

# CUTTING THE DEVIL'S TAIL: ON DU DAOBIN'S LITERARY INQUISITION

BY ZHENG YICHUN

Du Daobin's suspended sentence serves as an open threat that intimidates not only Du Daobin, but all others who fight for free expression in China.

The Hubei-based Internet essayist, Du Daobin, was sentenced to three years in prison suspended for four years, with two years' subsequent deprivation of political rights, on charges of "incitement to subvert state power" because of his Internet writings. After his sentencing, Du Daobin was allowed to return home and reunite with his family. Some people saw this as an encouraging sign that the Party has made genuine progress with respect to human rights. Others, however, saw it as a means for the Party to implement a policy of control through conciliation that will allow it to persist in even more sophisticated methods of persecution. Even more people saw it as the Party's unwilling capitulation to deafening protests both domestically and abroad. As this writer sees it, Du Daobin's "literary inquisition" allows the Party to leave a devil's tail that can whip up trouble at any time for Du Daobin and all of China's other Internet essayists.

Du Daobin's persecution is extremely serious and shameless, but the reverberations of the terror and inexpressible psychological trauma it has caused to China's Internet writers, including this author, are profound and even more difficult to estimate. It's hard to imagine a more disastrous outcome. Once Du Daobin's four-year probation is completed, he still has two more years during which he will be stripped of his political rights as a citizen. During these six long years, Du Daobin will not be able to enjoy the rights of citizenship to which he is entitled, nor will he be able to enjoy the right to express himself on the Internet that he once enjoyed. Du Daobin can only enjoy what the Party permits him—the right to exist, the right to breathe, the basic rights afforded a pig. Du Daobin can only survive as a purely biological creature, not as a social creature and not as the creator of and participant in an intellectual civilization. The totalitarian and autocratic law of the *Weiguangzheng*<sup>1</sup> government demands that Du Daobin must sublimate his conscience and abandon all hope of justice. This is precisely the devil's tail that the Party has left us with through Du Daobin's trial!

For any advocate of free speech such as Du Daobin, this "literary inquisition" by "Socialism with Chinese Characteristics" remains a Sword of Damocles that can fall on any of us anywhere and at anytime. It is first and foremost an extermination order delivered by the Chinese Communist Party against the free thought and free expression of the Chinese people, and a merciless and despicable declaration of war by the Communist Fascist tyranny against the historical course of China's modernization!

## **Du Daobin's literary inquisition**

Du Daobin is a well-known Internet essayist. He has frankly and bluntly criticized current failings, bitterly denouncing dictatorship, opposing corruption, advocating democracy and pursuing freedom. However, the totalitarian autocracy of the Chinese Communist Party considers Du Daobin's free thinking and freedom of speech intolerable. Toward the end of October 2003, the local Public Security Bureau of Xiaogan, Hubei Province arrested and imprisoned Du Daobin. Xiaogan's Party Procuratorate maintained that twenty-six essays written by Du Daobin "by slanderous means openly incited subversion of state power." Can it be that simply publishing independent views on certain topics can expose one to a literary inquisition by the *Weiguangzheng*?

Du Daobin's literary inquisition is part of the barbarism, shamelessness and tyranny that characterize Socialism. Literary inquisition should have been completely obliterated early on, and indeed should never have occurred in the first place; likewise, this kind of unjust case should never have taken place. Here this writer is compelled to ask once more: Why must such injustices occur again and again? We must reflect deeply on this question and devote earnest effort to its solution.

## **The spiritual legacy of the Qin Dynasty**

The Chinese Communist court has pronounced Du Daobin's 26 essays, including the one entitled, "On the Legitimacy of Subverting the Government," in violation of Article 105 of the Criminal Code, the crime of "Incitement to Subvert State Power." After Du Daobin's wrongful conviction, China's intellectuals, headed by Liu Xiaobo, immediately submitted an open letter to the Supreme Peoples' Court requesting a judicial review of Article 105. However, up until now the Communist

Party's Supreme Court has turned a deaf ear to them and has not even bothered to reply. The Criminal Code's current crimes of "Subversion of State Power" and "Incitement to Subvert State Power" evolved from the earlier crimes of "Counterrevolutionary Offenses" and "Counterrevolutionary Propaganda." How many unjust, false and wrongful convictions have arisen in the history of the Chinese Communist Party on the basis of "Counterrevolutionary Offenses" and "Counterrevolutionary Propaganda"? If the rulers were unhappy, they could say you were a counterrevolutionary, and then persecute you or even kill you, while whatever the rulers considered beneficial to their rule was labeled "revolutionary." For a long time in recent history, "revolution" and "counterrevolution" served as magic words in the mouths of the feudal leaders of Socialism as a means of maintaining their power, preserving the party, attacking dissenting views and by all available means exploiting the people through intimidation and a complete disregard for human life. These words served as the basic method of the Party and its leaders to flagrantly suppress human rights and to use rule by man to suppress rule of law.

The new crimes "Subversion of State Power" and "Incitement to Subvert State Power" retain the essence of the former crimes of counterrevolution. The slight differences in form can in no way conceal the essential similarity of their savagery and evil.

More than two thousand years ago, when the Qin Dynasty first established the "People's Republic of China," the Qin Emperor used the pretext of "plotting treason" to bury alive some 460 Confucian scholars in Xianyang. The so-called offense of "plotting treason" translated into modern words is the crime of "Subversion of State Power" and "Incitement to Subvert State Power."

In establishing their socialist dynasty, Mao Zedong and the Communist Party under his leadership carried on in the tradition of the Qin Dynasty; using the precedent of "plotting treason," Mao's government designated as "counterrevolution" any act against the Party, Socialism or the great leaders, thereby justifying indiscriminate slaughter of the innocent and persecution of the elite, and resulting in the deaths of Lin Zhao, Zhang Zhixin, Yu Luo, Wang Shenyou<sup>2</sup> and tens of thousands of other intellectuals, both inside and outside the system, who dared speak the truth. In this sense, Mao Zedong's comparison of himself to the Qin Emperor has its brazen hooligan logic.<sup>3</sup> In terms of cruelty, tyranny and senselessness, Mao Zedong was indeed the Qin Emperor's spiritual heir in the Communist Empire. And particularly with respect to silencing any expression of political opinion by the Chinese people, the Red Dynasty of the Chinese Communist Party and the Qin Dynasty two thousand years before are two pups from the same wolf's den. No wonder Mao Zedong modeled his *Weiquangzheng* system of rule on the Qin Dynasty!

#### Article 105 is a fascist law

The Fascism that thrived in Italy and Germany during the 1920s and 1930s was similar to the Chinese Communist Party in its emphasis on the national interest above all, establishing the Party to serve the public, exercising power to serve the

people, wholeheartedly serving the people and so on. In the movement of idolatry and leader worship that swept the nation, the fundamentally different interests of the Party and the people became indistinguishable and merged into a muddled paste. The Nazis and Fascists and their officials were like CCP officials in their incessant chatter about the non-existent interests of the nation and people. What's worth noting is that regardless of who was worse, they had one trait in common: under no circumstances could anyone have their own independent ideas, enjoy independent expression or have their own independent actions. All of society, the entire nation, the whole country had to march in step with the Party. This is what is meant by the slogan, "Always do what the Party says; be the revolutionary screw that never rusts." It is also perhaps what Liu Shaoqi advocated in his essay "On the Cultivation of Communist Party Members" when he wrote, "Willingly become the Party's pliant tool." Anyone who lacks the necessary daring or will faces inevitable disaster; anyone who utters so much as a grunt of disapproval at the weighty edicts of the great leaders of Fascism and Socialism subjects himself to a lifetime steeped in the toxic effluvia of violence; if anyone offers any criticism, suggestion or opinion regarding the ruthlessly tyrannical fascist or socialist state power, that person will be regarded as harboring hostile intent; if one goes even further and openly admits to opinions and standpoints different from the government's, and openly points out the truth of the government's lack of legitimacy, that is tantamount to dumping dirt on the emperor's head. Just as the Fascist and Nazi empires could tolerate no challenge, the Socialist empire under the valiant *Weiquangzheng* leadership and the dog shit-eating Red Dynasty will shamelessly persist in its barbaric struggle against human civilization until its cruel butchery produces a mountain of corpses, all for the sake of ensuring the endurance of Socialism.

Article 105 of the Criminal Code is the sharp weapon employed by the Chinese Communist fascist government to kill the personal liberation of the Chinese people; it is the heavy lock that the Red Dynasty uses to limit the Chinese people's freedom of thought, freedom of speech and freedom of movement. Article 105 is an enormous stumbling block, a tiger blocking the Chinese people's road to progress. If the tiger is not eliminated, how can the wheel of history rotate forward? If the stumbling block is not removed, how can mainland China move forward?

#### Violating evil laws in defense of human rights

The Chinese Communist court passed judgment on Du Daobin based on 26 essays that he wrote. The topic of one of those essays was, "On the Legitimacy of Subverting the Government." What Du Daobin wrote was nothing more than basic political knowledge; it was irrefutable, it contained no errors and it was certainly not illegal. That is to say, regardless of the label placed on a government, regardless of its nature or form, subversion [or overthrow] is allowable and necessary, and a lack of subversion is undesirable. Just as there is no such thing as a perpetual motion machine, so it is impossible that any government will last forever. In prosperous capitalist industri-

alized countries such as the United States, England, France and Canada, the government is usually subverted [or overturned] every four or five years by the legal means of a general election. As long as it is peaceful, in accordance with human rights and the public, and carried out according to proper procedures, then subversion of a government should be considered legitimate and lawful. Du Daobin's "subversive" writings violated the evil law of the Chinese Communist dictatorship, but they powerfully expressed true and independent thought and a deeply meaningful social mentality. The evil laws of the Chinese Communist government are not in accordance with public sentiment, but only with the needs of the Party and its officials to protect the socialist imperial dictatorship. Article 105 and all other evil and outdated laws of the Red Dynasty that eliminate freedoms, slaughter democracy and destroy human rights are truly unlawful and should be abolished.

### **Assigning accountability for wrongful conviction**

Who exactly is the instigator and executor of the wrongful literary inquisition of Du Daobin? Anyone who endangers the freedom of others should have his own freedom restricted; anyone who acts to the detriment of the human rights of others should be similarly stripped of his own human rights; anyone who brings disaster on the heads of independent thinkers and writers should be severely punished without further discussion. It is necessary at this point to determine who should be penalized for creating the wrongful case against Du Daobin. If it is the Xiaogan municipal authorities who made the decision to detain Du Daobin, then the head of the municipal authorities should offer his resignation; if the responsibility lies not with the municipal authorities but with Hubei Province, then the provincial governor and provincial Party secretary should immediately apologize to Du Daobin and resign; if the responsibility does not lie with the Hubei provincial authorities, then accountability should be laid at the feet of the emperor of the Red Dynasty, Jiang Zemin, and the Shanghai clique that he leads; in that case, the power-hungry Central Military Commission Chairman Jiang Zemin and the various major and minor lackeys of his kleptocratic Shanghai clique should immediately step down from the political stage.

Regardless of who is found to be responsible, no matter how high of a position he holds and in what department, the heinous perpetrator of this literary inquisition must be relentlessly investigated and dismissed without mercy. If the local government is responsible, it should initiate a thorough investigation and implement reforms within a stated period; if the blame is laid at the socialist throne of the central government, the Communist Party and its officials should immediately express appropriate repentance to the people of China and the whole world; whether verbally or in writing, it is essential for the Party to decisively and thoroughly express its resolve to completely cut itself off from the evil of the wrongful case it perpetrated, and to vow never more to carry out this kind of heaven-offending socialist literary inquisition. At this juncture, the government must then resolutely ban Article 105, the law that serves as the basis of so many false cases, and all other evil Communist laws that work against humanity, civilization and modernization.

### **All of Du Daobin's rights must be restored**

Since Du Daobin was unlawfully sentenced, he has been unable to apply his thinking to the betterment of the country and the people, and his ability to write freely has been abruptly and forcibly terminated. During his long eight months in detention, and in the coming four years of parole, the devil's tail is bound to cause Du Daobin and his family inexpressible anguish, as well as inestimable financial loss. It must be recognized that Du Daobin's unjust trial is only a miniature image of the social injustice that afflicts all of China. That is to say, when justice is suppressed, evil swaggers its way along unimpeded. In order to restore all of Du Daobin's rights, it is necessary to restore Du Daobin's freedom to express himself as an Internet essayist, which means eliminating the four-year parole and subsequent two years' deprivation of political rights. This restoration of justice for Du Daobin will lead mainland China out of the evils of Communism and toward a politically civilized paradise of universal justice. A new era of free thought and free expression can and must arise after the elimination of literary inquisition.

The state should make appropriate financial restitution to Du Daobin if his wrongful case is to achieve genuine and thorough resolution. Du Daobin's long detention caused extreme financial hardship for both him and his family. For that reason, compensation by the State in accordance with the relevant provisions of the "State Compensation Law" constitutes an absolutely essential act of benevolence.

Only after all of the above measures have been carried out can Du Daobin's wrongful case be brought to a complete close. Only then can the dictatorship's literary inquisition be eliminated; only then can China's Internet essayists live in freedom and fully apply the full potential of their creativity and imagination to contribute ideas to the vast project of China's comprehensive modernization. When that happens, the great undertaking of China's political civilization can finally be realized!

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### **TRANSLATOR'S NOTES**

1. *Weiguangzheng* is an abbreviation of the appellation *weida guangrong zhengque*, "great, glorious and right," that the Chinese Communist Party adopted early on. Many dissident writers have in recent years begun to apply this phrase satirically to the current Chinese leadership in their essays.
2. Lin Zhao, Zhang Zhixin, Yu Luo and Wang Shenyou were all dissidents who lost their lives during the Anti-Rightist Movement or Cultural Revolution.
3. In a notorious essay written in 1969, Mao bragged that during the Anti-Rightist Movement he had outdone by "more than a hundredfold" the Emperor Qin Shihuang in his murder of Confucian scholars and burning of books. "I think he killed too few Confucian scholars," Mao wrote. "Those Confucian scholars were genuine counterrevolutionaries."