slogans praising the unequalled happiness of the Chinese people that Wang remembers in conjunction with the famine of the Great Leap Forward.

For all these reasons, Wang Xiaobo explains, he has chosen silence: 'we can always make a choice between two types of culture: silence and language' (8). Silence belongs to the world of *yin*, and it is in this world that the values of humanity have somehow been preserved even during the Cultural Revolution. The evidence is tenuous, but Wang underlines that, on one occasion, after a fight breaks out in the lavatories of a dorm and two of his young colleagues bite at each other's ears, the missing pieces of ear are later found on the floor: there has been no cannibalism, and human nature has prevailed. On another occasion, he himself is carried to hospital by one of his companions over a dangerous river ford. He concludes:

Because of these acts, I do not think we were bad people, we do not necessarily believe in 'youth without regrets', or think we should have stayed in the villages and not come back; nor do I think we should follow some of the hints encouraging us to commit collective suicide, to open up some positions for the

young people of today. However, for the aspects of our morality that can be saved, we should be thankful for the education of silence.

(“The silent majority”, 8)

Humanism, Wang Xiaobo infers, did not disappear during the Cultural Revolution, but it survived in silence. Silence, and the private world of *yin* thus serve not only as a refuge, but also as a bulwark against violence and against the lies of rosy propaganda. For this reason, Wang never joined the chorus of the ‘scar’ writers, who bemoaned their travails and oppression; he took the stance that silence was not a constraint but an ethical choice, the choice of the world of *yin* and of the side of the oppressed against the power holders. Therefore, while he of course refuses the idea of ‘youth without regrets’, he symmetrically avoids portraying the educated youth as victims.² It is most probably for this reason that Wang Xiaobo himself chose to remain silent throughout the 1980s and delayed publishing his own fictional account of life on his military farm in Yunnan.

The position of the intellectual

However, the connection between speech and power exists not only in a totalitarian context. The world of *yang* in Wang’s view also encompasses the figure of the intellectual, with all its Chinese variants, ranging from Confucian, via May Fourth to the Cultural Fever of the 1980s. The traditional idea of ‘Taking the world under heaven as their responsibility’ (*yi tianxia wei ji ren*) is, for Wang Xiaobo, part and parcel of the oppressive power structure of the world of speaking out. Playing with the characters *shuo* and *shui*, he writes: ‘Educated Chinese people have a very strong sense of responsibility to society: they must pay their taxes, be a good taxpayer – this is the unpleasant way to say it. The nicer-sounding way is “taking the world under the heavens as your responsibility”’ (“The silent majority”, 10). Taking a position on social issues is therefore exactly like paying a tax to the state, paying tribute to the necessity of entering the world of power struggles.

Wang Xiaobo implicitly lumps together the traditional Confucian stance and its Enlightenment variant, in which the intellectual takes on the role of a moral authority. ‘Think no evil’, wrote Confucius on the *Book of Songs*, to which Wang Xiaobo replies: ‘The people who make this kind of suggestion are themselves without evil, or without selfishness, of course they do not know what evil is, therefore this recommendation simply means: I don’t want others to have what I don’t have’ (“The pleasure of thinking”, 19). Underlining the continuity between Confucian and Maoist moralism (he describes the anti-Rightist movement as mainly preoccupied with investigating women Rightists’ family mores (“Verbal war and morality”: 56), Wang Xiaobo criticizes Chinese intellectuals, including those of the 1980s, for talking too much about people and not enough about ideas: ‘In our country, when intellectuals discuss social problems, what they always repeat is that

people are too ignorant. [...] I do not believe this is a criticism of society, it is rather personal criticism' ("The pleasure of thinking", 23–24). Whether they base their claims on morality and ethics (in a Confucian manner), or on superior knowledge, intellectuals must abandon this moral high ground:

Some say that they should 'worry before all others and rejoice after all others under heaven' (are they pessimists?), some say they should 'take responsibility for the world under heaven' (are they internationalists?), I think this is not the most classic formulation. That would be that they believe in their own superior morality (a scholar is versed in all trades), their dominating position (the most important of the four estates), and their qualification to educate others (educate the people). [...] When we talk about social problems, we should use 'hard reasoning': either we know what is being discussed and others don't, or we can clarify a complex problem that others can't.

("The pleasure of thinking", 26)

If they cannot demonstrate their understanding of the problem, intellectuals, just like ordinary people, have nothing to contribute, and should remain silent.

This position is related to Wang Xiaobo's particular understanding of the nature and the use of science. For him, knowledge or science is not situated within a relationship of power, it is much rather a universal type of reasoning that is valid because it can be reproduced by everyone, and requires no position of authority to find acceptance; it is democratic in its method. For this reason, Wang derides both Zhu Xi and the '2000-year old chewing gum' of 'national studies' ("My views of national learning", 82), and Plato's ideal of the philosopher-king: 'conclusions in philosophy are very different [from science]: there are some that you might never agree with at any cost, because they have neither proof nor reasoning, the philosopher-king himself is the proof, and what is more the conclusion itself is quite often very serious. [...] As for myself, I have always hoped that the principles of existence, the foundations of ethics could be self-explanatory ideas. And if there are unclear aspects, I welcome the valuable views of scholars, provided that they convince people using reason, just like the scientists of earlier generations, or that like Socrates, they engage in an equal dialogue with us' ("The ideal state and the philosopher", 94). Wang's position is that, contrary to the Confucian definition of wisdom as 'knowing the commandments of heaven' or Mao's 'spiritual atomic bomb', an intellectual never has any answers: his knowledge is based only on the fact that, like Socrates, he knows that he knows nothing ("Wisdom and national learning", 87).

In an article entitled 'Moral conservatism and other problems', Wang Xiaobo insists on the axiological neutrality that social science must bring to intellectual debates. Recalling a conference in which a colleague wore a T-shirt inscribed with the sentence, 'Ok, let's pee', Wang distinguishes between people who think that encouragement is always good, whatever the goal, and people who prefer to think

about the goal rather than encourage others to do things. Therefore, he underlines that, although he has agreed to write the ‘social ethics’ column in *Dongfang Magazine*, with the recommendation to ‘raise the level of social morals’, he himself is not interested in encouraging people to do things they do not want to do. ‘Ok let’s pee’ is not an appropriate slogan for a gathering of adults – it is widely accepted that after a certain age, everyone can decide for him- or herself when it is time to pee. Therefore Wang Xiaobo announces that he will devote his column only to the construction of moral standards, not on how to enforce them. Therefore, ‘ethics and morals are just the same as all other areas of research, you first need to understand the related facts before you draw any conclusions’ (“Moral conservation and other problems”, 63), and moral conservatism is the same thing as disregarding the content of the facts you are judging. For this reason, in Wang Xiaobo’s view, there is no real difference between placing your faith in a moral or religious canon (and, for example, persecuting or discriminating against homosexuals) and placing your faith in a little red book: in both cases you are devoted to encouraging other people to pee. This shift towards social science and axiological neutrality, and the subsequent distrust of the educational role of the intellectual it implies, both mark a break with the understanding of Enlightenment that dominated in the 1980s.

‘Coming out’ of silence and taking the position of the powerless

It has probably become clear by now that some of Wang Xiaobo’s ideas are inspired by his reading of Foucault, in particular his obsessive analysis of power as the fundamental phenomenon in human interaction, of which political power appears to be only one variant. In one particularly facetious text that echoes his fiction writing, Wang plays with this metaphor to describe the rituals of power in both late-Qing and Maoist China as a sado-masochistic game of humiliation. Describing a ‘sadist bisexual foreign devil’ who visits the court of the Qing emperor, Wang writes: ‘When he heard that a vassal must salute the emperor by kneeling three times and kowtowing nine times, he immediately had an emperor dream: playing such an amusing sexual game every day would be worth dying for. Overall, in his eyes, the Chinese political system of the time was a delicious sexual game and sexual ceremony, unfortunately he was a foreign devil and could only watch, not play’ (78). In Maoism, he adds, things have not changed very much: ordinary people dream of being a screw or a brick, emblems of their masochist alienation, while the sadistic center of power is described as the ‘reddest sun’ in their hearts (79), making the entire country into a ‘secret chamber’.³

While this characterization is certainly conceived in a humorous mindset, it highlights what Wang Xiaobo sees as a defining trait of Chinese society: the fact that everyone belongs to what he calls an ‘underprivileged’ or ‘weak’ group (*ruoshi qunti*).

A few years ago, I took part in some sociological research, and so came into contact with some 'weak groups', the most unique of which were homosexuals. After carrying out this research, I suddenly realized that all 'weak groups' are made up of people who do not speak out about certain things. [...] And then I also suddenly realized that I was part of the largest of these 'weak groups,' and one that has always existed: the silent majority. The reasons why these people choose to keep silent are varied and many: some don't have the ability, or the opportunity, to speak out; others have some private feelings they prefer not to speak about; others yet, for all sorts of reasons, dislike the whole world of speaking. I belong to the latter category. But as someone of this kind, I still have a duty to talk about what I have seen and what I have heard.

("The silent majority", 11)

The world of *yin*, although it survives in the shadows, is therefore not only the place where the values of humanity are preserved in difficult times, but can also be estimated to make up a large part of Chinese society. To borrow a concept from a similar context, but which was originally coined with a very different meaning, Wang Xiaobo here defines his own version of the 'power of the powerless'.

Needless to say, this manifesto, which is linked to Wang's interest in Foucault, and also in Braudel's 'everyday history', triggered a wide enthusiasm among Chinese intellectuals for marginal groups and the underprivileged. In the context of what he has written about traditional attitudes, it is clear that for Wang intellectuals cannot speak *for* these *ruoshi qunti*, but can only speak by adopting their position, or their perspective, within the framework of axiological neutrality. This, once again, represents both a form of continuity and also a break with the attitude of the 1980s. While Wang mentions a 'duty' (*yiwu*) to 'talk about' what he has seen and heard, be it in Yunnan with the peasants and educated youth or during his sociological investigations, this duty is not of the same nature as the 'responsibility for the world under heaven'. It is a purely individual form of responsibility to oneself, and as such, it can escape from the power relationships that inevitably arise from a sense of social responsibility (and the superiority it presupposes).

This different individual form of responsibility is nonetheless capable of providing a new impetus to the 'powerless' silent majority, because it is closely associated with pleasure. For Wang Xiaobo, disinterested, individual desire for knowledge is invested with the highest degree of pleasure, which is capable of overcoming all forms of social obstacles. While his father, a famous logician of the 1950s, never experienced the pleasure of knowledge, living in constant terror that his findings might be found to be counter-revolutionary, Wang writes that the brain is the 'organ with which we perceive the greatest pleasure' ("The pleasure of thinking", 16). Wang denounces the Chinese tradition in which, in his view, knowledge is always utilitarian: 'Zhu Xi recognized that his view to obtaining knowledge through the "investigation of things" was motivated by his wish to govern the country and

pacify the world' ("Cultural fight", 70). Rejecting any utilitarian approach to knowledge, Wang writes: 'I prefer the donkey's approach: knowledge itself is good. One day we will all die, but others will pursue the road to seeking knowledge. I will not see what happens after my death. But thinking about this fact while I am alive makes me very happy' ("Wisdom and national learning", 86).

Taking issue with an article by Wang Lixiong regretting the alleged moral decay among intellectuals after 1989, Wang Xiaobo replies that an intellectual's duty is only towards science, and that science holds nothing sacred. Intellectuals have no need to feel shame ('it is always better to live without shame', "Moral decay and intellectuals", p.52), on the contrary they should free themselves from all fetters in seeking knowledge. Comparing Wang Shuo's writings with those of Marguerite Duras and Milan Kundera, Wang Xiaobo concludes that Wang Shuo does not lack shame, but experience of the wider world. Similarly to Wolfgang Kubin's recent criticism of contemporary Chinese writers, Wang believes that Chinese writers need to read more, learn more, understand more about the world, in order to have more interesting things to say, and refuses to criticize them on moral grounds.

The force of the pleasure it procures is, however, also Wang's ultimate argument in favor of literature. Parting with Foucault and the mainstream of cultural studies, Wang asserts a specific role for literature as a 'foothold to attack the circle of language, to attack the entire world of *yang*' ("The silent majority", 11). Literature differs from ideology and the world of *yang* in that it does not have all the answers, it is disinterested, purely individual, and it touches others not through constraint but through pleasure. Wang concludes 'The Silent Majority' with what can only be seen as a provocation against the views of literature propounded both by the official side and by many writers of the 1980s:

According to him [a friend Wang Xiaobo had given his first book to], writing must allow you to educate the people, to elevate their soul. These are truly golden words. But among the inhabitants of this world, the one I would most like to elevate is myself. This is a very base, very egoistic conception, but it is a very frank one.

("The silent majority", 12)

Literature, just like knowledge, has only one finality: procuring pleasure, both for the writer and for the reader. It is this ultimately anti-authoritarian, utterly individualistic conception which guards it against misuse by propaganda or ideology and places it entirely outside the 'meshes of power' defining all social and political relationships. It rejects any form of enlightenment that incorporates the indoctrination of others: 'When I was sent down to the country as an educated youth, I absolutely wanted to liberate the entire human race, I never thought in the least of myself. At the same time I must admit that I was very ignorant [...] wanting to educate others with your own ignorance is the greatest sin that good-hearted

people can commit' ("The silent majority", 17–18). The fact that knowledge can be acquired by everyone is the strongest argument against the need for the liberation of others.

Wang Xiaobo therefore defines a paradoxical form of responsibility, an individual duty to oneself that derives from being a member of the 'silent majority', part of the world of *yin*, from occupying a position on the margins of society. But although there is no obligation to come out of the world of silence and into the dangers of the world of power and language, we may surmise that his own decision to do so has a sort of exemplary value, in demonstrating the anti-authoritarian force of speaking out.

Conclusion

Why, then, did Wang Xiaobo finally come out of his silence three years after the repression of the student movement in Tian'anmen? This paper has tried to argue that his conviction that it was only by virtue of occupying a marginal, non-representative position in society that a writer or an intellectual could possibly enter the world of public speech and politics, is somehow related to the failure of a movement that, for all its ideological complexity, grew out of a very different matrix of values and beliefs, one that was much more closely related to May Fourth, to the traditional role of intellectuals and indeed to the role the Communist Party sought to assign to them. Wang Xiaobo no doubt felt compelled to speak out, not to criticize the convictions or actions of others, but in order to address what he thought was the most urgent problem of Chinese society: the exacerbation and superposition of power relationships of various types (political, but also increasingly economic, cultural, intellectual) and the fracturing of Chinese society into 'underprivileged groups' that did not form a monolithic block capable of opposing state power.

It is worth pointing out that this stance that espouses the viewpoint of the underprivileged has been largely adopted by intellectuals of the post-Tian'anmen generation. Documentary filmmakers began in the late 1990s, using hand-held digital video technology, to film all sorts of social and political problems: socially excluded groups, like migrant workers or prostitutes, testimony of witnesses of political campaigns like the Cultural Revolution, the Anti-Rightist movement, or the Collectivization campaigns of the 1950s. Writers like Yan Lianke or Liao Yiwu turned to the most vulnerable or illness-stricken members of society and adopted their perspective. Jia Zhangke never fails to mention Wang Xiaobo as the writer who inspired him to consider the value of the individual and the necessity to turn away from collective narratives. Sociologists and other academics, in particular Wang's widow, Li Yinhe, have turned to studying specific social questions in the non-axiological manner he advocated, while a more general academic trend is emerging in favor of cultural studies (Wang Xiaoming). Local activists have focused on environmental issues, heritage destruction and housing evictions rather than on

institutional change. To various degrees, these trends are all related to what Wang Xiaobo was calling for and was engaged in. Whether and in what way all these movements can be seen as harbingers of deeper and more radical intellectual and, eventually, political change remains to be seen; however the influence wielded by Wang Xiaobo in five short years of intense publishing will certainly stand as an important phenomenon in its own right, and will no doubt be increasingly seen as defining for the mindset of the post-Tiananmen generation.

Notes

- 1 Unless otherwise specified, all quotations are from Wang Xiaobo, *Siwei de Lequ* (Quanji, vol. 1), Kunming, Yunnan Chuban jituan/ Yunnan Renmin chubanshe, 2006. The page numbers in parenthesis refer to the print edition; all translations are my own. The red categories were revolutionary cadres, martyrs, workers, soldiers and peasants; the black ones were landlords, rich peasants, counter-revolutionaries, criminals and rightists.
- 2 There are similar elements in 'The Golden Age', when the main character, Wang Er, initially refuses to confess because he will not adopt the language of the commissars, and finally only agrees to write a confession as a form of fictional writing which he uses to mock them.
- 3 More generally, Wang Xiaobo seems to regard politics, and in particular totalitarian politics, as deeply irrational. In an essay on the 'poisonous propaganda of narrow nationalism,' he compares Hitler's charisma with the power of the literary figure of the Russian madman and Yao Wenyan's eery smile.

6 The seeds of Tiananmen

Reflections on a growing Chinese Civil Rights Movement

Xiaorong Li

How hopeful should we be for democratic change and human rights improvement in China today, twenty years after the bloody crackdown on the student democracy movement, which seemed to put an end to bold action for political reform? Having watched China in slow motion or stagnation in political reform for two decades amid the country's impressive economic performance, China observers are hungry for any sign of positive political development. The best hope is action taken by the Chinese themselves on their own initiative to strive for democracy and human rights. Misinterpretations of signs and indications can generate false hope and misguided policy, and the responsibility of those who interpret these signs and indicators is far from trivial.

This chapter considers whether the much-heralded recent social mobilisations known collectively as the 'rights-defence movement' (*weiquan yundong*) qualify as a positive social-political development from within, and hence as a firmly hopeful indicator. The inquiry aims to provide insights answering such questions as: to what extent the 1989 democracy movement has survived or been resurrected today; in what ways the 1989 movement has been transformed or has adapted itself to the rapidly changing China; or conversely, whether the new 'rights-defence' movement's net outcome has been to serve as a BandAid to defective political and legal systems that prolongs their rule, hence contradicting the 1989 movement's intentions of democratic reform.

One obstacle to tackling these issues is a lack of knowledge and understanding of the *weiquan yundong*, which is necessary for assessing its potential impact. I will begin with some initial characterisations based on my own preliminary observations about the phenomenon, which I hope will provide some basic information for assessing its claim to be a growing social-political movement, as well as its impact and implications.

Has *weiquan* become a social-political movement?

The much-discussed 'rights-defence movement' (*weiquan yundong*) has its critics and sceptics: Is this so-called 'movement' virtual or real – online or in actual time

and space? Is it genuinely folksy and grassroots, or manufactured by outsiders? In any case, what good does it do in pushing China's transition toward democracy and rule of law? Does it simply put a BandAid on the corrupt regime and pacify the disgruntled masses? Isn't it naïve to push for change through non-violent action in a country ruled by arbitrary and brute force? Are we lying to the abused if we advise them to seek justice in a one-party state lacking rule of law?

Over the past few years, I have had the opportunity to converse with many actors in the *weiquan* movement and follow their actions as they unfolded. My personal observations based on these encounters will inform much of the discussion here while I try to address criticisms and concerns. Based on my conversations, I will describe this movement initially with the following characteristics:

- 1 Spontaneity. *Weiquan* actions are often prompted by incident-driven claims of rights violations. They tend to have no advance planning, and their course of evolution and scope of involvement are unpredictable.
- 2 *Minjian*. *Weiquan* actions are typically not mandated or mobilised by the government. They evolve in the non-governmental sphere or in the grey space between official and non-official rule, where public interest is pursued by neither the government nor private, profit-driven forces.
- 3 Decentralisation or pluralism. Often, no one individual or group is the apparent leader or centre of command in full charge of the mass mobilisation, either online or in real space. Typically, several individuals or groups make decisions and organise actions simultaneously.
- 4 Grassroots. The key actors of the *weiquan* movement tend to emerge from the bottom strata of society, in rural communities or from labour, and they typically lack a college education, although the movement would never have reached its present stage without the active participation of urban professionals and elites, including lawyers and intellectuals.
- 5 'Grey' or less-sensitive issues. The *weiquan yundong* involves mostly 'grey' issues, i.e. issues that do not seem to pose a direct or outright political challenge to the regime, and which the government has made nominal promises to address, such as agricultural land, property rights, food safety, or environmental protection. But this movement has not shunned 'sensitive' issues, for example, confession under torture, deaths in detention centres, arbitrary detention and 'black jails', and the death penalty.
- 6 Non-violence. The non-violence principle may not be accepted by all activists or actors, but the movement has remained largely peaceful. The means used are mostly legal – online campaigns, petitioning, demonstrations, and lawsuits, although clashes with the authorities turn violent from time to time. Following the violent suppression of the non-violent 1989 student movement, the *weiquan yundong* seems to have taken stock of its bloody lessons and is pushing forward in ways sensitive to the regime's brutal

nature and the need to avoid giving the authorities an excuse to crush activism with violence.

- 7 Tech-savvy. Activists have extensively used the Internet and other modern telecommunication tools, despite increasingly sophisticated government cyber patrols and censorship. Cyber activists have at times outsmarted cyber police. This is remarkable, considering the huge state investment in the most advanced technologies. Guerrilla tactics and online mobilisation tools have proved difficult to control, although some online activists have been sent to jail.
- 8 Piecemeal impact. *Weiquan* activities have had some good small-scale returns, which may qualify the movement as largely incremental in its evolution. The impact is measured piece by piece; for example, by the release of an individual detained for speech crimes, the abolition of certain illegal detention facilities, relaxation of discriminatory college entrance health requirements, or softened police tactics, etc. Such achievements do not have the appearance of revolutionary regime change.

Based on these preliminary characterisations, I have fashioned the following description or definition of the phenomenon known as the ‘rights-defence movement’:

Initially emerging around the year 2003, the so-called ‘rights-defence movement’ consists of clusters of collective action, mostly spontaneous, voluntarily participatory, non-violent, and independent of the government, aimed at defending an array of endowed or bestowed rights, using the constitution, the law, civil disobedience tactics, and the Internet.

To be able to call certain clusters of collective action a ‘movement,’ we must be able to identify certain characteristics that sociologists and political theorists have recognised as rough indicators of the existence or formation of a social-political movement, although theorists are divided as to what these indicators are.

In the nineteenth century, a psychologically based theory viewed a social movement as being related to the fact that people are driven to collective action by an emotional reaction to events or situations beyond their control. This view has retained some explanatory force despite criticisms and revisions by contemporary sociologists and political scientists. It has become known as the ‘value-added theory’ (or ‘social strain theory’) associated with Neil Smelser.¹ This theory is founded on the assumption that a social movement, as a function of social change, requires certain conditions such as:

- 1 Structural conduciveness – conditions that make certain actions possible (e.g. spatial proximity, means of communication, or transportation) and that allow people to be aware of the problem and provide them the opportunity to act.

- 2 Structural strain – occurrences (e.g., inequality, injustice) that strain society and that existing power holders are unable (or unwilling) to deal with.
- 3 Generalised belief – shared explanation; understanding of the problem.
- 4 Precipitating factors – an event that galvanises passions or triggers actions, a political opportunity.
- 5 Mobilisation for action – organisers, people who have resources to organise.
- 6 Failure of social control – how the authorities react (or fail to). A high degree of social control by power-holders (politicians, police) often makes it more difficult for a social movement to act.

Academics have criticised this theory for its reliance on functionalism, and argue that not all strains on society are disruptive.²

For my purpose here of providing a preliminary characterisation of the emerging ‘rights-defence movement’ in twenty-first-century China and conducting an initial assessment of the relevant conditions for gauging the maturity and strength of such a movement, this imperfect theoretical framework provides the tools for organising our thoughts and avoiding the pitfalls against which scholars have warned us. The six conditions may not be necessary for the emergence of a movement, but they should be sufficient, if they can be identified, in explaining a movement.

One way to proceed with our inquiry for further understanding of the ‘rights-defence movement’ phenomenon is to use the above criteria as a rough guide to organise our thoughts and observations.

First, as we can see, condition number 1, ‘structural conduciveness,’ is undeniably met. In the Internet age, government censorship of conventional media and the Internet remains tight and has been boosted by exclusive control of swelling revenues and by foreign companies.³ Yet, a growing number of Chinese netizens have demonstrated remarkable resourcefulness in outsmarting media censorship and penetrating the cyber firewall. Groups and individuals who are aggrieved by injustice and abuse are actively taking their stories to the Internet.⁴ Information about conditions that stimulate or inspire action can be made easily accessible. Modern means of telecommunication and rapid transportation have been especially instrumental in creating spatial proximity, which allows the general public in China to become aware of problems and offers them opportunities to take action.

Second, it is clear that ‘structural strain,’ the second condition on the list, is also met. Three decades of economic change (particularly in ownership and distribution), and the heavy-handed authoritarian drive for rapid GDP growth have led the authoritarian state machine to continue to create injustices and victims. These victims include farmers who have lost land and urban residents forcibly evicted without fair compensation. They include migrant labourers paid little or nothing, laid-off factory workers, teachers and army veterans who have lost their pensions, villagers infected with HIV/AIDS through government-run blood-collecting

stations, or parents whose children were made ill by contaminated milk powder. The repression and corruption in the current political system, if not changed, will continue to create grievance and discontent. The authoritarian state may have achieved impressive wealth and reduced poverty, but its success has been at the expense of the country's vulnerable groups, as economic and social disparities have accelerated since the early 1980s. The UNDP China Human Development Report (2005) finds that China 'remains plagued by imbalances in development – most notably between urban and rural areas, between regions, between sexes, and between different population groups.'⁵ According to the Chinese National Bureau of Statistics, China's national Gini coefficient grew from 30 in 1978 to 45 in 2002. By way of comparison, UNDP data for 2004 give Sweden a Gini coefficient of 25, India 32.5, the US 42.5, China 44.7, and Brazil 59.1.⁶

China's legal system is unable to address the grievances and repair the injustices that the state has continued to generate under one-party rule. It is systematically subjected to interference from and control by the ruling Communist Party and government administrations at every level. Millions of China's poor and desperate, with neither confidence in the law nor money to file lawsuits, have trudged to provincial and national capitals to try to lodge complaints. Known as 'petitioners,' they are undeterred by harassment or even imprisonment. The government-run adjudication offices – the Letters and Visits Bureaus (*xinfang ju*), known as the 'petitioning' system – are insufficiently staffed to handle the flood of complaints. More importantly, officials cannot be expected to process fairly complaints made against themselves or their superiors.⁷

Third, condition number 3, 'generalised belief,' has emerged and has even taken hold in some social groups. Deng Xiaoping's officially propagated ideology since the early 1980s of 'getting rich' or stressing the 'right to live' (the prosperous life), and the more recent slogans of 'holding steadfast to rule of law' and 'building a harmonious society,' have contributed to a growing sense that something has gone wrong and the current system is grossly unfair, since none of these promises seems to have been delivered – especially from the perspective of those negatively affected by the impact of rapid socio-economic change. Deserving of special mention is the 2004 amendment of the PRC Constitution to proclaim that the Chinese 'state respects and guarantees human rights'.⁸ A rapidly growing sense of injustice, due to broken promises, is fomented by those who have been left behind by the economic boom, who have suffered the negative impact of rapid socio-economic change without rule of law and accountable government, and who have been harassed when they try to seek remedies.

One important contributing factor, then, to 'generalised belief' in the concept of justice protecting human rights is the official ideological tolerance of such an idea. Interestingly, government authorities and government-controlled media have often appropriated the language of 'rights-defence' to label official initiative in recent years. This signifies to the population that 'rights-defence' has become

officially accepted or approved and that the government's attitude towards human rights and related actions has shifted in a positive direction. This official shift from denying the applicability of human rights, or criminalising those who raise the issue of human rights for 'spreading Western liberal ideas' adds a thin layer of protection for participants in rights-defence activities. Indeed, this intermingling of official and non-official discourses blurs the boundary between the state and society, while at the same time clearing up a grey area of ambiguity and fostering the belief that rights-defence activism should not be prosecuted as a crime and is sanctioned by the Chinese state.

Official acceptance of the phrase 'human rights'

The metamorphosis of the official status of the phrase *renquan* (human rights) from a negative term to a positive one in the official 'Party talk' – the rectification of a name (the act of recognising or rehabilitating a term, *zheng ming*), an important tradition in Confucianism – is significant for the political psychology of a nation. After decades of denouncing 'human rights' as 'imperialist ideology' and persecuting Chinese citizens for advocating the idea, the term *renquan* has been officially recognised since the 1980s and now holds a legitimate place in official ideology. For example, in addition to the Chinese Constitution's stipulation of 'protection of human rights,' China has, since the late 1980s, ratified (if not signed) most international human rights treaties and is playing an active role in shaping the international human rights institutions at the UN. On the public stage, at least, China is trying to present the image of a protector of human rights.

Two factors in particular have facilitated the formation and transformation of the generalised belief in the current system's unfairness and injustice: public intellectuals and the Internet. Independent, critical-minded public intellectuals play a vital part in voicing dissent and criticising government policies, questioning the system, and inspiring care and support from the general public for the disadvantaged, exploited, and unfairly treated. These public intellectuals include the 1989 generation of university students, intellectuals, and writers, and the younger generation that has come of age in the most prosperous and modernised era in Chinese history – university-educated idealistic journalists, lawyers, and netizens who have been taught modern concepts of journalism and rule of law, and have thus obtained a more cosmopolitan perspective. As mentioned above, the Internet has played an important role in disseminating their views and information about the lives of society's hardest-hit and largely forgotten individuals in remote corners of the country.

Fourth, we can safely assert that the condition of 'precipitating factors' has materialised. The 1989 suppression is one such factor. Other events have directly affected people suffering from the negative impact of China's economic boom. These factors have galvanised passions in far-reaching circles beyond

the dissident community, triggering collective action and providing a political opportunity.

Although it is difficult to pinpoint the exact triggering point of the *weiquan* movement, the narratives seem to converge on the year 2003.⁹ By then, the Chinese government had taken advantage of China's impressive economic growth to largely placate international criticism of the 1989 massacre and the ongoing suppression. Yet, problems of political repression found other ways to burst onto the scene. In 2003, more than a decade after the bloody Tiananmen crackdown, hundreds of Chinese joined an online protest against the arrest of Liu Di, a Peking University student who had written online commentaries under the pen-name 'Stainless Steel Rat.' Liu Di was eventually released without charge.¹⁰ This was the first well-known act of cyber activism mobilised largely on the Internet by people inside China.

In 2003, another rather consequential act of activism occurred in the form of the largely online protest against a case of police brutality that resulted in the death of a migrant named Sun Zhigang at a 'Custody and Repatriation' facility in Guangzhou. Sun, a college graduate, was looking for work in Guangzhou when he was picked up by police because he could not produce a residence permit. He was severely tortured and died in the shelter where police hold people before sending them back to their home towns.¹¹ The protests triggered public scrutiny of the 'Custody and Repatriation' system, and three doctoral students in law at Peking University wrote to the Standing Committee of the National People's Congress (NPC) requesting a 'constitutional review' of the State Council's ordinance authorising this type of detention facility. Eventually, the State Council abolished this arbitrary detention system – instead of allowing the NPC to initiate a 'review of violation of the Constitution' (*weixian shencha*), which would have been the first time such a procedure was used.¹² The State Council clearly wanted to avoid setting a precedent for allowing challenges to its regulations and policies on the grounds of violating the PRC Constitution, and instead issued an executive order to end the Custody and Repatriation system.

These were not the only triggering factors; rather, the events discussed above were the thunder prior to a torrent of triggering events,¹³ which deserve lengthier study than space allows in this chapter.

Fifth, the necessary 'mobilisation factor' has come into play as members of the non-governmental sectors of civil society have become increasingly resourceful in terms of access to financial support, knowledge of the law, and modern communication tools. The types of collective action described in the above examples, as well as other types such as demonstrations, petitioning government offices, citizen journalism, legislative proposals, and filing lawsuits against officials, have been organised and mobilised in most cases by people who are relatively new on the Chinese socio-political scene compared to the Tiananmen generation of students/intellectuals, and who in many cases came of age after 1989. They may

call themselves activists (*huoyue renshi*), volunteers (*yigong*), or simply netizens (*wangmin*), but they tend to have professional careers as writers, professors, lawyers, journalists, businessmen, or IT workers, or in other cases are factory workers, farmers, or migrant labourers. Some of them have simply been thrust into the movement in the course of lodging complaints of their own and seeking official accountability for what they see as injustice against themselves.

To assess whether clusters of collective action amount to a socio-political movement, we must be able to identify the organisers or operators (i.e., people who create the movement – *yundong*) and the actors (people who take part in the movement). The emerging clusters of mobilisers, organisers, and actors who are the main *yundongyuan* in the rights-defence movement have several things in common: they tend to be economically independent or have access to financial resources, and they are savvy in the use of modern communication technology.

A new generation

The older generations of dissidents/activists from the 1989 era or even earlier, from the 1970s Democracy Wall era, supported and joined in rights-defence mobilisations. But the main cast of this new movement seems to come largely from outside dissident circles. This in no way underestimates the indispensable role played by dissident intellectuals and the Tiananmen generation. Yet the *weiquan* operators and actors are typically young white-collar professionals, newly minted lawyers who take seriously China's promise to build a country of rule of law, property owners, and recently graduated university students determined to join the non-government, non-profit, public interest sector, which was unheard of in China until recent years. Thus, one difference between the 1989 movement and the *weiquan* movement is this: the 1989 movement was spear-headed by students and liberal intellectuals who inspired the participation of millions of people from all walks of life, while the current rights-defence movement seems to indicate a reversal of roles in that the intellectual types are moved and inspired by stories of injustice and the arduous efforts to seek justice by the common folk, the less-privileged population groups. One key to explaining this reversal is the change that 1989 brought to public intellectuals in China. Xu Youyu, a philosopher at the Chinese Academy of Social Sciences, recently pointed out that since 1989, Chinese intellectuals have become more concerned about changing the mechanism of the system than contemplating metaphysical eventuality or destiny. One indication of this is that more intellectuals are turning from the humanities to social/political sciences.¹⁴

The current rights-defence movement consists of incident-driven local mobilisations. Typically, the actors initiating the actions tend to be victims, their families, lawyers, and local concern groups. They may be farmers who lost land or

homeowners evicted without fair compensation. They can be petitioners, lodging their complaints repeatedly, even when facing harassment or imprisonment by the authorities. They can be migrant labourers who haven't been paid, factory workers who have been laid off, or teachers or army veterans who have lost pensions. When they clash with the authorities or run into bureaucratic gridlock, lawyers, journalists, public intellectuals, or activists with rights-advocacy groups step in to help champion their cause and demand accountability. The involvement of these groups is critical for mobilising and organising collective actions. This group consists of people who either have independent resources or have the capacity to access resources necessary for organising actions under the very noses of the police and government officials.

Finally, the 'failure of social control' factor is present in contemporary China. The Chinese authorities have responded to civil society efforts to draw attention to serious social problems and seek justice with political repression. The one-party state, unaccountable to the people and corrupted by unchecked power, has failed to react adequately and responsively to the social problems arising from rapid economic growth and the privatisation of social services without a fair system of distribution. A high level of political control over society in general, and non-government groups in particular, by power holders in the authoritarian police state has made it very difficult for civil society to act. Those who alert the authorities and raise public awareness by exposing problems, voicing their opinions, and seeking solutions face intimidation, harassment, and retaliation.¹⁵ Activists who organise and participate in rights-defence actions to assist such efforts and protest rights abuses, also known as 'rights defenders,' have been subjected to political persecution, police violence, or criminal prosecution.¹⁶

I have so far used the six-point rough guide provided by sociologists to ascertain whether there is any substance to the claim that certain clusters of collective action constitute a grassroots human rights defence movement. Given that all six conditions necessary for a social movement to come into being have been met, it is not far-fetched to claim that such a movement, if not yet fully mature, is likely to have emerged in today's China.

We can now refine our initial definition of the Chinese rights-defence movement in the twenty-first century as follows:

Having emerged around the year 2003 in response to prevalent injustice and the authoritarian state's inability and unwillingness to address it, the rights-defence movement consists of clusters of non-violent collective action, organised by and attracting the participation of independent and resourceful actors with a shared understanding of the problems, often triggered by events that galvanise passions and open up opportunities for change, and made possible by modern means of communication and transportation, especially the Internet, to defend constitutional, legal, and human rights.

From 1989 to 2009: what lives on and what has changed

So far I have made several observations about the relationship between 1989 and 2009, which can be further articulated as follows below.

1. Leadership composition

The socio-economic composition of the organisers and actors in the two movements has shifted from largely student-led or mobilised actions to actions driven by aggrieved or marginalised population groups with the active assistance of the educated elite.

2. Articulated sense of rights

Since 1989 official ideology has gradually appropriated the term ‘human rights,’ conferring a sense of legitimacy on efforts to demand what officials have acknowledged as belonging to every person. They no longer need to beg officials to bestow basic rights and liberties, as the 1989 student leaders seem to have assumed.

One enduring image of the 1989 pro-democracy movement is that of students kneeling on the steps of the Great Hall of the People. The message seemed to be that the protesters were asking or begging the government to meet their demands. The bloody suppression that followed, with the ‘People’s Army’ opening fire on the people, shattered the illusion that the ‘People’s Government’ was one and the same polity with the ‘people.’ Since then, awareness of human rights has grown not only among the educated elite but also among the general population. This can be seen by the choice of words used to describe clusters of collective action. *Weiquan* refers to ‘defending rights’ (*weihu quanli*). This is different from *zhengqu* (trying to obtain), *kangzheng* (fighting for), or *yaoqiu* (demanding) rights. *Weihu quanli* indicates a new realisation that the individuals are defending what they believe they are entitled to, either by law or by virtue of being human – a sense of legal or human rights.¹⁷ There seems to be a growing sense among organisers and participants of the rights-defence movement that they are defending their rightly deserved claims against the abusers and violators of those claims. They are no longer one and the same polity with the government, and they no longer count on the government to protect them. This growing popularity of the label ‘*weiquan*’ indicates a sea change from before: the rise of a popular sense or consciousness of rights.

One might point out that not all of the rights being defended in this movement are human rights; *weiquan yundong* might not be accurately characterised as a ‘human rights’ or ‘civil rights’ movement. If this is the case, then, in what sense can we say with any confidence that the 1989 pro-democracy movement lives on in the rights-defence movement? It is true that under the rubric of *weiquan* one can find all sorts of rights being defended, including human rights, constitutional rights, legal rights granted by Chinese law, rights provided by government regulations, or

simply individuals' claims to certain benefits or entitlements. I want to offer one thought as to how human rights may be fundamental to promoting protection of these other rights.

The right to drive one's car to downtown Beijing on any day at any time is hardly a human right. But should protests by Beijing residents against the government's restrictions on vehicular traffic in downtown Beijing during the Olympics be considered a civil rights action? Beijing residents have a right to be consulted by the Beijing municipal government, and to entrust and authorise the government to make rules that might inconvenience ordinary residents. The demand of Beijing residents for democratic, transparent, and accountable decision-making is in this sense an act in defence of their civil rights or human rights. From this perspective, the protest against a traffic regulation was a challenge to the legitimacy of the regime. This example shows how the various types of rights defended in the *weiquan* movement can be understood in such a way that this movement can legitimately be called a 'civil rights movement' or 'human rights movement.'

When a farmer's land is appropriated by officials without adequate compensation, the farmer is unable to rebuild his house and obtain a comparable means of livelihood for his family. The farmer's actions to defend land-use rights and housing rights may run into a wall of silence, or obstacles to any solutions that he has in sight. He may encounter locally official suppression or retaliation that infringes upon his legal or human rights. Typically, the farmer's complaints to the authorities are ignored, or he is punished for his persistence in seeking remedies to an injustice or demanding official accountability. If he takes his story to the media or joins with other victims of forced eviction, he may be punished for exercising freedom of expression, freedom of association, freedom from arbitrary detention, and the constitutional right to complain about official misconduct.

This interconnectedness between variously granted rights and human rights makes it possible to understand how victims suffering from garden-variety abuses at the hands of callous and greedy local officials have in many cases turned into advocates of human rights. This is the story repeatedly told in the lives of many petitioners-turned-activists. It is the process through which an individual initially defending her own narrowly understood interests becomes aware of her rights and dignity as a human being and of the similar rights and dignity of her fellow human beings; that is, such people come to realise that 'individuals have rights, and there are things no person or group may do to them (without violating their rights).'

¹⁸

Although 20 years have passed since the last major democracy movement, aspirations for democracy in China have not lain dormant. The *weiquan* movement shows that such aspirations have been transformed into a synergy to push for political and legal reform. The battlefield has shifted from the streets to the courtrooms and cyberspace, from urban metropolitan centres to villages, factories, demolition sites, and in front of government Letters and Visit offices. Demands for regime change have turned from a focus on dismantling the political system to

nitty-gritty challenges to flaws and defects in various parts of the state machinery, including the legal system – case by case, one violation at a time.

The farmer who lost land-use rights would be far less likely to become a human rights activist if local officials didn't abuse his rights and deny him outlets for his complaints and remedies for his damages. But this is in the nature of officials in an authoritarian government, and there is little incentive for them to behave otherwise. The authoritarian system thus inadvertently produces its own critics and dissidents, and a new generation of advocates for democracy and human rights.

3. Modes or venues of action

The 1989 democracy movement and the 2000s rights-defence movement have something in common. Each consists of decentralised and hence not well-planned, voluntary participatory, and largely spontaneous actions. As mentioned above, however, while the 1989 movement took place mainly in the streets and on public squares, the latter unfolds in courthouses, in front of government offices, or on the Internet. Mass protests over issues concerning the rights and interests of a population or social group still take place today, but the critical 'battles' of the civil rights movement are fought on a smaller scale, often concerning one legal case or one individual. Winning individual cases or changing certain legal procedures represents small but tangible steps forward, including, for example, the abolition of the Custody and Repatriation system, the authorities' claims of willingness to abolish the Re-education Through Labour system, the return of the authority to review death sentences to the Supreme Court, exposure in the official press of torture at police detention centres, and netizens' success in pressuring a local Hubei court to reduce its sentence against a young woman who killed a local official who tried to rape her. There is no denying that few 'sensitive' human rights cases (such as those that criminalise speech as 'inciting subversion') have been successful in Chinese courts, that human rights lawyers have been barred from practising law, that most demonstrations and strikes have been crushed, that many legislative proposals for improving rights protection have been ignored, and that many activists have ended up in prison or at Re-education Through Labour camps. The efforts invested in these failed actions were not in vain, however; unsuccessful court cases have exposed defects in the judicial system in a way that informs the public and generates passion for demanding systemic reform.

4. Fragmentation of action

The current rights-defence movement lacks any apparent leader or core group of leaders, while in the spring of 1989, several university students quickly emerged as leaders. Several factors have contributed to this, including: (a) there has not yet emerged a charismatic figure who can command broad public support and unite the

fragmented energy of this movement, someone with the stature of a Nelson Mandela, Martin Luther King Jr, or Vaclav Havel; (b) it is all but certain that any emerging leader-figure would be targeted and subjected to brutal persecution by the authorities, as is poignantly exemplified by the harsh persecution of Gao Zhisheng, Hu Jia, and Liu Xiaobo; (c) there seems to be a generation gap between the 1970s–80s dissidents/activists who remain active in the rights-defence movement, and the young activists/lawyers who came of age after 1989. While they share vaguely stated objectives of democracy, human rights, and rule of law, they seem to have very different goals, strategies, and preferred organisational and mobilising tools.

I hope I have brought out some of the distinctions between the rights-defence movement and the 1989 movement, which may offer some clues as to the viability and prospects of this civil rights movement. The differences explain why this movement has been harder, or more costly, for the government to suppress. This *weiquan* movement has attracted a broader constituency in terms of socio-economic groups, and has the potential to be as powerful or threatening to the regime as the 1989 pro-democracy protests, i.e., in undermining the foundation of the regime and challenging its claim to legitimacy. At present, the movement is raising awareness of rights and providing a training ground for citizens to acquire knowledge, tactics, and experience in protecting their own rights.

To the extent that a rights-defence movement, characterised as such, has emerged in China today, the hope for political change to bring about democratisation, human rights, and rule of law, is not illusory.

Notes

- 1 See Piotr Sztompka, 'Shaping sociological imagination: The importance of theory,' in Jeffrey C. Alexander, Gary T. Marx, and Christine L. Williams (Eds), *Self, Social Structure, and Beliefs*, Berkeley, CA: University of California Press, 2004; Diana Kendall, *Sociology In Our Times*, Belmont, CA: Thomson Wadsworth, 2005; Donatella della Porta and Mario Diani, *Social Movements: An Introduction*, Malden, MA: Blackwell Publishing, 2006.
- 2 Sztompka, 'Shaping sociological imagination'; Kendall, *Sociology In Our Times*; della Porta and Diani, *Social Movements*.
- 3 For a study of the complicity of foreign corporations in the Chinese government's cyber censorship, see Human Rights Watch, *Race to the Bottom, Corporate Complicity in Chinese Internet Censorship*, 9 August 2006, www.hrw.org/en/reports/2006/08/09/race-bottom.
- 4 See the Chinese Human Rights Defenders report, *Tug of War over China's Cyberspace: A Sequel to Journey to the Heart of Internet Censorship*, 18 March 2009, www.crd-net.org/Article/Class9/Class11/200903/20090318235654_14369.html.
- 5 The UNDP China 2005 Human Development Report, p. 2, www.undp.org.cn/modules.php?op=modload&name=News&file=article&topic=40&sid=228.
- 6 See UDP China Human Development Report 2005.
- 7 See CHR, 'Silencing Complaints: Human Rights Abuses Against Petitioners in China,' 14 March 2008, www.crd-net.org/Article/Class9/Class11/200803/20080314221750_8056.html.
- 8 Article 33 of the 2004 PRC Constitution was amended in March 2004 by the National People's Congress. www.npc.gov.cn/englishnpc/Constitution/2007-11/15/content_1372964.htm.
- 9 One study published by the Chinese Human Rights Defenders traced the 'movement' to 2003 and mentioned these and other collective actions as landmarks. See 'Cases of Rights-Defence

- Practices, Analyses of Cases, and Lessons to Learn,'¹⁵ October 2009, www.crd-net.org/Article/Class1/200910/20091015013008_17740.html.
- 10 Jim Yardley, 'A Chinese Bookworm Raises Her Voice in Cyberspace,' *The New York Times*, 24 July 2004.
 - 11 'Sun Zhigang's Brutal Killers Sentenced,' *China Daily*, 10 June 2003.
 - 12 Keith Hand, 'Using Law for a Righteous Purpose: The Sun Zhigang Incident and Evolving Forms of Citizen Action in the People's Republic of China,' *Columbia Journal of Transnational Law*, no. 45, 2007, p. 114.
 - 13 See 'Rights-Defence Practice, Analyses of Typical Cases, and Lessons to Learn' (CHRD, October 2009), cited above, for descriptions of more such 'triggering events.'
 - 14 Xu Youyu, 'Cong 1989 dao 2009 – Zhongguo 20 nian sixiangyanjin' (From 1989 to 2009 – 20 years' evolution of ideas in China,' paper presented at the Beijing 2009 June 4th Seminar on Democracy Movements held in Beijing in June 2009. Manuscript on file with this author. It is also posted at a 'public law' blog: www.gongfa.org/blog/?uid-2555-action-viewspace-itemid-2410.
 - 15 See the above-noted study 'Silencing Complaints' for documentation of the plight of individuals subjected to torture, arbitrary detention, and other forms of punishment intended to silence them and stop them from continuing their efforts to lodge complaints and find justice.
 - 16 For the past few years, the Chinese Human Rights Defenders, a network that monitors rights conditions in China, has put out annual reports about the repressive situation facing rights activists. The 2008 report can be accessed at: Annual Report on the Situation of Human Rights Defenders in China (2008), www.crd-net.org/Article/Class9/Class11/200906/20090626172654_16022.html.
 - 17 Since most of the 'rights defence' activities are conducted, at least initially, within the framework of Chinese law, although they often end up exposing the law's limits and the legal system's deep flaws, challenging its political dependency, *weiquan* is often used jointly with '*hufa*' (guarding the law) as in '*weiquan hufa*.' Perry Link drew my attention to this connection.
 - 18 Robert Nozick, *Anarchy, State, and Utopia*, New York: Basic Books, 1974, Preface, p. ix.

7 The practice of law as conscientious resistance

Chinese *weiquan* lawyers' experience¹

Eva Pils

On 4 June 1989, many of China's now well-known human rights defenders were attending high schools in places all over China.² Only a few had already graduated from university,³ and at least one of these was on Tian'anmen Square with other protesting students.⁴ Hu Jia, only 15 years old, was in the streets near his parents' home in central Beijing, helping other citizens to make roadblocks of overturned buses to stop the tanks from rolling into the city, and hearing gunshots whizz through the air.⁵ Chen Guangcheng, aged 18, had only just been allowed to enroll in a newly opened elementary school for the blind in Linyi in Shandong province.⁶ Gao Zhisheng, 23, was probably making a living as a street vendor in rural Shaanxi province; he was a poor, uneducated, recently demobilized soldier.⁷

As a group, Chinese human rights defenders emerged only after June Fourth.⁸ But many now in their thirties remember it, and none could escape its formative significance for China's current legal and political system. Years later, when it became possible to use new opportunities to promote the values of the June Fourth protesters, some of these young people jumped at the chance and became 'rights defenders,' here referred to as *weiquan* lawyers and *weiquan* activists (*weiquan lüshi*, *weiquan renshi*). These defenders of human rights have been able to use newly created legal rules and institutions to protect rights.⁹ Theirs were part of wider popular efforts to engage in 'rightful resistance,'¹⁰ leading to rising citizen rights consciousness, as the Minister of Public Security Meng Jianzhu noted in a recently published article.¹¹

But twenty years after June Fourth and only five years after the Chinese government wrote its commitment to respect and preserve human rights into the People's Republic of China (PRC) Constitution, the country appears to have entered another period of top-down rejection of the law and its institutions, reverting to more limited, less substantive conceptions of legality, and to an explicit official rejection of constitutional rights and universal values at their core. Lawyers, consequently, have suffered a wave of repression and persecution. In response to their signing of Charter 08, expressing values now increasingly criticized by scholars close to the government and by government officials, liberal

academics have been pushed into exile, like He Weifang,¹² or even dismissed, like Liu Junning.¹³ Judicial officials who once advocated constitutionalism have been removed, like Huang Songyou, who was put in extra-legal party detention on corruption ‘charges’ shortly after the new Supreme People’s Court President Wang Shengjun, a person without any formal legal training, assumed his position.¹⁴

This new situation calls for a reassessment of the role of rights and rights advocates in the Chinese legal system. It seems impossible to maintain the widely held view that the construction of the rule of law is underway in China and that, to avoid failure, this process must not be disturbed by overly ‘political’ or ‘sensitive’ challenges to the government. The view taken here is that while the opposition of conscientious lawyers to lawlessness is constructively directed at the creation of a legal system in which the current system’s already existing rules and principles will be better respected, these efforts are neither in the interests of many government officials, nor do they appear to be aligned with some broader, more abstractly formulated vision for China’s development cherished by the highest Chinese leadership. On the contrary, as the state’s reliance on lawless methods is becoming more entrenched, the state has also increased its propaganda efforts to justify such lawlessness. As a consequence, the government increasingly sees *weiqian* lawyers as a ‘subversive’ group whose efforts must be thwarted.

***Weiqian* lawyers’ perspectives on the rise and falter of legal reforms**

The post-Mao legal and economic reform period, allowing ‘some people to get rich first,’ also saw a rise of social disparity and conflict,¹⁵ to which the reintroduction of legal institutions such as courts, lawyers and procuracies was to provide a partial response. More and more, conflicts were channeled into the courts and couched in the language of legal rights, rather than that of Marxist political doctrine.¹⁶ Legislative reform followed an apparently unstoppable trend of producing more and more (detailed) written rights guarantees. But from the perspective of many in the political leadership, the revival of legality after a period of celebrated ‘lawlessness’¹⁷ during the Cultural Revolution was to be limited. The idea of ‘ruling the country in accordance with law,’ endorsed as national policy by Jiang Zemin,¹⁸ was instrumentalist and, thus far, also Marxist:¹⁹ the law was to help control society,²⁰ not to provide a forum for challenges to principles of authoritarian governance. The political power struggles to which June Fourth gave rise further silenced the comparatively liberal voices within the party leadership.

The handling of the aftermath of June Fourth illustrated the inherent tension between an authoritarian and repressive approach to law on the one hand, and the use of a modern court trial on the other. On the one hand, the trials of June Fourth protesters did operate on the principle of ‘verdict first, trial afterwards.’²¹ Political opposition was regarded as a crime.²² ‘Legality’ was scarcely able to provide a

vener of justification for the punishment of the protesters. On the other hand, in the legal process as it looked in China in the 1980s,²³ the defendants were able to challenge the justice of the accusations against them, mostly of crimes of subversion,²⁴ in court, with some of their friends and family watching.²⁵ Defence lawyer Mo Shaoping, a 1988 graduate from the China University of Politics and Law, pleaded ‘not guilty’ on behalf of some of the former protest leaders.²⁶ The political logic of ‘subversion crimes’ that demanded confessions and public demonstrations of repentance on the part of the ‘subversives’ no longer worked fully, successful though efforts to silence them and their sympathizers were.

From the perspective of some of China’s adolescent future human rights defenders, June Fourth was in many cases a political ‘awakening’ experience, and by the time they began their professional lives, there was hope that the goals of June Fourth might be achieved by a different route. Take the story of lawyer Li.²⁷ Born in the early 1970s in a small, poor village in a mountainous province, Li was a bright and silent boy struggling with authorities at school and at home, but rarely speaking out against them. In 1989 he was attending senior high school in one of the central provinces. Students and teachers at his school gathered excitedly before the glass display cases of newspapers reporting the events of April and May 1989 in Beijing. Li thought that what the Tian’anmen Square protesters did was right. He recalls standing in a group of eight fellow students and defending the movement against a critical majority; and he thinks of this as the moment when he discovered his ability to debate.

Later, the newspapers stopped reporting and it became dangerous to talk about June Fourth. There was an investigation at his school. Li continued to study; he passed the *gaokao* exam and went on to a provincial university, where he was allowed to study law. He was interested in justice; but the word ‘law’ meant nothing to him at the time he enrolled for his degree, and the idea of resolving disputes through adjudication, as an alternative to political contention between oppression and resistance, was novel to Li as a law student.²⁸ At least according to his understanding, it was in contradiction to the official Marxist perspective on law as a tool, used in inevitable and perpetual political power (class) struggles.²⁹ When, a few years later, lawyer Li first came to defend someone charged with a crime of subversion thirteen years after June Fourth, he never thought to challenge the charges on the grounds that the criminalization of ‘subversive’ speech through Article 105 of the PRC Criminal Law violated Chinese citizens’ constitutional right to free speech, safeguarded – on paper – by Article 35 of the PRC Constitution. It did not, he says, at that time occur to him to argue in such a way.³⁰ Instead, Li argued that key witnesses had been coerced into giving evidence against his young client, which they should be allowed to retract in court. This argument was not accepted, the witnesses were not called, and his client was convicted and given a prison sentence.

Despite obstacles encountered in the Beijing New Youth Study Group case, the idea that unconstitutional law was not truly law and the idea that constitutional

rights should be justiciably gained currency in the early 2000s. They decided the outcomes of two well-known cases in the early years of the decade. In 2001, in the Qi Yuling case, the Supreme People's Court said that Qi Yuling's constitutional rights had been violated in a case of identity theft, and a Justice of the court suggested that the Chinese judiciary could in the future come to adjudicate complaints of constitutional rights infringement.³¹ In 2003, in the Sun Zhigang case,³² three young scholars, including the human rights defenders Teng Biao and Xu Zhiyong, used a newly strengthened mechanism for submissions to the National People's Congress Standing Committee (NPC SC) in cases of alleged violations of national law or constitutional law by a lower-ranking rule. They presented such a petition to the NPC SC complaining that a detention system used widely by the police against internal ('peasant') migrants was unconstitutional and should be abolished, connecting their complaint to the tragic case of the death of a young man wrongfully detained under the system that they criticized. A few weeks later, the State Council revoked the regulation in question. Sun Zhigang's father was quoted as saying that he felt his son's death had not been in vain.³³

For a few years, it looked as though constitutional adjudication of some sort might, with luck, be the next step; but the very successes of the *weiquan* movement showed the – from the government's perspective – potentially threatening implications of such a next step. Scholars wrote books suggesting the establishment of a constitutional court in China; others extolled the merits of judicial review within China's ordinary court system which could, they thought, lead to a 'judicialisation' (*sifahua*) of the Constitution.³⁴ *Weiquan* lawyers and activists wrote petitions in the spirit of the successful Sun Zhigang petition: against the re-education through labor system, for instance.³⁵ Petitions also addressed issues affecting even larger groups of Chinese people, such as that of the discriminatory *hukou* (household registration) system and land law.³⁶ But no case of spectacular judicial reference to constitutional rights similar to the Qi Yuling case, no case of a celebrated successful challenge to an administrative regulation as in the Sun Zhigang case, emerged. Indeed, while Sun Zhigang, from today's perspective, remains a symbolic success, its actual effect on detention practices remains doubtful, despite the revocation of an unconstitutional regulation used at the time;³⁷ and any future uses of the unconstitutionality review mechanism used then will also have to be assessed in light of its effects 'on the ground.'

From 2004 onwards, the space available to *weiquan* lawyers seemed to tighten again. In 2005, one of Li's Beijing friends and colleagues, Gao Zhisheng, took action against the torture of Falungong practitioners by writing three open letters alleging individual cases of torture.³⁸ In 2006, with some fellow human rights activists, including Hu Jia, he launched a 'fasting campaign for human rights' by means of an internet appeal.³⁹ When Gao's law firm was closed down, he became another of Lawyer Li's clients in an effort to challenge the closure of his firm,⁴⁰ and when Gao was detained, tried, and convicted of 'inciting subversion,' Li stood by his

friend. But was there a way of discharging that responsibility without falling foul of the state? As lawyer Gao Zhisheng's actions came under scrutiny from the authorities and as his situation worsened, the legitimacy of what he was doing attracted criticism also from his fellow human rights defenders. The debate surrounding his actions was also a debate about what it meant to be a human rights lawyer in China.

The law vs. the party-state

A defining characteristic of Chinese *weiquan* lawyers and other *weiquan* advocates has been their confidence in the force of rights in the Chinese legal system, and their willingness to fight for them – one *weiquan* lawyer's motto is 'no fights, no rights.'⁴¹ Like the June Fourth protestors, they insist on the protection of constitutional rights, for instance by appealing to Article 35 of the 1982 Constitution.⁴² Compared to the June Fourth movement, the protagonists of today's human rights movement are older, more mature, and professionally sophisticated in their use of the law. They are also able to appeal to principles of legality that the state has by now propagated for nearly three decades. The mindset that insists on 'keeping to the rules,' on legality, on rejecting bribes, rule circumvention, and informal deals, is not exclusive to *weiquan* lawyers. In conversation about an instance of such retaliation (denial of licenses to practice), a *weiquan* lawyer distinguished between those lawyers who defend and protect the law, *weihu falü*, and those who *wei quan*, defend and protect rights – but as this lawyer acknowledged, the distinction is fluid.⁴³

It is important to see that it is the defence of the law, as well as of rights that the law purports to protect, which makes human rights activists threateningly critical of officials' authoritarian exercise of power. The view that there is a process of psychological radicalization driving lawyers into 'radical' opposition to the party-state, and the implicit suggestion that they are only 'deemed' to be in political opposition to the party-state does not fully appreciate this fact.⁴⁴ In all cases of *weiquan* lawyering concerning the defence of Chinese citizens' basic rights, such as land and labour rights or the rights of the criminal suspect or defendant (especially in 'political' cases), to mention a few, the work of the lawyer presents a special challenge to government authority, which has responded in various ways. For instance, the use of the 'yearly examination' procedure to consider the renewal of lawyers' licenses has also been used to control lawyers. Several prominent human rights lawyers have already been deprived of their licenses to practice.⁴⁵ In 2009 a much larger number failed to pass the annual test; and they included lawyers who had attracted the wrath of someone in power, for instance by insisting on adhering to the rules.⁴⁶

The events in the aftermaths of the Sichuan earthquake and of the 'poisoned milk powder' scandal occurring in 2008 furnish further, more dramatic, recent

examples of incidental intervention in the legal processes and interference with lawyers' work. In both cases, government misconduct was at issue: regarding the earthquake, citizens were asking what had led to the disproportionate number of collapses of 'tofu dreg' school buildings,⁴⁷ and in the milk powder cases they asked, among other questions, why the government had hesitated to publish warnings against poisoned baby milk until after the Beijing Olympic Games, even though the deadliness of the products must have been understood at the time. In both cases lawyers were 'advised' or ordered not to get involved, in some instances by their own Lawyers' Associations. They were told that this was necessary for social harmony. Some were threatened that their continued agitation would be regarded as against the law or even criminal;⁴⁸ and there has been an increasing use of criminal law, for instance of the provision criminalizing 'incitement to subversion', to control *weiqian* lawyers, as in the already mentioned case of Gao Zhisheng.

Many rights defenders have, moreover, encountered methods of persecution that they have characterized as 'mafia-like.'⁴⁹ These have included the use of detentions, beatings, and torture. Again, lawyer Gao Zhisheng is a sad example. Months before his detention, and also after his conviction and release from prison on a suspended sentence, Gao was under constant police surveillance and suffered frequent abuse, beatings and detention. In September 2007, after he had sent an open letter to the US Congress in 2007 protesting the treatment of himself and his family and continued abuses against Falun Gong and other groups, it got much worse. He, Li, and a petitioner who had also voiced her support for Gao were separately detained.⁵⁰ Gao was brutally tortured by thugs for two weeks before being handed back to security squad officers whom he already knew and who subjected him to weeks of further, 'softer' humiliations.⁵¹ His friend Li, detained on the same day as Gao, was beaten up for four hours and then released with a warning to keep silent, as was the petitioner.

Since about 2008, the authorities have, moreover, promoted the return to dispute resolution methods that do force lawyers into a role of cooperative facilitation rather than confrontational representation of their clients' interests. They have moved away from such methods of open and confrontational (adversarial) controversy as characterize the liberal legal process, and toward methods that are superficially more in keeping with the new ideology of 'harmony': non-adjudicative methods of dispute settlement by means of decisions to which the parties, in the name of mediation or conciliation, are authoritatively required to agree. These methods, even if unconvincing on reflection, may be successful in silencing large numbers of people. They provide them with superficial reasons for obedience to 'the rules' whatever these are. It is therefore no wonder that the work of the German legal philosopher Carl Schmitt has acquired especially great popularity in recent years,⁵² for this is a philosophy that rejects law and rights in favour of human subordination to the super-human laws of 'reality.'⁵³

The practice of law as conscientious resistance

Political scientists have studied the phenomenon of resistance to political power, in both violent and non-violent forms, in ‘non-evaluative’ ways.⁵⁴ Activists making use of these studies have made nonviolent action a political agenda of resistance against repressive government. One of the most influential programmatic pieces of literature to come out of studies of resistance is Gene Sharp’s ‘298 Methods of Non-Violent Action,’ which characterizes nonviolent action as ‘work[ing] by getting a population to withdraw its support and obedience from the opponents. By getting key groups to withdraw their consent, nonviolent action is able to remove the sources of power for a regime or opponent group.’⁵⁵ The actions of June Fourth, as well as many types of citizen action common in China today, fall within Sharp’s influential definition of nonviolent action: these include demonstrations, sit-ins, fasting, use of symbols, slogans, and wall posters, for instance – forms of protest used by the protesters in 1989, as well as in many more ordinary, daily situations by petitioners and other protesters. By contrast, participation in legal processes, the work of lawyers in particular, is not generally thought of as a form of ‘resistance’ and Sharp, for one, does not list it as a form of ‘nonviolent action.’

In Li Lianjiang’s and Kevin O’Brien’s important study on ‘rightful resistance’ in rural China, the authors focus on protesting peasants rather than on lawyers and write of rightful resistance as simple affirmation of norms and ideologies imposed by the authorities (by the law). Lawyers, in this account, may seem representative of the law understood in this formalist way – they are in any case not seen as central figures of resistance. Citing Gramsci and Scott, Li and O’Brien emphasize the instrumental and ‘ideological’ qualities of law. Rightful resisters, they say, ‘often demand little more than scrupulous enforcement of existing commitments [...] theirs is a contention based on strict adherence to established values.’ And Elizabeth Perry writes that Chinese protesters are inclined to use the authorized language of the state ‘precisely in order to signal that their protest does not challenge state legitimacy.’⁵⁶ From this positivistic perspective, the content of the norms invoked is secondary to their source; and party policies and state law are viewed as functionally at the same level.⁵⁷

Lawyers may even be seen to be upholding the power holders against the law, when the law appears to be a weak social institution, and this could make one even more skeptical about the ability of Chinese lawyers and other rights advocates⁵⁸ to promote political change in a system in which corruption and power abuse remain endemic. A human rights lawyer at a recent public seminar complained that a frequent criticism from *weiquan* lawyers’ clients was that their lawyer was not prepared to visit, entertain, and bribe the judge or other officials handling their cases.⁵⁹ A scholar, in turn, has gone so far as to characterize ‘the practice of law as an obstacle to justice.’ In his view, lawyers in China and elsewhere encounter a professional need to ‘control’ their clients.

Clients talk about moral rights, about justice, about feelings, about relationships. But for lawyers to gain full control, such discourse must be purged from consideration. In an effort to impose the discourse of law and rules on the situation, lawyers often contrast ‘feeling’ and ‘reason’ with ‘law’; they emphasize the need to separate what is reasonable from what is legally feasible and permissible.⁶⁰

Even though the present study deals with unusual individuals among China’s ca. 140,000 professionally licensed lawyers,⁶¹ we need to pay attention to this argument. It claims that a *successful* lawyer must be understood not as an advocate of justice, but instead, as a ‘gatekeeper to justice,’ who works by ‘removing emotions and everyday reason and narrowing the scope of discussion to the relevant “legal” norms (as they variously and inconsistently define them),’⁶² norms understood to be to some degree manipulable and divorced from a popular discourse of ‘moral rights,’ justice, feelings, and relationships.⁶³ But this argument not only appears to rest, precariously, on the views that lawyers the author encountered take of their role and their success; even more, it relies on a fundamentally positivistic, non-moral understanding of law.

This understanding is controversial, not only in the sense that not all lawyers share it. It fails to capture the central meaning of civil rights activism. The work of Chinese *weiquan* lawyers trying to protect human rights has become a field for public expressions of ‘withdrawal of support and obedience’ from unjust laws, arbitrary government officials, and illegitimate party leadership, expressions that are clearly directed at inspiring larger audiences and seeking their support, and thus fall within the definition just cited. If this is correct, *weiquan* lawyers must be seen as engaging in political resistance; and theirs is a form of resistance to lawlessness. The human rights defenders’ political ‘opponents’ roughly fall into the two not mutually exclusive groups of corrupt officials and officials with an authoritarian political mindset emphasizing party leadership. The latter group has already been described, and includes, prominently, the current Supreme People’s Court President Wang Shengjun.⁶⁴

Viewed in this way, Chinese human rights lawyers’ ‘resistance’ is reminiscent of civil disobedience known from other contexts.⁶⁵ But rather than refusing to obey certain statutory laws considered unjust, such as laws of racial segregation in the US, Chinese *weiquan* lawyers are demanding adherence to legal rules in the face of significantly widespread, hierarchically endorsed, and to some extent socially accepted official disregard for them. A characteristic situation in confrontations of Chinese human rights defenders with their government is that of the police officer who, challenged to show his legal authority to take a certain coercive measure, replies, half-baffled, half-assertively, ‘but I am the police!’

It is in these kinds of situation that it becomes clear that *weiquan* lawyers have adopted law through a conscientious choice, and that their appeal to law is also an

appeal to moral values they consider inherent to law, because only reference to such values can decide the contention outlined above: the lawyers are right, because no morally acceptable law justifies arbitrary chicanery and violence; and indeed Article 37 of the PRC Constitution confirms this view. Constitutional scrutiny explicitly and appropriately transcends the dimension of the ‘authorized’ – that often is its very point, as practicing lawyers in most legal systems will appreciate, and as the Minister of Public Security recognizes when he regards rising rights consciousness as a challenge.⁶⁶

Yet, as though the sort of confirmation that could come from a mere text, such as that of the Constitution, lacked force, some of the lawyers have also undergone an experience of religious conversion. Lawyer Li, for instance, converted to Christianity in 2002, attracted, according to a written autobiographical statement, by Christianity as a civilizational force that has led to constitutional government in western countries.⁶⁷ The key to this understanding seems to be in the role ascribed, respectively, to the Christian God and the role of the law. Among the rights defenders who have appeared prominently in Chinese and overseas media, a significant number seem to belong to a Christian (house-church) group.⁶⁸ Wang Yi, one of the founding members of a group of Christian *weiquan* lawyers formed in 2006,⁶⁹ in his book *Constitutionalism: Concept and Systemic Transformation*⁷⁰ describes a historical development ‘from being bound by God to being bound by a Constitution’ in western civilization.

These interpretations of Christianity apparently fail to appreciate its complexity. They do not mention the significant influence of other religions such as the Jewish religion on western civilization. They do not mention the fact that in the west from where Christianity originated, freedom of conscience arguments arose most directly out of the experience of religious schism, and out of the religious skepticism of the Enlightenment era. But they capture the central role of conscience as a source of resistance; and others among the *weiquan* lawyer appear to have ‘converted’ to a predominantly non-religious sense of mission and resistance. For instance, Teng Biao, a lawyer and concurrent professor of constitutional law and legal theory at the China University of Politics and Law,⁷¹ has advocated Vaclav Havel’s practice of ‘living in truth.’⁷² As Teng Biao points out, ‘living in truth’ may begin simply with not telling lies. Far removed from expressions of religious faith these comments share with them a certain degree of idealism: the conviction that law is not a system of functional rules but a moral practice, a practice centred in the idea of the freedom of conscience.

Expressions of resistance

An important further common element in human rights defenders is that in conversation, rights defenders frequently describe early experiences of protest, expressive resistance to unjust exercises of authority. As mentioned earlier, this

aspect was recalled, among others, by lawyer Li in his description of how he found his voice in debating June Fourth with schoolmates.

In a study of what they identify as contending patriarchal and democratic elements in different historical and contemporary societies,⁷³ Carol Gilligan, a psychologist, and David Richards, a jurist and constitutional lawyer, argue that resistance to injustice is a psychological capability we all have. Just as injustice can be pervasive and structural, pertaining not just to one act or event (however symbolic its significance),⁷⁴ so also a culture of resistance to injustice can grow and become pervasive. In Havel's case, for instance, this included, in addition to his own literary and political writings, a particular kind of music and hairstyle.⁷⁵ In no instance of a successful contention of democratic movements against repressive powers is the struggle limited to political or legal action in a narrower sense. Actions against injustice can be taken in as widely different forms as the forms taken by injustice, but are most fundamentally acts of expression.⁷⁶

This analysis, which is psychological as much as it is normative, throws further light on the fact that Li remembers writing about the poverty of the peasants and debating June Fourth and finding the books that helped him understand injustice toward peasants; that Hu Jia remembers himself as a person who 'always spoke up, from the time I was little,'⁷⁷ and that many human rights defenders view their conscientious choice to engage in *weiquan* as inextricably linked with their religious conversion. There is, firstly, the exposition to injustice that becomes an important memory – common and 'structural' injustice in the case of Li 'resisting' peasant poverty by writing about it, and rather exceptional, chaotic and historical injustice in the case of Hu Jia witnessing June Fourth in Beijing. June Fourth, but also far more private and seemingly trivial experiences, become important as symbolic events, memories of which were preserved and seemed to come back and matter later.

Secondly, there is the experience of conversion; and thirdly, there are expressions testifying to such conversion, a strong desire to speak up and find symbols of protest. On the first anniversary of June Fourth, in 1990, Hu Jia furtively put on his father's black suit and went to the Square to commemorate the victims.⁷⁸ Pu Zhiqiang has gone back to the Square, or tried to go back, every year to reflect and commemorate.⁷⁹ Other practices expressing an attitude of resistance include the participation in house-church meetings, prayer, and display of religious symbols, or in literary and academic salons and discussion groups. They to some extent also include what lawyers do in court. The courtroom 'enactment' of a legal dispute is an occasion for a lot of ritual and theatrical effect; and Chinese *weiquan* lawyers have often transcended the often not fully public physical courtroom, for instance by publishing their defence statements and other important court documents online, in defiance of state attempts to restrict access to them.

Increasingly, moreover, *weiquan* lawyers have tapped into the cultural reservoirs of resistance developed by Chinese petitioners (*shangfangzhe*, *yuanmin*), their use of

places, ‘props,’ and actions similar to those used by the petitioners, who, in a space of years, have developed their own complex culture of protest, drawing on some traditional forms of expression.⁸⁰ The petitioners’ acts of protest often expose them to further violations of their rights, as has been well documented; but petitioners have not been successfully deterred. Invoking a long history of petitioning in imperial Chinese culture, they will kneel, perhaps for hours, in front of government offices. They will write their complaints on white shirts and traditional petitioners’ hats, or even on their own shaved heads, ranging from a single character meaning ‘injustice’ to lengthy case narratives. Some even choose self-destruction as a form of protest.

Lawyers and other human rights advocates have copied their clients, as it were, by adopting some similar forms of expression, such as, for instance, the T-shirt as a form of protest. In 2006 the lawyers attending the criminal trial of human rights defender Chen Guangcheng travelled to Linyi in Shandong province all wearing white T-shirts displaying a picture and the words ‘Blind – Chen Guangcheng – Freedom’; and they had their picture taken in front of a courthouse that would not admit them. After the incarceration of Chen Guangcheng and in the months prior to his detention in December 2007, Hu Jia would wear this T-shirt whenever he could – so often, in fact, that the T-shirt was beginning to disintegrate.⁸¹

These manifestations are important to the rights defenders. They are as much part of their struggle as the more narrowly legal actions they take. The legal actions taken by lawyers, in turn, may also be mere acts of expression, expressions of attitude without any discernible impact on the institutions addressed. But they show that rights defenders see a value in speaking truth or protesting the oppression of truth even when there is no prospect of success, understood narrowly, and when such actions do not make sense in a ‘pragmatic,’ calculating way, because they do not achieve anything other than the act of expression.

Conclusion

I have argued that *weiquan* or rights activism, whether in courtrooms, in the streets, or in virtual space, is a response to deep normative contradictions in Chinese legal practices, invoking principles that these practices often violate, but cannot altogether reject. In particular, it relies on freedom of mind and expression. It cannot be adequately understood by ascribing narrowly ‘rationalist,’ self-interested or ‘pragmatic’ mindsets to its protagonists. It should be characterized as conscientious resistance to the practice of authoritarian and repressive control encountered in official practices of law in China.

A rising demand for human rights among many Chinese citizens and the communication and rising solidarity among them⁸² suggests that, understood as a political idea, *weiquan* is popular in China. The methods the state has so far

deployed against it have consisted in individuated, albeit systematic, measures against lawyers, activists, and petitioners. Such measures can produce a lot of suffering and fear: of the persons mentioned at the beginning of this article, Chen Guangcheng is ill in prison; Hu Jia is ill in prison (and has taken up the study of law); Gao Zhisheng has ‘disappeared.’ Lawyer Li and many others are frequently harassed and obstructed and always at risk. The measures described in this article may also be successful in stopping the *weiquan* lawyers from continuing their professional work, and in that sense suppression can be effective. Propaganda measures and intimidation may confuse and frighten bystanders into regarding such repression as somehow ‘lawful’ and necessary for the preservation of social harmony, or as brought upon themselves by the victims (*huo gai*). But these measures have not so far been seriously directed at taking back any of the laws, rights, and institutions *weiquan* activists have relied on; nor could they be without incisive political changes. Even if they can be successfully pushed out of the institutions of the law and the state, then, Chinese *weiquan* lawyers are likely to continue their conscientious resistance to violations of the law elsewhere, by writing articles, acting as legal advisers, and engaging in ‘civil society’ work. It is likely that they will continue to be needed, but also supported by the popular *weiquan* movement of petitioners and other Chinese citizens seeking justice; and it is even possible that they will become more sophisticated and experienced, more assured and more united by the experience of having tried to work *tizhi nei*, ‘inside the system’ that turned on them.

Notes

- 1 This essay is based on conversations conducted over the past few months, sometimes in person and sometimes via the internet. Some conversations and persons have been anonymised.
- 2 Author interviews, December 2008; January, March, April 2009.
- 3 Pu Zhiqiang, Guo Feixiong and Mo Shaoping were university graduates (only Mo was a law graduate). On Guo Feixiong see www.peacehall.com/news/gb/china/2005/05/200505250000.shtml.
- 4 Pu Zhiqiang’s account of an encounter with the police is available at www.nybooks.com/articles/article-preview?article_id=19198.
- 5 Author interview 29 March 2009.
- 6 Available at www.rmaf.org.ph/enewsletter/octdec2007/chen.html.
- 7 Lawyer Li, short biography (on file with author).
- 8 Lawyers taking on the criminal defence of political dissidents before the emergence of *weiquan* lawyers as a group include Zhang Sizhi and – arguably – Mo Shaoping.
- 9 E.g. Fu Hualing and Richard Cullen, ‘*Weiquan* (Rights Protection) Lawyering in an Authoritarian State: Building a Culture of Public-Interest Lawyering,’ *The China Journal*, no. 59, January 2008, p. 111; Keith Hand, ‘Using a Law For a Righteous Purpose: The Sun Zhigang Incident and Evolving Forms of Citizen’s Action in China,’ *Columbia Journal of Transnational Law*, vol. 45, 2007, pp. 114–159.
- 10 Li Lianjiang, Kevin O’Brien, *Rightful Resistance in Rural China*, Cambridge, MA, 2006.
- 11 China Digital Times, ‘Internet Provides New Challenges for Public Security Agencies,’ 4 December 2009 (excerpt in Chinese and English) at <http://chinadigitaltimes.net/2009/12/meng-jianzhu-%e5%ad%9f%e5%bb%ba%e6%9f%b1-internet-provides-new-challenges-for-public-security-agencies/>.

- 12 See e.g. 'Leading Dissident Claims Freedom of Speech Worse than before Olympics,' 28 April 2009, at www.telegraph.co.uk/news/worldnews/asia/china/5230707/Leading-Chinese-dissident-claims-freedom-of-speech-worse-than-before-Olympics.html.
- 13 'Media Censorship and Anti-liberal Crackdown as 4 June Anniversary Approaches,' 25 May 2009 at www.asianews.it/index.php?l=en&art=15335&size=A.
- 14 Vivian Wu, 'High Court Judge Placed under Party Investigation,' at www.scmp.com/portal/site/SCMP/menuitem.2af62ecb329d3d7733492d9253a0a0a0/?vgnnextoid=2ad182ea5bb0d110VgnVCM100000360a0a0aRCRD&ss=China&s=News.
- 15 Discussed in works such as Sun Liping, *Cleavage (Duanlie. Ershi Shiji jushi niandai yi lai de Zhongguo shehui*, Beijing, 2003); *Transformation and Fracture (Zhuanxing yu duanlie. Gaige yi lai de Zhongguo juegou de bianqian*, Beijing, 2004); *Imbalance. The Operational Logic of a Fractured Society (Shiheng. Duanlie shehui de yunzuo louji*, Beijing; 2004).
- 16 Yu Jianrong argues that different sorts of complainants were prone to choose different kinds of language. Yu Jianrong, 'Zhuanxing zhong Zhongguo de shehui chongtu – dui dangdai gong nong weiquan kangzheng huodong de guancha he fenxi' (Social conflict in a China in transition – survey and analysis of rights defence and resistance amongs Chinese peasants and workers), www.uschinalawsociety.org/symposium/schedule.htm.
- 17 'Wu fa wu quan zan' (Praise of lawlessness), editorial, *Renmin Ribao* 31 January 1967.
- 18 Jiang Zemin's report at the 15th Party Congress (1997).
- 19 In the sense of an 'orthodox' Marxist view of the law taken in Chinese legal education and taken by many officials.
- 20 Jerome Cohen, 'Law in Political Transition,' CECC statement 2005.
- 21 Related in George Black and Robin Munro, *Black Hands of Beijing*, London: Wiley, 1993.
- 22 At that time, the crimes in question were crimes of 'counter-revolution.' See also Guo Luoji, 'He wei 'Shandong dianfu guojia zhengquan zui?' (What is the meaning of 'inciting subversion of state power?') (2001) at www.china-week.com/html/1034.htm.
- 23 Black and Munro, *Black Hands of Beijing*, p. 281.
- 24 Crimes of 'counterrevolution' as well as, in many cases, other crimes, such as arson. Others were charged with other crimes such as, for instance, arson. See Duihua Foundation, 'Duihua Reduces Estimates of Former June Fourth Prisoners,' 12 May 2009, at www.duihua.org/2009/05/duihua-reduces-estimate-of-remaining.html with a further link to the list of prisoners compiled by Li Hai in 1994 at www.peacehall.com/news/gb/china/2009/04/200904290616.shtml and a table of still-imprisoned persons at www.duihua.org/media/press/statements/table_20090512.html.
- 25 George Black and Robin Munro, *Black Hands of Beijing, op.cit.*, on Chen Ziming's defence.
- 26 Conference at Hong Kong University, 2 April 2009. See Jiang Qisheng' profile at www.englishpen.org/writersinprison/writersinexile/jiangqisheng/.
- 27 The account provided here is based mainly on two conversations in December 2008 and January 2009.
- 28 Li, short biography (on file with author).
- 29 As of 2007, the exam for would-be lawyers, judges and procurators requires candidates to answer the question, 'Is the law public and impartial [neutral] and can it express the will of the ruled?' with 'No, it cannot.' An ensuing model answer emphasizes that, in a limited sense, law may occasionally express the will of the rulers; but that this will in any case be a result of the ongoing class struggle. See 'Puji makesizhuyi de faxue changshi' (Propagating the elements of Marxist legal studies'), <http://lt.chinalawinfo.com> (last visited June 2009).
- 30 Author interview, April 2009.
- 31 Huang Songyou, 'Xianfa sifahua ji qi yiyi – cong zuigao renmin fayuan jintian de yi ge 'pifu' tanqi' (The judicialisation of the constitution – a discussion proceeding from the Supreme People's court's 'approving response' today), 13 August 2001, available at www.gongfa.com/huangsyxianfa_sifahua.htm.
- 32 Keith Hand, 'Using a Law for a Righteous Purpose: The Sun Zhigang Incident and Evolving Forms of Citizen's Action in China,' *Columbia Journal of Transnational Law*, no. 45, 2007, pp. 114, 159.

- 33 *Zhongguo jingji shibao* (China Economic Times), 'Fansi Sun Zhigang an yi shen falu kunjing daji efa yao taichu xianfa (Reflections on the legal difficulties in adjudicating Sun Zhigang's case in first instance – in order to attack bad law [efa] we must uphold the Constitution [xianfa])', 11 June 2003, www.sina.com.cn.
- 34 Wang Zhenmin, *Zhongguo weixian shencha zhidu* (The Chinese legal system of unconstitutionality review), Beijing: Chinese University of Politics and Law Press, 2004. See Wang Lei, *Xuanze Xianfa/To Choose Constitutional Law*, Beijing: Beijing University Press, 2nd ed., 2004.
- 35 Letter from Gao Zhisheng, Sun Wenguang, Wang Yi, Yu Jie, Shi Ruoping, Li Changyu, Zhao Dagong, Liu Di, Yang Zaixin and Mu Zhuanheng, to Standing Committee National People's Congress (12 March 2006), available at www.qian-ming.net/gb/default.aspx?dir=scp&cid=74.
- 36 Hu Xingdou's petition, at <http://wlccg.blogchina.com/blog/217573.html>.
- 37 Human Rights Watch, 'An Alleyway in Hell: China's Abusive Black Jails,' report released on 12 November 2009 and available at www.hrw.org/en/reports/2009/11/12/alleyway-hell-0.
- 38 Eva Pils, 'Asking the Tiger for His Skin: Rights Activism in China,' *Fordham International Law Journal*, no. 30, 2007, p. 1209.
- 39 *Ibid.*
- 40 *Ibid.*
- 41 Displayed as his motto on an internet chat programme. Fu Hualing's 'Becoming Radical Lawyers' (on file with author).
- 42 Tong Yi (a participant), public talk on 1 June 2009, Hong Kong.
- 43 Author conversation 14 June 2009.
- 44 Fu Hualing's 'Becoming Radical Lawyers' (on file with author). See also Fu Hualing and Richard Cullen, 'Weiquan (Rights Protection) Lawyering in an Authoritarian State: Building a Culture of Public-Interest Lawyering,' *The China Journal*, no. 59, 2008, p. 111.
- 45 Author conversation, 6 June 2009; Chinese Human Rights Defenders, 'Lawyers Face Revocation of their Licenses for Defending Human Rights,' 26 May 2009 at http://crd-net.org/Article/Class9/Class10/200905/20090526010330_15582.html; see also Eva Pils, 'China's Troubled Legal Profession', *Far Eastern Economic Review*, May 2008.
- 46 Author conversation, 14 June 2009.
- 47 China Digital Times, 'Ai Weiwei's Project: The Numbers,' 28 April 2009, at <http://chinadigital-times.net/2009/04/ai-weiwei%E2%80%99s-project-the-numbers/>; Jerome A. Cohen, 'A Political Earthquake,' *South China Morning Post*, 12 May 2009.
- 48 Later some litigation was allowed but there are concerns that the judges are pressured to 'persuade' litigants to accept the government compensation plan.
- 49 Gao *infra* note [Black Night].
- 50 Leila Choukroune and Eva Pils, 'Les nouveaux avocats de la defense', *Hommes & Libertés*, no. 142, Avril/Mai/Juin 2008.
- 51 Gao Zhisheng, 'Hei ye, hei toutao, hei bang bangjia' (Black Night Black Hood and Black Mafia abduction), written in November 2007, available at www.rfa.org/mandarin/yataibaodao/gao-02082009211313.html; English translation available at www.hrichina.org/public/PDFs/PressReleases/2009.02.08_Gao_Zhisheng_account_ENG.pdf.
- 52 Ji Weidong, in 'Legal Discourse in Contemporary China,' in Stephanie Balme and Mike Dowdle (Eds.), *Building Constitutionalism in China*, Paris, Presses de Sciences-Po, 2009, notes that 'Schmitt's theory about the relationship between politics, juridical order, and the national will strikes a sympathetic chord with many Chinese people' (at p. 132). For an example of this 'sympathetic cord' see Cai Zongzhen, 'Ka'er Schimite zhi xianfa gainian zhelun' (Carl Schmitt's conception of the constitution), especially at p. 187, where the author claims that the development of constitutional democracy has proven Schmitt right; Zhang Wangshan, 'The soul of the state: a discussion of Schmitt's conception of sovereignty' ('Guojia de linghun: lun Schimite de zhuquan gainian'), both in Ying Qi and Zhang Peilun (Eds.), *Hou bo zhijian de zhengzhi gainian* (The concept of the political between thick and thin), Beijing, 2009.
- 53 Hannah Arendt, *Elemente und Urspruenge totalitaerer Herrschaft*, p. 706.
- 54 This scholarship claims to refrain from evaluation of the legitimacy of such resistance. For instance, in the FAQ section of Gene Sharp's Albert Einstein Institution (www.aeinstein.org/

- organizations4421.html), it is stated that ‘There is nothing in nonviolent action to prevent it from being used for both good and bad causes [...]’.
- 55 ‘298 Methods of Nonviolent Action,’ in Gene Sharpe, *The Politics of Nonviolent Action*, vol. 2, Manchester: Albert Einstein Institute, 1973, available at www.aeinstein.org/organizations103a.html.
- 56 Elizabeth Perry, ‘China Since Tiananmen: A New Rights Consciousness?’ *Journal of Democracy*, July 2009, at p. 18.
- 57 Li Lianjiang and Kevin O’Brien, *Rightful Resistance in Rural China*, Cambridge, MA, 2006, ch. 1.
- 58 Chinese law provides for the possibility of legal representation by agents *ad litem* without a license to practice as a lawyer.
- 59 Lecture at Hong Kong University, 2 April 2009.
- 60 Ethan Michelson, ‘The Practice of Law as An Obstacle To Justice: Chinese Lawyers at Work,’ *Law & Society Review*, vol. 40, no. 1.
- 61 See for this figure www.chinanews.com.cn/gn/news/2008/04-15/1221685.shtml. See also Randall Peerenboom, ‘Economic Development and the Development of the Legal Profession in China,’ (2009) at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1342287.
- 62 Michelson, *supra* note, at page 27.
- 63 The supposed ‘contrast’ between feeling and reason, on the one hand, and law, on the other, is reminiscent of a proverbial unity of the three – the Chinese expression behind it is *he qing, he li, he fa*, ‘in accordance with feeling, reason, and law.’ For a discussion see e.g. Li Cunpeng and Liu Guang’an, ‘Minjian tiaojie yu quanli baohu’ (People’s mediation and rights protection), in Xia Yong (Ed.), *Zou xiang quanli de shidai: Zhongguo gongmin quanli fazhan yanjiu* (Toward an age of rights: a perspective of the civil rights development in China), Beijing, China University of Politics and Science Press 1999.
- 64 Whom human rights defenders pointedly characterize as lacking legal literacy. Author interview 3 December 2009.
- 65 Martin Luther King, ‘Letter From Birmingham Jail’, 1963 at <http://abacus.bates.edu/admin/offices/dos/mlk/letter.html>; Dworkin, ‘Civil Disobedience’ (Chapter 8, *Taking Rights Seriously*, Cambridge, MA, Harvard University Press, 1977).
- 66 China Digital Times, ‘Internet Provides New Challenges for Public Security Agencies,’ 4 December 2009 (excerpt in Chinese and English) at <http://chinadigitaltimes.net/2009/12/meng-jianzhu-%e5%ad%9f%e5%bb%ba%e6%9f%b1-internet-provides-new-challenges-for-public-security-agencies/>.
- 67 Li, short biography.
- 68 To mention a few, Gao Zhisheng, Guo Feixiong, Guo Guoting, Jiang Tianyong, Li Baiguang, Li Fangping, Li Heping, Li Jinsong, Li Subin, Li Xiongbing, Zheng Enchong, Zhang Xingshui, Zhuang Daohe. See Rana Siu Inboden and William Inboden, ‘Faith and Law in China,’ *Far Eastern Economic Review*, 18 September 2009 at <http://online.wsj.com/article/BT-CO-20090918-713073.html>.
- 69 http://crd-net.org/Article/Class71/200601/20060124203715_5.html.
- 70 See Wang Yi, ‘Cong shengyue dao xianyue’ (From being bound by God to being bound by a Constitution), in *Xianzheng zhuyi: guannian yu zhidu de zhuanlie* (Constitutionalism: concept and systemic transformation), no. 150, 2006.
- 71 Who believes that his resolution to become committed to *weiquan* was made around 1997. Author interview.
- 72 Teng Biao has related Havel’s ideas of resistance to the activism of human rights defenders and other victims of injustice complaining in their own cases. Translated into Chinese and published in 2003 by Cui Weiping, Havel’s best-known essays such as ‘The power of the powerless’ (*shenghuo zai zhenshi zhizhong*) advance a nuanced but strong conception of truth and rights. Vaclav Havel, *Moc Bezmocnych*, Prague, 1978, translated into English as ‘The Power of the Powerless’ and published under the book title *Living in Truth*, edited by Jan Vladislav, 1986.
- 73 Carol Gilligan and David Richards, *The Deepening Darkness: Patriarchy, Resistance, and Democracy’s Future*, Cambridge MA, 2009.
- 74 Gilligan and Richards, *supra* note.
- 75 Gilligan and Richards, *supra* note, p. 259.

76 Gilligan and Richards, *supra* note, *passim*.

77 Author interview 20 July 2007.

78 Author interview 29 March 2009.

79 *Supra* note.

80 Depicted brilliantly in Du Bin', *Petitioners: Shangfangzhe: Zhongguo fazhi guo xia de huohuashi/Petitioners: Living fossil under Chinese rule by law*, Hong Kong: Chinese Cinema Eshetics Press, 2007, a collection of photographs and stories.

81 Author interview (July 2007).

82 Popular responses to the cases of Yang Jia (2008) and Deng Yujiao (2009), for instance, suggest a potentially strong sense of solidarity with victims of official abuses. Deng Yu Yujiao has been explicitly 'claimed' as a protagonist of *weiquan* and Yang Jia, too, was celebrated in such a way.

8 The politicisation of China's law-enforcement and judicial apparatus

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Political reform in China came to a virtual halt with the gunshots on Tiananmen Square 20 years ago. The threads of liberalisation begun by former Chinese Communist Party (CCP) general secretaries Hu Yaobang and Zhao Ziyang have not been picked up by their successors, Jiang Zemin and Hu Jintao. Party elders, including Deng Xiaoping, Chen Yun, and Wang Zhen, saw in the '1989 turmoil' a collusive effort by 'bourgeois-liberal elements' among China's intellectuals and cadres as well as 'anti-Chinese forces in the West' to topple the CCP regime. It is therefore not surprising that after mid-1989, the leadership has made stability, especially snuffing out dissent and other challenges to the regime, the party's foremost task.

Perhaps the most tangible result of reform in the 1980s – separation of party and government, in addition to some degree of truncation of the Party's administrative powers – has been rolled back with a vengeance. Indeed, the CCP has, since mid-1989, concentrated more power than ever in the Party Central Committee, and especially in the Politburo and its Standing Committee.² Top priority has been given to ensuring that the Party is in control of the 'tools of democratic proletarian dictatorship,' with the goal of safeguarding the CCP's monopoly on power. The Party's penchant for control has been exacerbated by the series of 'colour revolutions' (or 'velvet revolutions') that took place in central Asian countries such as Georgia and the Ukraine, and most recently in 2005, in Kyrgyzstan, which shares a border with China's Xinjiang Autonomous Region.³ Apart from beefing up the 'pillars of proletarian dictatorship' such as the People's Liberation Army (PLA) and the People's Armed Police (PAP), the party leadership has been putting more emphasis on judicial and legal weapons to defuse threats to the status quo and to maintain the CCP's 'perennial ruling-party status.'

This paper will look at how the CCP has boosted political control over law-enforcement and judicial organs – especially the courts and the procuratorates. Given that China has some 190,000 judges, 160,000 procurators, 150,000 lawyers and hundreds of thousands of legal specialists, the so-called *zhengfa* ('political and legal') machinery could become a fierce juggernaut against perceived enemies of

the party and state.⁴ Particular emphasis will be placed on developments since Hu Jintao and Wen Jiabao took over the leadership at the 16th CCP Congress in 2002. Despite the Hu–Wen team’s protestations about their commitment to *yifazhiguo* or ‘administering the country according to law,’ the Party has tightened its grip over the *gongjianfa* (the police, procuratorates, and courts) apparatus through means including investing more authority in the secretive Central Commission for Political and Legal Affairs. More apparatchiks, rather than legal professionals, have been appointed to senior posts. And the imperative of maintaining the CCP’s monopoly on power seems to have taken precedence over the sanctity of the Constitution and the law. This paper will also examine how the politicisation of the judicial system has hurt the interests of the masses and adversely affected the overall modernisation enterprise.

The CCP and judicial organs during the Jiang Zemin era

It was a key element of Maoist statecraft that the *gongjianfa*, or police, procuratorate, and judiciary, be deemed key tools for the dictatorship of the proletariat. In 1958, the Central Leading Group on Politics and Law (CLGPL) was set up to substantiate the Party’s control over the judicial and legal apparatus. Peng Zhen, a veteran member of the Beijing municipal leadership, was appointed head of the group, a post that during the Cultural Revolution was taken over by the hated secret police chief and Mao confidante Kang Sheng. After Deng Xiaoping took over power at the Third Plenary Session of the 11th Central Committee in late 1979, the CLGPL was renamed the Central Commission on Political and Legal Affairs (CCPLA).⁵ Cadres who have held the position of secretary of the CLGPL or CCPLA have included Peng Zhen, Chen Peixian, Qiao Shi, Ren Jianxian, Luo Gan, and Zhou Yongkang. The status of the CCPLA was raised at the 16th CCP Party Congress, when its secretary was given membership in the ruling Politburo Standing Committee.⁶

It is important to note, however, that both Deng and such of his liberal protégés as Hu Yaobang and Zhao Ziyang had wanted to do something about ‘separation of party and government’ in the early to mid-1980s. This ideal was formally attained at the 13th CCP Congress in October 1987, when ‘separation of the party and government’ became a section of the *Political Report* that General Secretary Zhao delivered.⁷ Even before he replaced Hu as party chief in January 1987, however, Zhao had become interested in relatively radical reform ideas. While it might be far-fetched to cast Zhao as an advocate of Western-style ‘independence of the judiciary,’ the reformist titan had by the mid-1980s realised that China’s economic and political modernisation would be hampered by the Party’s excessive interference in legal and judicial operations. With the help of liberal advisers such as Hu Qili and Tian Jiyun, Zhao set about an incremental programme to dismantle the CCPLA, beginning with the partial abolition of several provincial Committees on Political and Legal Affairs in 1987 and 1988. This was despite the fact that, in public

speeches, Zhao still clung to the standard mantra that ‘our *zhengfa* cadres must be loyal to the party.’⁸

The 4 June 1989 massacre dealt a brutal end to almost all aspects of liberalisation. This was despite Deng’s having indicated that ‘not one character of the 13th Congress *Political Report* should be changed.’⁹ During much of Jiang Zemin’s tenure as party chief, which stretched from 1989 to 2002, this beneficiary of the Tiananmen Square crackdown pulled out the stops to roll back whatever political reform had been contemplated and implemented by the ‘Hu–Zhao liberals,’ including separation of party and government as well as separation of party and the judiciary.¹⁰ Jiang and ‘Tiananmen butcher’ Li Peng, who remained on the Politburo Standing Committee until 2002, played a sizable role in beefing up the powers of the CCPLA, usually referred to in the Chinese media as the *Zhengfawei*. Li, who may have borne a personal grudge against the Tiananmen Square dissidents, had good reason to ensure that the legal and judicial apparatus acquitted itself well of the task of putting ‘state enemies’ behind bars. He did much to promote the career of right-hand-man Luo Gan, who was CCPLA Secretary from 1998 to 2007.¹¹

Luo revived much of the agenda of a politicised legal and judicial apparatus in a revealing interview with the party mouthpiece *Outlook Weekly* in early 1999. The hard-line cadre noted that the *zhengfa* establishment must ‘resolutely uphold the CCP leadership over political work,’ and that Party authorities would provide the ‘political guarantee [of the objective] of *yifazhiguo* [running the country according to law].’ The CCPLA secretary added that ‘the top priority of *zhengfa* work is to safeguard social and political stability.’¹² In periodic meetings of the *Zhengfawei* (which includes representatives from the courts and procuratorates), Luo issued a series of harsh dictums on how law-enforcement and judicial agencies should fulfil the goals of the state. Many of these mantra-like instructions were given during *yanda* (‘strike hard’) campaigns against putative hard-core criminals, which were revived with gusto in the 1990s. For instance, Luo pointed out that during *yanda* movements, relevant departments must heed the principle of ‘putting emphasis on heaviness [in punishment], speed, and severity while executing the law.’ He indicated that, apart from gangs and other underground rings, *yanda* targets included ‘terrorist forces, ethnic separatist forces, religious extremists, enemy forces in and out of [China’s] boundary, and the Falun Gong evil cult.’ In addition to enforcing the internal-security objects of the CCP leadership, the *Zhengfawei* would ensure that law-enforcement and judicial organs had sufficient political and other resources to carry out their jobs in such a way as to reach a ‘synthesis of legal effect, social effect and political effect.’¹³

Xiao Yang, who was President of the Supreme People’s Court (SPC) from 1998 to 2008, noted that during ‘strike hard’ campaigns, courts must aim for ‘the synthesis [of the requirements] of ‘stability, accuracy, and toughness.’ He explained that ‘the stability [criterion] means that the “strike hard” struggle must be waged in a planned, methodical and orderly manner, and under the leadership of

the [relevant] party committees.¹⁴ Xiao, who studied law at Renmin University in Beijing in the late 1950s and early 1960s, was regarded as a relatively forward-looking cadre, at least during the period when he served in the Guangdong Procuratorate from 1983 to 1990. However, upon being promoted to the SPC presidency, Xiao began to bend over backwards to accommodate the CCP leadership's harsh demands on the legal and judicial sectors.

It should be noted, however, that at least during the first half of the 'Jiang era,' the legal and judicial apparatus was first and foremost called upon to maintain law and order. It was only after 16th CCP Congress that much more emphasis was put on the *zhengfa* organs' role in ensuring the Party's mandate of heaven or 'perennial ruling party status.' This can be seen from the 'eight foremost objectives' of law-enforcement and judicial units that then CCPLA secretary Ren Jianxin enunciated during a meeting of *zhengfa* cadres in 1995. The first three of these priority tasks were 'upholding [socio-political] stability,' 'meting out, in accordance with the law, heavy and expeditious punishment to criminal elements who pose a serious threat to law and order,' and combating corruption and other activities that undermined the socialist market economy. 'Upholding the party's overall leadership of *zhengfa* work' was the last of the eight goals.¹⁵ Moreover, even Luo Gan was careful to stress that legal and judicial departments must strictly observe relevant statutes. For instance, Luo pointed out in talks to judges and *zhengfa* cadres in 1998 and 1999 that 'no organisations or individuals have the special privilege to override the Constitution and the law.' He also admonished legal and judicial officials that 'the fair implementation of the law is the lifeline of *zhengfa* work.'¹⁶ We shall see that respect for legal precepts has been further undermined during the Hu Jintao administration.

The Hu Jintao leadership's efforts to boost Party control over the judicial apparatus

The Hu-Wen team's dubious 'respect for the law'

In the first year after taking power at the 16th CCP Congress in 2002, President Hu and Premier Wen Jiabao gave hope to the nation's intelligentsia that the so-called Hu-Wen *xinzheng* ('New Deal') would translate into more substantial efforts to promote rule by law, if not rule of law. Soon after becoming CCP General Secretary, Hu initiated the equivalent of an ideological campaign to safeguard the sanctity of the Constitution and the law. This was the theme of the first 'Politburo study session' that was called in December 2002, when all members of the ruling council listened to the lectures of two famous professors of law, Xu Chongde and Zhou Yezhong. 'We must uphold the basic strategy of ruling the country according to law,' said Hu on that occasion. 'We must further raise the entire society's consciousness regarding the Constitution as well as the authority of the Constitution.'

Significantly, Hu linked the ideal of ‘administration according to law’ to the oft-stated goal of ‘strengthening and improving party leadership.’¹⁷ That Hu intended to adopt some form of legalism was first evident in an address he made soon after the 16th Congress to mark the 20th anniversary of the promulgation of the 1982 Constitution. The party chief pointed out that ‘no organisation or individual has special privileges to override the Constitution and the law.’ ‘The Constitution has promoted the construction of our country’s socialist democracy,’ he added. ‘We must uphold the basic principle of running the country according to law.’¹⁸

The so-called Sun Zhigang episode – in which a young graphic designer was apparently beaten to death while detained by Guangdong police in May 2003 under the ‘Regulations on the detention and deportation of vagrants and beggars in the cities’ – also seemed to illustrate the Hu–Wen administration’s emphasis on respect for the law. After protests by a dozen or so law professors, the draconian regime was annulled three months later, and a new regulation called ‘Administrative means to help vagrants and beggars in cities who have no means of livelihood’ was promulgated. The Ministry of Civil Affairs converted 833 detention centres nationwide into Stations for Providing Succour and Help. It was estimated that they could provide aid to 2 million people a year.¹⁹ The Hu–Wen team also seemed to be more observant of ‘global norms’ in giving a fair deal to under-privileged sectors, including AIDS patients, especially after the SARS epidemic struck the nation in early 2003.

Unfortunately, the ‘legalistic phase’ of the Hu–Wen New Deal began petering out by 2004. Hu resumed the Jiang Zemin tradition of pulling out the stops to firm up party supremacy. This was evidenced by the ‘Political Report’ endorsed at the Fourth CCP Central Committee Plenum of 2004, which was entitled ‘Resolution on Strengthening the Construction of the Party’s Governance Ability.’ The ‘resolution’ indicated, for example, that ‘the party should strengthen leadership over legislation work.’²⁰ Obviously, party domination over the legislative and judicial spheres ran counter to the much-praised ideal of ‘rule by law’ and ‘respect for the constitution’ raised by Hu and his Politburo colleagues in the first six months of their administration. It is noteworthy that in a speech after the 4th Plenum, the SPC President Xiao Yang underscored the courts’ obeisance to party leadership. While noting that the courts must ‘uphold judicial authority,’ he pledged that cadres and staff in the judicial system would ‘uphold the authority of rule by law, as well as the authority of the party.’²¹

Boosting the efficacy of the *gongjianfa* apparatus

Hu’s 2007 dictums on zhengfa work

Since apparently consolidating power at the 17th CCP Congress in 2007, the Hu–Wen leadership has gone even further than the Jiang era in using the

law-enforcement apparatus to bludgeon dissent and to safeguard the CCP's monopoly of power. More so than his predecessor, Hu has laid down a systematic – what his publicists might call 'scientific' – principle to ensure the efficacy of the legal and judicial 'tools of proletarian dictatorship.'²² Hu's strategic views on the *zhengfa* system were enunciated in a national conference in December 2007 on political and legal work, in which the nation's top judges and procurators took part. The party chief noted that the foremost concern of law-enforcement officials should be the 'organic synthesis of [the principles of] upholding party leadership, letting the people be masters of the country, and running the country according to law.' Hu also spelt out these 'three top priorities,' namely, *zhengfa* cadres must 'from beginning to end give top priority to the party's enterprise, the people's interests and [the sanctity of] the Constitution and the law.' In addition, the cadres must 'earnestly maintain the CCP's ruling party status, uphold national security, safeguard the people's rights, and ensure overall social stability.' He added that law-enforcement and judicial work must abide by the overall direction of 'socialism with Chinese characteristics,' and that judges and prosecutors must do their utmost in helping to protect national security.²³

Party veterans said it was the first time in CCP history that a general secretary had so blatantly called upon judicial officials to help extend its mandate of heaven. During the 1990s, the most common goal cited for the *gongjianfa* apparatus was to maintain socio-political stability. From 2002 onwards, however, more references have been made to the *zhengfa* apparatus helping to maintain the CCP's 'perennial ruling-party status,' what Hu referred to as *dangde shiye*, or the 'party's enterprise.' Hu's dictums about the role of security and judicial departments in 'steadfastly safeguarding the CCP's ruling party status, as well as national security and the people's interests' were repeated through 2008.²⁴ It was in the same year, of course, that the *gongjianfa* establishment's ability was put to the test during a number of major events, including the Olympics, the insurrection in Tibet, 'quasi-terrorist attacks' by underground Uyghur outfits, and a large number of confrontations between the police and the populace.

At the same time, security, legal, and judicial officials have been warned against being misled by 'Western' concepts of democracy, political freedom, and the independence of the judiciary. The official *Legal Daily* noted in mid-2008 that different groups of police and court officials had watched a film entitled 'Lessons from the "Colour Revolutions."' The documentary, put together by the CCPLA and the Chinese Academy of Social Sciences, was about political changes in Georgia, the Ukraine, and Kyrgyzstan from 2003 to 2005, when 'pro-West' opposition forces managed to seize power after defeating conservative, autocratic ruling parties. The daily reported that after watching the film, 'the political consciousness [of the audience] was enhanced' and that they were more committed than ever to 'combating various subversive activities of enemy forces both in and outside China and to resolutely uphold the socialist order.'²⁵

More powers to the Zhengfawei and the Ministry of Justice

Following the 17th CCP Congress in late 2007, the Hu-led Politburo Standing Committee (PSC) has boosted the power of the CCPLA as a main vehicle through which the Party's goals and policies on the legal and judicial fronts would be attained. This was evident from the higher frequency with which CCPLA cadres appeared in the media giving instructions to police, procuratorates, and judicial units. Take the June 2008 national conference of *zhengfa* units held in Beijing to discuss how to implement Hu's December 2007 instructions – and to bolster security for the upcoming Summer Olympics. The keynote address was delivered by Zhou Yongkang, a former police chief who has headed the CCPLA since the 17th Congress. The newly promoted PSC member asked the nation's senior judges, prosecutors, police officers, and other *zhengfa* cadres to nurture the 'lofty quality of being loyal to the party.' He urged these officials to 'perpetually uphold the political orientation of being loyal to the party, loyal to the country and the people, and loyalty to the law.'²⁶ Again, it was no accident that in Zhou's pecking order, the Party came well before the law.

Indicative of the *Zhengfawei's* rising clout is that senior cadres from the commission have been appointed to senior slots in the courts and the procuratorates. This was evident from the surprising appointment of former CCPLA secretary-general Wang Shengjun as President of the Supreme People's Court – a post that is equivalent to Chief Justice – at the National People's Congress of March 2008. Wang, who does not have a law degree and had never served as a judge, built his career with the police department of Anhui Province. He became head of the provincial public security department before being seconded to the CCPLA in 1993.²⁷ His predecessor Xiao Yang, by comparison, was a legal scholar and a veteran government prosecutor at both the provincial and central level. Moreover, most of the dozen-odd SPC vice-presidents are respected law professionals, including a couple who used to be professors in well-known law schools. Wang's appointment as chief judge seems to reflect the Hu leadership's eagerness to put the courts under the control of trusted Party functionaries.²⁸ After all, as late as mid-2002, central authorities had made a commitment to the professionalisation of legal personnel. A report in the *People's Daily* quoted Xiao Yang as saying that 'the professionalisation of judges is a requirement for [the goal of] rule by law, and this will be the main objective for the construction of judicial corps.'²⁹ Putting political qualifications before professionalism, however, amounts to retrogression on the CCP's overall personnel and organisation policies.

The status of the Political and Legal Affairs Committees in regional administrations has also been enhanced. In several provinces, such as prosperous Guangdong, the PLAC Secretary doubles as vice-provincial secretary. (Since the early 2000s, the CCP began cutting down the number of vice-party secretaries for provinces

and major cities to just two, one of whom is invariably the governor or mayor of these jurisdictions.) In mid-2008, Guangdong's PLAC Secretary Liu Yupu made news when he called upon law-enforcement and judicial officials in his province to 'unify their thoughts and arm their brains' with Hu's instructions concerning how police and court officers can contribute to national security. Liu, who is also Vice-Party Secretary of the Guangdong Party Committee, noted that 'the state security situation in Guangdong is tough because being close to Hong Kong and Macau, the province is at the frontline of the struggle against state enemies.'³⁰

At the same time, Hu has politicised the Ministry of Justice (MOJ), which is playing an increasingly potent role in the rendering the judicial system into a 'tool of proletarian dictatorship.' Wu Aiyang, minister since 2005, is a member of the Communist Youth League Faction headed by Hu. A career party functionary and organiser – most of her career consisted of running 'mass organisations' such as youth and women's groups in her native Shandong Province – the 57-year-old Wu never went to law school nor had any formal training in judicial matters. Like SPC President Wang, she was picked mainly due to her political loyalty to the powers that be.³¹ And particularly after Hu's December 2007 speech, the public statements of Minister Wu and her colleagues have evinced an awe and respect for the supremo that borders on obsequiousness. A September 2008 editorial in the MOJ organ *Justice of China*, a monthly journal, noted that the judicial establishment must 'always uphold the party's absolute leadership over judicial work.' Moreover, judicial cadres must 'in the areas of ideology, politics and action maintain a high level of unison with the party central authorities with comrade Hu Jintao as General Secretary.'³²

By the turn of the century, the MOJ's portfolio included running the country's prisons and *laogai* institutes; regulating and licensing law firms and lawyers; setting standards for and regulating law schools; liaising with judicial institutions abroad; and providing logistical support to the courts and the procuratorates. Minister Wu has echoed Hu's insistence that all *zhengfa* workers must be 'politically resolute, professionally competent, and that they must have a superior work-style and be able to administer the law in a just manner.' In a mid-2008 article on how the party-state apparatus should train the nation's lawyers, Wu cited Hu's remark that 'upholding the correct political orientation is to key to the success of *zhengfa* work.' The minister told her MOJ colleagues that 'upholding the party's leadership of lawyers' was the cardinal principle in managing and regulating China's nearly 150,000 lawyers. 'Each developmental step taken by our legal profession has been achieved under the leadership of the party.'³³ Little wonder that, since Wu took over the MOJ in 2005, dozens of well-known 'activist' or human-rights lawyers have been incarcerated. Moreover, the ministry has regularly threatened liberal or activist lawyers that involvement in unsanctioned political activities would lead to loss of their licenses.³⁴

The courts as tools of proletarian dictatorship

As Peking University law scholar Shi Fei pointed out, China's judicial system suffers from 'an institutional deficiency.' Shi attributed this to 'the political stress [by the authorities] on using the repressive function of the courts to bring about the reform of the social order and to consolidate the fruits of the revolution.'³⁵ This was despite the fact that, by the turn of the century, the court system had tried to demonstrate a modicum of diversity and pluralism – if not reform – by hoisting the relatively neutral, non-politicised slogan of 'implementing judicial fairness and efficiency.'

In editorials written in January 2001 and 2002 for the SPC mouthpiece *People's Justice*, Xiao Yang wrote, 'There is no question that ceaselessly going after judicial fairness and efficiency should become the most honorable task of the people's courts in the new century.' Xiao also noted that 'the hope and necessary path for new developments for the people's courts lie in reform and innovation.'³⁶ The veteran judicial cadre pointed out that '[the system of] justice has developed from a simple tool of dictatorship [of the proletariat] to a fundamental mechanism for punishing crimes, upholding the rights of citizens, and resolving the contradictions and strife within the people.' Xiao referred to the need to modernise the judicial system after China's accession to the WTO just a few months earlier. While Xiao, like other senior judges, went through the motions of saluting the Party leadership, it seems clear that he was putting the emphasis on a relatively high degree of judicial independence. Xiao cited a clause in the *Political Report* of the 15th CCP Congress (1997) – 'implement reform of the judiciary, and ensure through institutional means that judicial organs can independently and justly execute in adjudication and procuratorial powers according to the law.'³⁷

Particularly after Wang Shengjun took over the SPC in 2008, however, all pretence at judicial impartiality as understood in the West went out the window. Speaking for the nation's nearly 200,000 judges, Chief Justice Wang indicated at the aforementioned *zhengfa* conference in mid-2008 that 'only by upholding the "three priorities" from beginning to end can the work of the people's courts go along the correct political path.' In what amounted to a drastic politicisation of the judiciary, court officials were told to rally behind the leadership of the 'party central authorities with comrade Hu Jintao as general secretary.' 'We must unify our consciousness, thoughts and action regarding what kind of flag the courts will hoist and what kind of road they will take ... in order to ensure the correct political direction of the people's courts,' Wang added.³⁸

While senior *zhengfa* cadres did not lay down specific and detailed targets or 'quotas' for their colleagues, it seemed clear that the police and judicial apparatus was told to combat challenges to the socialist order in the run-up to the Summer Olympics. Top judge Wang said the goal of the courts was to 'increase harmonious elements [in society] and to curtail disharmonious elements to the maximum

degree.’ In the official media, the phrase ‘disharmonious elements’ was shorthand for criminals, ethnic separatists, dissidents, and foreign spies. Wang exhorted the nation’s judges and other judicial officials that ‘a major criterion for assessing and testing the juridical and implementation functions of the people’s courts’ would be whether they could ‘promote social harmony.’ In another memorable speech the same year, Wang asked judges to ‘refrain from mystifying the judicial system,’ apparently meaning that they should not be too ‘legalistic’ or dogmatic in upholding the statutes. ‘While emphasis is being put on the professionalisation of judges, this does not mean that [judges] should be detached from society,’ Wang said. ‘Judges are social workers as much as legal workers.’³⁹

In interviews with the domestic media, officials in *zhengfa* departments nationwide vowed to fulfil their prescribed role as the ‘tools of democratic proletarian dictatorship.’ Zhang Wenxian, President of the Higher People’s Court in Jilin Province, revived Cultural Revolution-era language to play up the fact that ‘the people’s courts are state judicial organs under the leadership of the CCP.’ ‘The courts must uphold the party’s leadership so as to keep up their [correct] political orientation,’ he added. ‘They must take as their holy task the sustenance of the party’s ruling foundation and the consolidation of the CCP’s ruling-party status.’ Zhang particularly drew attention to socio-political stability being jeopardised by the ‘infiltration and disruption activities by Western countries,’ for example, by ‘attacking our socialist judicial system through exaggerating and distorting certain judicial cases.’⁴⁰

Things came to such a pass that, by the second half of 2008, the judiciary had become a virtual echo chamber for the powers that be. SPC President Wang was making periodic media appearances to pledge the courts’ support for whatever the Politburo was aiming to do. The latter included campaigns to promote the ‘scientific outlook on development,’ to clean up the tainted milk scandal, and to help the economy weather the ravages of the global recession. For example, Wang said in early December that judicial departments would pull out the stops to ‘provide strong judicial safeguards for maintaining national financial security and ensuring the economy’s steady and relatively rapid development.’⁴¹ Yet it is in terms of suppressing ‘state enemies’ that the judicial apparatus has served the leadership best. Infamous cases of dissidents being detained or jailed on dubious charges in the Year of the Olympics included NGO activist Hu Jia and dissident writer Liu Xiaobo. The Hu and Liu scandals elicited widespread condemnation of the Chinese government – as well as sympathy for the victims of the miscarriage of justice. Hu Jia was awarded the Sakharov Prize by the European Parliament in 2008. Liu Xiaobo was incarcerated for his role in spearheading the Charter 08 campaign, which drew inspiration from Czechoslovakia’s Charter 77 movement. In December 2008, dozens of Nobel laureates and China scholars joined a signature campaign to urge President Hu to release Liu, who had also played a role in the 1989 student movement.⁴²

The procuratorate under the Party's thumb

The work of the procuratorate (roughly equivalent to the prosecutor's office in a country with common law jurisdiction) is less well known in the West, even though the Chinese Constitution states that it enjoys the same level of power and importance as the courts, and that the police, courts, and procuratorates should engage in some form of checks and balances amongst each other.⁴³ In his 'Report to the National People's Congress' on the work of the procuratorate from 1993 to 1998, then Supreme People's Procuratorate (SPP) president Zhang Siqing tried to strike a balance between his unit's fealty to the CCP leadership on the one hand, and legal 'professionalism' on the other. Thus, Zhang, who started his legal career in 1952, underscored the imperative of 'upholding the party's absolute leadership over procuratorial work.' At the same time, the SPP chief noted that his department would 'exercise procuratorial rights independently and correctly according to law.' He indicated that the procuratorate would seek to rectify the fairly common phenomenon among cadres of 'not abiding by the law, failure to seriously implement the law, and failure to take action [upon witnessing cases of] violation of the law.' Zhang also vowed to 'implement the regularisation and legalisation of the management of the procuratorial corps.'⁴⁴

As in the case of the courts, the 17th Party Congress of 2007 – and the change of leadership in the *zhengfa* system during the ensuing National People's Congress (NPC) session in March 2008 – marked the further politicisation of the procuratorate. When the out-going president of the SPP, Jia Chunwang, talked to the media during the 17th Congress, he steered clear of sensitive issues such as the way in which the procuratorate should serve CCP imperatives. Thus Jia, who had once worked for late Party chief Hu Yaobang, cited these two foremost tasks of his department: 'to fulfill the function of legal supervision and to uphold social harmony and stability as well as justice,' and 'implementing the law in a serious, just, and civilised manner.'⁴⁵

The mood – and emphasis – changed after Cao Jianming took over the SPP helm in March 2008, following which the procuratorate has reiterated its unstinting loyalty to the Party leadership. Soon after he replaced Jia, Cao made a major policy statement on the *shuxing* or '[political] nature' of the procuratorate. In an editorial in the mouthpiece *People's Procuratorial Semimonthly*, Cao declared that his department would 'uphold the socialist procuratorial system with Chinese characteristics, and resolutely combat the influence of various misguided ideological trends.' Cao then saluted President Hu's now-famous 'three top priorities': 'giving top priorities to the party's enterprise, the interests of the people, and [the sanctity of] the Constitution and the law.'⁴⁶ The top prosecutor was of course warning his colleagues against Western ideas such as the independence of the judiciary. This is despite the fact that the 54-year-old Cao, an expert in international law and former president of Shanghai's famous Huadong University of Law and Political

Science, is considered a relatively well-trained and moderate official in the *zhengfa* system.

SPP Vice-President Zhang Geng wrote in a 2008 article about the lesson of 30 years of legal reform that the procuratorate should work closely with other legal and executive departments toward realising their common goal of ‘safeguarding the ruling status of the CCP, maintaining national security, and defending the rights and benefits of the people.’ The senior *zhengfa* cadre indicated that all levels of the procuratorate should ‘self-consciously implement the [political] lines, goals and policies of the party.’ He added that the CCP exercised ‘political, ideological and organisation leadership’ over the procuratorate. ‘We should strengthen the construction of party organisations and party leadership groups within units of the procuratorate,’ he said. ‘We should insist upon the principle of the party taking charge of cadres.’⁴⁷

Indeed, apparatchiks in the procuratorate system have gained power at the expense of ‘professionals,’ or properly trained and experienced prosecutorial specialists. The *Zhengfawei* has emphasised the leading role of the *dangzu*, or Party organisations, within the procuratorates. In a late 2008 speech, the Chief Prosecutor of the Zhejiang Procuratorate, Chen Yunlong, pointed out that the *dangzu* in his unit would play the role of ‘dragonhead.’ Chen said the *dangzu* would ‘fulfill the function of ‘the premier responsible person’ and the ‘steering sheep,’ particularly in setting the political orientation of procuratorial work in the province.’⁴⁸

A stunning set-back for legal and political reform

In a 2008 article, Minister of Justice Wu Aiyong quoted Marx, saying that ‘the judicial system is determined by the political system ... and the former also serves to confirm, safeguard and promote this political system.’⁴⁹ Like a fair number of *zhengfa* officials that the Hu–Wen administration has promoted, Wu has not spent a single day in law school – let alone delved into the intricacies of ‘capitalist’ legal systems. The preponderance of CCP functionaries such as Minister Wu and SPC President Wang has demonstrated that while Beijing has for the past decade or so periodically sent legal scholars and judges to Western countries for short-term training or exchange programmes, the law-enforcement and judicial apparatus remains dominated by Party hacks ridiculed by intellectuals as *famang*, or legal ignoramuses.

From the CCP leadership’s point of view, of course, politically correct cadres with proven contributions to socio-political stability are worthy of commendation – and elevation. This perhaps explains the sizeable number of *zhengfa* cadres, especially senior police officials, who have been promoted to high-level regional administrative slots. In mid-2008, for example, Assistant Minister of Public Security Sun Yongbo was made Vice-Governor of Heilongjiang Province. In at least seven

provinces, the head of the local public security department doubles as either vice-governor or assistant governor. The Hong Kong daily *Wen Wei Po*, which reflects Beijing's views, quoted informed sources in the capital as saying that the spate of promotions of senior public security cadres 'reflects the importance that central and regional authorities are attaching to security work.'⁵⁰ In early 2009, CCPLA chief Zhou even suggested that in order to make up for the shortfall of judges and procurators in central and western provinces, relevant *zhengfa* academies could recruit high school graduates among demobilised soldiers and PAP officers and provide them with accelerated training.⁵¹

The politicisation of the *zhengfa* system, however, has hardly contributed to avowed CCP goals such as promoting socio-political stability, let alone improving social justice. A key reason is the dubious quality – and integrity – of large numbers of cadres in departments ranging from the police to the courts. Take, for example, the widespread collusion between police and triad societies, or Chinese-style mafia, particularly in grassroots administrations. Instead of maintaining law and order, illegal activities of police and their triad cronies are often the cause of instability. One of most serious 'mass incidents' of 2008 – the riot in Weng'an County, Guizhou, in mid-2008 – was due to the wholesale deterioration of the local public security units.⁵²

Corruption cases involving senior members of the judiciary are regularly reported even by the official Chinese media. In the second half of 2008, China's *gongjianfa* circles were shaken by one of the most serious judicial scandals ever: the corruption case surrounding former SPC Vice-President Huang Songyou. Huang was alleged to have pocketed some 400 million yuan in ill-gotten gains due to his involvement in real-estate and other deals in his native Guangdong Province. There was also innuendo that his patron, fellow Guangdong native Xiao Yang, was implicated. Other high-level judges who had been incarcerated in 2007 and 2008 for taking graft and other economic crimes included the presidents of the Higher People's Courts in Guangdong, Liaoning, Hunan, and Heilongjiang, respectively Mai Chongkai, Tian Fengqi, Wu Zhenhan, and Xu Xiandong.⁵³ The reputation of China's courts has fallen to new lows among citizens and foreign businessmen. Fully 70 per cent of the petitions presented by aggrieved Chinese to the State Bureau for Letters and Calls were related to allegations of miscarriages of justice.⁵⁴

In mid-2008, SPC Vice-President Shen Deyong announced a countrywide 'tracking system' under which the nation's highest court would systematically review disputed judicial cases and penalise regional judges with a record of misjudgements. 'We will streamline principles governing the discretionary powers of judges, and try to unify standards so as to avoid public doubts about justice because of very different judgments on similar cases,' Shen said. By the end of 2008, the SPC and other departments had set up a hotline for disgruntled members of the public to complain about miscreant judges.⁵⁵ Even Party and government departments seem to have doubts about the reliability and professionalism of

judges. For example, it has become the norm for senior cadres accused of corrupt practices to be put on trial in a province outside the suspect's jurisdiction. The fact that judges have been called upon by the CCP leadership to put political loyalty before other considerations could further erode their ethical and professional standards.

The increasingly powerful public security establishment has also been accused of being a hotbed of factionalism. For example, an exceptionally large number of senior police officers were either born in Heilongjiang Province or have spent a good part of their careers there. Members of this so-called Heilongjiang Faction within the Ministry of Public Security have included Vice-Ministers Yang Huanning, Zhang Xinfeng, and Meng Hongwei, and recently-retired Vice-Minister Bai Jingfu.⁵⁶ The lack of 'geographical diversity' within the leadership of such a major ministry goes against the well-known Deng Xiaoping dictum on CCP personnel arrangements: that top-level officials in Party and government units should hail from 'the five lakes and four seas.' Yet in his eagerness to secure the unstinting support of *gongjianfa* officials for goals such as augmenting Party authority and clamping down on dissent, President Hu seems willing to give 'loyalists' and apparatchiks additional perks and prerogatives. In the final analysis, while the politicisation of the law-enforcement and judicial apparatus may buy the Party some time, this is hardly a prescription for achieving objectives of the Hu–Wen administration such as 'putting people first' and 'upholding social justice.' And should the number – and seriousness – of mass incidents increase, due to the declining quality of police, procuratorial, and judicial cadres, the CCP's goal of retaining power forever could be dealt a frontal blow.

Notes

- 1 An earlier version of this article was previously published in *Perspectives Chinoises/China Perspectives*, No. 2, 2009. Reprinted with permission of the journal.
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security from 2003 to 2008. None of his predecessors had had this experience. Moreover, the current secretary-general of the CCPLA, Zhou Benshun, and his predecessor, Wang Shengjun, are former heads of provincial police departments.

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- 21 Cited in Xu Yu, 'Xiao Yang Appeals for the Upholding of Judicial Authority,' *Wen Wei Po* (a pro-Beijing Hong Kong daily), 9 October 2004.
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9 The enduring importance of police repression

Laojiao, the rule of law and Taiwan's alternative evolution

Jerome A. Cohen and Margaret K. Lewis

In the wake of the 1989 Pro-Democracy Movement in the People's Republic of China (PRC), thousands of people suspected of having taken part in the protests were arrested and sent away for 'reeducation through labor' (*laodong jiaoyang* or *laojiao*) or other police-controlled 'administrative' detention. The flexibility of *laojiao* and similar sanctions makes them especially appealing to the PRC leadership and public security organs because they are swift, handy instruments that police can readily use when faced with rising social unrest. For this reason, the Ministry of Public Security (MPS) has been loath to release its tight grasp on *laojiao* despite the opposition of Chinese law reformers and foreign human rights observers. Thus a stalemate over its future persists.

This book analyses the influence of the Pro-Democracy Movement and its suppression on the Party and its policies. Our chapter reviews the policies with respect to criminal justice and, specifically, the extent to which the power to imprison remains firmly within the grasp of the police, without significant prosecutorial or judicial involvement. We use the contrasting example of the Republic of China on Taiwan (Taiwan) to demonstrate an alternative path. When the June 4th massacre occurred, Taiwan was just beginning to reverse a long-standing policy of allowing untrammelled police-imposed administrative detention. Over the intervening twenty years, in this respect the gap between practices in Taiwan and the Mainland has widened dramatically. Yet we believe that the stark differences will gradually diminish as the Mainland re-evaluates its practices with respect to police-administered sanctions. The current state of affairs, however, gives little concrete reason to hope for major reform in the near future.

We begin with a brief description of administrative detention and related sanctions in the Mainland and Taiwan as of 4 June 1989. Part II deals with post-4 June developments in the Mainland. Part III tells a drastically different story of Taiwan's criminal justice revolution over the past twenty years, with a focus on the demise of 'reformatory training' (*ganxun*), the island's counterpart to *laojiao*. In conclusion, we ask what we can learn from these divergent experiences and consider where post-2009 events may lead.

1980s – unfettered police power on both sides of the Strait

As the 1980s came to a close, criminal justice on both sides of the Taiwan Strait was marked by a two-track system. Alongside the formal criminal process over which procurators (prosecutors) and courts presided, there was a parallel, unfettered police process that deprived people of their liberty for significant periods of time.

The Mainland

In the Mainland, the police process came to be symbolized by *laojiao*, although police (public security) also had a range of similar sanctions at their disposal. The ‘anti-rightist’ campaign of 1957–58 precipitated the first formal promulgation of a regulation authorizing *laojiao*, which had existed in practice since at least 1955. Several hundred thousand people, most of them branded as serious ‘rightists,’ were shipped off to isolated labor camps. They often shared facilities, tasks, and training with prisoners who had been convicted of crimes and were undergoing formal criminal punishment known as ‘reform through labor’ (*laodong gaizao* or *laogai*). The police, operating nominally with the approval of local people’s governments, enjoyed broad discretion to impose *laojiao*, not only upon ‘rightists,’ ‘counterrevolutionaries,’ and other ‘anti-socialist reactionaries,’ but also upon ‘hooligans,’ thieves, persons who refused to engage in proper work, and others deemed to be social misfits. No time limit was prescribed for their confinement.¹

After the Cultural Revolution ended in 1976, the PRC’s new ‘Open Policy’ and the widespread desire for better protection of individuals against arbitrary police action led many law reformers to hope that the days of *laojiao* were numbered. Promulgation of the PRC’s first formal codes of criminal law and procedure on 1 July 1979 fed that hope. Several months later, however, *laojiao* was revived, strengthened, and assigned even greater importance, assuring the police that they would continue to have an alternative to the newly regularized criminal process. The list of vaguely described targets for this punishment was expanded. It emphasized repression of challengers to the social and economic order, in addition to political offenders and minor criminals of various types. Some concessions were made to reformers: three years was determined to be the maximum period of confinement, with the possibility of a one-year extension by custodial authorities; the civil affairs and labor bureaus were supposed to take part in the *laojiao* decision-making committee; and the procuracy was to supervise the process. Yet the latter two reforms never became meaningful, and no real improvements were made to the minimal procedures for examining cases and approving sentences, which in substance remained the prerogative of the public security agency.²

In addition to *laojiao*, the police retained other administrative sanctions for imposing supposedly ‘non-criminal’ deprivations of liberty – usually for shorter periods than three years. There were special regimes for detaining and ‘reeducating’

prostitutes and drug addicts, for giving ‘shelter and investigation’ to persons of uncertain background, and for subjecting transients, migrants, beggars, and others to ‘shelter and repatriation.’ Indeed, during the 1980s, ‘shelter and investigation’ proved to be a far more important police tool than *laojiao* in maintaining social control. The police also continued to have exclusive power, under the Security Administration Punishment Regulations, to impose detention for up to fifteen days as well as fines, warnings, confiscations, and restorative measures for a host of minor offenses.

Thus, on the eve of June 4th, the public security agency – in addition to powers conferred by its role in criminal investigation and prosecution – had a variety of instruments for depriving people of their physical liberty without significant interference from any other institution. Whether the sanctions meted out were characterized as ‘administrative punishment’ or, more euphemistically, as ‘coercive educational measures’ or merely ‘shelter,’ no effective provisions existed for supervision and review by procurators, judges, legislators, or government or Party inspection officials. When June 4th occurred, the police made full use of both their administrative detention powers and their criminal process powers. At that time, ‘shelter and investigation’ played a more important role than *laojiao*. Statistics for 1989 show that more than 1.5 million people were reportedly detained under that regulation, perhaps six times as many as under *laojiao*.

Taiwan

In Taiwan, during forty years of martial law, Generalissimo Chiang Kai-shek’s Kuomintang (KMT)-controlled government suspended parts of the Constitution and consolidated power in the executive branch under the Temporary Provisions Effective During the Period of Communist Rebellion (Temporary Provisions). During this period, the KMT and ‘a complex structure of external and internal security organizations’ wielded ultimate power.³ Their ordinarily discreet but tremendous day-to-day police power was on full display during high-profile outbreaks of public unrest, from the massive liquidation of protestors and dissidents following the 28 February uprising in 1947, to the harsh government response to the 1979 Kaohsiung Incident, in which opposition leaders staged pro-democracy demonstrations.

Throughout the martial law period, the police easily found support for their actions in suppression-friendly laws and regulations. Although outwardly aimed at ‘hooligan’ (*liumang*) behavior such as participating in gangs and running gambling dens, the Act for Eliminating *Liумang* During the Period of Communist Rebellion (1985 *Liумang* Act) and its forerunner, Taiwan Province Measures on Repressing *Liумang* During the Martial Law Period, also proved to be expedient measures for silencing political opponents who did not fit the conventional description of ‘*liumang*.’⁴ As with *laojiao*, police unilaterally condemned ‘*liumang*’ to dreaded

'*guanxun*,' literally 'control and training' but actually an extraordinarily harsh military-run punishment that could be used to detain perceived troublemakers indefinitely.⁵

The Law for the Punishment of Police Offenses served as a potent supplementary device for the police during the martial law period. Under this Law, a counterpart to the Mainland's Security Administration Punishment Regulations, the police could summarily detain people for up to two weeks at local police stations for a wide range of minor offenses.⁶

As explained by one scholar in 1971, 'Administrative regulations have defined an extremely broad area within which the police have a free hand to use whatever methods they consider effective and proper.'⁷ Consequently, despite the KMT's transplantation of the 1935 Criminal Procedure Code from the Mainland to Taiwan, the police could easily avoid the judicial process required by the Code. The KMT's tight grip on the judiciary guaranteed desired outcomes if it chose to invoke the formal criminal process during the years of martial law. However, in many cases – especially politically charged ones – it was often more convenient, for various reasons, to bypass the judicial system.

The government announced the cancellation of the martial law decree on 15 July 1987, but the actual transition of power from military to civilian authorities took several years. The government only abolished the Temporary Provisions in 1991 and did not dissolve the Taiwan Garrison Command until 31 July 1992, marking the definitive shift to civilian control. When protests broke out in the Mainland in 1989, however, people in Taiwan were still very much under the thumb of military-led police control.

Post-1989 – persistence of police-controlled sanctions in the Mainland

From the viewpoint of the Party and the police, in the days following June 4th, administrative sanctions again proved their worth, as they had during the 'anti-rightist' movement, during the aftermath of the 1978–79 'Democracy Wall' era and during the 'Strike Hard' campaigns of the 1980s. Their flexibility permitted the rapid intake and processing of large numbers of detainees, with no concern about the procedural details or evidentiary or other legal standards that involvement of other agencies might have required. To be sure, in the overheated post-Tiananmen atmosphere, criminal prosecutions themselves received short shrift, but administrative sanctions did not even demand any pretexts of fairness.

By the mid-1990s, however, China's law reformers – reacting to the accumulated legal abuses of the 'Strike Hard' campaigns of the 1980s that culminated in June 4th – had launched a major effort to legislate revisions in both the formal criminal justice system and administrative detention. The excesses that have always accompanied *laojiao*, 'shelter and investigation,' and other police-imposed incarcerations

attracted their attention as much as the need to amend the codes of criminal law and procedure. Although *laojiao* survived virtually unscathed, the notorious ‘shelter and investigation’ was terminated as part of the 1997 recasting of the criminal law. Moreover, the vicious Party/government campaign to suppress the Falun Gong that began in 1999, which prominently featured *laojiao*, spurred many scholars and judicial officials to renew their attack against this largely unregulated punishment.

By 2003, the rising tide of reform had led some experts to predict *laojiao*’s imminent abolition. Their optimism was fueled in part by the success of massive protests against another sister sanction – ‘shelter and repatriation’ – after Sun Zhigang, a young college graduate, was beaten to death while detained under that regulation.⁸ When several scholars petitioned the Standing Committee of the National People’s Congress (NPC) for an interpretation that the regulation was unconstitutional, the State Council ‘mooted’ the case by rescinding the regulation. The MPS thus lost a second major instrument for swiftly curbing social disorder. It is determined not to lose the jewel in its crown – *laojiao*.

Since 2003, the MPS has fought to a standstill efforts in the NPC to abolish *laojiao*.⁹ Yet even the MPS acknowledges that, if ‘*laojiao*’ is to continue, it must finally be authorized by a law enacted by the NPC or its Standing Committee, rather than by the existing congeries of national and local decisions and regulations, in order to comply with the demands of recent legislation governing deprivations of liberty and perhaps of the Constitution itself. The problem, however, is that, while there are numerous proposals to reform *laojiao*, there is no consensus about them.

Many want to make *laojiao* more acceptable by changing its name. Because ‘reeducation through labor’ sounds so similar to the criminal punishment of ‘reform through labor,’ and has often been similar in reality, those who have suffered this ostensibly ‘non-criminal’ sanction have nevertheless been seriously stigmatized by the name. The draft law that has long been before the NPC, but not made available to the public, has therefore reportedly been entitled ‘The Law for the Correction of Unlawful Conduct.’

More substantively, there appears to be much support for reducing the maximum term of *laojiao* to eighteen months or even a year in order to diminish its harshness. This would make it appear a somewhat better, but still imperfect, fit in the panoply of punishments prescribed by the state, between the leniency of the Security Administration Punishment Law enacted in 2005 and the severity of the Criminal Law.

Some propose to alter the nature of the sanction in various ways to eliminate its similarity to ‘reform through labor.’ Many *laojiao* centers have long been called ‘schools’ instead of labor camps, and some reformers want to actually make them resemble boarding schools, even giving the ‘students’ weekend furloughs to return home.

Perhaps the most complex area of reform concerns the criteria for determining what kind of conduct and what type of person should be subject to *laojiao*. As things

stand, a confusing welter of vaguely written regulatory documents give the police enormous discretion to detain people for virtually any behavior thought by the authorities to be 'anti-social,' and practice has done little to clarify matters. One can well understand why reaching consensus on the variety of proposals put forth in this regard has not been easy.

There is widespread agreement that, if *laojiao* is to continue, its examination and approval procedures must be improved. In order to preserve this valuable weapon, even the MPS concedes the need for procedural reform in principle and has permitted some limited experiments in practice. For example, in some cases lawyers were allowed restricted opportunities to represent targets of the process. Many critics insist that a formal, indeed public, hearing precede any determination, that witnesses be summoned and subject to cross-examination, and that rules of evidence be instituted – reforms that the courts themselves have not yet completed. One imaginative and optimistic scholar – not a legal expert – went so far as to suggest that a jury system be established to make the decision rather than leave it to the police bureaucracy. The MPS, which in 1983 had agreed to relinquish custodial but not decision-making responsibilities for *laojiao* to the Ministry of Justice, appears willing to tolerate a number of procedural embellishments so long as it retains the power to decide. Yet that is precisely what its opposition wants to prevent.

Some reformers take the position that, if abolition is not now possible, half a loaf will be better than none and that an attempt should be made to at least partially judicialize the process by requiring some type of court review before a target is consigned to this administrative punishment. Since the Administrative Litigation Law (ALL) went into effect in 1990, in theory, every target has been allowed to seek court review of his *laojiao* decision, but only after the person has been sent off to 'school.' However, relatively few targets have taken advantage of the opportunity to seek review, and most such suits have reportedly been unsuccessful. This relative lack of success, the fear of police retaliation against litigants, and the difficulties of finding a lawyer or litigating on one's own have combined to make court review available more in theory than in practice. An automatic court review in every case, taken with the help of a lawyer and before the target is sent off, would inject at least the appearance of greater fairness into the situation and might become more meaningful over time.

How much of an improvement this would actually make would depend, of course, on the procedures associated with the review and the degree of autonomy permitted the court in carrying out its duties. It would also depend on the extent of other related reforms, such as access to counsel and clarification of the criteria for determining who should be subject to *laojiao*. PRC courts continue to be controlled by the Party political-legal committee on their level, and the most influential voice on that committee is usually that of the public security representative. Nevertheless, ALL reviews of *laojiao* decisions have sometimes invalidated them,

and it is possible that, under a newly established arrangement requiring ALL court review of every such decision, the arbitrariness of *laojiao* determinations might be significantly reduced.

Yet some reformers want to go further. They hope to transform future police decisions to impose *laojiao* into mere recommendations and to give the decision-making power to a special division of the courts. Until January 2009, this is what was done in Taiwan in recent years with respect to police efforts to subject ‘*liumang*’ to up to three years of ‘non-criminal’ administrative punishment. That is why it is important for Mainland reformers to understand Taiwan’s relevant experience and accomplishments.

Post-1989 – criminal justice revolution in Taiwan

In contrast to the entrenched police repression in the Mainland, the past twenty years have witnessed a startling transformation of Taiwan’s criminal justice system. As previously noted, the end of martial law ushered in a transition of relevant police powers from the military to civilian authorities, which was formally completed in 1992. Perhaps the most immediately conspicuous change was the morphing of the draconian, military-run ‘*guanxun*’ into the Ministry of Justice’s ‘*ganxun*’ or ‘reformatory training,’ a more conventional form of imprisonment for which truncated judicial approval was required in every case.

The waning years of martial law had seen the beginnings of judicial involvement in decisions that had formerly been left exclusively to the police. The 1985 *Liumang* Act had introduced the use of special ‘public security tribunals’ (*zhian fating*) within the district courts to determine whether alleged *liumang* should be incarcerated, but those courts provided little check, both because of daunting procedural barriers to mounting a defense and because of the courts’ general pro-KMT/police propensity.¹⁰ Even the 1992 Act for Eliminating *Liumang* (*Liumang* Act) changed little with regard to procedures. It was not until the Council of Grand Justices – Taiwan’s constitutional court – stepped in that important change began to occur.

In a landmark 1995 judicial interpretation,¹¹ the justices declared five articles of the *Liumang* Act unconstitutional and gave the legislature one year to revise the offending articles. Ensuing reforms curtailed the ability of police to force people to appear before them without any judicial approval; revised the ubiquitous secret-witness system to authorize its use only ‘when necessary,’ which highlighted the principle even though it did little if anything to change practice; and struck down the policy of allowing the authorities to require people to serve time in prison as criminals, followed by time in reformatory training as *liumang*, or vice versa, for the same act. A second interpretation in 2001 required only modest revisions to the procedures for confinement of suspected *liumang*, but at least showed a continuing awareness of the controversy over the *Liumang* Act.

Meanwhile, the Law for the Punishment of Police Offenses passed into history. And, once again, the Council of Grand Justices played a notable role in the process. In 1990, the Justices declared that certain provisions of the Law would cease effect on 1 May 1991 because they violated the Constitution's protection of physical freedom. In response, the legislature replaced the offending Law with a new Social Order Maintenance Law that addresses mild disruptions of social order and is still in use today. This Law covers a wide array of offenses, ranging from illegally using another person's identifying documents [Art. 66], to maltreating animals [Art. 79], to willfully picking another person's flowers or other vegetation [Art. 88].

The maximum punishment under the Social Order Maintenance Law is detention of up to five days, and the Law spells out clear judicial decision-making procedures. Aside from enumerated minor violations for which detention is not allowed, following investigation, the police must transfer the case to the district court for a ruling by the summary division, in which single judges decide cases based on the files and without requiring a hearing [Art. 45]. If the court orders detention and the violator does not appear after receiving notice and without a valid reason, only then can the police force the person to appear [Art. 52]. The Law further includes a chapter on 'Relief' (*jiu ji*) for people who wish to challenge their punishment in the courts [Ch. 5, Arts. 55–62]. In 2007, 7,976 new social order maintenance cases were filed with the district courts, which is a slight decrease from the 8,754 cases filed in 1998.¹² Of the 7,512 cases closed in 2007, 2,592 people were sentenced to detention and 1,379 of these people were sentenced to only one day.¹³

This gradual decline of unfettered police powers to punish in Taiwan needs to be viewed within the larger context of reforms to the formal criminal justice system that had gathered strong support. Over the past ten years, Taiwan's Criminal Procedure Code underwent seismic changes, while further reforms to the procedures for *liumang* cases appeared to stall, and those remained largely behind closed doors without any prosecutorial involvement and using heavily truncated judicial proceedings. The National Judicial Reform Conference in 1999 laid out the framework for sweeping criminal procedure reforms that introduced a 'reformed adversarial system' (*gailiangshi dangshiren jinxing zhuyi*), which sought to elevate the roles of defense counsel and prosecutors in the courtroom, shift judges to a more neutral position, and place the burden of proof squarely on the prosecutors' shoulders.¹⁴ As reforms progressed, the judiciary, legislature, and executive gradually recognized the untenable gap between the new procedures applied to 'criminal' cases and those used for '*liumang*' cases. The fact that suspected *liumang* often faced concurrent criminal charges for the same acts emphasized the overlap between the *Liumang* Act and the Criminal Code and gave further reason to question the continuing need for the Act.

In 2007, the Council of Grand Justices heard arguments in support of renewed attacks on the constitutionality of the *Liumang* Act. In a 1 February 2008

interpretation, the Council again declined to hold the entire Act unconstitutional, but it did hold that part of the definition of *liumang* violated the principle of legal clarity. The Council further held that the secret witness system was an excessive restriction on the accused's right to defend himself and, hence, a violation of the proportionality principle. Finally, in accordance with the principle of due process, the Council held that the accused had a right to make a statement during the initial police process for designating someone as a *liumang*. The Legislative Yuan was given one year to revise the Act, and the countdown to February 2009 began.

The Council's third interpretation apparently convinced Taiwan's political elite that the *Liumang* Act was proving to be more trouble than it was worth. After installation of President Ma Ying-jeou's administration on 20 May 2008, the Executive Yuan recommended the Act's abolition and, on 23 January 2009, Taiwan's legislature voted to repeal it, thus finally putting an end to over fifty years of police power to severely punish anyone without convicting him of a crime. Today, people are no longer locked up because they are deemed '*liumang*': suspects receive the protections in the Criminal Procedure Code. This means that all criminal suspects must be brought before a judge within twenty-four hours of arrest if detention is sought.¹⁵

By no means should this account be taken as saying that Taiwan's criminal justice system is perfect. The prosecution of former President Chen Shui-bian has brought many lingering weaknesses to the fore, including concerns that prosecutors and judges may be succumbing to political pressure. The long pre-trial detention of former President Chen has further raised protests that courts too readily acquiesce to prosecutors' requests for detention even where there is weak evidence of flight risk. Many ask whether it is proper to keep subjects detained in order to prevent them from discussing their case with witnesses and other suspects in their case. Other unanswered questions include whether Taiwan will be able to build a strong public defender system to support the new adversarial approach and whether Taiwan will relax the stringent restrictions on defense counsel's access to detained clients and to evidence in the hands of prosecutors. Despite these persisting concerns, Taiwan deserves praise for the tremendous reforms to date, including greater prosecutorial and judicial controls over police enforcement of criminal law, and for fostering an open debate over the best path forward. Taiwan's 14 May 2009 enactment into law of the text of the International Covenant on Civil and Political Rights provides further assurance of continuing criminal justice reforms.

In curtailing police powers, Taiwan's government has not succumbed to public fears that reforms would lead to increased crime and social instability. For example, voices of protest were raised during the debate over repeal of the *Liumang* Act, echoing concerns in prior years that the Act was necessary for social stability.¹⁶ Similar arguments are made in support of *laojiao* by the MPS and its advocates. It is still early, but we have heard no reports that repeal of the *Liumang* Act is causing an observed deterioration in social order.

Post-2009 – the path forward?

The conference organizers have asked, ‘What lessons has the PRC leadership drawn from the 1989 events?’ Unfortunately, one lesson appears to be that it is prudent and expedient to retain unchecked police authority to detain and incarcerate. Across the Strait, Taiwan’s government has rejected this lesson and divested police of such broad powers. In short, the twenty years since June 4th have witnessed significant progress toward the rule of law in this respect in Taiwan, while the situation in the Mainland regarding *laojiao* has changed little. The PRC government remains in a stalemate over *laojiao*. Taiwan’s struggles with the *Liumang* Act provide fertile ground for reflection as to whether the PRC should adjust, transform, or simply abolish *laojiao* and other forms of administrative detention.

Gradual judicialization of procedures is an obvious path for transformation. Mandatory judicial review under ALL procedures of each police *laojiao* decision would be one option. Another would be a variant of Taiwan’s ‘public security tribunals’ as a further step towards transferring decision-making power from the police to the judiciary, even if it stops short of the full process under the Criminal Procedure Law. Of course, such a tribunal might merely serve as a rubber stamp that blesses police ‘recommendations.’ Yet institutions sometimes take root in useful ways, and something would be gained even if independent court functions failed to develop, since review by another agency provides at least a minimal check on the police even if that agency lacks genuine independence.¹⁷

A second question is whether constitutional challenges might eventually serve as a vehicle for change, as occurred in Taiwan. Of course, the PRC, unlike Taiwan, does not have a constitutional court, though the idea has been floated and continues to attract attention.¹⁸ Most Chinese scholarly experts have long opposed administrative detention on constitutional grounds, for example as seen in the debate over ‘custody and repatriation’ in the wake of the 2003 Sun Zhigang incident, and many judges and legal officials support their views. Yet, as the Sun case demonstrated, the Party leadership is not ready to allow the Standing Committee of the NPC to exercise the authority conferred upon it by the Constitution to interpret the Constitution. Nor are the courts permitted to entertain direct constitutional attacks, although efforts to entice them persist and they do sometime vindicate constitutional claims without reference to the Constitution but by grounding their decisions on statutes. For the foreseeable future, the battle is likely to be confined to the NPC legislative process, which awaits instruction from the Central Party Political-Legal Committee and the Standing Committee of the Politburo over how to break the stalemate.

The failure of scholarly law reform efforts to gain traction, combined with the lack of an available forum for asserting constitutional rights, raises the pressing question of where momentum for reform will come from. In Taiwan, calls for change from inside and outside the government were crucial to the reform

movement. For example, the non-governmental Judicial Reform Foundation (JRF), primarily composed of lawyers and scholars, has been a prominent force for good. The PRC government has thus far been unwilling to grant space for independent non-governmental organizations like the Judicial Reform Foundation. Although the criminal justice committee of the All China Lawyers Association and some specialists among local bar associations have supported reform, their influence cannot match that of the MPS.

Another challenge to change is the sheer number of inmates undergoing *laojiao*. According to the most recent official statements, the PRC has 320 *laojiao* centers holding 190,000 inmates.¹⁹ Previous estimates were often as high as 250,000 or more. In Taiwan, by comparison, the Judicial Yearbook reports that only 3,193 *liumang* cases were filed with the district courts in 2007, up slightly from a ten-year low of 2,780 in 2001.²⁰ Moreover, because most incarcerated *liumang* had concurrent criminal sentences, only about 200 *liumang* were actually released upon repeal of the *Liumang* Act. So the impact of abolition was modest.

Finally, we cannot avoid the fundamental question whether Taiwan presents an inapposite example because criminal justice reforms were intimately tied to the transition towards democracy. Yet Taiwan's story is not just one of democracy leading to legal reforms. The transition from military to civilian control was initiated prior to democratic elections, suggesting that there is space for *laojiao* reform within an authoritarian Chinese political structure. While we do not think democracy is a prerequisite to curtailing this police weapon in the Mainland, the leadership will have to demonstrate at least some greater openness to reform than it has to date. Perhaps impetus will come from the need to reform *laojiao* in order to ratify the International Covenant on Civil and Political Rights, which the PRC signed in October 1998. Certainly, as time passes, the PRC is under increasing internal and external pressure to do so. Yet until the Party leadership decides that such reform will not undermine police efforts to bring 'stability' and 'harmony' to an increasingly restive society, efforts to seriously transform, let alone abolish, *laojiao* and other forms of police-imposed detention and incarceration are doomed to languish.

Notes

- 1 See Jerome Alan Cohen, *The Criminal Process in the People's Republic of China*, Cambridge MA: Harvard University Press, 1968.
- 2 For this and the following paragraph, see the comprehensive and excellent account in Sarah Biddulph, *Legal Reform and Administrative Detention Power in China*, Cambridge: Cambridge University Press, 2007, pts. 2–3.
- 3 Edwin A. Winckler, 'Institutionalization and Participation on Taiwan: From Hard to Soft Authoritarianism?' *China Quarterly*, no. 99, 1984, pp. 481–491.
- 4 The 1955 Taiwan Province Measures on Repressing *Liumang* During the Martial Law Period were replaced in 1985 by the Act for Eliminating *Liumang* During the Period of Communist Rebellion. The Act for Eliminating *Liumang* followed in 1992 and remained in effect until January 2009.
- 5 The 1955 Measures provided a powerful means of locking up people under the guise of 'studying life skills' (*xuexi shenghuo jineng*) (Article 6).

- 6 For a detailed description of policing practices in Taiwan, see generally Jeffrey Martin, 'A Reasonable Balance of Law and Sentiment: Social Order in Democratic Taiwan from the Policeman's Point of View', *Law and Society Review*, no. 41, 2007, p. 665.
- 7 Lung-Shen Tao, 'Reform of the Criminal Process in Nationalist China', *American Journal of Comparative Law*, no. 19, 1971, pp. 747–764.
- 8 Keith J. Hand, 'Using Law for a Righteous Purpose: The Sun Zhigang Incident and Evolving Forms of Citizen Action in the People's Republic of China', *Columbia Journal of Transnational Law*, no. 45, 2006, p. 114.
- 9 The following section draws in part on Biddulph, *supra* note 2, at ch. 9, which offers a detailed discussion of proposed legal reforms.
- 10 See, e.g., Wang Tay-Sheng, 'The Legal Development of Taiwan in the 20th Century: Toward a Liberal and Democratic Country', *Pacific Rim Law and Policy Journal*, no. 11, 2002, pp. 531–554 ('In the context of authoritarian rule, the KMT judicial authorities usually paid limited attention to the dignity or human rights of the accused.').
- 11 The three interpretations addressing the *Liumang* Act are no. 384 (1995), no. 523 (2001), and no. 636 (2008).
- 12 Table 70 in Judicial Yuan, *Judicial Yuan Statistics Yearbook*, Taipei, 2007, available at www.judicial.gov.tw/juds/year96/08/08_070.pdf.
- 13 Table 71, Judicial Yuan, *Judicial Yuan Statistics Yearbook*, Taipei, 2007, available at www.judicial.gov.tw/juds/year96/08/08_071.pdf.
- 14 See generally, Margaret K. Lewis, 'Taiwan's New Adversarial System and the Overlooked Challenge of Efficiency-Driven Reforms', *Virginia Journal of International Law*, no. 49, 2009, p. 651.
- 15 Criminal Procedure Code (last revised 12 December 2007), art. 93.
- 16 As the 2002 deadline loomed for revisions, one legislator warned, 'At least 300 alleged hooligans will be discharged three days later if we fail to properly amend the law.... The releases will bring chaos to Taiwan.' 'Dropping of Hooligan Article Will Bring Chaos: Lawmaker' *China Post*, 20 March 2002 (quoting Su Ying-kuei).
- 17 For a thoughtful and detailed analysis of the options for reforming administrative detention and their relation to the criminal justice system, see Randall Peerenboom, 'Out of the Pan and into the Fire: Well-Intentioned but Misguided Recommendations to Eliminate All Forms of Administrative Detention in China', 98 *Northwestern Law Review* 991, 2004, especially pp. 1061–1104.
- 18 See Tom Kellogg, 'The Death of Constitutional Litigation in China?' *China Brief*, 2 April 2009 ('China University of Politics and Law scholar and longtime *Caijing* magazine legal advisor Xiao Han has revived a suggestion that has been made by a number of legal scholars over the past three decades: the creation of a Continental European-style constitutional court (*Caijing*, 2 February)').
- 19 Human Rights Council Working Group on the Universal Periodic Review, United Nations Human Rights Council *Draft Report of the Working Group on the Universal Periodic Review*, para. 66, available at http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/CN/A_HRC_WG6_4_L11_CHN_E.pdf.
- 20 Table 125 Judicial Yuan, *Judicial Yuan Statistics Yearbook*, Taipei, 2007, available at www.judicial.gov.tw/juds/year96/08/08_125.pdf.

10 The Impact of the Tiananmen Crisis on China's economic transition

*Barry Naughton*¹

The social and economic model that emerged out of the Tiananmen crisis was profoundly different from that contemplated on the eve of Tiananmen. China made a firm transition to a high-input, high-investment, high-growth model of development. The broad but vague social consensus in favor of political and economic reforms that underlay the Tiananmen protests crumbled, while the economy boomed and some people became much better off. In the post-Tiananmen period a strong economic logic and a strong political logic coincided to produce a policy regime that was remarkably consistent and strongly self-replicating.

The political crisis of June 1989 was the catalyst for a shift in the overall pattern of Chinese economic transition. In both political and economic terms, the crisis gave urgency and legitimacy among the ruling elite to a model of concentrated power wielded more effectively. This led, on the one hand, to a regime more capable of mobilising resources for economic development. On the other hand, it resolved the ongoing discussions about ownership and hierarchy in a way that strengthened the alliance between politics and business, and integrated economic and monetary considerations into the fabric of the political hierarchy. These changes, in turn, led to a harsher and more elite-dominated form of state capitalism. For better and for worse, they also paved the way for the explosive phase of economic growth that followed from 1992 through September 2008.

In and of itself, the Tiananmen crisis did not have a large impact on the Chinese economy. Economic growth dropped sharply in the wake of the crisis (1989–90), but as Figure 10.1 shows, the economy bounced back quickly and even made up for lost time during the over-heated years of 1992–93. When the crisis is juxtaposed with China's recurrent economic cycles (Figure 10.2), it is easy to see that the economic cycle was one of the causes of the crisis, but it is not easy to see the crisis having any effect on the pattern of economic instability.

Figure 10.2 shows inflation rates as a measure of cyclical imbalance: the Tiananmen crisis was clearly related to inflation, since it broke out after a socially destabilising peak in inflation. But the crisis didn't immediately cause any particular change in the dynamics of the economy. Quite the contrary, there were surges in

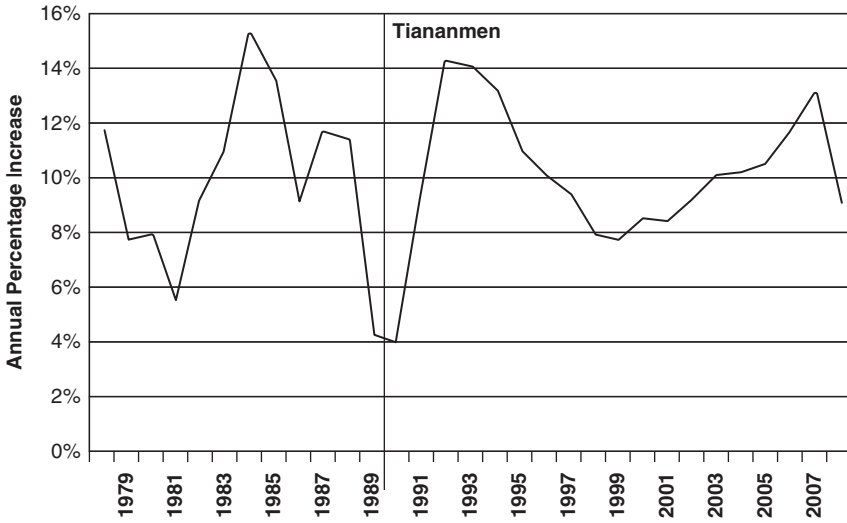


Figure 10.1 GDP growth, 1978–2008.

inflation before Tiananmen, and there was one after Tiananmen, in 1993–95. If there was any clear change in macroeconomic regime, it came later, after 1996. In simple economic terms, Tiananmen was not a particularly important event.

And yet, Tiananmen stands at the watershed between two different approaches to economic transition and two different policy regimes. Tiananmen may not have been the watershed, but it certainly was located on the watershed. It is widely recognised that in many crucial dimensions, the 1980s in China were different from

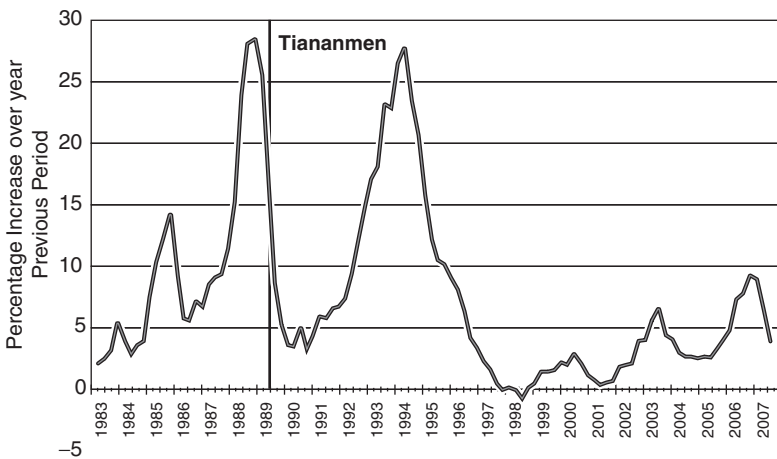


Figure 10.2 Consumer inflation (1983Q1–2008Q4).

the 1990s. The 1990s policy regime emerged with unmistakable clarity only a few years after the Tiananmen crisis, in 1993–94. But since it took several years for the political dynamics unleashed by Tiananmen to coalesce into a new economic policy regime, it is clear that the Tiananmen crisis was one of the most important events pushing the policy-making equilibrium from one stable state to another. What, then, is the relationship between Tiananmen and the shift in policy-making stance between the 1980s and the 1990s?

The fundamental difference between the two periods is that in the 1980s, before Tiananmen, China's leaders were willing to subordinate other national interests to the quest for a viable economic reform model, and thus a better economy and society. After Tiananmen, while reformers still pursued a vision of a transformed economy, that vision was linked to, and often subordinated to, strengthened, stabilised, and more effective government power. The most direct measure of the difference is the provision of public goods and growth-oriented public investment. In the 1980s, this was low and declining, while in the 1990s it was high and rising. The low public goods regime of the 1980s had the advantage of purchasing 'space' for economic reform and freeing up resources for new organisational forms. After Tiananmen, a steadily accelerating drive for a more capable state led to a large increase in growth-oriented public investment and other public goods. In order to mobilise the resources required for these purposes, China's leaders sacrificed important opportunities. They closed off alternative paths to reform, imposing a uniformity on policy-making choices and processes that has been, on occasion, suffocating. They ushered in a harsher, less transparent, and less 'harmonious' society, marked by strengthened Communist Party dominance of public property and decision making.

The Tiananmen debacle deprived Chinese society of precious flexibility and adaptability. While the crisis and its immediate aftermath were primarily political, it is important to stress that it had economic roots and consequences as well. The reform model of the 1980s would inevitably have changed and developed in the 1990s, but the particular form of the transformation was due largely to the post-Tiananmen dynamics of leadership. The first half of this paper examines the economic policy frameworks that prevailed pre-Tiananmen, and reviews the road to crisis. The second half of the paper examines the ways in which the interplay between politics and economics shaped the specific character of the post-Tiananmen regime.

Reform strategy and the background to Tiananmen

It is clear that the political crisis that climaxed at Tiananmen was heightened, if not actually caused, by differences over economic policy and reform strategy. An approach to economic reform that had commanded a rough consensus during the 1980s was breaking down in the run-up to Tiananmen. Most discussions of China's

economic reform strategy take as a starting point the contrast with Eastern European or Soviet 'big bang' reforms, and stress the gradualist and institutionally innovative aspects of Chinese reform. These adjectives apply equally well to reform in the 1980s and 1990s, but in other respects those periods can be quite different, even opposite. What precisely was the 1980s approach to reform? The most common interpretive framework is to contrast the 1980s with a subsequent phase of Chinese economic reform beginning around 1993.² Thus, 1980s reform has been characterised as decentralising, dual track, and making extensive use of particularistic bargains and contracting. These characteristics are contrasted with post-1993 reforms, which were recentralising, stressed market unification, and promoted reforms of ownership and improved regulation. This division makes sense, but it emphasises the 1993–94 point of strategic inflection; as a result, it diverts attention from Tiananmen and the immediate post-Tiananmen period and obscures the linkage between Tiananmen and economic policy. Huang Yasheng regards the 1980s as a kind of golden age in which rural reform and private entrepreneurship were the focus of reform and the keys to a 'good capitalism,' only to be discarded for a state-sponsored 'bad capitalism' in the 1990s.³ Huang's overall picture is over-simplified, and subject to a certain amount of myth-making, but it does illuminate some of the differences between the periods not highlighted in the earlier literature. How does a focus on Tiananmen itself illuminate the shift in economic policy pre- and post-Tiananmen?

The choice of reform strategy in the 1980s

At the very beginning of economic reform at the end of 1978, crucial economic choices were made that shaped all of the 1980s. A central role in making these choices was played by Party elder Chen Yun. Later considered a conservative, Chen was willing to countenance marketisation, so long as it was contained within limits (the so-called 'birdcage model'). Chen and his close associate Li Xiannian found common ground with more committed reformers in their shared conviction that the economy – and especially the rural sector – needed 'room to breathe.' Development plans needed to be less ambitious and less urgent, so that consumption could recover and households could feel stronger assurance that they would be able to keep the fruits of their labours. Chen Yun's sceptical view of grandiose plans led him to take the lead in chopping back the overly-ambitious 10-Year Plan and 'Leap Outward' promoted by Hua Guofeng. Under Chen Yun's watch, contracts to purchase foreign factories were cancelled, and China began importing millions of tons of grain instead, so that farmers' compulsory procurement targets could be reduced. Domestic investment was reduced sharply, and space was opened up for greater consumption and for the growth of new organisational forms. This policy called for a Three Year 'Readjustment,' beginning in January 1979, intentionally echoing the policy and slogan from 1961–62, when Chen Yun presided over the

post-Great Leap Forward recovery of the economy. Chen Yun's commitment to this approach to the macro-economy was so strong that when macroeconomic imbalances re-emerged at the end of 1980, he insisted that China push the restart button on the Three Year Readjustment period:

Some might say, 'This will delay us three years.' No worry. China's economic construction has already been delayed more than a hundred years, since the Opium War. And besides, it's not really a delay: if we don't readjust, it [economic construction] will end up taking much longer.⁴

This became national policy and was sustained through the 1980s. Deng Xiaoping fell in line behind Chen Yun on the issue, even though he had previously supported the grandiose 10-Year Plan. Deng's agreement was essential because of his leadership role and because these choices had national security implications as well. After Deng's visit to the US in 1979, and the unhappy China–Vietnam War, Deng concluded that the US could now serve as a sufficient counter-weight to the Soviet Union. China could and did demilitarise its economy, cut back military outlays, and sharply reduce the priority given to military-linked projects. In related fashion, research and development dropped substantially as a share of GDP.

The basic macroeconomic policy framework established by Chen Yun prevailed until 1989, while the hands-on management of the economy passed from Chen Yun to Zhao Ziyang between 1979 and 1982.⁵ To be sure, Zhao pushed harder and searched more systematically for institutional innovations than Chen Yun would ever have done. But Chen Yun and other elders signed off on Zhao's quest, because they were reassured that his vision of economic reform was consistent with relative macroeconomic stability and a cautious approach to the economy.

Other voices were raised throughout the 1980s, worrying about energy shortfalls and infrastructure bottlenecks, and calling for increased investment. The State Planning Commission put together a national programme of 'Central Priority Investment,' but it was modest in size, peaking at just over 3 percent of GDP in 1987. Considering that the programme included all of the transport and heavy industrial sectors, this was not large.⁶ The influence of the Planning Commission was limited. In the first place, these were essentially the same people responsible for the great petroleum fiasco of 1977–79, when the collapse of oil development doomed the 10-Year Plan. Furthermore, the economy had been chugging along reasonably well as a shift from heavy to light industry, combined with improvements in energy efficiency (from abysmal), gave the economy room to grow. Finally, Zhao Ziyang, in his drive to find a feasible road to reform, solicited views on reform strategies from outside the government bureaucracy, and effectively sidelined the bureaucratic Planning Commission, further reducing its influence. Planning Commission criticisms could get no traction. It became more-or-less official policy to postpone the push for high-speed growth. Deng Xiaoping

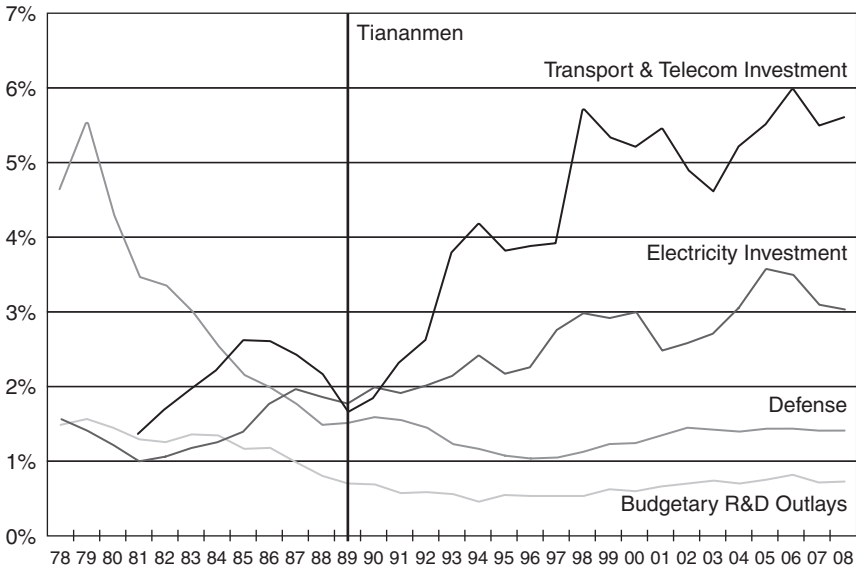


Figure 10.3 Major public goods outlays (% of GDP).

implicitly recognised as much when he had the idea of quadrupling GDP by the year 2000 written into the Report of the 12th Party Congress in 1982. Don't forget, he was saying, our ultimate objective is still to develop into a strong and modern country. The ambitious long-term target balanced the short-term cautious and 'relaxed' environment. 'Build me a growth engine,' Deng was saying, 'but not yet.'

Figure 10.3 shows that this 'go slow' policy orientation can be discerned in simple quantitative indicators. It shows resource outlays for four categories of expenditure that we would expect to be large in a techno-nationalist, government-dominated, growth-oriented polity. Budgetary defence and scientific research and development (R&D) expenditure both came down dramatically from their peaks in the planned economy. In terms of investment in infrastructure, the chart shows electricity generation and transport and telecom each stayed at modest levels of around 2 percent of GDP throughout the 1980s. Figure 10.3 shows that these investment levels were low compared to what was later achieved in China. They are also low relative to international best practice: the World Bank has suggested a 'rule of thumb' that physical infrastructure investment must be at least 6–8 percent of GDP in order to support sustained rapid economic growth. China in the 1980s was well below this recommended level. This relatively modest investment effort allowed China to maintain a relatively relaxed macroeconomic environment.

To be sure, this relatively relaxed macroeconomic environment did not mean that China had no inflation. Indeed, one can clearly see in Figure 10.2

inflationary episodes in 1985 and 1988, and another episode had occurred in 1980, before good data were available. These episodes should be understood in context. Cumulative inflation through the 1980s was modest compared with the extreme inflation in the Soviet Union and Eastern Europe. Relaxation of price controls with distorted prices inevitably produce inflation, and China's cautious macroeconomic policies can be seen to have kept inflation largely under control in this context. Furthermore, we see clear evidence of a policy-related cycle in the inflation data. Policy decentralisations typically led to surges in investment demand from localities and enterprises, upsetting macroeconomic stability and leading to inflation. We can call these 'Kornai cycles,' because they reflect Janos Kornai's insights about soft budget constraints: in partially reformed economies where enterprises and local governments do not have hard budget constraints, any effort to dismantle controls and decentralise power leads to a surge of decentralised investment and demand pressures and thus to inflation. In other words, China's partially reformed and protected 'reform without losers' economy of the 1980s was especially prone to inflation. Precisely because of this tendency toward inflation, China's leaders deemed it especially important to moderate additional demands on the economy for infrastructure investment and defence spending. Cautious macroeconomic policy allowed cyclical policy experimentation, and also allowed reform to progress.

Hierarchy and ownership

If there was rough consensus about investment, there was vigorous ongoing discussion and debate about the interrelated issues of hierarchy and ownership. In particular, a crucial question was what the proper relationship between the bureaucracy and state-owned enterprises should be. The initial discussions about state enterprise reform were in fact primarily discussions about hierarchy, because it was understood that changes in the relation between enterprise and hierarchy would only later lead to a set of changes in ownership. The liveliest debate of the 1980s was that between 'enterprise reformers' and 'price reformers.' Simplifying this important debate considerably, enterprise reformers pushed to give enterprises more leeway by allowing them to sign long-term contracts and expand the dual-track system. Price reformers sought to establish macroeconomic control to create conditions for price reform, doing away with the dual-track system and preparing for enterprises to be released to the market. Both sides accepted the premise of a relatively modest direct government investment effort, but for opposite reasons. Price reformers gave priority to a relatively relaxed macro-environment, which they saw as a prerequisite to successful marketisation (adjusting and freeing prices and eliminating the dual-track system). Enterprise reformers knew that their approach of radically decentralising power to the enterprises had the short-term cost of exacerbating macroeconomic imbalances

by facilitating new enterprise demand for investment. They thought this price was worth paying, but of course wanted only modest central government investment so that the unavoidable trade-off would be as favourable as possible. Zhao Ziyang was influenced by both these groups, but in the end his policy more closely resembled that of the enterprise reformers. He adopted the expedient of signing profit contracts with enterprises and local governments, giving them high-powered incentives to economise and make money. Both sides in the reform debate agreed that delaying central government investment efforts was a positive move that would allow reforms to go forward.

While economic reformers were considering the issue of hierarchy from the bottom up, China's Party elders were considering reform of the hierarchy from the top down. Deng Xiaoping, in particular, from the beginning took a direct personal interest in the restructuring of the administrative hierarchy – including the government and the Communist Party. Deng spent much of the 1980s rebuilding and restructuring the hierarchy, promoting younger and better-skilled people; rebuilding regular procedures for promotion and, especially, retirement; and creating strong incentives to perform in ways that contributed to economic growth. On balance, these actions made a stronger hierarchy, and reinforced commitment to the hierarchy under a situation in which the growing market tempted people to defect. But Deng's strengthening of this hierarchy was tempered by a countervailing movement to 'separate government from business (*zhengqi fenkai*). The essence of this movement was to withdraw the Communist Party from daily management of firms and of the economy. The factory manager responsibility system, which spread broadly through state industry in the late 1980s, pushed in this direction by giving the factory manager the clearly superior position in the enterprise, with the Party secretary implicitly subordinate. After Zhao Ziyang became Party General Secretary in 1987, he pushed this separation much further. He disbanded the Party groups in government bureaus, and further downgraded the enterprise Party secretaries, cutting their allocation of support personnel. While the Party maintained its personnel power, the objective was increasingly to keep the Party itself out of decision making, turning it into an institution that provided spiritual guidance and administrative oversight. The hierarchy became stronger while the Party became weaker. Overall, reformers were exploring restructuring in a way that would strengthen enterprises and remove the Party from direct control, even while making the Party itself more technocratic.

The next item on the agenda would likely have been ownership reform per se. Recall that the 1980s were very cautious in this respect. The number of workers in state-owned enterprises (SOEs) continued to increase through the 1980s, surpassing 70 million in 1988 (see Figure 10.6). Very few workers were laid off, and hardly any SOEs were shut down. Instead, reformers devised reforms that would create flexibility somewhere further down the road. A muted discussion of

ownership reform began, with two items clearly on the agenda. The first was the privatisation of small-scale firms. The second was the creation of joint stock companies, what we would today call ‘corporatisation’ of large firms. Actual progress was minimal, but reformers clearly saw big things ahead.

The crisis

The political crisis that culminated on 4 June 1989 first turned critical at the beginning of 1987. Party General Secretary Hu Yaobang was turned out of office by the Party elders, primarily because of political issues including leadership succession, government reform, and the proper way to handle popular protest. Zhao Ziyang was named provisional Party General Secretary, and seemed at first to have stabilised the situation. However, during the course of 1987, the political crisis grew to encompass an economic crisis as well. The economic crisis, at its core, was about inflation, which was seen to be deeply destabilising. Clear signs of increasing inflationary pressures emerged in the summer of 1987. Rural free market prices spiked up to 20 percent growth in June, and the overall CPI started to climb (see Figure 10.2). Nevertheless, by the time of the October 1987 13th Party Congress, it seemed as if the complex leadership struggle had been brought back under control. Zhao Ziyang was formally confirmed as the new Party General Secretary, and seemed to retain Deng Xiaoping’s confidence. Moreover, under Deng’s prodding, the elders all retired from their formal Party positions. In exchange for stepping back into the Advisory Council, the elders extracted an explicit promise that all important political decisions would be cleared with Deng Xiaoping, and all important economic decisions would be cleared with Chen Yun.⁷ When Zhao was moved into the top post as Party boss, Li Peng succeeded him as Premier. Li Peng was considerably more conservative and less adept as an economic manager than Zhao, and differed with him on many issues. However, Zhao Ziyang retained the chair of the Finance and Economics Leading Group, and from this position he was able to neutralise Li and continued to personally steer economic policy. A new power structure had emerged, although it was to prove quite fragile.

Despite clear and growing signs of macroeconomic imbalance, Zhao was hesitant to apply measures that would slow the economy. Contractionary policies had short-term political costs, and Zhao’s political base was fragile. Moreover, Zhao had lined up Deng Xiaoping’s support for price reform, so to pull back from further liberalisation would have been very costly. Under these circumstances, inflationary pressures were allowed to build while preparations for further price liberalisation went forward. Policy was inconsistent, stepping on the brakes and on the gas in turn. A particularly fateful relaxation in credit policy occurred in February 1988. This turned out to be an extremely costly decision for Zhao. Within months, inflation accelerated, and episodes of panic buying occurred. In August 1988, Zhao

was suddenly deposed from his direct control of economic policy, and economic oversight responsibility was given to the hardline Premier Li Peng. Zhao had lost the confidence that Chen Yun and other elders had once vested in him to maintain macroeconomic stability as the premise for continued economic reform. Closely assisting Li Peng was Yao Yilin, head of the State Planning Commission and, since 1988, Executive Vice Premier. The hardliners immediately froze prices and implemented austerity in credit policy.⁸ They rapidly adopted an industrial policy that discriminated sharply among sectors, targeting some for priority and others for shrinkage. Many investment projects were shut down and construction workers sent home.⁹ Austerity slowed income growth before it slowed inflation, and real urban incomes declined in late 1988 and early 1989. When student protesters demanded faster social and political liberalisation, they got a sympathetic hearing from urban dwellers in Beijing and elsewhere; economic discontent fuelled demands for political reform.

The short-term contradictions overwhelmed the Chinese political leadership, and the rough consensus that had held diverse leadership viewpoints together broke down. No longer did a majority of the power holders support the idea that it was acceptable to postpone growth-supporting investment in order to provide space for experimentation with reform. As a result, the hard-won consensus and space for manoeuvre that Zhao Ziyang had painstakingly cobbled together during the 1980s collapsed. The State Planning Commission, more or less marginalised during most of the 1980s, was suddenly in charge of overall economic policy.

The hardliner ascendancy

After June 4th, Zhao Ziyang and his closest allies were systematically purged from positions of authority. Li Peng, Yao Yilin, and the Planning Commission (headed by Zou Jiahua after December 1989) consolidated their control over economics and launched a surprisingly radical retrenchment of reforms. The conservatives believed that the economy had far out-run its capacity: it had simply grown too fast. Processing industries, especially township and village enterprises, needed to be cut back, and basic industries, especially heavy materials industries such as steel and chemicals, needed to be strengthened. The conservatives continued their double-barrelled programme of tough macroeconomic (credit) austerity combined with industrial policies to restrict processing industries and strengthen basic industries.

The hardliners also believed that economic reform had already gone far enough, and that a roll-back of reform was required in certain areas. Allegiance to the general idea of reform was still proclaimed, but the concept was reformulated to excise all meaningful content. One interesting place to see this is in the 1991 manifesto, said to have been written by three young insiders – the maverick conservative intellectual He Xin, and the two ‘princelings’ Chen Yuan (son of

Chen Yun) and Deng Yingtao (son of Deng Liqun). Their so-called ‘Princeling Manifesto’ is an unusually wide-ranging and provocative document. The Manifesto argued:

Since 4 June, radical political reform has been refuted, but the radical economic reform viewpoint has not been effectively cleared out ... One reform viewpoint advocates accelerating the creation of a Western-style free market economy – of course they avoid calling it this, to circumvent ideological obstacles – arguing that this is the only way to improve the economy. From this they argue for the need to subject the Communist Party to the rule of law [lit: increase the conformity of Communist Party power to legal regulation], and the need to undergo great [economic] risks ... [However we believe] reform now should emphasize developing production forces and ... maintain the consistency and stability of production relationships.¹⁰

The conservative position was at least intellectually consistent, since 1980s reform had predominantly created new businesses in the light industrial or processing sectors, and had left state control of ‘basic’ industry intact. Thus, the argument in favour of rolling back reform was consistent with the idea of stabilising the economy by shoring up basic industries.

Nevertheless, the conservative ascendancy quickly turned into a fiasco. Inflation was dead by late 1989 (Figure 10.2), while the conservatives were still mobilising their troops to fight it. At the November 1989 Fifth Plenum, conservatives promulgated the ‘39 Points,’ a broad programme to regain control over (and slow) the economy. The 39 Points called for, among other things, ‘a program of rectification that should last three years, or perhaps a little longer,’ thus attempting a revival of the original Three Year Readjustment (CCP 1989). Yet the reality was plummeting growth, and, with inflation falling, a complete absence of the kind of crisis conditions that would justify further draconian measures.

Soon even conservatives were looking for ways to reignite economic growth. The conservatives had tried to restrain the growth of light processing industries, but suddenly the township and village enterprises they had been fulminating about looked like their most promising allies for vigorously reigniting growth. Although the conservatives were big fans of state-owned enterprise, they unintentionally delivered the *coup de grâce* to the financial viability of the state enterprise sector. Conservatives reneged on the profit contracts that had been signed with state enterprises, and talked endlessly about firms increasing their contributions to the government. State managers, facing a down market, high uncertainty, and the expectation that any increased profits would be siphoned off by the government, naturally reported a sharp decline in profitability. As Figure 10.4 shows, total SOE profits plunged in 1990 and never recovered.

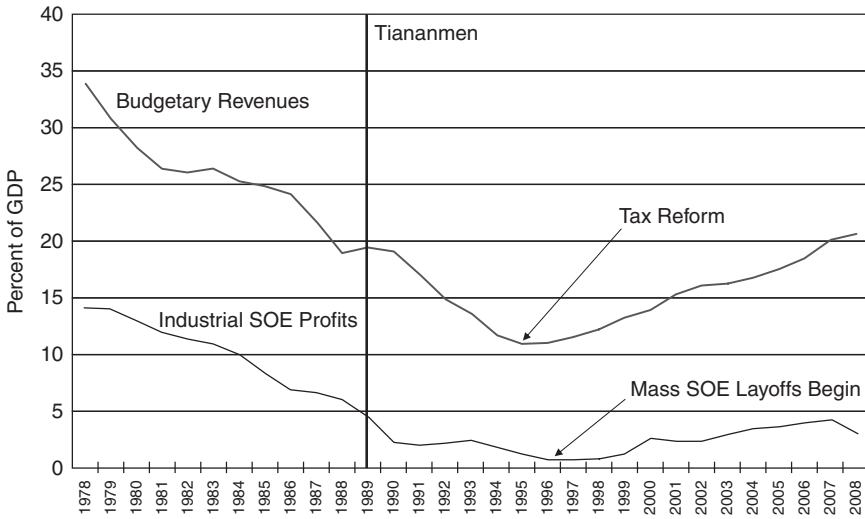


Figure 10.4 Budgetary revenues and industrial SOE profits.



Deng Xiaoping's 'Southern Tour'. The slogan indicates: 'Unless we stick to socialism, unless we reform and open up, unless we develop the economy, unless we improve the people's livelihood, we can only be headed for a dead end.' © Michael Bonnin.

Conservatives tried to recentralise control of the budget, but were blocked by provincial politicians led, ironically, by Zhu Rongji from Shanghai and Ye Xuanping from Guangdong. The conservative position was collapsing. It is well known that in early 1992 Deng Xiaoping embarked on his 'Southern Tour' to restore legitimacy and momentum to the reform process. What is less often appreciated is that the conservative position had already fallen apart before Deng's journey, as

conservatives scrambled to catch up with a rapidly adapting and surprisingly flexible and vibrant economy. It was the last time in China that macroeconomic austerity was confused with, and packaged with, re-establishment of central planning. The year 1992, instead of being the third year of painful rectification, was actually a year of explosive growth. The growth performance of 1992 was marred by widespread financial shenanigans and the re-emergence of inflation. Nevertheless, the very fact that the economy was capable of such growth served as the final refutation of the economic worldview of the conservatives.

Reform and reformulation

After the collapse of the conservative approach to policy, it took a while to sort out a coherent new approach. Economic leadership was reshuffled: Zhu Rongji was summoned from Shanghai in 1991, and took over the industry portfolio; more fundamentally, in mid-1993 Zhu was appointed head of the central bank and made vice-premier in charge of overall economic policy.¹¹ Surprisingly, the Communist Party now adopted a series of broad programmatic documents that endorsed further reforms, in a nearly 180-degree swing from the slogans and policies of the hardliner ascendancy. In September 1992, the 14th Party Congress endorsed the goal of a ‘Socialist Market Economy,’ and the Third Plenum of that Congress in November 1993 passed a very general but still actionable policy blueprint on the ‘Establishment of a Socialist Market Economic Structure.’¹²

The new policy package was both a repudiation of the hardliner ascendancy and a clear break with the content of economic reform in the 1980s. It involved a recentralisation of fiscal resources, corporatisation of state firms, and ultimately massive down-sizing of the state sector. The dual-track system was abolished, and pricing in all but a tiny handful of markets was market-determined. Private enterprise gradually established a legitimate place, and the bulk of publicly owned small and medium enterprises were privatised. China began negotiating for membership in the World Trade Organization, which it achieved after nearly a decade of effort. Clearly, the economic reform effort revived after Tiananmen, often in new ways and in ways that, overall, went far beyond what was accomplished in the 1980s. Yet the 1990s reform was not just the re-launching of reforms that had run aground after Tiananmen; it was the setting of an entire new course.

How the Tiananmen crisis shaped the subsequent phase of economic reform

China began the 1990s with an incredibly tightly knit leadership group that subordinated nearly all kinds of dissent and disagreement into a single, relatively narrow concept of national interest. Ironically, while much has been written about the experimental and unscripted nature of Chinese reform – ‘crossing the river by

groping for stepping stones' – the reality is that economic reform in the 1990s was tightly constrained and evolved within limits that were closely circumscribed by political requirements.

The Chinese leadership received a tremendous shock from the Tiananmen crisis itself; from the appalled and hostile reaction in the West to the Tiananmen massacre; and finally from the collapse of Soviet and Eastern European communist regimes. Not surprisingly, these multiple shocks caused the Chinese leadership to hunker down and impose on themselves a high degree of enforced unity and Party discipline. They also imposed a far stricter control over society than they had exercised before Tiananmen. The plurality of leadership voices was stilled by self-censorship, but even without censorship, the spectrum of opinion about economic reform within the Communist Party leadership was narrowing. After Tiananmen, the most liberal reformers were purged. The purges focused on political liberals, and thus did not translate directly into a purge of individuals with a particularly economic viewpoint. Nevertheless, most political liberals had also been willing to countenance a reform model that involved more drastic reductions in state power, and perhaps more rapid growth of the private sector.

For example, when Hainan was established as an independent province in 1988, it was with the explicit objective of trying out a 'small government, big society' model of social transformation. Liberals who might have supported such visions plausibly included, besides Zhao Ziyang himself, Tian Jiyun, Hu Qili, Bao Tong, and Rui Xingwen. With these leaders excluded from significant policy making, there were few alternative visions to be found in the Chinese leadership. At the same time, the hardliners had utterly discredited their own economic vision during the post-Tiananmen fiasco. By 1992, Tian Jiyun, although a marginalised figure himself, could ridicule the hardliners in a speech at the Party School and suggest that they set up their own (conservative) Special Economic Zone. As a result, within the leadership there were no serious critiques of the reform process either from the 'left' of the spectrum (more welfare-oriented) or the 'right' (more private ownership). Efforts were made to draw up a new social security system, for example, but with no national political leader committed to its success and pushing its implementation, it languished as a half-completed project, indeed down to the present day. The spectrum of economic reform opinion within the leadership was dramatically narrowed.

The more compact clustering of elite opinion also corresponded to a change in the way power was exercised. During the 1980s, different opinions about the economy had been distributed among different power holders in the Communist Party leadership. On balance, the 'elders' were more conservative, and the Hu–Zhao leadership more activist on reform and willing to take some risks. However, what is crucial is that until the 1988 breakdown, the dividing lines were not ossified. When economic imbalances became more serious, individual leaders (either 'elder' or not) would move into the conservative camp, tilting the

balance toward ‘adjustment’ and moderation. When economic slowdown became obvious, individual leaders would move into the reformist camp, pushing for accelerated reform and pro-growth policies. This system was one of many veto-gates,¹³ or a balanced portfolio of policy options,¹⁴ producing a relatively stable policy orientation that still had sufficient flexibility to adapt to changing circumstances.

This system of distributed power collapsed after Tiananmen. Ironically, although the ‘elders’ demonstrated at Tiananmen that they had the upper hand in any real power struggle, their victory was short lived. Actuarial realities dictated the dispersal of Elder Power, which had virtually evaporated by 1993, when the Central Advisory Commission was abolished. The next-generation leadership of Jiang Zemin inherited the position at the pinnacle of power, but it could never compare in terms of quality and creativity with the Hu–Zhao team that it replaced. Even after Zhu Rongji joined the team, it never articulated a vision of any aspect of society or the economy that went beyond that produced by the Hu–Zhao group. Thus, by 1992–93, while a new blueprint for reform was swiftly developed, a new reality of central government discourse and policy making was also coalescing. The new leadership felt embattled and lacked the will or the creativity to break out of a narrow mental framework. A dominant discourse overshadowed anything else: consolidate power; boost inputs into economic growth; but continue further (unspecified) market reform. The question then became how to attain these objectives, with little remaining debate about their desirability.

Privatisation

The effects of a narrowly constrained policy vision are evident in the area of privatisation. Sometime during the Tiananmen crisis, it became impossible to openly discuss privatisation. Presumably, there is a document on file somewhere with the Propaganda Department that explains that ‘privatisation’ is not an acceptable *tifa* (approved formulation). The astonishing result is that after 20 years of massive social change, unprecedented growth of the private sector, and, yes, enormous privatisation, the Chinese media have to this day never used the word ‘privatisation’ to describe the process. Virtually the entire township and village enterprises sector has been privatised, but the word is still not used.¹⁵ This is not just a matter of linguistics: without open discussion, several practical problems arise. First, without open discussion it is virtually impossible to insist on clear and transparent procedures for the privatisation process. As with many other issues, if you don’t talk about it, you drive it underground. The inevitable result is insider privatisation. The process of privatisation was extremely decentralised, and has taken place at different times in different places. Indeed, the process is still going on today. Many localities, of course, devised procedures to ensure that the privatisation of local firms was reasonably fair and transparent.

Localities set up 'asset markets' to coordinate transactions, and created innovative contracts to ensure that 'insiders' had appropriate incentives in bidding for firms. The privatisation process was not a national scandal in China the way it was in Russia, but in many cases, insiders were still able to manipulate the privatisation process to their own benefit, and the overall process of privatisation did not become an opportunity to strengthen property rights and the rule of law. Ownership change became less systematic and less transparent, and the murky process covered up many local scandals.

More broadly, there has been no open discussion of the broader role of privatisation in the development of China's future society. Many alternatives have not been fully discussed, such as distributing share ownership to create a 'people's capitalism,' or vesting share ownership in pension funds. Obviously, in the current situation where China is trying desperately to develop household consumption, it would have been useful if a decade-long conversation about legitimising and building household wealth were in place to build on. Unfortunately, that conversation was smothered in its crib. Finally, giving legitimacy to privatisation would have empowered growing private companies to build stronger corporate structures and make more robust long-term plans. Private companies need to know that there are sectors where the state will not compete with them or discriminate against them. China came close to such a declaration in the late 1990s, but it was ultimately not forthcoming. There is really no sector of the Chinese economy where a private business absolutely has the assurance of a government non-compete commitment. It is hard to specify precisely what difference a more open approach might have made to privatisation, but since the issue affects every corner of the economy it is hard to overstate its importance.

Hierarchy and ownership revisited

While privatisation never made it into a national discussion, the debate about hierarchy and ownership shifted into new realms after 1989. Two of the core elements of the 1980s approach were associated personally with Zhao Ziyang and were despised by the hardliners. Most crucially, Zhao's approach of thoroughly separating the Party from direct management of both government and the economy could not possibly have survived the hardliner ascendancy after Tiananmen. Party organisations in state-owned enterprises and in government agencies were quickly restored after Tiananmen. A nation-wide political movement was launched at this time to identify and 'rectify' dissidents, particularly in academic and research institutions. Under these circumstances, the Party of course clawed back its direct power and influence over management functions as well. Under perceived crisis, the Party would not accept relegation to a subordinate role. But this was not just a temporary crisis response: the idea of pulling the Party out of direct management of the economy died, and it has never been revived in the 20 years

since. Even though China has gone much further than ever before in setting up regulatory agencies and other specialised functional organs in the 20 years since Tiananmen, I have never heard it suggested that such agencies should be exempted from Communist Party nomenclatura management.

At the same time, the specific measures Zhao Ziyang had championed for regulating the relationship between enterprise and administration were discarded. As mentioned earlier, profit contracts with enterprises were abrogated, and the hardliners tried (but failed) to put central–local fiscal relations on a new basis. These steps left the restructuring of hierarchy and ownership in a state of radical uncertainty. If privatisation is taboo, the Communist Party is re-entangled with direct management, and attempts to put space between the enterprise and government through contracting are on hold, what model of marketisation can be put forward?

Perhaps the most radical suggestion to this question came in the ‘Princeling Manifesto’ discussed above. Their suggestion was breathtaking: they argued that just as it was axiomatic that ‘the Party controls the gun,’ so it should be accepted that ‘the Party controls the assets.’ By giving the Communist Party direct ownership of society’s wealth, the question of who was responsible for public assets would be resolved, and the conflicting regulatory and protectionist impulses of varying levels of government would be counterbalanced by a vigorous advocate for asset maximisation. Direct Party management of the economy would be reinstated, but the Party’s perspective would become that of the owners of capital.¹⁶ Taken literally, this suggestion went nowhere. The Communist Party of China never began to accumulate assets in its own name in the way that, for example, the Kuomintang did in Taiwan. But in a broader sense, the Princeling suggestions indicated the direction in which the system was evolving. Within a few years, enterprise reform began again, with an emphasis on corporatisation and ownership restructuring. The difference was that now the Communist Party remained deeply engaged in the disposition of firms and the appointment of managers. When enterprises established Boards of Directors as part of the new Company Law, Communist Party Committees, as part of their nomenclatura authority, appointed the board members that represented the public ownership stake. Of course, this change in the way Communist Party power was exercised changed the Communist Party as well. It became a more and more important interest group, acting both in its own interest and in the public interest as perceived by Communist Party members.

At the same time, the state retained a very strong ownership stake in the economy, even as marketisation continued through the succeeding two decades. Central government ownership became far more concentrated in a relatively small number of strategic sectors. These sectors included finance, transport, and communications, and, within industry, those with natural monopoly, public goods, or national security characteristics. Energy and electricity and aeronautics and

aerospace have remained state controlled. These sectors would have been publicly controlled in most European countries as recently as 30 years ago, but they are also sectors where most countries in the world have carried out substantial privatisation over the past 30 years, and where regulation would typically be used in developed countries to deal with natural monopoly or public goods issues. These strategic sectors give the government enormous direct influence over the economy. As Figure 10.6 shows, the state sector has receded substantially since the early 1990s, but remains large. Once all state-controlled joint-stock corporations are included, the state enterprise work force has stabilised at more than 40 million employees. To be sure, the economy is much bigger than it was 20 years ago, so state enterprise employment is now a relatively small share of total urban employment. But size combined with strategic concentration guarantees the continued importance of the state role.

These changes in the economic function of ownership, and especially state ownership, have also affected the resolution of questions about how the administrative hierarchy was to be organised, and in particular how the personnel function would be managed by the Communist Party. Recall that in the 1980s, the administrative hierarchy was becoming professionalised and 'incentivised,' but this was occurring at the same time as a separation of functions (Party from government, as well as government/Party from enterprise). Given the reversal of this separation of functions post-Tiananmen, the professionalisation and 'incentivisation' of the hierarchy took on a new meaning. The professional management of firms by managers assigned by the Communist Party became the objective. The hierarchy was re-oriented toward profit and efficiency, but the hierarchy was now deeply intertwined with the management of firms. The Communist Party is now more deeply involved in business management than ever,¹⁷ but it exercises this power primarily through its control of public ownership rather than through the kind of ad hoc administrative interventions that characterised control in the planned economy era. In this sense, the 'Princeling Manifesto' correctly predicted the future of Communist Party involvement in the economy.

The Communist Party now more or less acknowledges and discusses these changes. Although information about internal Party decision making remains scarce, there is more published information available about formal Party decision making procedures than ever before. Since the 16th Party Congress in 2002, the Party has extensively discussed its status as a 'governing party,' emphasising the need to regularise procedures and improve quality. While this organisational and propaganda initiative is not specifically tied to Party management in enterprises, it is a broad public confirmation that Party management of human resources and economic development extends to every part of society and is expected to be enduring. It confirms that the emphasis has shifted to regularised decision making, inner-Party checks on abuse, and external monitoring (and no longer the withdrawal of the Party from direct management). This of course changes

the overall incentive structure within the hierarchy, and the character of the Communist Party. The Party is increasingly intertwined with control and management of large economic organisations. The Party secretary of a large firm is frequently appointed to be the chair of the board of directors of that firm. Serving as Party secretary of a large firm or bank is frequently a step on a career path that includes Central Committee membership and/or high government position – so far, though, not typically the very top political leadership. In this sense, the issues relating to hierarchy and ownership have been resolved, for the foreseeable future, through a cluster of decisions that can be traced back to the Tiananmen debacle. Given the perceived impossibility of separating the Party from management, the only viable alternative was to integrate the Party fully into the system through which public ownership of enterprises was exercised.

Mobilisation of resources

After Tiananmen, a robust consensus was maintained over the need to step up the mobilisation of resources into the growth process. Of course, during the Tiananmen crisis, hardliners thought they had to mobilise resources to overcome the immediate crisis of the economy. That view was mistaken. But even after the economy recovered, the consensus was strong among the truncated leadership that it was impossible to go back to the relaxed, relatively low mobilisation regime of the 1980s. State budgetary revenues had continued to decline in the wake of the crisis (see Figure 10.4), and, combined with the political disarray at Tiananmen itself, gave the impression that China was encountering a real crisis of state capacity. Leaders believed in this danger themselves, and were also eager to reverse a perception of weakness that might lead to internal or external challenges. Fiscal reform that took place at the beginning of 1994 was designed to reverse these trends. As Figures 10.4 and 10.5 show, fiscal reform was successful both in reversing the decline in budgetary revenues as a share of GDP; and in giving the central government a much stronger role in the disposition of budgetary revenues by increasing its share of initial revenue collection from around 30 percent to over 50 percent. Even though central expenditures did not increase as a share of total expenditures, this gave the central government proactive control over the redistribution of resources through the budget. Nor is the budget the whole story. As Figure 10.3 shows, investment in key public goods also began to grow around 1992–93, even though most of the funding for this investment did not come from the budget. Transport and telecom investment soared to 5 percent of GDP, while electricity investment rapidly hit and maintained 3 percent of GDP. Expenditures for R&D (certainly) and defence (probably) grew more than the lines in Figure 10.3 show, since in order to maintain data comparability with the earlier period, those lines cover only budgetary outlays for R&D and defence. In the

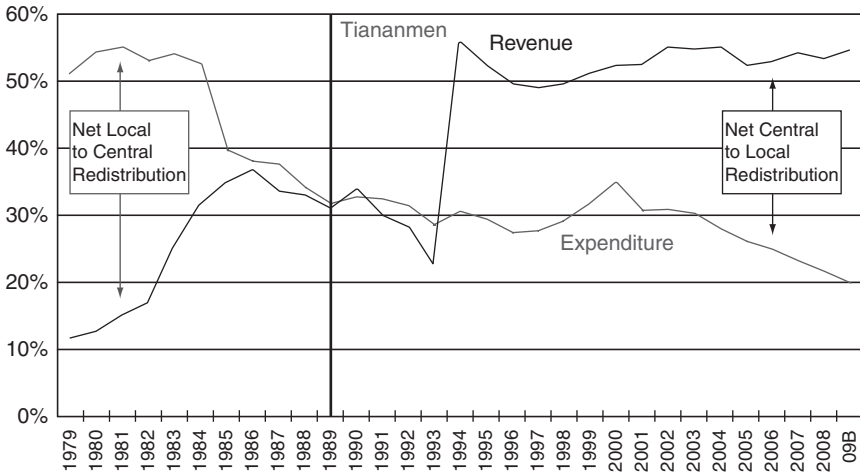


Figure 10.5 Central government share of budgetary revenue and expenditure.

mid-1990s, China made the transition to a high-investment, high public-goods, and high-growth routine.

How was this mobilisation of resources achieved? In purely economic terms, we can point to three key changes. First, the tax reform created a much broader tax base, linking government revenues to the overall economy (through the VAT) and eliminating the budget's reliance on state-owned enterprises. Second, the remaining state sector was 'liberated' to pursue a growth agenda that was its own, but that corresponded to what top leaders wanted as well. State-sector reorganisation, completed by 1998, organised the remaining centrally run firms into powerful oligopolies. Although no central firms enjoyed uncontested monopolies, competition was restricted to two or three firms in an industry. These firms became very profitable. Moreover, in 1994 the central government ceased requiring government firms to turn over their after-tax profits to the state (in apparent contradiction to the desire to enhance government control over revenues). These firms, increasingly flush with cash, competed with their rivals to expand, and funded their own investments. For example, telecom investment had never been more than 0.2 percent of GDP through 1988, but in the late 1990s the telecom companies, relying on their own internal funds and bank loans, pushed investment up to 2 percent of GDP. Virtually no budgetary funding went into telecom development.

Third, an increasingly marketised economy was able to break the link between decentralisation and inflation. After 1996, the government imposed tough macroeconomic policies that brought inflation down after its final surge. This time macroeconomic austerity was combined with a tough policy that hardened budget constraints for public sector enterprises. As Figure 10.6 shows, the state enterprise

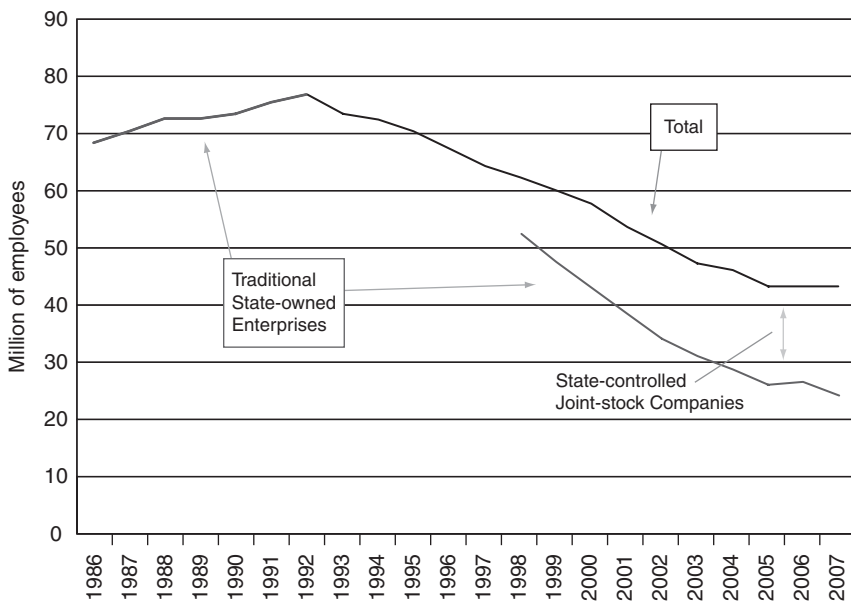


Figure 10.6 State enterprise labor force.

labour force shrank from 75 million to around 42 million. This was achieved by closing down under-performing state firms and laying off millions of workers. Under these circumstances, small-scale and inefficient investments did not surge during a decentralisation, and the ‘Kornai cycles’ were tamed. In economic terms, policy makers were able in the 1990s to mobilise resources by redistributing resources (to government and large state firms) and by freeing up resources through institutional reforms that made the economy more efficient.

The underlying political bargain

Behind the economic explanation for the 1990s changes lies a dramatic change in the underlying political bargain. During the 1980s, economic policy makers had limited scope for manoeuvre. Zhao Ziyang was unable to manoeuvre freely in his pursuit of economic reforms; reforms still developed as long as they could produce ‘reform without losers,’¹⁸ but reforms that involved imposing real sacrifices on specific groups seemed to be unfeasible. The hardliners ran into a similar constraint when they tried to impose budgetary recentralisation in the immediate Tiananmen aftermath, only to be blocked by the opposition of local government leaders. What changed in the wake of Tiananmen that allowed the new leadership to break out of the paralysis of the period immediately before and after Tiananmen?

A series of discrete bargains eased the way. Local government and Party leaders in 1993 eventually signed off on a budgetary reform that included substantial recentralisation. In part, this followed an intensive round of politicking that saw Zhu Rongji visit provincial capitals and cajole locals into agreement. But more fundamentally, local officials began to see that in return for surrendering some budgetary authority they would gain substantial freedom of action with local industrial and commercial companies. In the midst of a speculative fever and booming economy in 1993, new financial resources and new authority became available to local power holders. With Party control being reinforced, local officials were increasingly confident that they could use their control over the local Party apparatus to steer and profit from local economic development. The central government was increasingly concentrating on a few strategic sectors, leaving the field open to local officials for most ordinary competitive sectors. While the government did not offer a credible non-compete promise to the private sector, the central government did offer a reasonable expectation of non-competition to local government officials. The emergence of local political-economic systems with the Communist Party committee at the centre really dates from this period: we see the emergence of locally based corporate conglomerates, loosely managed by local Party committees.

Similarly, central government leaders were willing to concede substantial resources to powerful emerging central corporations. Even while centralising resources overall, Zhu Rongji was willing to leave after-tax profits with state firms – an insignificant concession to the thousands of struggling small SOEs, but a significant move for the large, powerful strategic firms. Policy makers could follow Zhu in this decision because they had confidence that the developmental interests of the large state firms would be aligned with their own goals, and because they knew that continued and strengthened Communist Party authority was capable of keeping these firms within their own political orbit. The instinctive mistrust an authoritarian regime feels toward independent centres of economic power was ameliorated by the confidence that these state corporate giants could be kept subordinate to the Communist Party-run political system. A telling symbol of the emerging ‘bargain’ was the role of Li Peng’s son, Li Xiaopeng, as the head of Huaneng, the largest of China’s central government-controlled power generating groups, and an extremely profitable corporation.¹⁹ It also shows the continuing relevance of princeling influence in the evolution of hierarchy and ownership. In both the local government and central corporate cases, the decision by the top leadership to hang on to a direct or indirect ownership stake in public assets gave them a bargaining chip they could use to break out of a political deadlock.

More fundamentally important than specific political bargains was the change in the overall social compact. As it broke out of political deadlock, the Chinese Communist Party elected to move away from the ‘reform without losers’ of the 1980s and squeeze resources out of existing sectors. The biggest new group of

'losers' were of course the workers in state-owned enterprises who were made redundant, and those who lost pension security and health insurance as well. While it was inevitable that market forces would eventually be allowed to shut down the most inefficient state firms, this was achieved in a relatively short and traumatic period after the mid-1990s. The redundant workers of state firms bore the costs of driving China into the industrial era.

Conclusion

The social and economic model that emerged out of the Tiananmen crisis was profoundly different from that contemplated on the eve of Tiananmen. China made a firm transition to a high-input, high-investment, high-growth model of development. The Communist Party rebuilt its system of direct personnel control in economic organisations, and expanded this control into a broader 'human resources management' for the large-scale sectors of the economy. Intimately entwined with these characteristics was the endorsement of powerful centres of economic resources under the aegis of the national Party. Large central government corporations and local corporate bodies emerged, all strongly characterised by tight political linkages. At the same time, the inevitable result was a relatively weak household and private sector. Regime insiders retained a grip on power and resources to an extent that few outside observers had predicted. Ever since, the Chinese reform model has been subject to increasing criticism from both the right and the left for the degree to which it has led to inequality and concentrated economic and political power.

To what extent are these outcomes to be blamed on the Tiananmen crisis? What would have happened in the absence of a Tiananmen crisis? We can never know the answer to this counter-factual question. It must be acknowledged that many of the outcomes traced in this paper might well have occurred without any political disruption at Tiananmen, since the logic for them in China's authoritarian system is strong. At a minimum, we can assert that the Chinese leadership would have had to resolve two crucial economic dilemmas from the 1980s, one way or the other. It was essential that China step up the pace of investment in infrastructure and other national public goods; the option of simply deferring important investment in public goods and infrastructure would not have been viable for long. It was also necessary to create economic and political institutions that would permit the adoption of policies to break with the soft budget constraints and 'reform without losers' of the 1980s. The hybrid, dual-track system had achieved its purpose, and the economy needed to transition to a more sophisticated, better-functioning market economy. As market forces deepened, it was inevitable that they would start to drive inefficient competitors from the marketplace. Indeed, this is precisely how we expect marketisation to improve productivity and drive the economy to a more productive state. It is easy to say that, in the long run, those institutions

should include fair and well-functioning markets that force inefficient producers to close down. It is harder to determine who will bear the costs of policy changes in the medium term when adverse outcomes are not assigned fairly or rationally by well-functioning markets.

It was inevitable that China would adopt a more decisive form of policy making that would permit it to break out of the political deadlock around Tiananmen, allocate the costs of further market transition, and move towards a growth-oriented polity. There simply is no stable configuration of Chinese politics that would neglect China's long-delayed aspiration to be a strong and prosperous nation. Without Tiananmen, there would still have been some resolution that harnessed economic policy to the goal of rapid economic transformation. However, the particular configuration of policies that actually emerged in the 1990s to achieve the Chinese growth miracle all bear the specific marks of the Tiananmen crisis. The limits to privatisation and the strengthened role of the Communist Party were direct responses to the crisis. They in turn led to a series of policies and compromises that shaped the overall transition process. When reforms resumed in earnest after 1992–93, they took on a much harsher form that exposed some social groups to major losses and widened inequality. Unemployment soared and social insurance crumbled. In turn, the reform process became subject to criticism both from the 'left' (for being too market oriented) and from the 'right' (for being too timid). The broad but vague social consensus in favour of political and economic reforms that underlay the Tiananmen protests crumbled, while the economy boomed and some people became much better off. In the post-Tiananmen period a strong economic logic and a strong political logic coincided to produce a policy regime that was remarkably consistent and strongly self-replicating. We will never know exactly what alternative possibilities might have been explored if the trauma at Tiananmen could have been avoided.

Notes

- 1 An earlier version of this article was previously published in *Perspectives Chinoises/China Perspectives*, No. 2, 2009. Reprinted with permission of the journal.
- 2 Barry Naughton, 'Changing Horses in Midstream? The Challenge of Explaining Changing Political Economy Regimes in China,' in Jaushieh Joseph Wu (Ed.), *China Rising: Implications of Economic and Military Growth in the PRC*, Taipei: Institute of International Relations, National Chengchi University, 2001, pp. 37–65; Barry Naughton, *The Chinese Economy: Transitions and Growth*, Cambridge, MA: MIT Press, 2007; Qian Yingyi and Wu Jinglian, 'When Will China Complete Its Transition to the Market?' in Nicholas Hope, Dennis Yang, and Mu Yang Li (Eds), *How Far Across the River? Chinese Policy Reform at the Millennium*, Stanford, CA: Stanford University Press, 2003.
- 3 Huang Yasheng, *Capitalism with Chinese Characteristics: Entrepreneurship and the State*, New York: Cambridge University Press, 2008.
- 4 Chen Yun, *Chen Yun Wenxuan* (Selected works of Chen Yun), vol. 3, Beijing: Renmin chubanshe, 1995, p. 282.
- 5 Formally, authority passed from Chen to Zhao in March 1980, when a new Party Leadership Small Group in Finance and Economics, headed by Zhao, was established, and the year-old State Council Leading Group in Finance and Economics, headed by Chen, was abolished. In reality,

Zhao had an important influence on policy before this and Chen and Li continued to have an important say on economic issues through the 1980s.

- 6 The priority investment programme in the 1980s allocated about 20% of resources to transport and telecom; 20% to energy extraction; 20% to electricity; and 30% to metals and chemicals. Naughton 1995: 134, 262–63. Ironically, the Planning Commission was dominated by Chen Yun's client network.
- 7 Richard Baum, 'The Road to Tiananmen: Chinese Politics in the 1980s,' in *The Politics of China: Second Edition, The Eras of Mao and Deng*, Roderick MacFarquhar (Ed.), Cambridge and New York: Cambridge University Press, 1997, pp. 340–471.
- 8 Barry Naughton, *Growing Out of the Plan: Chinese Economic Reform, 1978–1993*, New York: Cambridge University Press, 1995, pp. 265–270.
- 9 State Council, 'Decision of the State Council on the Outlines of the Current Industrial Policy [15 March 1989],' *Federal Broadcast Information Service*, FBIS-CHI-89-061, 31 March 1989, pp. 40–51; Li Peng, 'Report on the Work of Government,' *Renmin Ribao*, 6 April 1989, pp. 1–2.
- 10 Zhongguo Qingnianbao Sixiang Lilunbu (Theory Group of China Youth Daily), 'Sulian jubianzhihou Zhongguo de xianshi yingdui yu Zhanlue Xuanze' (The practical challenges and strategic choices China faces in the wake of the Soviet collapse), processed 9 September 1991, p. 8.
- 11 Thus, Li Peng was 'fired' as head of economic policy in June 1993, just as Zhao Ziyang had been fired in August 1988. Chinese leaders get fired if they mismanage the economy. Exactly how these decisions were made is not clear.
- 12 CCP, 'Decision on Issues Concerning the Establishment of a Socialist Market Economic Structure,' *China Daily*, 17 November 1993.
- 13 George Tsebelis, *Veto Players: How Political Institutions Work*, Princeton, NJ: Princeton University Press, 2002.
- 14 Zhou Xiaochuan, 'Privatization versus a Minimum Reform Package,' *China Economic Review*, vol. 4, no. 1, 1993, pp. 65–74.
- 15 In fact, when 'privatisation' appears in the Chinese press, it is likely to be as part of a discussion of the insidious nature of neo-liberal ideology.
- 16 Zhongguo Qingnianbao Sixiang Lilunbu (Theory Group of China Youth Daily), 'Sulian jubianzhihou Zhongguo de xianshi yingdui yu Zhanlue Xuanze' *op.cit.*
- 17 Christopher McNally, 'Strange Bedfellows: Communist Party Institutions in the Corporate Governance of Chinese State Holding Corporations,' *Business and Politics*, vol. 4, no. 1, 2003, pp. 91–115.
- 18 Lawrence Lau, Yingyi Qian, and Gerard Roland, 'Reform Without Losers: An Interpretation of China's Dual-Track Approach to Reforms,' *Journal of Political Economy*, no. 108, February 2000.
- 19 Emily T. Yeh, and Joanna I. Lewis, 'State Power and the Logic of Reform in China's Electricity Sector,' *Pacific Affairs*, vol. 77, no. 3, 2004, pp. 437–465.

11 The Tiananmen incident and the pro-democracy movement in Hong Kong

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Introduction

At the end of the Cold War, Francis Fukuyama concluded that the evolution of human societies through different forms of government had culminated in modern liberal democracy.² China seems to have convinced the world that it will be an exception, at least in the foreseeable future. While the Chinese leadership refuses to allow any erosion of the Communist Party of China's monopoly of political power, it has been very skilful in meeting the emerging challenges in the era of economic reforms and opening to the outside world.

Hu Jintao and the other Chinese leaders today are well aware of the sharpening social contradictions; that is why they are now trying to build a 'harmonious society', paying more attention to underprivileged groups, mainly through the establishment of a social security net. Efforts are being made to maintain a better balance against undue emphasis on economic growth alone in the past – this includes according higher priority to environmental protection, more efficient utilisation of natural resources, encouragement of internal consumption, and placing greater dependence on the domestic market. The Chinese leadership is also attempting to maintain a friendly international environment into the future by establishing various kinds of strategic partnerships with major world powers and offering reassurances so as to downplay the perception of a 'China threat' among its Asian neighbours.³ It is commonly recognised that these policy orientations are in the right direction. The question is how successful they will be in maintaining political stability in the absence of genuine political reform.

The rapid increase in protests, riots, and mass petitions not only reflects exacerbating social contradictions in the context of the widening gap between the rich and poor, it also demonstrates the empowerment of underprivileged groups through their rising anger against corruption and abuse of power.⁴ The Tiananmen Incident in June 1989 was triggered by outrage against corruption and demands for democracy. Today's Chinese leadership still refuses to respond to calls for a reversal of the official verdict on the incident. Similarly, it suppressed

discussions on the 40th anniversary of the launch of the Cultural Revolution, and imposed many restrictions on the funeral of former Party General Secretary Zhao Ziyang. This pattern of behaviour reveals the government's strong sense of insecurity. It is generally believed that Beijing has been very concerned with the 'colour revolutions' in the post-Soviet states in recent years.

A similar situation exists in Hong Kong. Economic development alone is no longer sufficient to ensure the legitimacy of the Hong Kong Special Administrative Region (HKSAR) government, which confronts challenges more severe than those faced by the British colonial administration. But the Chinese leadership believes that economic growth remains the key to the territory's social and political stability. Beijing's Hong Kong policy remains within a united front framework, with no intention of introducing genuine democracy. Since the *status quo* is still satisfactory to the community, which has no intention of challenging the Chinese authorities, moderate economic growth dampens grievances sufficiently to maintain stability. However, the HKSAR government lacks the legitimacy to define priorities even in the economic and social services field. In view of Beijing's perception of threat from the pro-democracy movement, it is unlikely that it will release a timetable and roadmap for implementation of genuine democracy.

The impact of the Tiananmen Incident

In the spring and summer of 1989, Hong Kong people established a very strong identity with their compatriots in China and followed intently the tragic events unfolding there. A conviction emerged that, as long as freedom, human rights, and democracy could not be guaranteed in China, they could not be protected in Hong Kong after 1997. When, on 21 May 1989, more than one million Hong Kong people marched for democracy and freedom in China and against the suppression of the student movement, a vast majority of the participants were marching for the first time in their lives. They were motivated by anger and shock at what was happening in China, and at the same time by a sense of despair and insecurity regarding their own future. Most of them marched again on the following two Sundays.

Before the crackdown in Beijing, the Hong Kong people's fragile confidence was largely based on the Chinese leadership's goal of modernising China. The Hong Kong community considered this a legitimate goal, widely supported by the Chinese people, and one to which Hong Kong could contribute through maintenance of the *status quo*. This was the foundation of general confidence in the Sino-British Joint Declaration and various promises made by Chinese leaders to Hong Kong. The developments in China in 1989 showed that power struggles within the Chinese leadership could completely nullify this goal, and badly shook the Hong Kong people's trust in the Chinese leadership, the Sino-British Joint Declaration, and the draft Basic Law. A crisis of confidence emerged.

During the Sino-British negotiations on Hong Kong's future, the Chinese leaders promised the community a policy of *gangren zhigang* (self-administration). This greatly boosted the morale of Hong Kong's democracy advocates. After all, no one wanted Hong Kong to be ruled directly by Beijing. The Sino-British Joint Declaration, negotiated in 1984 and ratified in 1985, promised that the 'current social and economic systems in Hong Kong will remain unchanged' for 50 years, a pledge welcomed by all parties.⁵ Political reform, however, became a source of friction not only between Beijing and London, but also within Hong Kong.

Some business leaders openly opposed direct elections to the Legislative Council, which the British administration proposed to introduce soon. A few even said they would prefer Hong Kong to be administered by Beijing's appointees rather than by individuals directly elected through universal suffrage. These businessmen believed in the Chinese leadership's determination to maintain Hong Kong's stability and prosperity, and were therefore confident that the Chinese authorities would respect and promote their interests. An elected government, accountable to the electorate and hoping to win the next election, would find it difficult to resist pressure to offer more social services, which in turn would hurt business interests.

The crisis of confidence triggered by the Tiananmen Incident was well reflected in the polls. Many business leaders believed they had the experience and ability to deal with Beijing's appointees, but lacked the confidence to bargain with an elected administration. They harboured deep suspicions regarding the leaders of the pro-democracy groups. Finally, these businessmen felt that a government appointed by Beijing would be in a better position to withstand pressure from Chinese officials seeking to take advantage of Hong Kong. Unfortunately, such attitudes held by the Hong Kong business community in the mid-1980s remain largely unchanged today, and may have become even more entrenched because of China's impressive economic achievements.

On the other hand, Hong Kong's younger generation and intelligentsia argued that only an elected administration could maintain the territory's international status and promote the interests of its citizens. After 1997, substantial co-ordination between the central government in Beijing and the HKSAR government would become essential, and the people of Hong Kong needed a government directly accountable to them. Further, the territory's economic development would depend on the preservation of its international identity. To maintain this status and to negotiate with other governments on economic and trade issues, Hong Kong, as a special administrative region under Chinese sovereignty, needed to be accepted by the international community.⁶ An opinion survey revealed that after the declaration of martial law in Beijing in May 1989, only 52 per cent of the respondents had confidence in the future of Hong Kong, whereas the corresponding indicator was 60 per cent in April 1989, and 75 per cent in January of the same

year.⁷ In another poll after the Beijing crackdown, 37 per cent of respondents said they were actively preparing to emigrate, or had family members residing abroad to secure the right of permanent residence in a foreign country.⁸ (The same series of surveys in January 1989 reported only 29 per cent of respondents in the above category.) The poll also indicated that one-third of Hong Kong's 1.55 million households were planning to emigrate. Among executives, professionals, and entrepreneurs, 64 per cent planned to leave Hong Kong, 18 per cent more than in January 1989.

A survey by the Federation of Hong Kong Industries conducted three weeks after the Tiananmen Incident showed that 75 per cent of the manufacturers polled were either planning or considering emigration; a survey before the incident found only 40 per cent in such a category.⁹ Local manufacturers' confidence in the territory's future was directly affected by the changes in China's political situation, and their investment horizons had become shorter. The subsequent waves of emigration certainly had a significant impact on Hong Kong's development.

Once superficial calm was restored in China, the leadership turned its attention to Hong Kong. The initial reaction was criticism of Hong Kong's mass media in Beijing's *People Daily* and other official media.¹⁰ Meanwhile, Chinese leaders and official media attacked Hong Kong as a 'counter-revolutionary base.' Beijing's mayor, Chen Xitong, in his report to the Standing Committee of the National People's Congress (NPC) on the suppression of the student demonstrations, included a detailed account of Hong Kong media coverage of the incident as evidence of 'collusion with foreign forces' to make China 'give up the socialist road,' bring China 'under the rule of international monopoly capital,' and put China 'on the course of capitalism.'¹¹

On 11 July 1989, when the new Party General Secretary, Jiang Zemin, met leaders of the Hong Kong Basic Law Drafting Committee (BLDC) and the Basic Law Consultative Committee, he warned that Hong Kong should not interfere with China. Jiang held that 'according to the principle of "one country, two systems," China practices socialism, while Hong Kong practices capitalism. The well water should not interfere with the river water.'¹² The statements by Jiang and those previously made by Chinese officials responsible for Hong Kong affairs were basically aimed at providing assurances for Hong Kong's stability and prosperity, and at warning Hong Kong people to refrain from acts that would threaten the Chinese Communist regime.

In June and July 1989, China's official media began to criticise the activities of the Hong Kong Alliance in Support of Patriotic Democratic Movements of China (Hong Kong Alliance). On 21 July, a signed article in the *People's Daily* criticised by clear implication the Alliance's leaders, Martin Lee and Szeto Wah.¹³ These accusations caused much concern. Pro-Beijing figures and leaders of the political establishment, such as the senior unofficial Legislative Councillor Allen Lee, appealed to the Hong Kong community to avoid confrontation with China.

These accusations, conveyed through the local mass media, certainly had a deterrent effect on ordinary people.

The legacies of the Tiananmen Incident

By the mid-1990s, when the Tiananmen Incident had faded from memory and the Chinese economy had picked up after Deng Xiaoping's famous southern tour in early 1992, many Hong Kong people demonstrated a distinct political apathy or fatigue. They were tired of the Sino-British quarrels over Governor Chris Patten's political reforms, and believed that neither party would accord priority to Hong Kong people's interests. They considered that they were the ultimate victims of the disputes, and worried that the final stage of transition might be a period of chaos and uncertainty. It seemed that both the British administration and the political parties had failed to provide them with direction. Hong Kong people often found themselves in a contradictory position as well. They despised politicians who were eager to please the Chinese authorities, and appreciated those who boldly criticised Beijing. However, they shunned confrontation with the Chinese leadership, because they knew that a deteriorating relationship with Beijing would hurt the Hong Kong economy. Such dilemmas prompted them to 'exit' from politics.

There was also, of course, the more obvious form of 'exit.' From 1981 to 1986, around 20,000 people emigrated from the territory each year. The figure jumped to 30,000 in 1987, to 45,800 in 1988, 42,000 in 1989, 62,000 in 1990, 60,000 in 1991, and 66,000 in 1992, then fell to 53,000 in 1993, when economic difficulties in the West may have generated disincentives among local professionals. By early 1994, consulates general of Western countries in Hong Kong were reporting a decline in the number of emigration visas granted. There were also signs that an increasing number of people who had emigrated were returning to Hong Kong. The Hong Kong government estimated that at least 12 per cent of individuals who had emigrated in the ten years before 1992 had already returned to Hong Kong.

Today, a rough estimate is that at least 0.7 million Hong Kong citizens hold foreign passports. They are mostly middle-class professionals and business executives. In a way, they already enjoy universal suffrage, as they exercise their foreign voting rights while in Hong Kong. The consulates general of the United States, Canada, and Australia have to make special arrangements for their citizens in Hong Kong to vote in their elections because of the large numbers involved. But these people, instead of having the 'refugee mentality' of their parents and grandparents, are more likely to share a 'passers-by mentality,' as they have doubts over their commitment to Hong Kong. Given their background, they naturally support democracy, but they cannot be expected to make sacrifices for the cause of democracy in Hong Kong. It is likely that their attitudes will have an impact on their second generation, who also hold foreign passports and tend to receive their tertiary education abroad.

The Chinese leadership's warning against 'well water interfering with the river water' has apparently had a lasting effect. To demonstrate the preservation of the freedom of the media in the territory after 1997, the HKSAR government wisely allows various anti-Communist publications such as *Cheng Ming* monthly and *Open Magazine* to survive, and they seem to have a greater attraction for Mainland tourists visiting Hong Kong than for the local intelligentsia. But the real threat to the freedom of the local media has been self-censorship, which has been gradually increasing since the early 1990s.

Several factors contribute to this self-censorship. In the first place, most local media are in the hands of the territory's major business groups, almost all of which have big business projects in China and are very reluctant to antagonise the Chinese authorities. Worse still, in some cases these big business groups turn the media in their hands into pro-Beijing media to cultivate ties with Chinese leaders. They are even willing to allow the media to lose money in order to secure *guanxi* and other rewards.

The Chinese authorities, in turn, have become aware of the benefits of cultivating the local media as an important part of their united front strategy. Chinese officials of the Central Liaison Office maintain close contacts with frontline journalists, editors, and top media management. Those who are willing to co-operate are given favourable access to briefings, important officials, and meetings/conferences, as well as opportunities to make special programmes on China. Those who expose the darker sides of the Chinese regime are denied such access. Further, many owners of local media groups have been honoured with appointments to the National Committee of the Chinese People's Political Consultative Conference. These tactics have proved very effective.

Ties between local pro-democracy groups and pro-democracy activists inside China and in exile overseas have been weakening. Scandals and divisions among the exiles in the 1990s contributed to a serious decline in their appeal to the support of public opinion in Hong Kong. Activists in exile who remain loyal to the cause have been dwindling in numbers; others, such as Chai Ling, are doing business with China. Local pro-democracy groups are short of resources, and to some extent have been deterred by the 'well water–river water' warning. There is serious concern that contact with local pro-democracy activists could lead to the arrest of their counterparts in China. Moreover, local activists, especially those associated with the Hong Kong Alliance, are routinely denied the right to visit the mainland, including many pro-democracy legislators.

Local trade unionists, for example, do not attempt to offer support to their counterparts on the mainland who try to form independent trade unions, precisely because of the aforementioned danger. In short, local pro-democracy groups and NGOs dare not get involved in activities in mainland China that are perceived as threats by the Chinese Communist regime. There are a few exceptions. Some

Christian activists have been bringing Bibles to their fellow Christians in mainland China, which is against the law. They of course do so very quietly. Falungong practitioners are allowed to observe their religion in the territory as long as they do not violate local law. They certainly maintain links with Falungong followers on the Mainland who have been suffering persecution. Groups such as Zi Teng, which offer assistance to sex workers in Hong Kong, have been able to spread their activities, under low profile, to China's coastal cities. Apparently their activities are not seen as posing any threat to the regime, and their services fill a vacuum, as the Chinese authorities do not officially recognise the existence of prostitution in China or the need to offer aid to sex workers.

Hong Kong affects China by its objective existence. Hong Kong's economic progress has certainly prompted mainland residents to doubt the superiority of socialism. Yet, given the advance of technology and greatly improved access to information on the part of Chinese intellectuals, the effect of Hong Kong's subtle example has been in decline, though it should not to be underestimated. Leaders and professionals in Shanghai and other coastal cities, especially those who have studied abroad, no longer look to Hong Kong as the source of state-of-the-art models; they look to Wall Street and European financial centres instead. Hong Kong is still a very important source of information, however, especially for those who do not have a good command of English, and those who are interested in the public opinion of overseas Chinese communities.

The pro-democracy movement

The Tiananmen Incident destroyed the dialogue between the Chinese government and pro-democracy groups in Hong Kong. During the initial phase of the Sino-British negotiations on the territory's future and their preparation, the student movement and emerging pro-democracy political groups such as the Hong Kong Observers were key targets of the Chinese authorities' united-front offensive, as there was strong resistance to the return of the colony to China among the British administration, the political establishment, and the business community. After the signing of the Sino-British Joint Declaration, the political establishment and the business community clearly recognised who their future political masters were; they valued connections with Beijing, which in turn placed top priority on the retention of investors.

This change of priority was clearly revealed by the composition of the BLDC, approved by the Standing Committee of the NPC in 1985, which was heavily dominated by establishment figures. Martin Lee and Szeto Wah were the pro-democracy movement's sole representatives among the 23 Hong Kong members of the 59-member BLDC.¹⁴ Nonetheless, before the Tiananmen Incident, officials of the Hong Kong branch of the New China News Agency still maintained contacts with pro-democracy groups. Though obvious differences emerged between the

two on the pace and extent of democracy to be introduced in Hong Kong, the differences were considered 'contradictions among the people.'

After the Tiananmen Incident, the contradictions became those between enemies. Martin Lee and Szeto Wah resigned from the BLDC. The pro-democracy activists were the backbone of the Hong Kong Alliance, which firmly supported the activists involved in the Tiananmen Incident and played an important role in influencing international public opinion on the incident, especially in overseas Chinese communities. Worse still, after the crackdown, some members of the Hong Kong Alliance took part in the 'Operation Yellow Bird' campaign to smuggle Tiananmen activists out of China in defiance of the public security apparatus.

The activities of the pro-democracy groups were the key factor in Chinese leaders' labelling Hong Kong a 'counter-revolutionary base.' The pro-democracy groups were also accused of 'collusion with foreign forces,' i.e., the American and British imperialist forces as well as the reactionary forces in Taiwan, to destabilise the Chinese Communist regime. These perceptions were much reinforced by the dramatic changes in Eastern Europe at the end of 1989 and the subsequent break-up of the Soviet Union. The pro-democracy groups in Hong Kong were then considered part of the international conspiracy to bring about 'peaceful evolution' in China. In view of the improvement in relations between China and the West and the acceleration of market reforms in China in the 1990s, discussion of the international conspiracy for 'peaceful evolution' was gradually toned down in China. But there have been no more official contacts with the pro-democracy groups, and accusations of pro-democracy political parties acting in 'collusion with foreign forces' continue in a subdued mode, very often in the form of harsh criticisms of pro-democracy leaders in orthodox pro-Communist local publications such as *The Mirror* monthly.

The Tiananmen Incident did much to promote the appreciation of democracy among Hong Kong people. To minimise Britain's responsibility for the territory, London and the local administration supported an acceleration of the democratisation process. In May 1989, the Executive and Legislative Councils reached a consensus on direct election by universal suffrage of the Chief Executive and all seats of the legislature by 2003, with one-half of the seats of the legislature to be returned by direct election in 1997.¹⁵ Senior Hong Kong government officials also reversed their position and indicated that the number of directly-elected Legislative Council seats to be introduced in 1991 would be increased from 10 to 20. The report of the British House of Commons Foreign Affairs Select Committee released in late June 1989 even boldly suggested that half of the Legislative Council seats should be directly elected by 1991, and all by 1995.¹⁶ This proposal was endorsed by the Joint Committee on the Promotion of Democratic Government, an umbrella organisation representing the various groups of the pro-democracy movement. The Joint Committee also demanded a 'through train' arrangement,

which meant that Legislative Councillors elected in 1995 should automatically become members of the first legislature of the HKSAR. As to the Chief Executive, the Joint Committee's position was consistent in demanding that the post be directly elected by universal suffrage.¹⁷

According to an opinion poll, four out of five in the Hong Kong community favoured speedier democratic reforms, even at the risk of confrontation with the Chinese government.¹⁸ A later survey also revealed that 64 per cent of those interviewed favoured the creation of political parties to contest direct elections to the Legislative Council, while 17 per cent were against it and 19 per cent had no opinion.¹⁹ For the first time since the end of 1985, the British administration, the pro-democracy movement, and public opinion were united. Nevertheless, Beijing's position was still the crucial factor, which Britain's Thatcher government understood well.²⁰

It was in this context that Hong Kong's Democratic Party was formed. Before this, various pro-democracy groups dared not call themselves political parties; they feared the antipathy the general public had shown toward both the Chinese Communist Party and the Kuomintang, the only political parties in China with which they were familiar. This high tide in support of democracy in the immediate aftermath of the Tiananmen Incident was unfortunately illusory. As indicated earlier, many people chose to emigrate, and those who stayed were more willing to compromise. Hence, when Chris Patten pushed for further political reforms upon his arrival in 1992 as the last Governor, he was unable to mobilise a clear majority of the community.

In view of the ambitious plans for the rapid implementation of democracy in the territory in the summer and autumn of 1989, supporters of democracy have obviously felt betrayed by subsequent developments. They certainly find it unacceptable that they must wait until at least 2017 for the election of the Chief Executive by universal suffrage, and until 2020 for election of the entire legislature by that same mode.

Article 23 legislation and Beijing's increasing intervention

A direct political consequence of the Tiananmen Incident for Hong Kong was Article 23 of the Basic Law (Hong Kong's constitution), which states: 'The Hong Kong Special Administrative Region shall enact laws on its own to prohibit any act of treason, secession, sedition, subversion against the Central People's Government, or theft of state secrets, to prohibit foreign political organisations or bodies from conducting political activities in the Region, and to prohibit political organisations or bodies of the Region from establishing ties with foreign political organisations or bodies.' This article was written into the draft Basic Law after the massive protest rallies in Hong Kong during the Tiananmen Incident; obviously,

the Chinese authorities were concerned with a repetition of such activities. The worry that Hong Kong might serve as a 'counter-revolutionary base' in 'collusion with foreign forces' was equally clear.

The C.H. Tung administration was wise enough not to initiate the controversial legislative process during his first term. In response to the open prompting of the Chinese authorities, a paper addressing the implementation of Article 23 of the Basic Law was finally unveiled for public consultation in September 2002. As expected, the proposals stirred fears of a crackdown on human rights groups and Falungong. The pro-democracy camp in the territory also perceived the proposals as a threat to civil liberties.²¹

The Article 23 legislation proposals triggered a political crisis in the territory. On 1 July 2003, more than half a million people took to the streets to protest against the Article 23 legislation and demand democracy. People who took part in the rally felt that they were making history, and were proud of the peace and order among the protesters. They felt that the rally showed Hong Kong people at their best. This protest rally differed from the three major protest rallies in May–June 1989 during the Tiananmen Incident in two ways: this time Hong Kong people were marching for a Hong Kong issue. Furthermore, during the Tiananmen Incident, there was no opposition to the demonstrators, and the pro-Beijing united front kept very quiet; but with regard to the Article 23 legislation and the issue of democratisation, the local pro-Beijing united front was fully mobilised in support of the Tung administration.

The protest rally attracted much international media attention, and the Hong Kong crisis became an important issue, high on the agenda of the Chinese leadership. The C.H. Tung administration and its supporters blamed the economy for the grievances of the community. The implication was that when the economy improved, the people's dissatisfaction with the government would evaporate. Further, the impact of uncontrollable external variables such as the Asian financial crisis meant that the government should not be criticised. The community, of course, perceived many failures on the part of the HKSAR government.

In the first four or five years after the 1997 Handover, the Chinese leadership had exercised considerable self-restraint, as a result of which the people of Hong Kong felt a rising confidence and trust in the central authorities. The protests and demands for greater democracy that had occupied centre stage since the beginning of Tung's second term and the Article 23 legislation controversy in 2002, however, were perceived by Beijing as challenges to the very basis of the 'one country, two systems' model. In their orthodox Marxist-Leninist mindset, Chinese leaders probably could not accept a scenario in which they had to surrender final control, hence the comparatively hard-line approach they have taken since the pro-democracy movement was emboldened by its strong showing in the November 2003 District Council elections and began to think of capturing half of the seats in the Legislative Council elections in the following year.

What happens when Chinese leaders believe they are being challenged? One response taking shape since the end of 2003 has been the stepping-up of direct political intervention by Beijing. Apparently the Chinese leadership was aware of Tung's incompetence and unpopularity even before his re-election in the spring of 2002, but decided to support his re-election for a number of reasons. In the first place, China's official propaganda line had been that Hong Kong had been doing very well since its return to the Motherland, and replacing Tung would go against this propaganda line. Further, there had been an eagerness among Chinese leaders to show the world that Chinese could govern Hong Kong better than the British, and replacing Tung would shatter this claim as well. Finally, finding a successor for Tung required a consultation exercise as well as mobilising support for the candidate. These exercises could not be conducted in secrecy and would immediately reduce the Tung administration to a lame-duck government, which would be costly to the territory's political stability and economic development.

Concern for Tung's unpopularity prompted the Chinese authorities to alter the electoral arrangements so as to deter challenges to Tung's re-election in 2002. Nominations were to be open, and as Beijing's support for Tung was so obvious, members of the Election Committee felt pressure to show their support for the Chinese leadership's candidate. As a result, more than 700 out of the 800 members of the Election Committee openly indicated their nomination of Tung. There could not be another candidate, because nomination by at least 100 members was required. Tung was therefore re-elected on an *ipso facto* basis.

Chinese leaders understood that they had to soften the opposition to Tung within the pro-Beijing united front and the business community. They therefore chose to help Hong Kong solve its economic problems. Assistance included a sharp increase in the number of tourists allowed to visit Hong Kong (the Individual Visit Scheme), the Closer Economic Partnership Arrangement (CEPA), which gives Hong Kong better access to the China market,²² and political pressure on Guangdong to improve co-operation with the territory. Hong Kong people appreciated the economic support from the central government, and they generally had a very good impression of the new leaders in China, namely Hu Jintao and Wen Jiabao. They also felt embarrassed by the fact that people enjoying a per capita annual GDP of over US\$24,000 had to seek assistance from people with a per capita annual GDP of about US\$1,000. Actually, the Hong Kong community should have been contributing to the poverty-alleviation programmes and the development of China's poor interior provinces.²³

More important still, the heavy involvement of Chinese leaders in Hong Kong affairs further weakened the legitimacy and effectiveness of the Tung administration. Business leaders might reasonably feel that if they needed anything, they should lobby Beijing. Vice-President Zeng Qinghong also received delegations from the three pro-Beijing parties, namely, the Democratic Alliance for the Betterment of Hong Kong (DAB, now Democratic Alliance for the Betterment and Progress of

Hong Kong), the Hong Kong Progressive Alliance, and the Liberal Party, in a high-profile manner, and praised them for their contributions to Hong Kong. This was unprecedented and may be interpreted as political intervention in support of the pro-Beijing political parties, as the Chinese authorities had refused any contact with the territory's pro-democracy camp since the Tiananmen Incident. Further, the DAB visited the Guangdong and Shanghai authorities at roughly the same time, and could claim to be assisting Hong Kong by reflecting the community's views and demands to the provincial governments, a service that obviously could not be delivered by the pro-democracy camp.

The Chinese authorities had sent many agents to the HKSAR to collect information after the massive protest rally on 1 July 2003, as their confidence in the Central Liaison Office, the State Council's Hong Kong and Macau Affairs Office, and the Tung administration had been badly shaken. It was said that all three had informed the Chinese leaders that they expected a turnout of 30,000 to 40,000 people for the protest rally. The actual turnout showed that they did not have a good understanding of the situation, and that they probably had been sending unrealistically favourable reports on the territory to the Chinese leadership all along. Some leaders in the pro-democracy camp had been contacted as well, but reports of these contacts were denied in the media. It seemed that the Chinese authorities were ready to listen to people from all walks of life in Hong Kong so as to better understand the situation, but they were still reluctant to grant the pro-democracy camp official recognition by engaging in a dialogue with it.

As universal suffrage and political reforms again attracted much attention from Hong Kong people because of the poor performance of the Tung administration, the pro-democracy camp even appeared to have a slight chance of capturing a majority of seats in the Legislative Council elections in September 2004. The pro-Beijing united front was thus fully mobilised. Deputies to the NPC, delegates to the Chinese People's Political Consultative Conference, and others came out to condemn the pro-democracy movement for ignoring the central government's role in the HKSAR's political reforms, and maintained that such attitudes were tantamount to advocating Hong Kong independence. Pro-democracy activists were said to be anti-China and intending to bring chaos to the territory.

Patriotism was exploited to attack the pro-democracy movement, which was accused of sinister links with the United States, the United Kingdom and Taiwan. The Chinese leadership adopted all kinds of gestures to drum up the community's patriotic feelings, such as the large-scale military parade by the local garrison on Army Day on 1 August 2004, and a visit to Hong Kong by China's Olympic gold medallists just a few days ahead of the 2004 Legislative Council elections.

There were more shadowy activities as well. It was reported in the media that Hong Kong people doing business and working in the Pearl River Delta were contacted by cadres advising them to vote for pro-China candidates and not to support pro-democracy candidates. Town and township heads in China also rang

up their acquaintances in Hong Kong repeating the same message. The successive resignations of three popular radio talk-show hosts before the protest rally on 1 July 2004 were widely believed to have been caused by pressure from the pro-Beijing united front, if not from the Chinese authorities. Finally, there was a prostitution case involving a Democratic Party candidate in Dongguan just before the Legislative Council elections, and the public security organ in Dongguan seemed to be involved in propaganda activities to discredit the pro-democracy camp. In sum, members of the pro-democracy camp felt they were fighting against a powerful state machinery in the elections.

The power of the pro-Beijing united front's election machinery was fully revealed in the District Council elections in November 2007. The machinery was not only obviously backed by substantial resources, it was also very sophisticated in strategies and tactics. The pro-democracy groups suffered a considerable setback in the elections. Many of the same election tactics were repeated in the District Council elections and in the Legislative Council elections in September 2008. In the latter case, the pro-democracy groups did not lose too badly, but the DAB's performance was impressive.

Survival of the pro-democracy movement is, fortunately, guaranteed by two factors. All parties concerned realise the importance of maintaining the rule of law and the freedom of information flow in the territory in ensuring its functioning as an international financial and business services centre. A majority of Hong Kong voters also want to ensure a minimum of checks and balances by returning pro-democracy candidates in Legislative Council elections. Despite limited financial resources and media self-censorship, the basic existence of the pro-democracy movement in the territory will not be threatened in the foreseeable future.

Better co-ordination and more serious contributions to policy studies in areas such as education and health insurance are the immediate challenges of the pro-democracy political parties, and they will be judged on this basis by their supporters and the media. In other words, they have to deliver democracy plus; fighting for the democracy cause alone is inadequate to maintain their appeal to the majority of the voters.

The way ahead

Samuel P. Huntington identifies five general causes of the third wave of democratisation in the late twentieth century, namely the legitimacy problem of authoritarian regimes, economic development, the spread of Christianity, the United States as a major promoter of democratisation, and the example of Eastern Europe.²⁴ The first two general causes are probably most relevant to the case of Hong Kong. The example of Eastern Europe caused considerable concern in the Chinese leadership in the 1990s regarding the 'peaceful evolution' strategy of the Western countries, especially the United States. In the Tiananmen Incident in 1989,

Hong Kong was seen as 'a base of subversion' and therefore had a role to play in this 'peaceful evolution' strategy; Article 23 of the Basic Law originated from this concern. The Chinese propaganda machinery and pro-Beijing publications in Hong Kong often blame the United States and the United Kingdom as 'black hands' supporting the local pro-democracy movement as part of the campaign of anti-China forces. The local Catholic Church and Protestant churches are usually important elements in the territory's pro-democracy movement, and in recent years, the outspoken Roman Catholic Bishop (subsequently Cardinal) Joseph Zen Ze-Kiun in particular was criticised by the pro-Beijing united front for his strong support for the cause of democracy in Hong Kong.²⁵

The legitimacy of the government is probably the key variable. The British colonial government in Hong Kong secured its legitimacy by performance; the performance of the C.H. Tung administration and the subsequent Donald Tsang administration apparently has failed to win the support of Hong Kong people. The Chinese authorities' attempt to make up for the legitimacy deficit by supporting Hong Kong's economy has been successful to some extent. Hong Kong people understand that Beijing's position has been a crucial factor in the lack of progress on democratisation, but dissatisfaction over this has been reduced to some extent out of gratitude for the Chinese leadership's economic assistance, and also out of reluctance to engage in political confrontation.

Opinion surveys indicate that the younger generation and the better educated segments of society maintain a stronger demand for democracy. These groups will continue to grow, and therefore an increasing proportion of the population will have a relatively strong demand for democracy in the future. The second challenge is more complicated. In some ways, economic development will reduce Hong Kong people's grievances and possibly their demand for democracy. But as the Hong Kong economy has matured, economic growth rates have declined compared with the 1970s and 1980s. Worse still, the gap between rich and poor has been widening. The territory's Gini coefficient rose from 0.451 in 1982 to 0.525 in 2001,²⁶ with a figure above 0.4 generally being recognised as indicative of growing income disparity. This widening gap may adversely affect social stability and generate new demands on the government. In sum, the HKSAR government needs a clear mandate to engage in serious reforms to meet the challenges of the twenty-first century. Most likely, this mandate can only come from democracy. In other words, the maintenance of political stability will have to depend on democracy.

Meanwhile, the demonstrated effect of Hong Kong's 'One Country, Two Systems' model on Taiwan has been much reduced, and the territory's influence on political reforms in China has become increasingly limited. As long as the Chinese leadership has no intention of surrendering the Party's monopoly of political power, the prospects for genuine democracy in Hong Kong cannot be bright; but the local pro-democracy movement is not inclined to give up the fight for its ideals, either.

Notes

- 1 An earlier version of this article was previously published in *Perspectives Chinoises/China Perspectives*, No. 2, 2009. Reprinted with permission of the journal.
- 2 Francis Fukuyama, *The End of History and the Last Man*, New York: Free Press, 1992.
- 3 See Joseph Y.S. Cheng and Zhang Wankun, 'Patterns and Dynamics of China's International Strategic Behaviour,' *Journal of Contemporary China*, vol. 11, no. 31, May 2002, pp. 235–260.
- 4 Gordon G. Chang, 'Halfway to China's Collapse,' *Far Eastern Economic Review*, vol. 169, no. 5, June 2006, pp. 26–27.
- 5 *A Draft Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Future of Hong Kong*, Hong Kong: Government Printer, 26 September 1984, p. 12.
- 6 See Joseph Y.S. Cheng, 'Cause for Democracy,' *South China Morning Post*, 11 December 1986.
- 7 See *South China Morning Post*, 16 June 1989. The survey was conducted by Survey Research Hong Kong for the newspaper on 26–27 May 1989 through a random sample of 1,000 Hong Kong citizens.
- 8 *Ibid.*, 4 July 1989. The survey was conducted by Survey Research Hong Kong for the newspaper during 22–30 June 1989.
- 9 See *Ming Pao (Hong Kong)*, 6 July 1989.
- 10 Louise do Rosario, 'Out of Reach,' *Far Eastern Economic Review*, vol. 145, no. 29, 20 July 1989, p. 19.
- 11 For the text of the report delivered on 30 June 1989, see *Beijing Review*, vol. 32, no. 29, 17–23 July 1989, centrefold; see especially pp. I and II.
- 12 See *South China Morning Post*, 12 June 1989.
- 13 Ai Zhong, "'Yiguo liangzhi" burong pouhuai' (Sabotaging 'one country, two systems' will not be allowed), *People's Daily*, 21 July 1989. Regarding the responses of Martin Lee and Szeto Wah and other commentaries, see *Ming Pao*, 22 July 1989.
- 14 See Joseph Y.S. Cheng, 'Hong Kong: The Pressure to Converge,' *International Affairs* (London), vol. 63, no. 2, spring 1987, pp. 271–283.
- 15 *South China Morning Post*, 25 July 1989.
- 16 The report was published in full in *South China Morning Post*, 1 July 1989.
- 17 *Ibid.*, 21 July 1989.
- 18 See *ibid.*, 3 August 1989. The survey was conducted by Inrasia Pacific Limited for the newspaper between 28 July and 1 August 1989, with a random sample of 619 respondents interviewed.
- 19 See *Sunday Morning Post*, 20 August 1989. The survey was conducted by Inrasia Pacific Limited for the newspaper between 8 and 14 August 1989, with a random sample of 602 households interviewed.
- 20 For details of Sir Geoffrey Howe's visit to Hong Kong, see Emily Lau, 'Abide with Me,' *Far Eastern Economic Review*, vol. 145, no. 28, 13 July 1989.
- 21 *South China Morning Post*, 25 September 2002.
- 22 For details of CEPA, see all major newspapers in Hong Kong on 30 September 2003.
- 23 See Joseph Y.S. Cheng 'Shame on Us,' *South China Morning Post*, 1 September 2003.
- 24 Samuel P. Huntington, *The Third Wave: Democratization in the Late Twentieth Century*, Norman, OK: University of Oklahoma Press, 1991.
- 25 Zen announced in December 2008 that he would retire in early 2009. See Jonathan Cheng, 'Hong Kong Cardinal's Departure Could Boost Beijing-Vatican Ties,' *The Wall Street Journal*, 24 December 2008, <http://online.wsj.com/article/SB123011662076532597.html>.
- 26 *Report On Working Poverty*, by the Subcommittee to Study the Subject of Combating Poverty, Legislative Council of the Hong Kong Special Administrative Region, February 2006, p. 1.

12 How China managed to de-isolate itself on the international stage and re-engage the world after Tiananmen

Jean-Pierre Cabestan

After Tiananmen, China was diplomatically isolated. Most Western countries froze high-level contacts with the Beijing authorities for around two years. Some discreet visits took place in order to keep diplomatic channels open and reassure the Chinese leadership that there was no Western plan to destabilize the People's Republic. But relations between China and its most important partners, the USA, the major European nations and Japan were marred by the former's opposition to the asylum given by the latter to a large number of political refugees, as well as the latter's public condemnation of the former's fierce repression of any political dissent.

The concomitant dramatic evolution of central and eastern parts of the European continent gave additional reasons to the Chinese Communist Party (CCP) to be alarmed. Among the most famous destabilizing events – both for the world and for China – of the year 1989, one can mention the first democratic election in Poland, which, ironically, took place on June 4th, the collapse of the Iron Curtain and the fall of the Berlin Wall, the unilateral independence of the Baltic states and the ignominious end of the Ceausescu regime in Romania. In the aftermath of these political earthquakes, the CCP became obsessed with the danger of 'peaceful evolution' (*heping yanbian*) towards 'bourgeois democracy' and clearly gave priority to consolidating its grip on China's economy and society. To that end, at the instigation of Deng Xiaoping himself, it intensified its nationalist propaganda, turning nationalism into a core substitute for Marxism-Leninism, and restored the CCP discourse on 'national humiliation'.¹

Nevertheless, the CCP leadership did not remain inert on the international stage. Beyond the aggressive rhetoric that was propagated at the time, Deng Xiaoping asked his colleagues to adopt a 'low profile' in international affairs (*tao guang yang hui*), literally 'hide brightness, nourish obscurity' and reach out to all the countries that were ready to maintain stable relations or develop closer links with China.² He also encouraged them to seize every opportunity that would allow China to resume, indirectly or directly, closer contacts with the West.

The decade that followed Tiananmen can be divided into three periods:

1. June 1989–March 1991: the domestic scene is dominated by conservative leaders and policies; foreign policy is mainly aimed at protecting the political regime; ‘peaceful evolution’ is perceived as the main danger. However, Deng Xiaoping still prevails and tries to de-isolate China.
2. March 1991–June 1995: in March 1991, economic reforms are carefully reactivated, foreign investments are again welcomed, Shanghai CCP secretary Zhu Rongji is appointed Vice-Premier. Western countries resume high-level official visits to China; the danger of ‘peaceful evolution’ gradually fades away from the CCP propaganda. Although the collapse of the Soviet Union triggers a fierce debate among the Chinese leadership, Deng Xiaoping succeeds again in imposing his conclusions on his colleagues: in order to survive, the CCP-led regime must deepen its economic reforms and integration into the global economy. Deng’s visit to Shenzhen (*nanxun*) in January 1992 confirms these new domestic and international priorities. In the following years, China’s relations with the outside world (the West, Russia, developing countries, Japan, Taiwan) improve steadily.
3. June 1995–late 1999: domestic economic reforms and adaptation to the WTO speed up, but simultaneously, tension around Taiwan, the South China Sea, and later Kosovo with the West and some of China’s neighbors increase, fed by the CCP’s deliberate promotion and instrumentalization of nationalism in Chinese society. These contradictory trends trigger an important debate among the CCP leadership and experts in October 1999 that will lead to a substantial readjustment of China’s foreign and security policy. The conclusions of this debate will lay the ground for the international policies followed in the decade 2000. Initiated by Jiang Zemin in late 1999, these policies will be systematized by Hu Jintao and Wen Jiabao.

June 1989–March 1991: China de-isolates itself

To be sure, after Tiananmen, the Chinese leadership was divided over both the domestic and foreign policies that should be carried out. The hard-liners (Chen Yun, Yang Shangkun, Li Peng, Yao Yilin) wanted again to give more space to the planned economy, and at the same time to keep the country as much as possible immune, and therefore isolated, from the West’s negative influence. For some time, China gave the impression of being tempted by the establishment of a new ‘alliance’ with the remaining socialist countries (USSR, North Korea, Mongolia, and Vietnam). But this did not last long.³ With the support of leaders such as Qian Qichen, China’s Foreign Minister from 1988 to 1998, Deng managed to impose a gradual re-opening of China towards the outside world, including the developed democracies.⁴

The advantage of Deng’s 28-character formula was that it was vague and diverse enough to satisfy most segments of the CCP leadership. In the following years,

as we will see, different leaders were to privilege different set phrases but, on the whole, Deng's message prevailed: keep a low profile but re-link with the world.

One of the first countries to help China in de-isolating itself was the Soviet Union and then Russia. We remember the unpleasant circumstances in which the two countries had reconciled in mid-May 1989, on the occasion of USSR President Michael Gorbachev's visit to student-controlled Beijing. But Beijing managed to capitalize on this fresh rapprochement and develop closer links with Moscow. Of course, as we know, it reacted too quickly to the failed coup organized by the hard-liners of the Soviet Communist Party (and the KGB) in August 1991. However, it adapted rapidly : without delay, it took note of Boris Yeltsin's rise, Gorbachev's marginalization, and the collapse of the USSR. As a result, before the year's end, it had normalized with all the new independent states that were created, before Taiwan could contemplate taking advantage of the new situation (the only short-lived exception was Latvia between 1992 and 1994). Simultaneously, China started to agree about the delineation of the Eastern section of the Sino-Soviet border (May 1991 agreement) and to initiate bilateral military cooperation in order to dodge the arms embargo decided by the West in the aftermath of Tiananmen. In October 1992, China also reached initial border accords with its three new neighbors (Kazakhstan, Kyrgyzstan, and Tajikistan).

A less expected partner in these trouble times was Taiwan: as most Western investors had left or slowed down their investments in China, the Taiwanese business people moved in and started to develop closer economic and trade relations with the mainland. Initiated by Chiang Ching-kuo (who died in January 1988), this policy was taken up and deepened by his successor, Lee Teng-hui. When he was confirmed as president of the Republic of China (ROC) in March 1990, Lee laid the foundations of a long-term peaceful coexistence between two de facto independent Chinese entities as well as the gradual 'normalization' of their relationship. He asked the KMT to pass some 'national unification guidelines' delaying unification to an indefinite future and established an unofficial structure and channel of communication with the PRC: the Strait Exchange Foundation (SEF). Later that year, Beijing set up its own non-governmental organization, the Association for the Relations across the Taiwan Strait or ARATS, allowing the two sides to open talks in November 1992. A few months later, in April 1993, the SEF and the ARATS held a summit meeting in Singapore, and on this occasion signed the first four agreements ever to be concluded between Taipei and Beijing since 1949.⁵

Many Asian neighbors (Pakistan, Thailand) and developing countries rapidly resumed business as usual with the Chinese government. This allowed China to keep or quickly rebuild majorities or coalitions in international intergovernmental organizations that were powerful enough to thwart any public condemnation of its post-Tiananmen campaign of repression. For instance, as early as 1990 the UN

Commission on Human Rights approved a 'non-action motion' on the resolutions critical of China's human right records that were submitted by Western countries.⁶

Having said that, after June 1989, China's priority remained the restoration of normal relations with its major political and economic partners, that is the West and Japan.

With the latter, Beijing's task was eased by Tokyo's well-publicized fear of China's domestic chaos. Helping the Chinese authorities to stabilize the situation and re-launch economic reforms immediately became Japan's priority in the aftermath of Tiananmen. It only selectively endorsed the sanctions decided by the seven largest industrialized nations (G-7), and then argued that the ban on arms sales was 'not clearly defined', suggesting that it would rapidly be shelved.⁷ Because of US and, ironically, Japanese pressures, as well as EU divisions, today the West's arms embargo is the only sanction imposed on China after 4 June 1989 that is still in place.

However, differences in policy adjustments (beyond emotional reactions) between Japan, on the one hand, and the US, European countries or Australia, on the other hand, should not be exaggerated. All these nations rapidly realized that the chances of de-stabilization or regime change were nonexistent. As a consequence, as early as the summer 1989, US president George H. Bush sent special envoys to Beijing to make sure that channels of communication would remain open and, in the spring of 1990, renewed China's most-favored nation status in exchange for Fang Lizhi's emigration to the US (he had taken refuge in the US embassy after the massacre and would leave it in June 1990).

European countries, for their part, gradually resumed high-level contacts with China. Some, such as France, put minor conditions on the resumption of high-level contacts. When Foreign Minister Roland Dumas visited Beijing in April 1991 he asked the Chinese government to receive a 'human rights delegation', which the latter hosted in October 1991, diplomatically calling it a 'French delegation of independent jurists' (of which the author was part).⁸

Two international developments – the 1990–91 Gulf War and the International Conference on Cambodia – also helped China to de-isolate itself and re-engage the world, the first indirectly, the second more directly.

As is well known, both the USSR and China condemned Saddam Hussein's invasion and annexation of Kuwait in August 1990 but did not support the US-led decision to restore the *status quo ante* and liberate Kuwait militarily. However, neither Gorbachev nor Deng Xiaoping vetoed the United Nations Security Council (UNSC) resolution endorsing the latter decision. In so doing, China allowed the operation 'Desert Storm' to take place under the UN banner. For China, this stance initiated a decade-or-so-long pattern of abstentions in the UNSC or in the UN General Assembly (UNGA) on international issues on which it did not wish to take sides but which a 'no' vote, because of China's power of veto, would have derailed the international community's action and, as a consequence, contributed

to isolating China. In other words, China's 'sensitivity to its image' increased, as Alastair Iain Johnston showed in a recent book. More specifically, Johnston calculated that 'when the yes majority was two thirds or larger, China abstained 95% of the times' in the UNGA between 1989 and 2000.⁹

Opened in late July 1989 and concluded in October 1991, the Paris Peace Conference on Cambodia contributed more directly and efficiently to re-integrating China into big-powers multilateral negotiations. In spite of the negative events that had affected relations between Paris and Beijing – President François Mitterand's uncompromising condemnation of the massacre on the eve of the 200th anniversary of the French Revolution as well as his decision made in December 1990 to sell off six La Fayette frigates to the Taiwanese Navy, Chinese diplomats developed a very constructive rapport with French, Australian and other countries' negotiators (among them Jean-Daniel Lévitte, who would later become French President Nicolas Sarkozy's main foreign policy adviser), allowing the conference to bear fruit. Not only did China accept to support a peace process sponsored by the UN that accelerated the marginalization of its former allies, the Khmer Rouge, and allow the establishment of a UN provisional authority in Cambodia responsible for the organization of free elections. The Chinese government also decided, for the first time, to send a meaningful detachment of peace-keeping forces. This was the beginning of a growing involvement by China in UN peace-keeping operations, another diplomatic initiative aimed at improving its international image and re-integrating into the world.

These accommodations did not amount to a thaw, let alone a rapprochement with the West. Without delay, China actually drew its own conclusions from the weakening of the Soviet Union, the end of the Cold War and the disappearance of the Sino-Soviet-American strategic triangle, perceiving even before the collapse of the ex-'Soviet Bear' a trend towards multipolarity (literally towards 'multipolarization' – *duojihua*) as well as economic rather than military competition for 'comprehensive national power' among big nations, or poles.¹⁰

March 1991–June 1995: gradual integration into the post-Cold War international community

It remains of course debatable whether March 1991 constitutes a more meaningful turning point in China's international de-isolation than does January 1992 and Deng's last political initiative. Nevertheless, it seems to me that Zhu Rongji's promotion heralded a change of domestic economic orientation that accelerated China's transition towards both 'socialist market economy' and integration in the world economy.

Of course, the dismantling of the Soviet Union contributed to sharpening divisions within the CCP leadership and provisionally strengthening the hardliner camp. But in retrospect, it was difficult for the Party nomenklatura not to accept

Deng's proposals and seriously contemplate alternative options: the best way to consolidate the CCP's grip on the polity and the society is to develop the economy, stimulate nationalism and buy the elites' political allegiance in making them richer;¹¹ the regime's survival cannot be guaranteed if China shies away from the world, but only if it engages the world, as much as possible on its own terms; and, being a more and more economically attractive and powerful country, it can.

As a result, China's negotiations with the GATT, and later the WTO, resumed and accelerated. State visits became more frequent and in 1992 several important neighbors or partners set up diplomatic relations with China: Indonesia, Israel, South Korea, Singapore, and Saudi Arabia.

On arms controls, the Chinese government also demonstrated a willingness to increase its participation in multilateral mechanisms. For example, in 1992 China ratified the Non-Proliferation Treaty, a year later it signed the convention on Chemical Weapons, and in 1996 the Comprehensive Test Ban Treaty (CTBT).

In the same period of time, China joined APEC (1993), the ASEAN Regional Forum or ARF (1994) and the Asia Europe Meetings (ASEM, 1996). More generally, China accelerated its accession to arms treaties and increased its participation in international governmental organizations, from around 30 organizations in 1986 to more than 50 in 1997.¹²

However, these accommodating moves rapidly reached their own limits. China was not happy with the 'unipolar moment', or the United States' domination of world affairs. At the 14th CCP Congress in October 1992, Jiang Zemin clearly stated that 'multipolarization had become the world's major trend'. However, in the aftermath of the Gulf War and the collapse of the USSR, this was obviously more a militant goal or even wishful thinking than a reality. In this new context, the content of China's opposition to 'hegemony' could not but change: now, it no longer meant opposition to the Soviet Union or, as in the 1980s, both 'superpowers', but opposition to the unipolar world – or literally, the world's 'unipolarization' (*yijihua*). In other words, in the post-Cold War environment, the USA became the People's Liberation Army's (PLA) main external threat. And in China's eyes, US-led alliances, in the Asia-Pacific region as elsewhere – for instance NATO's survival and enlargement – have turned into a spider's web aimed at 'containing' China.¹³

The disappearance of the Soviet military threat and the demilitarization of the Sino-Russian border in the north allowed the PLA to partially modify its priorities, concentrate more troops and weapons on China's coasts and, in particular, intensify its pressure on Taiwan as the island was accelerating its democratic transition, building a new nation, the Republic of China on Taiwan, and trying to reintegrate into the international community, in developing a new 'pragmatic diplomacy' and bid to join the UN (1993–94), after the diplomatic setbacks of the early 1990s (Saudi Arabia, South Korea).

Indeed, a month after the Singapore summit, the PLA adopted a strategic plan aimed at preparing itself for ‘local wars under high technologies’. Although inspired by the ‘revolution in military affairs’ taking place in the US, this plan had direct consequences for Taiwan and a war in the Strait.¹⁴ In the following two years, and before Lee Teng-hui ever imagined getting a visa to the US, the PLA had started deploying short-range missiles and resumed military exercises in Fujian.¹⁵

Moreover, the first half of the 1990s witnessed a number of difficulties between China and its neighbors and some of its partners. In 1994–95, China embarked again on a *fait accompli* policy in the South China Sea, taking control of part of the Mischief Reef, claimed by the Philippines. In January 1994, a year after Paris had agreed to sell 60 Mirage 2000 jets to Taipei, Beijing forced the French government to promise ‘not to participate any more in the armament of Taiwan’. And because of its assistance to Pakistan’s nuclear program or missile sales to Iran, Syria or North Korea, China’s relations with the US remained a mixture of cooperation and contention. The most meaningful incident of that period involved in 1993 the *Yinhe*, a Chinese ship cruising towards Iran and suspected by Washington, on the basis of erroneous information, of carrying components for chemical weapons. The inspection imposed on the *Yinhe* in Saudi Arabia was fruitless and provoked an outburst of nationalist and anti-US reaction in China.

Obviously, nationalism was becoming a more powerful driver and instrument of China’s relations with the outside world.

June 1995–1999: growing nationalism and tensions with the West

As economic reforms were bearing more fruit, China was becoming more powerful and assertive. In late 1994, Deng Xiaoping’s health declined and Jiang Zemin eventually became the genuine prominent leader of the country. While he did not question Deng’s *tao guang yang hui*, he associated with this strategy a big-power diplomacy (*daquo waijiao*) that in his view – as in the opinion of most of the CCP leadership – would strengthen China’s bargaining power, in particular with the US and other ‘poles’, such as the European Union (EU), India, Japan and Russia.

As a consequence, relations with developing countries clearly became secondary; in any case, China needed their support less in the UN and elsewhere than it had done in the immediate aftermath of Tiananmen. Some of them were therefore seduced by Taiwan’s ‘checkbook diplomacy’. Senegal in 1996 and Macedonia in 1999 were the most striking cases among the ten or so states that then switched recognition or established diplomatic relations with the ROC for at least a few years. Beijing’s priority was its accession to the WTO under the best possible conditions and the establishment of ‘partnerships’ (*huoban guanxi*) with the poles that could contribute to a multipolarization of the world order and a weakening of US domination. In 1996, China concluded a ‘strategic partnership’ agreement with

Russia; a year later, it set up a 'global partnership' with President Jacques Chirac's France, and in 1998, a 'strategic partnership' with the EU. Yet, in an attempt to demonstrate that the US was not excluded from this new, non-antagonistic approach to bilateral relations among big powers, Jiang Zemin expressed his intention, when visiting Washington in 1997, to establish a 'constructive strategic partnership' with President Clinton's USA. Without concluding a formal partnership with India, China also improved its relations with this other big Asian pole, in particular and, ironically, after it had acceded to the status of nuclear power in 1998.

In order to weaken America's domination and contain what it perceived as NATO's expansion to the East and to its borders, China decided to better embrace multilateral security mechanisms. In 1996, it took the unprecedented initiative of proposing to Russia and to its three new Central Asian neighbors – Kazakhstan, Kyrgyzstan, and Tajikistan – the creation of the 'Shanghai Group', an entirely non-Western security organization. Later, after it was renamed Shanghai Cooperation Organization in July 2001 and joined by Uzbekistan, this structure would become more ambitious and comprehensive, developing economic, trade, and energy dimensions. But initially, the 'Shanghai Five' was mainly aimed at better addressing common border and security issues and, in Beijing's eyes, at preventing the newly independent Central Asian states from turning into a resistance base for Xinjiang's pro-independence and pro-autonomy Uighurs.

Having said that, after June 1995, one of China's major concerns was Taiwan. The island's democratization and its willingness to be treated as a normal 'nation-state' started to clash directly with the *détente* initiated across the Strait in 1990–91. Lee Teng-hui's unexpected private visit to the US gave him the occasion to spell out this ambition at Cornell University, his alma mater. We know the consequences of this trip and, probably more importantly, of Lee's speech at Cornell: two series of missiles tests in the Strait, and US's decision to dispatch two aircraft carrier groups to the 'Taiwan area' in March 1996 to protect the first democratic direct presidential election ever organized in a Chinese society.

This crisis intensified CCP-cultivated Chinese nationalism and convinced Jiang Zemin and the Beijing leadership as a whole to adopt a policy aimed at speeding up reunification. Hong Kong and Macau's ordained handover in 1997 and 1999 offered a favorable backdrop to this new priority. However, this public objective, as well as China's growing assertiveness in the South China Sea and nationalism fed a 'China threat' syndrome (*Zhongguo weixielun*), first of all in Japan and also in the ASEAN and, to some extent, in the US.¹⁶ Used as leverage by the Chinese authorities, pamphlets such as *China can say no* (*Zhongguo keyi shuo bu*) actually affected the country's international image in a negative way, both in the West and in Asia. And growing tensions around the Taiwan Strait directly contributed to strengthening the security ties between the US and its Asian allies, especially Japan.

While public opinion in mainland China had not been 'invited' to demonstrate against Lee Teng-hui's Taiwan at the time of the 'missile crisis', three years later, in

May 1999, after NATO Air Force's accidental bombing of the Chinese embassy in Belgrade, students spontaneously took to the streets in Beijing and other large cities to protest against the US. The main reasons for this nationalist upsurge were, on the one hand, that the Chinese public had been told by CCP propaganda that the bombing was deliberate and, on the other hand, that the Beijing authorities had sided squarely with the Milosevic regime over the Kosovo crisis and provided it with substantial economic and military aid.¹⁷ As a matter of fact, a year that also witnessed the repression of the Falungong and renewed tension in the Taiwan Strait after Lee Teng-hui made public his 'two state theory' (*liangguo lun*), 1999 was probably the most recent and memorable paroxysm of anti-Western and anti-American feeling in China.¹⁸

Finally, in the second half of the 1990s, China continued to enhance its participation in multilateral governmental organizations, but also showed more clearly that this participation would remain highly selective and partial. For instance, it did not ratify the CTBT, arguing that the US should ratify it first. It did not interrupt its questionable delivery of missile technologies to 'rogue states', such as Iran. In the realm of human rights, it signed the two UN covenants (economic and social rights, as well as political and civic rights) in 1997 and 1998 respectively. But it ratified the former in 2001 with a major reservation that de facto prevented the organization of independent and free trade unions (art. 8); and it has not yet ratified the latter one, mainly because the Public Security Ministry has remained fiercely opposed to any dismantling of the re-education through labor camps (*laojiao*), a system of administrative and extra-judiciary detention managed by the police.

Having said that, these persisting matters of contention did not prevent China from acceding to the WTO: in December 1999 it concluded a bilateral WTO-related agreement with the US and in May 2000 it did the same with the EU, opening the way to its accession in December 2001.

This objective did play a role in the foreign policy and security debate that took place in the autumn of 1999 among the Chinese leadership and experts. Some analysts, as Avery Goldstein, argue that China modified its 'global strategy' as early as 1996.¹⁹ I rather tend to think, with David Finkelstein and others, that the 1999 debate, in the aftermath of several months of tension with the West and parts of Asia, played a more important role: it constituted a genuine turning point that prepared Hu Jintao and Wen Jiabao's current international strategy.²⁰

The debate lasted for four months and concentrated on the relationship China should develop with the USA. A number of younger diplomats and experts criticized the 'leftist' tendencies of Beijing's policy towards Washington: this policy included exaggerated reactions to US words and deeds, was too dogmatic and paranoid, as if the West as a whole was 'conspiring' against China. They also denounced the instrumentalization of multipolarity mainly as a tool against the US, and the overall cost and negative side effects of this policy, which they described as feeding the China threat syndrome.

Obviously, not everyone in Beijing was convinced and later developments – Chen Shui-bian’s election in Taiwan, candidate George W. Bush’s qualification of China as the US’s ‘strategic competitor’ and the EP3 incident in April 2001²¹ – helped the hardliners to attempt a counter-attack. Nevertheless, the 1999 debate had already laid the ground for Jiang Zemin’s later years and Hu Jintao’s foreign and security policy: multilateralism should prevail over multipolarity, avoidance of conflicts and the quest for ‘peace and development’ are more fruitful than sterile and self-defeating ideological and military confrontations. Win-win solutions, as opposed to zero-sum games, can be found to most, if not all, international issues. Soft language and ‘soft power’ are more efficient than vocal hyperboles, table banging, and military gesticulations.

In other words, although the concepts of ‘harmony and diversity’ (let me be as I wish ...) as well as ‘harmony in diversity’ were coined by Hu and Wen later, these new trends were perceptible as soon as the 1999 debate was concluded. And we can speculate that Hu himself partly found the inspiration for this new strategy in handling the student demonstrations in May 1999 in the name of the CCP leadership and Jiang.

Of course, that does not mean that since 1999 China has slowed down its military build-up and its ambition to become Asia’s first military power and the world’s only power able to compete, at least diplomatically and economically, with the US – just the opposite. But, at least up to the Beijing Olympics in 2008, it decided to advance more quietly, masked (or hooded), sticking more than ever to Deng’s *tao guang yang hui* precept.

Conclusion

What can we conclude from this short and probably over-simplified overview of China’s attempt to de-isolate itself and re-engage the world after Tiananmen?

First, it is clear that China has been successful on both fronts. After all, its isolation has remained short-lived and partial. Even when the West isolated it on purpose, it was able to reach out to old (Japan), new (Taiwan), or reborn partners (Russia, Vietnam, Cuba). And anyway, it was already too important a nation, an economy, and a human mass to be kept isolated. But, simultaneously, it went out of its traditional way of action to guarantee this re-integration. As Alastair Johnston put it in *Social States*, through ‘mimicking, social influence and persuasion’, China has followed a learning curve in the 1990s, enhancing its participation in multilateral governmental organizations, and this in spite of the successive but short moments of tension mentioned above.

More generally, the Chinese leadership was able to test the respective benefits and disadvantages of both integration *à la carte* and nationalism’s instrumentalization. In other words, the CCP leadership demonstrated on the international stage, as much as on the domestic scene, an unprecedented capacity for

adaptation: it successfully adjusted both to the end of the Cold War and to globalization.

This adaptation has also underscored the complexity of the linkage between China's domestic and foreign policies. Concentration of power in the hands of a few CCP leaders is often presented as having eased this adaptation. Nevertheless, the reality is much more complicated: in the aftermath of Tiananmen, domestic determinants clearly influenced foreign policy changes, but the rapidly changing outside environment also forced the CCP leadership to adapt/adjust and maintain a distance between domestic developments and international commitments. Put differently, the CCP continues to walk a tightrope, promoting democracy in international relations, but preventing democratic principles (one country/one man, one vote) from being transposed into China. How long can such a paradox survive? This is clearly the topic for another chapter and another book.

Finally, the 1990s demonstrated that, contrary to what Alastair Iain Johnston and others have argued, China cannot be a 'status quo power':²² by its sheer growing weight in the world economy and rapid military modernization, China was already in a position to influence the rules of the game in a more and more meaningful way. On the surface, it has not challenged them; but in reality, it has taken advantage of any opportunity – divisions among the international communities, including Western countries, flexibility of rules and commitments, principles of sovereignty and non-interference – to bend the rules to its advantage, to increase its influence in multilateral, and in particular intergovernmental, institutions, to push for a change in the world order, as well as to promote its own ideological and political path towards modernity and success. This is of course even more so today. As in the aftermath of Tiananmen, the CCP-led Chinese government sees the world as a huge stadium where it must fight for its survival. The best way to reach that aim is still through 'wealth and power' (*fuqiang*), not democracy. And since the Beijing Olympics and the outbreak of the world financial crisis, China has become more assertive and reactive to transnational challenges (Tibet, Xinjiang, political dissidence, the US Navy's presence in its neighborhood), perhaps opening the way to a more abrasive relationship with the outside world that may be reminiscent of the mixture of cooperation and tension in its interaction with the West that was observed in the 1990s.

Notes

- 1 Cf. William A. Callahan, 'The Cartography of National Humiliation and the Emergence of China's Geobody', *Public Culture*, vol. 21, no. 1, 2009, pp. 141–173.
- 2 *Tao guang yang hui* is part of a 28 characters strategy that Deng raised in the aftermath of Tiananmen: '*leng jing guan cha* (watch and analyze developments calmly), *wen zhu zhen jiao* (secure our own positions) *chen zhe ying fu* (deal with changes with confidence), *tao guang yang hui* (conceal our capacities), *shan yu shou zhao* (be good at keeping a low profile), *jue bu dang tou* (never become the leader), *you suo zuo wei* (make some contributions). However, the translation often used, 'hide our capabilities and bide our time,' is questionable. Cf. Zhao Quansheng, *Interpreting*

- Chinese Foreign Policy*, Oxford University Press, 1996, pp. 53–54. Cf. also <http://sun-bin.blogspot.com/2005/07/tao-guang-yang-hui-as-strategy-is.html>
- 3 Carlyle A. Thayer, 'Comrade Plus Brother: The New Sino-Vietnamese Relations', *The Pacific Review*, vol. 5, no. 4, September 1992, pp. 402–406.
 - 4 Cf. Qian Qichen, *Waijiao shiji* (Ten Diplomatic Stories), Beijing: Shijie zhishi chubanshe, 2003. Qian will become state councilor in 1991 and vice-premier in 1993; he will join the CCP Politburo in 1992.
 - 5 Lin Chong-pin, 'Beijing and Taipei: Interactions in the Post-Tiananmen Period', *The China Quarterly*, no. 136, December 1993, pp. 770–804.
 - 6 Actually, it was in 1995, not in 1990, that the 'non-action motion' submitted by Beijing nearly failed to be approved, see Ann Kent, *China, the United Nations, and Human Rights. The Limits of Compliance*, University of Pennsylvania Press, 1999, pp. 60–79.
 - 7 David Shambaugh, 'China and Japan towards the Twenty-First Century: Rivals for Pre-eminence or Complex Interdependence?' in Christopher Howe (Ed.), *China and Japan, History, Trends and Prospect*, Oxford: Oxford University Press, 1996, pp. 84–86.
 - 8 Several Western countries organized similar visits around the same time, for example Australia.
 - 9 Alastair Iain Johnston, *Social States: China in International Institutions, 1980–2000*, Princeton, NJ: Princeton University Press, 2008, p. 136.
 - 10 Wang Lin, 'Profound Changes in the World Situation Are Taking Place', *Guoji wenti yanjiu* (International Studies Journal), no. 2, 13 April 1990, pp. 1–3.
 - 11 On the debate in the CCP about the collapse of the Soviet Union, cf. David Shambaugh, *China's Communist Party: Atrophy and Adaptation*, Washington, DC, Woodrow Wilson Center Press, Berkeley, University of California Press, 2008. Cf. also Xu Xin, Chen Lianbi, Pan Deli, and Jiang Yi, *Chaoji daguo de bengkuai. Sulian jieti yuanyin tanxi* (The Collapse of a Superpower. Analysis of the Causes of the Dismantlement of the Soviet Union), Beijing: Shehui kexue wenxian chubanshe, 2001, especially chs. 11 and 12.
 - 12 Johnston, *Social States*, *op. cit.*, pp. 34–36.
 - 13 Allen S. Whiting, 'The PLA and China's Threat Perceptions', *The China Quarterly*, no. 146, June 1996, pp. 607–609.
 - 14 Chu Shulong, 'China and Strategy: The PRC Girds for Limited, High Tech War', *Orbis*, vol. 38, no. 3, Spring 1994, pp. 177–191.
 - 15 Tai Ming Cheung, *China's Military Agenda Towards Taiwan*, CAPS Papers, no. 24, Taipei, November 1998, pp. 4–6, 14–21.
 - 16 Herbert Yee and Ian Storey (Eds.), *The China Threat: Perceptions, Myths and Reality*, London: Routledge Curzon, 2002.
 - 17 For these reasons, anti-US sentiments among the Chinese youth at that time should not be exaggerated, cf. Dingxin Zhao, 'An Angle on Nationalism in China Today: Attitudes Among Beijing Students after Belgrade 1999', *The China Quarterly*, no. 172, December 2002, pp. 885–905.
 - 18 Arguably, anti-Western fever was higher in 1999 than in later upsurges of nationalist feelings, as against Japan in 2005 or France in 2008.
 - 19 Avery Goldstein, *Rising to the Challenge. China's Grand Strategy and International Security*, Studies in Asian Security, Stanford, CA: Stanford University Press, 2005.
 - 20 David M. Finkelstein, *China Reconsiders Its National Security: 'The Great Peace and Development Debate of 1999'*, Alexandria, VA: The CNA Corporation, 2006.
 - 21 In this well-known incident, which triggered a diplomatic crisis between the US and China at the beginning of the George W. Bush presidency, a US surveillance plane was hit by a Chinese fighter jet in international airspace off Hainan island on 1 April 2001.
 - 22 Alastair Iain Johnston, 'Is China a Status Quo Power?' *International Security*, vol. 27, no. 4, Spring 2003, pp. 5–56.

13 China and international human rights

Tiananmen's paradoxical impact

Andrew J. Nathan

Although human rights advocates like to portray the international human rights regime as a fixed and stable part of international law, in fact it has a history of change, much of it both recent and rapid. (In this context, the word 'regime' refers to an international system of norms and institutions by which states regulate their relations in a particular domain of activity.) Every international regime is established by states and ultimately controlled by them, but also draws in additional actors who seek to influence its functioning through lobbying, information exchange, and norm entrepreneurship. In the complex arena of international human rights, China was at first an outsider, then in the early reform era a largely passive object of criticism. But China's post-Tiananmen re-entry into world diplomacy and its economic rise, which were detailed in the two preceding chapters, have helped Beijing become one of the most proactive forces shaping the international human rights regime's next phase of evolution. Beijing seeks to blunt the ability of human rights norms, institutions, and activists to influence the internal affairs of states. In the new environment of a rising China, advocates are scrambling for new ways to leverage international influence to improve human rights in China.

In this sense, the intersecting trajectories of China and the international human rights regime have produced paradoxical results. In the mid-1970s, just when international human rights norms, institutions, and advocacy groups began to enjoy a period of rising influence, Deng Xiaoping's strategy of 'reform and opening' led China to shift from Mao-era resistance to nascent engagement with the regime. As a consequence, the immediate aftermath of Tiananmen marked a high point of China's vulnerability to international pressure concerning human rights. And the incident contributed in some direct and indirect ways to further strengthening the international human rights system. But at the same time Tiananmen generated what became a complex and sophisticated Chinese challenge to the role of human rights as a set of international norms. As Beijing shifted its political and economic strategies to create 'authoritarian resilience' at home and a 'rising China' abroad, it found ways to blunt the impact of international human rights advocacy efforts on its internal politics and to shape the international human rights system to its

own advantage. In this way the rise of China, which has been in many ways a positive development, has put at risk the promise of human rights as a vital part of the international order.

The rising trajectory of the international human rights regime

International human rights has a long history, reaching back to ideas of individual human dignity rooted in the great religious traditions, developing further during the Enlightenment in the West, and entering the corpus of international law in the form of 19th- and early 20th-century treaties concerning the abolition of the slave trade, the working conditions of laborers, the laws of war, the protection of minorities in Europe, and other subjects. But it was not until the UN's adoption of the Universal Declaration of Human Rights in 1948 that the concept of human rights emerged in its full modern form as an inclusive set of norms, embodied in international law, spelling out the legitimate claims of every individual upon states and other 'organs of society.'¹

But the start of the Cold War around the same time brought a temporary halt in the development of the regime. Over the course of nearly three decades, the only new step the international community could agree to take was the restatement in 1966 of the principles of the UDHR in the form of two international covenants. Because of Cold War ideological divisions these had to be enacted separately, one on civil and political rights to satisfy the West and one on economic, social, and cultural rights to satisfy the socialist camp.

In the mid-1970s the international human rights regime entered a new period of normative, institutional, and political expansion, motivated at first by the dynamics of the late Cold War and then, as the Cold War ended, by the felt need to find a way to structure the politics of a uncertain new world order. The main impetus for these developments was changing state interests, especially the interest of Western states to use human rights norms to challenge the Soviet Union at a time when its power seemed to be increasing under Leonid Brezhnev, and then after the Cold War, to create new global institutions that might help stabilize a fluid, uncertain international system of power. In addition, the rise of international human rights was stimulated by the growth of international civil society (or transnational activist networks, as they are also called) under conditions of globalization, and by the institutional interests of the UN in seeking new missions.

The renewed trajectory of growth started in 1975 with the Helsinki Final Act. When the Soviet Union sought recognition of the existing borders in Europe, the West extracted in return Moscow's acknowledgement of human rights in Basket III of the agreement. Unexpectedly the accords became a focus of organizing for political freedom in Czechoslovakia, Poland, Hungary, and Russia, and in that way contributed to the fall of communism in Europe.²

In the U.S., Jimmy Carter took office in 1977 and put forward the promotion of international human rights as a theme that could help restore a national sense of mission after the loss of the war in Vietnam. Carter established the State Department's bureau of human rights affairs, and Congress mandated the bureau to issue an annual report on the rights performance of all foreign countries that were UN members. Each subsequent president for his own reasons continued the crusade for human rights and democracy. Ronald Reagan used the language of rights to support his push to redress the U.S.–Soviet power balance, calling for 'a global campaign for freedom ... [that would] leave Marxism-Leninism on the ash heap of history as it has left other tyrannies which stifle the freedom and muzzle the self-expression of the people.'³ Reagan established the National Endowment for Democracy, which channeled assistance to groups promoting human rights and democracy abroad. George H.W. Bush presided over a surge in American humanitarian interventions in response to human rights crises in Somalia, Lebanon, and Haiti. Bill Clinton built human rights into his foreign policy and called for 'democratic enlargement.' George W. Bush used the term 'Freedom Agenda' to describe a package of policies to promote human rights and democracy worldwide.⁴

In Europe, policy makers likewise promoted human rights as part of a broader security policy. Especially in the post-Cold War period, Europe saw itself as surrounded by zones of instability in south and central Europe, the former Soviet Union, and Africa that it could not pacify by military means. The EU's 1992 Common Foreign and Security Policy (CFSP) identified democracy and human rights promotion as a pillar of EU strategy to promote stability in neighboring regions through values diplomacy. The strategy would later be applied to EU relations with China in the 1995 'Long Term Policy for China-Europe Relations,' which proposed to support human rights in China through project assistance and government-to-government dialogue.

Also starting in the mid-1970s, the U.S. and Europe supported the 'third wave' of democratization that started in Portugal in 1974 and spread through Southern Europe, Latin America, and Asia. This process increased the number of democracies in the world from 39 in 1974 to 76 in 1990. Regime transitions in Eastern Europe and the Soviet Union in 1990–91 extended the democratization wave, which continued further with still more transitions in Africa. The peak was reached in 2006 with 121 democracies among the world's 194 states.⁵

Another development of the same period was the expansion, with foundation and private funding, of the international human rights NGO movement, which gave increasing attention to China as it opened up. Amnesty International had been founded in 1961 but issued its first report on China in 1978, criticizing the government for putting people in prison for political reasons.⁶ The Helsinki accords inspired the formation in 1975 of a New York-based group, Helsinki Watch, which soon extended its attention beyond the Soviet Union and Eastern Europe to other

parts of the world, changed its name to Human Rights Watch (HRW), and established an Asia division in 1985. The Lawyers Committee for Human Rights (now Human Rights First) was founded in 1978 and the Committee to Protect Journalists in 1981. The first mainly Chinese overseas advocacy organization for Chinese human rights problems, Human Rights in China, was founded in New York in 1989. The Tibet Information Network was established in the UK in the late 1980s, and the International Campaign for Tibet was established in Washington, D.C., in 1988. This growth in activism was probably ultimately attributable to the increased flow of information and heightened sense of interdependence produced by economic globalization, which accelerated starting in the 1970s.

NGO activists pushed states to expand the international treaty system covering human rights. Until the early 1980s the major human rights treaties besides the two covenants⁷ were those concerning genocide (1951), the status of refugees (1954), and racial discrimination (1969). But in the late and post-Cold War periods the roster was dramatically expanded, with treaties that opened up new subject areas and posed unprecedented demands on the behavior of states. Among the new treaties were those that dealt with such controversial and difficult areas as the elimination of discrimination against women (1981), the elimination of religious intolerance (1981), the banning of torture (1987), the rights of children (1990), and the rights of persons with disabilities (2006). In addition, the UN adopted declarations on the right to development (1986) and the rights of indigenous peoples (2007). Each of these enactments was promoted by an international network of advocates who used various forms of reason and pressure (and made various compromises) to gain the cooperation of governments.

Finally, the end of the Cold War stalemate between the two camps liberated the United Nations to follow the institutional logic of mission expansion, in the field of human rights as in other areas. In 1993 the UN created the office of the High Commissioner for Human Rights, a position used by several of the incumbents to bring high-profile pressure to bear on various countries, including China. Secretary General Kofi Annan (served 1997–2006) promoted the expanded use of Peace-Keeping Operations, among other purposes to stem human rights abuses. The Security Council in the 1990s authorized a series of humanitarian interventions in the former Yugoslavia, Somalia, Rwanda, Sierra Leone, and East Timor.⁸ The UN created the beginnings of a system of international justice, establishing the International Tribunal for the Former Yugoslavia in 1991, the International Criminal Tribunal for Rwanda in 1994, and the International Criminal Court in 2002. The UN treaty bodies – committees of experts that are charged with supervising the implementation of human rights treaties – started for the first time in the 1990s to issue ‘general comments’ or ‘general recommendations,’ which often interpreted the provisions of international human rights law more broadly than before. Likewise, the UN ‘special procedures’ (independent experts or working groups appointed to monitor human rights issues in certain countries or problem

areas) became more active, and several of them visited, or negotiated to visit, China for investigations.

Concern with China was not a primary cause of the growth of the human rights regime, but China's opening up inevitably attracted the attention of human rights activists.

China engages

It was ironic from Beijing's point of view that China became a target of international human rights advocacy at just the moment when it began to rectify the worst abuses of the Maoist system. Mao's China had been all but immune from human rights criticism, partly because the international advocacy movement was underdeveloped at the time and partly because Mao's system kept such tight control over information that the outside world had no accurate idea of what was going on there. Beijing occasionally targeted other countries with human rights criticism – South Africa, Israel, the Soviet Union – without having the spear turned against itself.⁹

Just as the international advocacy movement began to develop, so too information about abuses in China – both past and present – began to flow. Western reporters were admitted to the country, cultural revolution victims were rehabilitated, 'scar literature' and 'reportage literature' revealed stories of past victims, the regime intermittently tolerated public expressions of dissent like Democracy Wall, and it set up a system of laws and courts as a perhaps less arbitrary, but also more public, instrument of repression. China soon had its own 'Sakharov' – Wei Jingsheng – who along with other Chinese cases was adopted as a prisoner of conscience by Amnesty International. The international activists' then-novel technique of 'name and shame' was applied to Deng's China. Critical reports flowed from Amnesty, the Lawyers Committee, the U.S. State Department, and Western journalists.

As in so many other areas of international politics at the time, China responded to these pressures with a strategy of engagement – joining the regime, learning its rules, complying when useful, and seeking ways to influence the regime in its own interests. Chinese diplomats took part in the UN Human Rights Commission, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and working groups concerned with the rights of indigenous populations, human rights aspects of communications, the rights of children, the rights of migrant workers, and the issue of torture. They promoted the idea of a right to development and attended meetings to draft the international convention on the rights of persons with disabilities. The PRC signed and ratified the international conventions against genocide, mistreatment of refugees, racial discrimination, apartheid, discrimination against women, and torture. In the 1984 Sino-British Joint Declaration on Hong Kong, China agreed to allow the two international covenants on civil and

political rights and on economic, social and cultural rights to continue in force in Hong Kong for 50 years after 1997, although China itself (like the U.S.) had not at that point acceded to the covenants. By 1991, when the PRC issued the first white paper on human rights, it had acceded to a total of seven of the 25 major international human rights conventions in force at that time, one more than the U.S.

At the same time, China articulated a number of theoretical positions to push back against what it viewed as Western use of international human rights norms to exert undue influence on its domestic affairs. China argued that since states, not individuals, are the subjects of international law, the rights of individuals cannot be used as a justification for mutual interference. China argued that problems that outsiders might label as human rights violations are precisely such internal affairs – matters of domestic Chinese law and not the business of foreigners to condemn or to fix. In addition, Chinese spokespersons argued that no culture's concept of human rights has greater claim to be accepted than any other's. Since cultural standards differ, no foreigner has a moral right to judge China. To do so constitutes cultural imperialism.

And China mounted a variety of counter-attacks on its critics. Official spokespersons pointed to a series of double standards: that the West itself had committed human rights violations more deplorable than those it was criticizing, such as slavery and the Holocaust; that the West continued to be plagued with human rights problems from which it distracted attention by criticizing others; that the West picked China to complain about while ignoring worse violations in countries aligned with itself, like Israel; that Westerners who said nothing about Mao's violations complained about less severe violations under Deng; and that prosperous Westerners insisted on immediate implementation of advanced modern standards even though China was still a developing country. Chinese spokesmen said that such double standards revealed the accusers' bad faith.

By the end of ten years of engagement, China had a place at the table among those shaping and interpreting international norms, but its ability, and even its aspiration, to shape the regime to its own preferences was limited. At home, the leadership was considering political reform; in the international sphere, in 1988 official media and the government commented favorably on the UDHR and signaled an intention to sign and ratify the two international human rights covenants in the near future.

The impact of Tiananmen: from rapprochement to confrontation

The killings in Beijing, shown on international television, changed the tenor of the human rights regime's interaction with China from rapprochement to confrontation.

The Tiananmen crackdown came at a time when economic and political sanctions were becoming increasingly common as a tool of human rights policy. In the

1970s the U.S. under Carter had cut military and economic aid to Pinochet's Chile; the U.S. sanctioned Poland after the 1981 declaration of martial law; many governments imposed sanctions on the South African apartheid regime in the 1980s; and the U.S. imposed a series of sanctions on the Burmese military regime, starting in 1988.¹⁰ International human rights NGOs had added political lobbying to their previous major technique of information exposure and moral pressure. Now, with respect to China they pressed for concrete policy actions by governments and international agencies that would exact political and economic costs from the Chinese regime.

Under pressure from outraged publics, the governments of the leading industrial countries (the G7) imposed sanctions on China. These included suspension of high-level diplomatic contacts, restriction of exports of military equipment and military-related technologies, and suspension of cultural exchanges, bilateral aid, and loans. Under U.S. leadership the World Bank and Asian Development Bank temporarily suspended loans. Negotiations on China's accession to the World Trade Organization came to a halt that lasted three years.

The renewal of normal trading rights with the U.S. ('most favored nation privileges') was threatened annually from 1989 through 1994 by public and Congressional desire to push China toward human rights improvements. Armed with information from human rights NGOs, a procession of senior statesmen from the industrial countries made public representations on human rights when visiting China. Beijing's 1993 bid to host the Olympics in the year 2000 encountered international opposition on human rights grounds and was defeated. The world press took the 1995 women's conference in Beijing as an occasion not to celebrate improvements in the status of Chinese women, but to attack the Chinese government for heavy-handed security measures. The fact that China was on the defensive on human rights weakened its ability to block American and French arms transfers to Taiwan and helped explain Britain's replacement of a conciliatory Hong Kong governor with one who confronted Beijing on the issue of Hong Kong democratization.

Remarkably for a permanent member of the Security Council, China suffered a series of humiliations in UN bodies concerned with human rights. In August 1989 the UN Subcommission on Prevention of Discrimination and Protection of Minorities adopted by secret ballot a resolution critical of China, marking the first time that a permanent member of the Security Council had been censured for its human rights performance in a UN forum. In 1991, Beijing came under fire again in the Subcommission, when it voted by secret ballot to request China to respect the human rights of the Tibetan people and asked the Secretary General to prepare a report on the situation in Tibet. In the 1990 session of the UN Human Rights Commission, Chinese representatives had to sit through the presentation of a Secretary General's report on violations in China, based on material compiled by Amnesty and other groups. The Commission debated

a resolution to condemn China, although the resolution was ultimately not adopted.

Thanks especially to the work of international NGOs in presenting relevant information, Chinese human rights problems were repeatedly criticized by UN treaty bodies and special procedures. In 1994 the UN Special Rapporteur on Religious Intolerance recommended that China reduce numerous restrictions on freedom of religion. In 1997 the Working Group on Arbitrary Detention advised China to incorporate the presumption of innocence into its criminal procedure law, to provide a precise definition of the crime of 'endangering national security,' to assure that the criminal code would not outlaw any peaceful exercise of fundamental UDHR rights, and to stop sentencing people to labor reeducation without trial. In 1999, when Hong Kong filed its regularly scheduled report with the treaty body supervising fulfillment of the International Covenant on Civil and Political Rights (a body of experts called the Human Rights Committee), the committee criticized the Hong Kong administration for allowing Beijing to interfere with judicial independence in the Special Autonomous Region. In 2000 the Committee against Torture expressed concern about mistreatment of Tibetans and other national minorities and recommended abolition of a form of jailing without trial called administrative detention. Chinese problems were discussed at one time or another in reports or meetings of the UN's Special Rapporteur on Summary and Arbitrary Executions, Special Rapporteur on Torture, and Working Group on Enforced or Involuntary Disappearances.

In the UN Human Rights Commission, every year but one from 1990 through 1997, Chinese diplomats had to expend diplomatic resources to defeat unwelcome resolutions presented before the Commission by the U.S., Japan, and European and other countries. China's lobbying included state visits and aid projects for countries holding rotating seats on the Commission,¹¹ as well as the argument that 'what is happening to China today will happen to any other developing country tomorrow.'¹²

For Chinese leaders, the hidden agenda of human rights promotion now stood revealed: to weaken China abroad and subvert its political system at home. According to the Ministry of State Security,

The big socialist country of China has always been a major target for the peaceful evolution methods of the Western capitalist countries headed by the United States.... Each American administration has pursued the same goal of peaceful evolution and has done a great deal of mischief aimed at overthrowing the communist Party and sabotaging the socialist system.... The phraseology may vary, but the essence remains the same: to cultivate so-called democratic forces within socialist countries and to stimulate and organize political opposition using catchwords like 'democracy,' 'liberty,' or 'human rights.'¹³

From a symbolic issue of international prestige, human rights had become for the first time a political issue that exacted not only symbolic but sometimes also economic and diplomatic costs from Beijing.

Human rights meets China's rise

The regime's immediate response to Tiananmen was to slow the tempo of reform, increase repression at home, and diminish engagement abroad. But under pressure from Deng Xiaoping the leaders soon returned to the path of reform and opening. With a mix of social liberalization, political repression, economic growth, and message control, the regime regained mass support at home, while a recommitment to globalization brought growing economic and political influence abroad.

As part of its growing global role, China intensified its involvement with the international human rights regime while working to shape the regime to its own preferences. In 1998 China entered into a dialogue with the newly established Office of the United Nations High Commissioner for Human Rights (OHCHR) and in 2000 it signed a memorandum of understanding for a long-term program of technical cooperation on issues like human rights education, which served government purposes and exempted it from public challenges to its human rights performance. In 1998 China signed the International Covenant on Civil and Political Rights (although so far it has not ratified it) and in 2004 it acceded to the International Covenant on Economic, Social and Cultural Rights. Also in 2004, the National People's Congress amended the Chinese Constitution to state, 'The State respects and preserves human rights.'

At the same time China used its position in the international system to slow the expansion of the international human rights regime and weaken its ability to influence Chinese foreign relations and domestic affairs. In 1990, Beijing helped block a proposal to establish an emergency mechanism within the UN to enable the Human Rights Commission to come into session following a major event like Tiananmen. In the preparatory work for the 1993 Vienna World Conference on Human Rights, China gained the backing of most Asian countries for the principles of noninterference in the internal affairs of states; non-selectivity (i.e., UN bodies should not single out specific countries for criticism); the priority of collective, economic, and social rights over civil and political rights; national sovereignty; and cultural particularism (the non-universality of human rights values across regions). These arguments had some influence over parts of the final Vienna declaration.

In the 53-member UN Human Rights Commission, China took the lead in creating a non-Western caucus of states that made sure that Western-sponsored resolutions against China or other Third World states never came to a vote. The Commission went so far as to elect Libya – one of the more flagrant state violators of human rights – as its chair in 2003. In response, UN Secretary General Kofi Annan reorganized the commission in 2006 into a 47-seat Human Rights Council

that he hoped would be more effective, but this body continued to be dominated by a majority of repressive regimes. These states, including China, shaped the ground rules for the new Council around a system of 'universal periodic review.' Under this system each state was invited to submit a human rights action plan and hence each state had the initiative to define its own human rights aspirations; each state was regularly reviewed and hence no particular state was targeted; and each state received recommendations from the Council based on the report it submitted and was free to adopt or reject all recommendations. As one of the first countries reviewed, China submitted human rights action plan in 2009, emphasizing its achievements to date and aspirations consistent with its existing political system,¹⁴ and rejected all the concrete recommendations made by other states in the course of the review.¹⁵

In its relations with the UN special procedures, China accepted only four visits (two by the Working Group on Arbitrary Detention and one each by the Special Rapporteur on the Right to Education and the Special Rapporteur on Torture), setting limits on the activities of each, and dragged out negotiations or left requests pending from nine other such bodies.¹⁶ China worked with other members of the 'like-minded group' of countries in the Human Rights Council to end, shorten, or restrict the mandates of various special procedures.¹⁷

In relations with Western countries, China diverted the human rights issue into the channel of what was called quiet diplomacy. High-level U.S., European, and Australian visitors in the early 1990s customarily brought prisoner lists to meetings with Chinese officials and made statements on issues like censorship, Tibet, and religious freedom. China deterred such representations by treating them as affronts. An example was the rearrest of Wei Jingsheng in 1993 after a U.S. State Department official, John Shattuck, met with him in Beijing.

Undergirding these developments was a rise in the influence of Western voices emphasizing the importance of maintaining smooth ties with China.¹⁸ The U.S.–China Business Council, founded in 1973, had long represented the views of large companies doing business with China. As business ties burgeoned many private consulting firms and think-tanks – such as Kissinger Associates, Stonebridge International, the John L. Thornton China Center at the Brookings Institution, and the Kissinger Institute on China and the United States at the Woodrow Wilson Center – articulated the importance of not letting human rights promotion get in the way of business and strategic interests. The threat of American trade sanctions for human rights violations disappeared. In 1994, Bill Clinton asked Congress to approve the extension of China's 'most favored nation' tariff rates even though China had not complied with any of the human rights-related conditions that he had put forward a year earlier. This 'delinkage' of trade and human rights was formally made irreversible when Congress approved 'permanent normal trading relations' with China in 2001 as part of the agreement for China to enter the WTO. To take the place of the annual trade privileges debate as a venue for airing worries about

China, Congress set up two specialized commissions – the China Economic and Security Review Commission and the Congressional-Executive Commission on China. But these bodies only issued reports and policy recommendations and had no serious potential to threaten Chinese interests.

Beijing rewarded quiet diplomacy with selective prisoner releases, which had the added benefit of weakening the democracy movement by sending its leaders into exile. In 1998, as a price for restoring summit-level meetings with China, Bill Clinton won the right to give an uncensored lecture at Peking University that was broadcast on Chinese TV, and used it to say that China was swimming against ‘the tide of history.’ By contrast, Clinton’s successor, George W. Bush, said it was best to speak with Chinese leaders about human rights issues in private, and eventually stopped delivering prisoner lists even privately. European leaders followed suit.

One of the West’s demands in the 1990s had been that China enter into official dialogues about human rights. China yielded to this demand and at different times in the mid-1990s established dialogues with the U.S., Canada, the EU, the UK, France, Germany, Norway, Sweden, Switzerland, Austria, and Australia. But China shaped the ground rules to its own advantage, insisting that the agendas be negotiated in advance and concern technical issues rather than current violations, and that the proceedings be confidential. Keeping the dialogues bilateral and separating them in time prevented the other powers from coordinating their approaches to China. China characterized as unfriendly occasional attempts to convene meetings of relevant officials from other governments to exchange ideas about their dialogue experiences (the so-called Berne Process).¹⁹ NGOs could not participate in Western delegations, but were shunted off to occasional forums which occurred before the government dialogues. China vetoed participation of certain groups in these forums by walking out or threatening to cancel if they were invited. From time to time China cancelled dialogues to express protest over other issues, then framed their resumption as a concession.

Advocacy innovations

In this changing landscape international human rights groups have searched for new ways to influence human rights in China – without of course abandoning the classical advocacy methods of research, publicity, moral pressure, and policy lobbying.

First, some groups have made increasingly intensive and sophisticated use of international human rights mechanisms. Human Rights Watch opened offices in Brussels, London, and Paris that, among other functions, assist the EU and European governments to prepare for their human rights dialogues with China. HRW’s UN specialist provides information and ideas to UN human rights bodies that work with China. Human Rights in China has increased its lobbying and informational services for European foreign ministries and UN treaty bodies and

special mechanisms, to enable them more effectively to challenge official Chinese claims about China's compliance with international human rights law.²⁰

Second, on the premise that change will come mostly from within, human rights groups are using the Internet to communicate ideas and news directly to the Chinese public. Human Rights in China promotes Internet-based advocacy directed at readers inside China with its Chinese-language biweekly newsletter of banned news and opinion (*Zhongguo renquan shuangzhoukan*), which is disseminated by email and is available online. China Human Rights Defenders circulates news of human rights abuses not only overseas in English, but within China in Chinese, through email news releases and a website. Chinese human rights advocates in exile broadcast their views to Chinese audiences over the U.S. government-supported Radio Free Asia.

A third advocacy innovation involves work with the increasingly active and diverse Chinese civil society of petitioners, advocates, demonstrators, lawyers, and bloggers. China Labour Bulletin has experimented with labor rights litigation, finding lawyers and providing support for workers who sued in Chinese courts against employment discrimination, for severance and pension benefits, or for compensation for injuries.²¹ Even though local Party authorities control the Chinese courts and the courts have little power to enforce their judgments – and although in civil law systems like China's one court's judgments do not bind other courts – such cases sometimes produce favorable judgments or settlements that might have an impact on other cases through publicity and force of example. The Committee to Support Chinese Lawyers provides help for rights-protection (*weiquan*) lawyers, who are willing to take on the cases of victims of discrimination, land seizure, and other abuses, at great risk to their careers and personal safety. The committee publicizes abuse of lawyers' rights, helps with the defense of those rights, and supports capacity building and exchange between Chinese lawyers and lawyers outside China.²² Other human rights groups also engage in capacity building, but the details of their efforts are not public.

Fourth, human rights groups have responded to the increasing importance of China in the world economy by interacting directly with businesses. In this, they are part of a widespread new trend to connect business and human rights.²³ The National Labor Committee, China Labor Watch, and others issued reports highlighting abuses of labor rights in Chinese factories that produced for Western markets, trying to use consumer pressure to force firms like Wal-Mart, MacDonald's, and Disney to get their suppliers in China to improve labor conditions. Several of the leading human rights groups concerned with China engaged in a series of meetings with Internet firms working in China and other stakeholders to produce a code of conduct to protect user privacy. In October 2008 the organizations jointly launched the Global Network Initiative as a voluntary compact to promote the implementation of international human rights standards, including freedom of speech, in the governance of the Internet.²⁴

The Chinese government has used its resources to diminish the impact of each kind of advocacy innovation. The government has exerted far-reaching control of the Internet and other means of public communication and mobilization, often blocking citizens' access to information about human rights that comes from outside the country's borders. It has outlawed and repressed independent civil society organizations and in some cases treated their contact with outside supporters as violations of criminal law. It threatens foreign Internet companies with loss of business if they do not cooperate with Chinese regulations that violate users' rights under international law. As a result, the effectiveness of the new efforts is uncertain.

Tiananmen's paradoxical impact

When Tiananmen occurred, the international response seemed to mark a further step in the triumphal progress of human rights as a system of norms increasingly accepted around the world and increasingly costly for governments to violate. Twenty years later the rights idea is murkier and more contested, and rights institutions are weaker. While the causes of this reversal are many, among them has been the Chinese regime's recovery from 1989 and its ability to build on its new strength to reverse the vector of influence between itself and the international human rights movement. Instead of being on the receiving end of human rights influence, the Chinese government is increasingly able to blunt the impact of human rights on its domestic rule and shape the international regime's norms and institutions to its own preferences.

China's goal appears to be not to get rid of the international human rights regime (which would be difficult and unnecessary), but to cap its growth and expansion, freeze its effectiveness at the current level, shape the institutions so that they are deferential to states, and shade the norms to fit long-articulated Chinese priorities.

Despite its successes, China remains vulnerable to the international costs of its human rights violations. The controversies surrounding the 2008 Beijing Olympics exemplified this vulnerability. From the moment the Games were awarded to Beijing in July 2001, human rights advocates began planning how to use the event to ramp up pressure on the Chinese government. Human Rights Watch and Human Rights in China set up special websites tracking the Beijing organizing committee's failure to make good its commitments. The Committee to Protect Journalists issued a series of reports on violations of press freedom. Amnesty International's 'Olympics Countdown' series tracked violations over the two-year period leading to the games. Chinese Human Rights Defenders issued an 'Olympic Watch' series of press releases. The Save Darfur campaign and an offshoot, Olympic Dream for Darfur, pressed China to address the Darfur problem via the link between Beijing and Khartoum. Advocacy groups demonstrated along the route of the Olympic

torch, clashing with blue-and-white suited Chinese escorts who were drawn from the student body of the People's Armed Police academy.

Human rights violations also remain an ongoing source of insecurity within national borders. The regime's current level of acceptance among the people depends on performance-based legitimacy, grounded in economic growth, foreign policy successes, and control of the propaganda message. But the system remains permanently vulnerable to citizen rejection in a way that consolidated democratic regimes are not, because citizens are constantly aware that there is an alternative type of regime that is widely considered to be a better kind of regime. As the Asian Barometer Surveys showed, when citizens in democratic systems are asked whether they would be interested in changing the current regime – often viewed as performing poorly – for one that is authoritarian, most of them say no. But citizens in authoritarian regimes mostly agree that democracy is the best form of government. In this sense authoritarian systems live on sufferance, accepted as long as they perform. Democratic regimes often fail to perform, but citizens consider themselves stuck without alternatives.²⁵

Precisely this vulnerability is why the Chinese regime continues to see human rights promotion as political subversion and works to weaken its force. And as China rises – and thanks as well to the skill of Chinese diplomacy – this effort is increasingly successful. As a result, what at one time seemed to be an unfolding teleology of inevitable progress toward a universal idea of human rights now appears as a more contingent historical struggle with an uncertain outcome. The rise of China may be part of a historical trend for international human rights to decline as a set of ideas, institutions, and actors. That struggle of course is by no means over. But we can be sure that China will have a large role in shaping the future trajectory of human rights as an idea and as an international regime.

Notes

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- 2 Daniel C. Thomas, *The Helsinki Effect: International Norms, Human Rights, and the Demise of Communism*, Princeton, NJ: Princeton University Press, 2001.
- 3 "Promoting Democracy and Peace," Speech by President Ronald Reagan before the British Parliament in London, June 8, 1982, in U.S. Department of State, Current Policy, No. 399, June 1982, p. 4.
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- 5 Larry Diamond, *The Spirit of Democracy*, New York: Times Books, 2008, Appendix, Table 2.
- 6 Ann Marie Clark, *Diplomacy of Conscience: Amnesty International and Changing Human Rights Norms*, Princeton, NJ: Princeton University Press, 2001; *Political Imprisonment in the People's Republic of China: An Amnesty International Report*, London: Amnesty International, 1978.
- 7 The UDHR is not a treaty, but because of its status as a UN declaration, is considered part of customary international law. Covenants, such as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights, are treaties.
- 8 Thomas G. Weiss, *Humanitarian Intervention: Ideas in Action*, Cambridge: Polity Press, 2007, p. 43; additional humanitarian interventions were undertaken during the same decade with the approval

- of bodies other than the UN, such as the intervention in Liberia authorized by ECOMOG and in Kosovo authorized by NATO.
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 - 11 Human Rights Watch, "Chinese Diplomacy, Western Hypocrisy and the U.N. Human Rights Commission," March 1, 1997, available at <http://www.unhcr.org/refworld/docid/3ae6a7d94.html>, accessed June 11, 2009.
 - 12 Chinese delegate Wu Jianmin at the UN Human Rights Commission in April 1996, quoted in the *New York Times*, April 24, 1996, p. A12.
 - 13 Zhang Liang (Comp.), Andrew J. Nathan and Perry Link (Eds), *The Tiananmen Papers*, New York: PublicAffairs, 2001, p. 338.
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14 A shadow over Western democracies

China's political use of economic power

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In 1989, exactly 20 years ago, few were able to imagine that the Chinese Communist Party (CCP) and its institutions would remain in power for two more decades (and even longer), let alone that the regime would increase its global influence to the degree that it now has. At that time, world Communism had collapsed, first in Eastern Europe and then in the Soviet Union, with some scholars in the West proclaiming the 'end of history' and the ultimate victory of market and democracy in human progress.² In China, the senior leaders of the CCP were widely condemned at home and abroad for their bloody crackdown on the Tiananmen pro-democracy protests. Calls for democratic change in China were silenced by tanks and machine guns, but the regime paid a tremendous political cost, as its legitimacy was questioned even more severely and widely than before the event.³ All major industrial democratic states imposed economic sanctions on China, with a temporary shift of the focus of the Cold War from the arms race between Washington and Moscow to the political and ideological confrontation between the West and the People's Republic of China.

Winds change swiftly, however, and so does the atmosphere of politics. As history arrives at the twentieth anniversary of the Tiananmen military crackdown, the Chinese regime continues to maintain that its actions were necessary and right, with the more recent development of apparently convincing the Chinese people and the world, including Western democratic nations, to accept this argument in place of the prevailing belief in 1989 that China also needed democracy.

In the relatively short span of 20 years, China's relations with the world have been deeply and profoundly transformed, mainly due to the spread of market globalisation and China's involvement in and benefit from such global participation. In particular, China's relations with the industrial democracies of the West have experienced dramatic change, travelling far from the political and ideological antagonism experienced in the days immediately following Tiananmen, and far from the geopolitical and strategic considerations that in the 1970s caused China to join the Western anti-Soviet 'united front' and that in the early 1990s, prior to the disintegration of the Soviet Union, briefly influenced the George H.W. Bush

administration's decision making in favour of post-Tiananmen China.⁴ It is a cliché to say that the relationship has become complicated, multidimensional, and interdependent, but that does not mean we already deeply and fully comprehend the complexities of China's behaviour in its global involvement, or the extent and implications of China's economic interdependence with the world in general and with the Western industrial democracies in particular. In the observations to be presented in this paper, economic interdependence greatly empowers authoritarian China to impose political influence over state behaviour and civil liberties in Western democracies, rather than vice versa. This contradicts the conventional assumption that the economically advanced and supposedly politically advantaged Western democracies can effectively entice and push an authoritarian developing nation in the direction of political democratisation through economic engagement. This observation brings a theoretical challenge to students of comparative political studies and Chinese politics, as it questions some of the fundamental assumptions with which we have long framed our understanding of China's market reforms and their implications for China's external relations.

Most studies of China's rise have focused on its material dimensions, including the economy, trade, military, and sometimes technological development. Even more commonly adopted in analyses of China's position in the world is a *realpolitik* approach to the rise of China, overwhelmingly concerned with how China's ascendancy challenges the status quo powers and their preferred national interests.⁵ This strategic line of reasoning is of course helpful for better understanding contemporary global and Chinese politics, but it is insufficient if the political values implied in China's rise are neglected, and if the impact of domestic political institutions on international political economy is ignored. Even when the so-called 'soft power' of China comes under the scrutiny of Western scholars, the foci of research and analysis are more on the competition between powers for international popularity, national image, and cultural influence than on the moral and institutional principles that organise their political, economic, and cultural life, and that global powers may use to affect the freedom of human societies. Thus the rise of China occasions either admiration or fear, while the moral implications of that rise are often obscured. This paper is an effort to remedy this shortcoming in studies of China's foreign relations behaviour.

In the pages that follow, this paper will investigate how China's success in economic development negatively influences the civil liberties and democracy practised in the West, and looks into the reasons why the growing economic interdependence between China and the global economy has enabled China to intervene in the political conduct of leading democracies, but not vice versa. Empirically, this paper will examine a series of Chinese actions in foreign relations in which China uses its economic connections with various leading industrial democracies to bend the international and domestic political behaviour of those democracies, in particular in relation to the Dalai Lama's visits to Western

countries. It will then highlight how economic interest in the Chinese market makes multinational corporations vulnerable to Beijing's political pressure, and analyse why international capital is easily lured to cooperate with the Chinese repressive state to curb freedom inside and outside of China. Wal-Mart and Yahoo will be taken as two major examples in an analysis of the material and informational connections between China and the world that multinational corporations have helped to construct. The paper will go on to suggest a new political economy of globalisation in the post-Cold War era that explains the rise of this kind of dictator's diplomacy. This new political economy is characterised by state–market collaboration in promoting material prosperity, to the shaping of which post-Tiananmen China has greatly contributed, and, accordingly, through which China gains a structural advantage by reversing its 'dependent relationship' with advanced capitalist countries.

Political uses of foreign trade: fortunes made and democracy lost

China is now the second largest trading nation in the world. The tremendous power resulting from this status can be exercised in various ways. China's behaviour in this regard often focuses on political targets and demands that Western democracies yield to Beijing's political principles for the sake of maintaining and developing bilateral trade relations. As an increasing number of cases have demonstrated, China is keen to utilise its growing power in foreign trade to influence other countries' political attitudes, including the policies of leading industrial democracies concerning highly sensitive issues such as religious freedom that are widely regarded and long established as fundamental to the civil rights that democracies should respect. As Western nations look east for the fortune-making opportunities provided by China's economic rise, PRC diplomats boldly tie a country's economic relations with China to its adherence to Beijing's standard of political correctness. The strategy is not always successful, but it often works.

The Sino–Canadian relationship can be taken as an example in this regard. Although Canada is now behind almost all leading industrial democracies in developing economic ties with China, and the relationship has in recent years been complicated by political factors, China has remained Canada's second largest trading partner since 2003, behind the United States and with Japan and Mexico in third and fourth place, respectively. Since 1990, Canada's imports from China have risen at an average annual rate of 22.8 per cent, while export growth has averaged 12.5 per cent. In 2007, China replaced Japan as Canada's third largest export market.⁶ Even though the trade relationship benefits both sides,⁷ it has become a chip that PRC diplomats use to amplify their criticism if Canada offends Beijing through outward support of, for example, religious freedom. A Canadian news agency reported that a visit by Tibetan spiritual leader the Dalai Lama to Canada

and a scheduled meeting with then Canadian Prime Minister Paul Martin drew Canada into an ‘unwanted spat’ with its major trading partner, China. Beijing’s furious reaction was no surprise, given that China considers the issue of Tibet central to its sovereignty and territorial integrity and considers the Nobel Peace Prize winner ‘a separatist politician’ rather than a religious leader. The overt connection of China’s protest to its trade relations with Canada, however, was something new in Beijing’s diplomatic conduct. A spokesman of the Chinese Embassy in Ottawa warned his Canadian hosts, ‘Don’t gamble on Sino–Canadian trade relations, valued at twenty billion dollars annually,’ referring to the 2002 statistics.⁸ This scenario repeated itself in 2005, when Chinese Ambassador to Ottawa Lu Shumin particularly mentioned the increasing volume of Canadian–Chinese trade⁹ in his criticism of a Taiwan Relations Act proposed by a member of the Canadian Parliament.¹⁰

Although PRC diplomats on neither occasion bothered to explain how the issues under dispute, Tibet and Taiwan, were logically connected to trade relations between Canada and China, the message was clear and appropriately received: If the Canadian government does something Beijing does not like, China will punish Canada with actions to reduce bilateral trade relations, even if Canada’s actions are perfectly legitimate in terms of its own democratic procedures and civil liberties. The strategy of Chinese diplomacy became unmistakably clear when Beijing protested the Dalai Lama’s visit to Canada with suspension of negotiations over a tourism agreement with Canada.¹¹ The message was that those who want to benefit from China’s economic prosperity must carefully observe Beijing’s political criteria and follow them when Beijing demands, even if China’s criteria conflict with the domestic public opinion and democratic procedures of the other country.

Canada is not the sole case of a sovereign, democratic country desiring economic connections with China being taught how to act on political issues. Australia has proved an even more adept student for Beijing. In June 2007, for example, the then opposition Labour Party leader Kevin Rudd (now Prime Minister) refused to meet the Dalai Lama when the Tibetan leader visited Canberra. This was read as a positive response to an anticipated protest from China, although Rudd had once criticised Conservative Prime Minister Howard’s refusal to meet this same visitor in 2002.¹² In another example, when Chinese President Hu Jintao delivered an address to Parliament during his visit to Canberra in October 2003, the Australian government managed to mute protests from some Parliamentary opposition party members, in response to direct pressure from the Chinese side. According to news reports, the Chinese President threatened not to deliver his speech unless he was guaranteed a silent reception. When the opposition parties criticised the Howard administration for ‘kowtowing’ to the Chinese Communist dictatorship, the government defended its stance by citing the successful signing of a series of agreements on economic cooperation with China during Hu’s visit.¹³ In the words of an official Chinese newspaper, Hu’s Australian trip ‘nets free trade

framework.¹⁴ Bartered away to this end was concern over human rights in China and even Australian citizens' own right to protest.

It would be naïve to think that China 'bullies' only the West's second-class democratic powers because they have weaker bargaining power in the face of China's rise as a superpower in the world political economy. European nations and the United States of America, as we will see, also increasingly bend to Beijing's political demands in the context of growing economic ties, even when these demands are not consistent with the principles of liberty, democracy, and human rights. In these cases, too, meetings with the Dalai Lama have occasioned disputes between Beijing and the political leaders of these countries, although the scope of China's demands is much wider and more far reaching than this single issue.

The latest development in this regard was between China and France, with relations between the two countries nose-diving after French President Nicolas Sarkozy met with the Tibetan spiritual leader in Warsaw while both were attending a meeting there in December 2008. China's angry response included the unprecedented step of postponing a summit with the European Union in France that had been scheduled for 1 December 2008, and harsh criticism through official, diplomatic, and public opinion channels.¹⁵ More relevant to our examination is China's use of foreign trade to punish France. In January 2009, Chinese Premier Wen Jiabao undertook a European tour to enhance China's economic and trade ties with EU nations as the world faced the global financial crisis. He avoided a visit to France, while travelling through all its major neighbouring countries, which the Chinese media highlighted as a skilful diplomatic humiliation of the arrogant Gaul. The Chinese purchasing delegations immediately followed in the steps of Premier Wen, and they of course also snubbed France.

At a time when Western nations are waiting for a rescue from China in tackling the economic meltdown, the Chinese leadership has raised the bar on political behaviour regarding Tibet for industrial democracies that hope for a share in the economic prosperity and market opportunities China may provide. During the National People's Congress session in March 2009, Chinese Foreign Minister Yang Jiechi explicitly stated that foreign countries needed to regard a ban on visits by the Dalai Lama as 'an obligation under the basic principles of international relations.'¹⁶

It is not this paper's intention to argue that China should not use its economic power for non-economic issues in its foreign relations, or that this is difficult to comprehend in diplomacy. Cross-issue bargaining is of course a common practice in diplomacy. Economic statecraft is rather a common tool in the politics among states, and it is not rare for a state to adopt economic measures for political purposes, including using economic sanctions against the political will of other states. The analysis above merely aims to highlight three points that should not be ignored by any observer of Chinese foreign relations and contemporary world politics.

First, from a historical perspective, it is a new phenomenon for the People's Republic of China to exercise economic muscle in pursuit of political goals. More

specifically, the PRC did export political values and even communist revolution during the Mao era, particularly during the heyday of the Cultural Revolution, but it is still a fresh experience for Beijing to be rich and economically powerful and to manipulate this wealth and power in imposing its will on industrial, democratic, Western powers.

Second, it was the Western democratic states that were once keen to utilise their economic power, including economic sanctions, as a means to exert their political influence over China, particularly during the time immediately following the Tiananmen crackdown. Although some sanction measures remain in place, such as the European embargo on high technology to China, in general Western countries are now prepared to drop human rights issues from their agendas when opportunities emerge for economic cooperation between them and China.¹⁷ With Beijing's growing governmental capacity increasingly used to curb foreign countries' attempts to exercise pressure over China on general human rights issues, the PRC's new economic power is even allowing it to fight back in the political domain. These two observations combine to suggest that the wind of international politics has shifted since 1989 to a direction that gives China an upper hand in using economic power toward political goals and avenging the human rights diplomacy of the Western powers that has offended China since Tiananmen.

The third observation concerns an ironic declaration that Beijing often makes against so-called 'Cold War mentality.' Although not a clearly defined concept even in China's diplomatic language, this obviously refers to an emphasis on the ideational, political, and institutional differences between an authoritarian state such as China and a Western democracy that downplays the importance of economic issues and damages opportunities for economic cooperation between the states. It is ironic because China's diplomatic practice of linking economic issues with political quarrels is never criticised by the international community or individual foreign states for its 'Cold War' imprints. This observation further highlights the imbalance between China's utilisation of its economic power and industrial democracies' reluctance to take account of the regime type of their trading partners. It is ironic because an authoritarian state that exercises economic muscle now wins a moral advantage, while democracies apparently feel ashamed to display any sense of political values apart from the importance of accepting the values of their trading partners.

Business unusual: how commercial opportunities become political liabilities

What has given China this opportunity for 'revenge' and caused such an imbalance in the global political economy? This question will be explored later in this paper. Before turning to it, however, we need to continue our empirical investigation and expand it to the domain where Western business firms are engaged

in making a fortune from the economic rise of China. In this section, we will examine two cases, both of which highlight how business connections with China have turned into effective channels through which enterprises based in Western industrial countries are forced to accept authoritarian values and norms, and through which their access to Chinese commercial opportunities is restructured by the Chinese state into political resources to repress Chinese citizens' freedom or to undermine the universal values of human society. The two cases are Yahoo in the information industry, and Wal-Mart, a global retail chain for low-price goods.

The Yahoo syndrome: information technology as information control

There have been a number of systematic studies of China's control of the Internet,¹⁸ and the international media have reported regularly on China's closing down of websites and imprisonment of dissident Internet activists. Even so, when Chinese journalist Shi Tao was sentenced to a seven-year term of imprisonment, it was still shocking. The case became notorious mainly because of the involvement of Yahoo, an Internet giant based in the United States. It was Yahoo's Hong Kong branch that provided the Chinese authorities with information about Shi Tao's online activities, and disclosed that Shi Tao had used Yahoo's digital facilities to send allegedly classified materials to overseas websites.¹⁹

This was not the only case that Yahoo was involved in, however. According to a survey conducted by the Paris-based NGO Reporters Without Borders, Yahoo's Chinese-language search filters blocked access to pages using words such as 'liberty,' 'human rights,' 'Tibet,' and 'June Fourth' with a degree of frequency even higher than the China-based information technology company Baidu. The search engine first responded with an 'error' message, then delayed access to websites.²⁰ When questioned at a US Congressional hearing, Yahoo's corporate managers argued that they had to respect Chinese laws in their Chinese operations. This may explain their cooperation with the Chinese authorities on the Shi Tao case, but there is no law in China that bans words such as 'freedom' or 'human rights.' Rather, the current PRC Constitution includes clauses stipulating that the Chinese state protects 'freedom' and respects 'human rights.'

As foreign companies face strong competition in entering the huge Chinese market, they feel compelled to accept political conditions, including self-censorship, set by the Chinese government, which is much more powerful than its democratic counterparts in controlling international access to domestic markets. Collaboration with the Chinese authorities is generally acknowledged as a major factor in gaining access to the Chinese market and maintaining a competitive position. In other words, economic cooperation yields political collaboration, but not in the typical scenario that most people expect from such economic cooperation, which has long been defended for its effectiveness in promoting freedoms in

authoritarian countries involved in such cooperation. The reality is quite the opposite: capitalist corporations are employed by the authoritarian state to utilise information technology to exercise information control.

Yahoo is not the only company that has bent to Chinese authoritarianism while harming Chinese freedoms. Many other leading information technology giants, such as Google, are also doing the same thing. For the purposes of this paper, this kind of corporate behaviour also damages the image of Western democracy among Chinese citizens. Chinese residents have all along been told by official propaganda that Western democracy is nothing more than politics manipulated and dominated by capital, particularly by big business. This conclusion has now been borne out by living example as Chinese citizens have learned from the most 'advanced' capitalist firms such as Yahoo that foreign democracies are not immune from power–money collaboration, and that the legitimate rights of ordinary people can fall victim to the commercial operations of major companies. Democracy originating in the West and supporting the moral vantage of industrial powers has come under increasing question in China, and this moral bankruptcy should be blamed for the prevailing suspicion with which Chinese people regard the West.

The Wal-Mart phenomenon: prosperity as peril

The profits of individual companies thus occasion moral and political loss for democracy, as the assumption that political liberalisation and even democratisation follow the economic engagement of an authoritarian country in capitalist globalisation meets the hard reality of actual cases in which business opportunities become political liabilities, not only for foreign private corporations, but also for Western political philosophy. Moreover, this reverse-modernisation-theory phenomenon occurs beyond the sometimes politically sensitive domain of information industries. Manufacturing industries also encounter the same situation in China, although through different means and affecting different social groups of Chinese residents. Information industries typically involve educated people and their free access to information, while the cases of manufacturing industries affect the much larger labouring classes, but in a way that is just as damaging to Western principles and Chinese perceptions of democracy.

Wal-Mart serves as a prime example in this regard. A number of publications have criticised the way that Wal-Mart does business and its negative impacts on American economic and social life,²¹ but the story of its business with China to a great extent still awaits a systematic investigation. Publications that touch on the issues affecting China, a major source of Wal-Mart's imported goods, usually portray China as a country that enjoys huge benefit from its business connection with Wal-Mart. But this is only one side of the whole story. The larger and darker side is one in which millions of Chinese workers suffer.

As in the information industry, such capitalist exploitation does not occur through only one company, nor does it hurt only the Chinese. Starbucks and other major brands that have become indispensable elements of the 'good life' in the global age have built their prosperity on labour conditions under which Chinese workers live as in the primary stage of capital accumulation. To some extent, these conditions serve as a breeding-ground for the rise of Chinese nationalism.

Reversed dependence through market globalisation: a political economy explanation

What has brought about the directional shift in international relations that has enabled China to assert its economic advantage to the detriment of democratic values among industrial powers? Economic factors alone cannot explain this puzzle, as China's rapid rise to economic power has only recently allowed it to overtake the comprehensive national power of most industrial nations, and its advantage is not so large that those industrial powers have no choice but to bend to Beijing's will. Indeed, some weaker economies have not sacrificed their political values in the same way as some of the greater powers. In addition, China itself remains troubled by domestic social and political problems, as demonstrated by the argument of China's fragility.²² Also, multinational corporations are, as often argued, dominant players in the capitalist world economy, while developing countries suffer from their dependence on these corporations, and more generally on the capitalist world system, for promoting domestic development, as suggested by the dependencia school and world system theory.²³ China is still a developing state, despite the sheer size of its economy and its ascendance to economic power. One has to turn to politics to find answers.

There are several possible political explanations, among which political entrepreneurship is a handy choice. Democratic institutions may powerfully constrain political entrepreneurs in policy manoeuvres, including foreign conduct. By contrast, the Chinese leadership has high autonomy in managing foreign affairs as well as domestic policies, and it learned quickly after the 1989 crisis. But this explanation is somehow superficial, because no one can deny that democratic politicians are also able to manipulate policy. Information asymmetry enables politicians to manipulate domestic policy,²⁴ and their capacity to manipulate in foreign policy is even greater. It is arguable that some leaders of industrial powers in the decades following the end of the Cold War have not been particularly astute, but at the same time there is no systematic evidence to support the overestimation of Chinese leaders' IQs and political skills during the same historic period, or the attribution of political and economic accomplishments to the abilities of specific individuals. Furthermore, even if we admit that China has better political entrepreneurship, we still need to go deeper to ask why industrial democracies might be disadvantaged in their choice of capable leaders.

Another possible argument also concerns abilities in foreign conduct, but it does not focus on the individual level. Rather, we may refer to an institutional level at which one can analyse how national goals are achieved through statecraft. ‘*Purposive authoritarianism*,’ coining the notion of ‘*purposive liberalism*’ that was created by William Galston in studying the liberal state, is one approach.²⁵ Juan Linz distinguishes authoritarianism from totalitarianism by highlighting the absence of ideology in the conduct of the former.

This paper, however, proposes a structural and institutional explanation based on a political economy of globalisation. This approach emphasises three aspects of the political economy that has been shaped by post-Cold War market globalisation, which are: 1) the market expansion from advanced industrial nations to the developing world, particularly to countries such as China that previously denied the functions of the market, and the intensification of market competition among industrial powers and among business firms; 2) state power of an authoritarian regime to allow foreign countries and companies access to the domestic market, such as that of China, and the inevitable political consideration behind such admissions; and 3) the increasing influence of business over democratic states, due to prevailing materialism in the West following the decline of the prominence of ideology in the political life of the Cold War era. Together, these three aspects have shaped a political economic relationship between democratic industrial states and effective authoritarian powers that can be termed as ‘*reversed dependence*,’ in which business leaders and democratic politicians of industrial nations depend on the resources they are able to gain or mobilise from their economic engagements in a developing country under effective market authoritarianism, rather than vice versa. This paper intends to argue that it is this reversed dependence that structurally determines the political impotency of industrial states to deal with powerful authoritarian regimes such as China, while enabling the latter to aggressively impose its political values and judgements on the former through their interdependent economic connections.

The global expansion of the capitalist market is often regarded as a victory of freedom and democracy – at least it is thought to go hand in hand with the political arrangements that promote freedom and, eventually, democracy. This assumption, however, underestimates the institutional differences between market capitalism and political democracy; it also ignores the practical disconnect between the two sets of institutions as the market has spread throughout the world in the post-Cold War era while political democracy remains, despite a wave of democratisation in the mid-1990s, confined and constrained by the sovereign state system. In other words, the post-Cold War world has seen market globalisation help capitalism escape from its domestic political democratic ‘*shell*,’ in Bob Jessop’s term.²⁶ In many cases, this globalised capitalism now has to cooperate with political authoritarianism, particularly in authoritarian countries that embrace market capitalism with effective governance. China is, of course, the best example among such

countries. As the world becomes 'flat,'²⁷ political authoritarianism seems to present no obstacle to the worldwide functioning of capitalist markets.

Sovereign states are still strong, however, and state boundaries can still serve as political obstacles if not economic barriers in the age of globalisation. As world capitalism cheers over the warm embrace of market globalisation by authoritarian regimes such as China, political authoritarianism remains on high alert against the various possible threats world capitalism presents to its own territories. Economic security aside, political survival is among the top priorities of such a regime, and their embrace of globalisation is more for the sake of political survival from the proclaimed worldwide victory of democracy than for the sake of globalisation itself. Moreover, political authoritarianism, if effective, has better control of its boundaries than has democracy. This makes an authoritarian regime a much more effective 'gatekeeper' of the country under its rule, not in the classic sense of state-market relations but in the sense of market admission. In other words, the sovereign state system enables a state to 'gate-keep' its domestic market even with market globalisation, and the effective authoritarian state is much better able to do so than either democratic states or dysfunctional authoritarian states. China doubtlessly is among the best-functioning authoritarian states; in Huntington's term proposed many years ago, it 'governs.' That simply means that the Chinese state is able to allow or block international capital's path in and out of China, and that it may filter economic globalising activities with its political intentions. The monopoly of political power, therefore, becomes an advantage for China in dealing with other nations, even though it distorts economic globalisation.

This advantage is reinforced by intensive competition among industrial nations to gain access to the Chinese market, and that among multinational corporations to make a fortune through Chinese economic opportunities. Domestic institutional constraints and international strategic issues put industrialised democracies at a disadvantage in dealing with this dictator's developmental diplomacy. First of all, democracies operate in an environment of mature civil society, and political authority is accountable to society rather than vice versa. Second, democracy means diversity, pluralism, and competition. The national and local governments of a democratic nation are not able to force capitalist corporations to withdraw from competition for market opportunities even when there is direct and immediate political threat to national security, and democratic nations are likely to be competing for business opportunities as they emerge in China. Third, pressure on democratic governments concerning economic issues such as growth, employment, welfare, and international competitiveness has increased in the post-Cold War era, and Western societies are inclined to be increasingly economic as major ideological and political cleavages become less apparent in today's world. Fourth, coordinated effort among democracies was undermined by the unilateralism practised by the George W. Bush administration in the United States, the single superpower in today's world and also the leader of world democracies.²⁸

Conclusions

This paper has in the previous sections attempted two things: first, it has investigated a new phenomenon in China's relations with Western industrial democracies that has recently emerged along with the rise of China as a world economic power, which concerns Beijing's intentional manipulation of economic power for political purposes. In particular, this mobilisation of economic power often aims to undermine the political autonomy of the foreign and political conduct of these democratic states, and interferes with the policies and practices of these nations regarding civic liberties such as religious freedom. China's political influence, based on its growing status in the world economy, is also reflected in its ability to bend foreign business, including powerful multinational corporations, to Beijing's authoritarian and even repressive political behaviour, forcing profit-seeking companies to collaborate with the Chinese regime to curb human rights within China and damage the image of democracy in general in exchange for business opportunities in the Chinese market. As China becomes more deeply involved in globalisation, it has more aggressively exported its authoritarian political values, norms, and behaviours, and it has gained more capabilities to do so through its extensive trade, investment, and other economic connections with industrial democracies and Western business firms.

This is a new phenomenon in that it was Western democracies that previously utilised their trade and economic power to push China into improving domestic human rights records, particularly in the years immediately after the Tiananmen tragedy of 1989.²⁹ China's economic rise has allowed it to take revenge by reversing the connection between economic interest and political values, and that between China and the West, in a direction favouring the political values, norms, and behaviours that Beijing prefers. To a great extent, this provides new evidence of the failure of Western democratic human rights diplomacy before China's international statecraft of economy against politics.

Basically, the Chinese authoritarian regime is cultivating three advantages rooted in China's economic power: 1) the attractiveness of the huge Chinese market for trade, investment, and other money-making opportunities, including access to Chinese consumers as incomes have risen among the elite social classes; 2) China's general rise in diplomatic status due to the growth of its national economy; and 3) China's increasing influence over multinational corporations as they compete to retain or gain access to the Chinese market. The individual companies and countries that embrace the Chinese market are regarded by Beijing as opportunists who are likely to trade their respect for freedom for profits. All these aspects of China's economic rise have unarguably had a positive impact on China's legitimate national interests, the regional stability of Asia, and global economic prosperity. They have also, however, produced a negative aftermath in terms of authoritarian manipulation of these dimensions on civil rights at home and abroad.

The second task of this paper has been to raise theoretical challenges to our comprehension of international political economy. Contrary to the widespread assumption that involvement in economic globalisation brings political liberalisation to authoritarian states, highlighted cases suggest that the marketplace has become a battlefield of contending political values on which authoritarianism fights aggressively and confidently, while democracy is inclined to surrender. The expectation that political democracy will follow economic marketisation has clearly lost its appeal to many democratic politicians and Western capitalists, as industrial states and multinational corporations have demonstrated a willingness to risk political peril for the sake of sharing in China's economic prosperity, even as China's economic ascendance casts a growing shadow over liberty and democracy both at home and abroad.

This paper has proposed a structural and institutional model to account for this reversal of the power balance in China's relations with the industrial world. It argues that mono-dimensional globalisation, namely, economic globalisation through the spreading world market, has reshaped the political economy of international relations, and that this new political economy is characterised by a dependence of international capital on states that effectively govern developing countries. This reversed dependence, as opposed to the Third World's dependence on international capital for promoting development observed by the dependencia school in the 1970s, provides authoritarian China with powerful leverage in utilising its economic power for political purposes. As market globalisation spreads without corresponding political arrangements, the ironic logic is that the more deeply China is involved in globalisation, the more powerful its authoritarianism becomes in spite of tactic adjustments to embrace market globalisation. Economic relations with China have thus become a political liability for industrialised nations, as the Chinese authoritarian regime intentionally takes advantage of these connections to undermine the commitment of these nations to freedom, democracy, and human rights.

Two conclusions can thus be drawn from these observations. First, the political influence of China's enormous economic growth is casting a political shadow over foreign democracies through China's active and effective foreign relations conduct. From the economic perspective, the world has cause to celebrate a prosperous China, but the political ramifications are often negative in terms of freedom and democracy. The growth of China's economic power, therefore, is not only a matter of increased repression over Chinese citizens, but is also a major setback for democracy on the global scale. Second, this is determined structurally by the political economy of post-Cold War market globalisation, in which industrial democracies have fallen into an institutional dependence on effective authoritarianism as exemplified by China. Market globalisation does not, therefore, represent a victory for freedom and democracy in a participating authoritarian state. Rather, it casts the shadow of political authoritarianism back onto the states where

globalisation originated, and undermines the values, quality, and image of their democracy.

Notes

- 1 An earlier version of this article was previously published in *Perspectives Chinoises/China Perspectives*, No. 2, 2009. Reprinted with permission of the journal.
- 2 For the collapse of communism in Eastern Europe and the Soviet Union, see, for instance, Elie Abel, *The Shattered Block: Behind the Upheaval in Eastern Europe*, Boston, MA: Houghton Mifflin, 1990, and Nancy Bermeo (Ed.), *Liberalization and Democratization: Change in the Soviet Union and Eastern Europe*, Baltimore, MD: Johns Hopkins University Press, 1992. For the 'end-of-history' proposition, see Francis Fukuyama, 'The End of History?' *The National Interest*, no. 16, summer 1989, pp. 3–18.
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- 4 For such transformation as exemplified by Sino–American relations, see, for example, Robert L. Suettinger, *Beyond Tiananmen: The Politics of U.S.–China Relations, 1989–2000*, Washington, DC: Brookings Institution Press, 2003.
- 5 Numerous publications belong to these studies on 'the rise of China.' See, for example, Michael E. Brown, Owen R. Cote, Jr., Sean M. Lynn-Jose, and Steven E. Miller (Eds), *The Rise of China*, Cambridge, MA: MIT Press, 2000; Robert G. Sutter, *China's Rise in Asia: Problems and Perils*, Lanham, MD: Rowman and Littlefield, 2005; and David Shambaugh (Ed.), *Power Shift: China and Asia's New Dynamics*, Berkeley, CA: University of California Press, 2005.
- 6 Government of Canada, Foreign Affairs and International Trade Canada, 'Canada–China Economic Relations, 2007,' www.dfait-maeci.gc.ca/commerce/china/econ-relations-en.asp, accessed 16 February 2009.
- 7 Canada, like other leading industrial nations, actually has a large trade imbalance with China, as indicated in statistics showing that Chinese exports to Canada were valued at \$34.5 billion in 2006, but Canadian exports to China were just \$7.7 billion in the same year. Charles Burton, 'A Reassessment of Canada's Interests in China and Options for Renewal of Canada's China's Policy,' Canadian International Council, February 2009.
- 8 Canadian Press, 10 April 2004.
- 9 <http://911.twforum.com/forums/archive/index.php?t-9375.html>, accessed 16 February 2009.
- 10 For the proposed legislation, see, for example, Robert Henderson, 'Canada Weighs Taiwan Affairs Act,' <http://taiwanjournal.nat.gov.tw/ct.asp?xItem=21605&CtNode=122>, published 21 October 2005 (accessed 15 April 2009).
- 11 www.thestar.com/article/271561, accessed 16 February 2009.
- 12 Sarah Smiles, 'Rudd's Dalai Lama Drama,' www.theage.com.au/news/national/rudds-dalai-lama-drama/2007/05/16/1178995236229.html, posted 17 May 2007 (accessed 17 February 2007).
- 13 *The Australian*, 25 October 2003.
- 14 *China Daily*, 25 October 2003.
- 15 AFP news report, www.france24.com/en/20090313-beijing-urges-france-clarify-tibet-stance-wen-jiabao-dalai-lama (accessed 20 March 2009). The meeting was announced in advance, and China reacted before the meeting actually took place.
- 16 Xinhua News Agency report, http://news.xinhuanet.com/english/2009-03/07/content_10961657.htm (accessed 8 March 2009).
- 17 A recent example was U.S. Secretary of State Hillary Rodham Clinton's visit to Beijing in February 2009. For news reports and journalist comments on this trip, and its compromises over human rights issues for economic cooperation, see, for example, James Reynolds, 'Hillary

- Clinton's Visit to Beijing,' www.bbc.co.uk/blogs/thereporters/jamesreynolds/2009/02/hillary_clintons_visit_to_beij.html, posted 19 February 2009 (accessed 25 February 2009); Jane Macartney, 'Compliments, Not Controversy, Mark Hillary Clinton's Beijing Visit,' www.timeonline.co.uk/tol/news/world/us_and_americas/article5786644.ece, posted 23 February 2009 (accessed 25 February 2009); John Kusumi, 'Hillary Clinton Visits Her Communist Masters in Beijing,' www.opednews.com/articles/Hillary-Clinton-Visits-Her-by-John-Kusumi-090221626.html, posted 21 February 2009 (accessed 15 April 2009).
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- 20 Voice of America news broadcast, 17 June 2006.
- 21 See, for example, Anthony Bianco, *Wal-Mart: The Bully of Bentonville: How the High Cost of Everyday Low Prices Is Hurting America*, New York: Doubleday, 2007; Bill Quinn, *How Wal-Mart Is Destroying America (and the World)*, Berkeley, CA: Ten Speed Press, 2005, 3rd edn; and Greg Spotts, *Wal-Mart: The High Cost of Low Price*, New York: Disinformation, 2005.
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