

TOUGH TIMES FOR CHINA'S INTERNET HUMAN RIGHTS ACTIVISTS

BY XU JIANXIN

Activists who take advantage of the Internet's potential are increasingly finding themselves exposed to official persecution and the law of diminished returns.

There is a historical reason for the distressing state of human rights in China: mainland government officials are highly adept at causing legal harm and deprivation, such as the casual levying of taxes. Whether ideologically or practically, Chinese law does not function to limit officials' power, but rather is formulated according to the views of those in power. The prevalence of official corruption and the excessive number of officials has created a situation in which Chinese officials have both a great need to levy oppressive taxes and great power to do so, resulting in an appalling human rights situation for the average Chinese citizen.

Chinese intellectuals are taking action. In 2003 and 2004, some intellectuals, including some cyber-intellectuals, began working to safeguard human rights.

The difficulties of cyber-activism in China

The examples of the Sun Zhigang case of 2003 and the wrongful prosecutions at the *Southern Metropolis Daily* (Nanfang Dushi Bao) in 2004¹ demonstrate that the price of successful Internet activism in support of human rights in mainland China is high. The process goes roughly as follows:

The Internet is an anonymous place; the credibility of posters and the flow and verification of information, as well as the attention garnered, are a few of the major issues. It must be possible to disseminate accurate information and for others to verify it. Incidents that anger and upset a lot of people usually attract the attention of individuals in China and Chinese-language media overseas. However, attention by overseas Chinese-language media alone is not usually sufficient; with the Chinese Communist Party using nationalism as its magic weapon, the overseas Chinese-language media cannot be relied on to bring much pressure to bear on the Party. Individuals inside China lack the resources to disseminate unlimited amounts of information, and cannot raise sufficient attention and support. These two factors are closely related.

There is a need for intellectuals who draft articles containing reasoned, sharp, but pertinent analysis and assessment, and who can put forward a better solution, raise concern and promote further comment and action. It is often necessary for someone to come out personally to sponsor a petition, in order to attract greater attention and to indicate the strength of the support. When a group of well-known persons of high repute circulate a petition, it shows the scope of the concern and often reduces the risk for China's tightly controlled print media, some of which will get involved for reasons such as prestige, cachet, profit and so on—a case of the Internet leading the media. At the same time, the involvement of journalists further strengthens the spread and flow of information, and the interaction between the two increases the influence of cyber-intellectuals. In this way, the support of other important social forces may be gained. The success of online activism for human rights may require further effort in gaining even wider support.

For this reason, in addition to my own research, I have focused my attention on protecting the rights of intellectuals (including myself) to freedom of expression (in speech and in publication), and to a fair judiciary. In 2003, when I launched a petition in the case of Huang Jing,² it was partly due to the fact that Internet posts on the case had been deleted. My thinking was explained in my article "Freedom of publication and speech are the two eyes of the Chinese people," in which I stated, "Bringing information into the open to be shared, discussed, debated and analyzed is one of the most important conditions to guarantee fairness and efficiency in a nation. Freedom of publication and speech are rights that offer the highest return for the lowest cost. Like the rights to life and security, these are human rights to be safeguarded to the utmost extent. When people possess the right to free publication and free speech, they are in a better position to protect other rights, benefiting both nation and people. Added to this is the fact that articles in the print media are mono-directional, with readers as their passive receptors, while articles and statements on the Internet, especially those in online forums, are bi-directional; they lend themselves to mutual debate and analysis and make it more difficult to fool people or create bad results. Thus, freedom of speech on the Internet is the bottom line and cannot be conceded."

Freedom of expression and fairness in the courts make it

possible for more intellectuals to follow their own interests and use their own intellect and wisdom to safeguard human rights.

As one who has been part of every instance of Internet-based activism in China on behalf of human rights since 2002, and who played a primary role in the Huang Jing case, the second biggest Internet case of 2003, my judgment is that Internet-based activism for the protection of human rights in China is in a terrible state. This is because the Chinese Communist Party has used illegal tactics to shrink the space for freedom of speech online, and because of the difficulties involved in collective action.

Cyber-space for freedom of expression in online forums was continually reduced throughout 2004. During the summer of 2004, online policing organizations carried out so-called anti-pornography raids aimed at the few remaining forums where relatively free speech prevailed. Discovery of a violation in a message was enough for police to detain staff, seize the service provider's server and even impose fines. The illegal actors (the police) gained illegal benefits, shut down some chat forums and forced further reduction of space for expression in some longstanding and well-known chat rooms, leaving them fearful of further involvement. Desertification struck mainland Internet chat rooms across the board, and standards dropped sharply.

The Communist Party seems to have taken note of the problem, and since September 2004 we have heard of no more such incidents. But the arrest of the reporter Zhao Yan and the writer Shi Tao; the interrogation of Liu Xiaobo, Zhang Zuhua and Yu Jie; the issuing of a subpoena to Gu Zexu and the arrest of Li Boguang and Yang Tianshui have plunged the whole Chinese Internet into a deep freeze. Information on the Web suggests that one of the goals is to sever links between foreign media and mainland Internet figures, but the result has been just the opposite: the sharp decline in the standard of mainland Internet chat rooms has caused people to detest the policies that keep them in ignorance; and as the space for freedom of speech on the Internet continues to shrink and raises increasing concern over the fates of the individuals involved, articles of a high standard by mainland authors are increasingly being published in the overseas media, with the result that the reputations of Chinese Internet figures are climbing. The flow of information online has come to rely increasingly on overseas media, while the Communist Party, which in its claims of rule by law has grown fat on eating its own words, has further invited the dissatisfaction and anger of individuals in China.

At present, Internet activism on behalf of human rights faces a number of difficulties. It is very hard for people who post information in Internet chat rooms in China to establish or raise their credibility, and extremely difficult to verify information. It is nearly impossible for those with established credibility to launch petitions that attract attention from individuals in China. This has made a mockery of the effort to have human rights protections written into the Chinese Constitution.

It is still unclear why the Communist Party takes actions that are not in the least necessary, and that serve only to increase an atmosphere of tension. Hu Jintao, following Jiang

Zemin as General Secretary, has managed not to take the same disastrous path as Hu Yaobang and Zhao Ziyang because there is a very strong consensus of hope within the Chinese Communist Party that the transition for the highest authority in the Party and government can be stable and regularized. It is also linked to the fact that too many people were disappointed, even to the point of despair, in Jiang Zemin and his skill in self-preservation. Hu Jintao has no historical debts and should have no need to do the kinds of things under discussion, which have served only to alienate the free intellectuals who supported Hu as an alternative to Jiang Zemin, and have revealed his inability to raise adequate credibility and confidence among these intellectuals.

Collective action: problems and solutions

Mancur Olson's research shows that collective actions benefiting an entire group are not easy to produce. Because of the "free ride" phenomenon, rational, self-interested individual actors will generally not strive for the collective interest. Another difficulty of Internet activism on behalf of human rights is, of course, the communal nature of the results of collective action on behalf of human rights and access to a fair trial. For those who are involved, especially the leaders, the costs are high in terms of time, money and energy, as well as in the risk of persecution, and there is also an opportunity cost. These leaders are usually well-educated and respected, and it is actually more worthwhile for them as individuals and for society if they spend their time in academic research. But everyone in society, or at least those members of similar groups, benefits equally from the collective action. The protection of an impartial judiciary is the same for all, and the right to freedom of expression is the same for all, including those who have shouldered no part of the cost of the collective action.

How can the difficulties of collective action for human rights be overcome? Mancur Olson believes there are two specific conditions that facilitate collective action. The first is when returns for members of the collective are "asymmetrical"; that is, when the gains to some members of the collective action are much greater than those for others, leading them to play a much more active role. It is very clear that this is impossible in China. Basically it is only foreign media that are able to offer compensatory returns, and this is usually nothing more than payment for manuscripts. But in general, apart for remuneration of this sort, support from overseas media provides little more than an easy excuse for the Party to persecute leaders of human rights activism.

The second condition is the existence of "selective incentives," which can be further divided into positive incentives and inverse incentives. Positive incentives provide surplus rewards; on the Internet this consists of prestige, fame and influence. In my opinion, incentives for publishing articles online or initiating signature campaigns could be improved. On the Internet, credibility is the biggest issue, and given that articles and petitions published on the Web do not generally have a word limit, I think that, if at all possible, representative writings and work affiliation should be provided for initiators and signers of petitions. This would ensure the credibility and

upgrade the reputation and influence of both initiators and signatories, as well as their writings. Furthermore, people of great standing and high renown should sacrifice some of their time to give objective and fair critiques to assist those who follow. Finally, foreign academic bodies and the like have the capacity to assist through scholarly inquiries and research, but their attention is reserved for famous persons and people within the system or in the opposition; those working quietly and conscientiously should harbor no expectations.

Inverse incentives are measures for penalizing free-riders, most commonly by barring them from enjoying the fruits of the collective action. Human rights activism by independent intellectuals on the Internet strives to uphold the rights of persons like themselves, but certainly does not deny a “free ride” to others. But it is a fact that independent intellectuals involved in online collective actions for human rights have not come out on behalf of the rights of the organized democracy movement or Falun Gong practitioners. This is a troubling point, and there are a number of reasons for it. Take me, for example. Recently I have concerned myself mostly with freedom of expression for intellectuals—freedom of speech, freedom to publish and the related issue of judicial fairness. Equal rights and access to a fair trial should apply equally to ordinary people, and I’m afraid someone like me could be criticized for only being concerned about the rights of intellectuals and being indifferent to those of ordinary people, especially politically sensitive persons. But I have only so much time, energy and strength, and I have to use it where it is most effective for the people and the country, so I do what I can to create a good environment for freedom of expression.

There are times when independent intellectuals have no choice but to stand together. Independent intellectuals and those in the democracy movement share the goal of a free and democratic China. The main difference between them is one of organization. There are only a few mainland intellectuals, such as Yu Jie, Ren Bumei and Guo Guoting, who have made statements opposing the illegal persecution of Falun Gong practitioners. Only after Jiang Zemin’s retirement did we finally see the likes of Gao Zhisheng and Li Jian³ making such appeals. The reason, of course, is that although freedom of association is written in the Chinese Constitution, everyone knows that in a place as big as China it is common for Communist Party departments and local branches that enforce the law to break it. The Party still suffers from paranoia against any kind of organization, and if something as important to the country and the people as freedom of speech brings the risk of imprisonment, it goes without saying that this is even more the case for freedom of association and the freedom to form political parties. There are very few independent intellectuals, and their strength is limited. It may be possible to rescue one or two people who have been punished for speaking out, but it is impossible to conceive of saving a substantial number.

Zhao Yan, Li Boguang and Yu Meisun worked within the scope of the law, making clever use of regulations and legal byways to help peasants protect their lands and other property rights. They are another important segment of independent intellectuals working on behalf of human rights. By abandon-

ing their scholarly isolation, and joining the power of their reason and knowledge to the peasants’ power, they have greatly benefited our country and our people. Those who go through legal avenues to protect human rights are never enemies of the government, but rather benefit the government, but the arrests of Zhao Yan⁴ and Li Boguang reveal that even this avenue, whereby intellectuals act in an orderly, reasonable and law-abiding manner in their efforts to protect human rights, is a precarious and dangerous one.

In sum, Internet activism on behalf of human rights in China is under pressure from all sides, with the difficulties inherent in collective action serving to exacerbate the predicament. The only thing that can be said with any confidence is that mainland intellectuals will continue their work to safeguard human rights, and that overseas media, including the democracy movement overseas, will have an increasing influence on public figures on the mainland.

Translation anonymous

The original Chinese article is linked to this translation on HRIC’s Web site.

EDITOR’S NOTES:

1. Sun Zhigang was a young professional who died after brutal treatment in custody at a Custody & Repatriation Camp in Guangzhou in March 2003. The public storm raised by his death, largely over the Internet, eventually led to an official announcement that the C&R system would be dismantled. The Sun Zhigang case came to light through a story in the Guangzhou-based *Southern Metropolis Daily*. Two of the newspaper’s editors, Yu Huafeng and Li Minying, were imprisoned on corruption charges in March 2004, while a third, Cheng Yizhong, was also arrested but eventually released in August 2004.
2. Huang Jing was a 21-year-old primary school teacher in Hunan Province whose bruised and naked body was found in her dormitory in February 2003. Her boyfriend, Jiang Junwu, an official with the local taxation administration, admitted to attempting to have sex with Huang, but denied raping or murdering her. Huang’s parents, citing abnormalities in respect of evidence, brought the case to the attention of the media, raising public controversy over suggestions that police might have protected the official. Jiang was finally brought to trial in December 2004.
3. Gao Zhisheng, or Gao Zhicheng, is a well-known Beijing lawyer who has taken on pro bono lawsuits on behalf of human rights defenders, including Falun Gong practitioners. Li Jian is founder of the Civil Rights Protection (*gongmin weiquan*) Web site (www.gmwq.org), which supported Gao Zhisheng’s efforts on behalf of Falun Gong practitioner Huang Wei.
4. For details on Zhao Yan’s case, see the Prisoner Profile in this issue of *China Rights Forum*.