



IN THIS ISSUE:

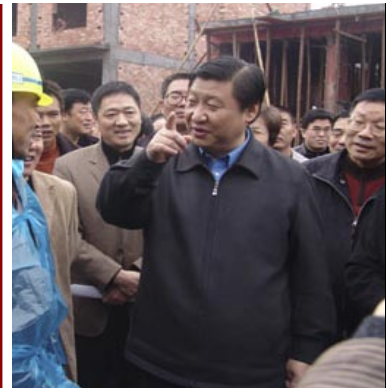
IN A FORTNIGHT
By Joseph E. Lin.....1

STRIVING FOR BALANCE: ASSESSING RECENT MUNICIPAL AND PROVINCIAL LEADERSHIP CHANGES
By Willy Wo-Lap Lam.....2

CHINA'S MEDIA CONTROLS: COULD BLOGGERS MAKE A DIFFERENCE?
By Dan Southerland.....4

THE ANTI-SEDITIONOUS SPEECH DEBATE AND MEDIA LAW REFORM
By Thomas E. Kellogg.....7

A CAMPAIGN IN HONG KONG WITHOUT A (REAL) ELECTION
By Christine Loh.....10



Shanghai's New Mayor:
Xi Jinping

China Brief is a bi-weekly journal of information and analysis covering Greater China in Eurasia.

China Brief is a publication of The Jamestown Foundation, a private non-profit organization based in Washington, D.C. and is edited by Joseph E. Lin.

The opinions expressed in China Brief are solely those of the authors, and do not necessarily reflect the views of The Jamestown Foundation.



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In A Fortnight

By Joseph E. Lin

SUPPOSED U.S. THINK TANK SUBMITS REPORT ON INTELLIGENCE OPERATIONS IN CHINA

A number of Chinese newspapers and publications have cited an internal report from the U.S. Department of Defense that examines U.S. intelligence gathering operations on China. According to the Chinese media, the report was supposedly submitted by a U.S. think tank named *Shidai Fazhan Jijinhui* [Era Development Foundation], though it is likely that the actual name of the think tank was incorrectly translated in the initial media coverage (Xinhua, April 17). The report details current U.S. intelligence activities, composed primarily of signals intelligence (SIGINT) operations, that are used to gather information on the Chinese military. The report also makes a number of recommendations, including the need to increase U.S. human intelligence (HUMINT) assets in China (*Ta Kung Pao*, April 17). The ideal candidates for these positions are ethnic Chinese Americans, who have graduated from institutions of higher learning and have served in the U.S. military. The report suggests that these intelligence personnel be posted as military attaches in U.S. consulates throughout China so that they can conduct covert surveillance on dual-use installations, such as airports that serve both civilian and military aircraft. In addition, advanced Chinese weapons platforms and technologies, such as China's experimental laser weapon system and the construction of aircraft carriers, would also be the targets of these operations.

HOSPITALS UNDER REVIEW FOR UNETHICAL AND PROFIT-DRIVEN CONDUCT

A Chinese undercover reporter's story has resulted in a national uproar over the country's healthcare practices. Posing as a patient, the reporter submitted tea as his urine sample to ten hospitals in Hangzhou, Zhejiang Province to see if they would treat him for his "disease" based upon the results of his urinalysis (Xinhua, April 11). Six of the ten hospitals reported that their labs had discovered blood cells in his "urine" samples and doctors from five of the hospitals proceeded to prescribe expensive drugs to treat his disease, without conducting any additional tests. The story has sparked a nationwide debate over the lack of stringent regulations and standards governing many of the hospitals and healthcare providers, who are accused of profit-driven conduct (*China Brief*, December 6). On the same day, the Ministry of Health announced that it was conducting examinations of all hospitals that want to carry out organ transplants and would soon publish a list of state-approved hospitals for such operations (Xinhua, April 11). Organ transplant procedures are enormously profitable in China and there has been a surge in the number of hospitals and doctors offering such services in recent years. The increase, however, has been accompanied by a disproportionate rise in the number of deaths occurring from the transplants, leading many to suspect that hospitals and doctors, ill-equipped to perform such operations, are doing so nonetheless because of its profitability.

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Striving for Balance: Assessing Recent Municipal and Provincial Leadership Changes

By Willy Wo-Lap Lam

Recent personnel changes in major cities and provinces in eastern and central China attest to a new power configuration in the leadership. While remaining in his role as the "core" leader of the Chinese Communist Party (CCP), President and General Secretary Hu Jintao has struck a deal with the various factions by allowing their affiliates to assume a fairly equitable share of the leadership positions. These compromises on appointments are in accordance with Hu's axiom of "constructing a harmonious society that is based on harmony within the party" (Xinhua, December 18, 2006).

Within the new Central Committee and Politburo to be formed at the 17th Party Congress in October, cadres deemed close to Hu and Premier Wen Jiabao are expected to enjoy a slight, though significant majority, with the remainder of the slots to be parceled out among other cliques. Apart from Hu Jintao's Communist Youth League (CYL) faction, prominent power blocs in the polity include the State Council technocrats under Wen, the remnants of former president Jiang Zemin's Shanghai faction (now led by Vice President Zeng Qinghong), and the offspring of party veterans known as the "princelings." Hu's adherence to the neo-Confucianist principles of harmony and balance among the cliques means that the famously cautious leader is placing stability and party unity above bold and thorough reforms, particularly those in the political arena. Ideological and political liberalization, seen as destabilizing and disruptive of harmony, will continue to be relegated and marginalized.

The appointment of former Zhejiang Province party secretary Xi Jinping as the new party secretary of Shanghai best reflects the spirit of "intra-party harmony." Xi, 54, is a low-profile "princeling," deemed acceptable to most factions. Son of Long March veteran Xi Zhongxun (1913-2002), Xi has no links with the CYL, which is President Hu's key power base. Yet many CYL affiliates remember with fondness the fact that Xi's father was one of the few party elders who defended the late CCP and CYL chief Hu Yaobang—a Hu mentor—when the liberal leader was sacked in January 1987 (*Yazhou Zhoukan*, April 8). Xi has replaced disgraced Shanghai Party Secretary Chen Liangyu, who was arrested last September for alleged corruption and other "economic crimes."

Interlocutors in Beijing who are familiar with Hu's thinking said that Xi was a better choice than oft-mentioned candidates such as Jiangsu Party Secretary Li Yuanchao or United Front Department Director Liu Yandong, both Hu loyalists. Given the long-standing animosity between Hu and the Shanghai-affiliated officials, Hu realized that appointing his own protégé to lead the metropolis might engender the kind of internecine bickering that would undermine his "social harmony" dictum. Moreover, Xi has a largely laudatory record running Zhejiang, which is known for the vitality of its private sector. His move to Shanghai would almost certainly enhance the cooperation between the city and the two neighboring powerhouse provinces of Zhejiang and Jiangsu. According to CCP tradition, the top official of Shanghai is slated for Politburo membership, and Xi has thus become the first member of the "fifth generation" leadership—a reference to cadres born between the early 1950s and 1960s—to earn Politburo status (*Wen Wei Po*, March 26).

The choices of new party secretaries for Tianjin and the provinces of Zhejiang, Shandong and Shaanxi also reflect a balance between factional requirements and considerations of competence. Xi's replacement as Zhejiang party secretary, Zhao Hongju, is deemed a close associate of Vice President Zeng (*Asia Times*, April 4). A veteran of the party's Organization Department, Zhao, 60, is also one of several Shandong Province natives who have been elevated since last year. The apparent rise of a "Shandong faction" in Chinese politics will act as a counterbalance to the political fortunes of several officials—many of them Hu protégés—who earned their spurs in China's western provinces, particularly in the regions where the president served between the 1970s and early 1990s.

Likewise, considerations of competence and compatibility seemed to be the major determinants in the promotion of Shandong Party Secretary Zhang Gaoli to the post of party secretary of Tianjin, a slot that often carries Politburo status as well. Zhang, a former mayor of the Shenzhen economic zone near Hong Kong, is seen as a suitable candidate to lead Tianjin, which has become the hub of China's economically booming Beijing-Tianjin-Bohai Zone (*Ming Pao*, March 26). While Zhang, 61 owed his initial rise to the patronage of former president Jiang, he is among the first batch of regional cadres to have crossed over to the Hu-Wen camp.

Except for the fact that he is a native son—and thus qualifies for membership in the inchoate "Shandong Clique"—the new party boss of prosperous Shandong, Li Jianguo, does not have obvious factional affiliations. Li, 61, is a former party secretary of the mid-western Chinese province of Shaanxi, which is one of the few heartland regions that have attracted substantial foreign direct investment, especially in the high-tech sector. Replacing Li as Shaanxi party secretary is fifth generation rising star Zhao Leji, 50. Zhao first received national attention in 2002, when he was named governor of the remote Qinghai Province at the age of 45 (*Xinhua*, March 26). Zhao was promoted again the following year when he became party secretary of the same province.

By and large, Politburo members who have the largest say in personnel changes in the run-up to the 17th Congress—Hu, Wen and Zeng—have placed continuity, stability and harmony above speedy and thorough-going reforms. This applies even to perhaps the least controversial aspect of administrative reform: party rejuvenation. Apart from Shanghai's Xi, only two fifth generation stalwarts, Li Yuanchao and Li Keqiang, the party secretaries of Jiangsu and Liaoning Province, respectively, are believed to be guaranteed membership in the Politburo. In addition, if the membership of the Politburo Standing Committee will

be reduced from the current nine members to seven, as is likely to happen, only a handful of the new faces will be inducted into the policy-setting council. This is due to the consensus already reached by the CCP leadership that at least four Standing Committee incumbents, namely Hu, Wen, Zeng and National People's Congress Chairman Wu Bangguo will stay on for another five more years.

Given that almost none of the relatively younger protégés of Hu—or affiliates of the other factions—have remarkable track records, it is possible that none of the fifth generation cadres will be inducted into the Politburo Standing Committee at the 17th Party Congress. This is despite the fact that when the 14th Party Congress was held in 1992 to confirm former president Jiang as the "core" of the third generation leadership, the conclave simultaneously selected Hu as the representative of the fourth generation by appointing the then 49-year-old into the Standing Committee.

Even more important than the issue of factional balance or rejuvenation, however, is whether the leadership's redoubled emphasis on harmony and stability will halt initiatives that are considered too risky or controversial. For example, owing to Hu and Wen's reluctance to alienate opponents of private property, the newly enacted Law on Property Rights had been repeatedly postponed and watered down. Even with such concessions, "Leftists" or quasi-Maoists have savaged Hu and Wen for abandoning the sacred tenets of Marx and Mao (*International Herald Tribune*, March 8).

It is similarly due to Hu's desire to avoid upsetting Shanghai cadres that investigations into the alleged corruption of former Shanghai party chief Chen have been confined to narrow parameters. While the "crimes" and fate of Chen will likely be announced at the Seventh Central Committee plenary session just before the 17th Congress, it is unlikely that other senior members of the Shanghai faction will be implicated. The same goes for the ongoing investigations into real estate-related corruption within the Beijing municipality. The surprising arrest of former Beijing vice-mayor Liu Zhihua in mid-2006 signaled Hu's determination to root out graft and related economic crimes in the capital, which are reportedly linked to a Standing Committee member with close ties to former president Jiang (*Yazhou Zhoukan*, April 22). Since then, a few of the heads of municipal districts have been arrested, though there are no signs that any "big fish" will be caught before the 17th Congress.

Even more serious is Hu's apparent failure to render full support to Wen's recent pronouncements on political liberalization. At an international press conference last

month, the premier pointed out that far from being “unique to capitalism,” values such as democracy, freedom and human rights were “the common cultural fruits of the entire world.” Wen also called for deeper political reforms to eradicate problems such as corruption and “the over-concentration of power.” Many of the premier’s statements on democracy and reform, however, were excised from transcripts released by state media (Xinhua, March 15; *People’s Daily*, March 16). A major reason was that the Politburo Standing Committee member in charge of ideology and propaganda, Li Changchun, disagreed with many of Wen’s statements. Li is infamous for his long record of harassing dissidents, journalists and civil-society activists, including Chinese AIDS activist and doctor Gao Yaojie. Chinese intellectuals fear that for the sake of maintaining a façade of unity, President Hu might agree to allow Li, a one-time protégé of former president Jiang’s, to remain on the Standing Committee after the 17th Congress.

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China’s Media Controls: Could Bloggers Make a Difference?

By Dan Southerland

For several weeks recently, China’s bloggers, internet news sites and even state-run media chased a story that captivated millions of Chinese. A small brick house perched on a precarious island of earth in the middle of a huge construction site had become a symbol of individual property rights in the face of government-backed development projects. For a brief moment, property owner Wu Ping became a nationwide celebrity. Her house became known as a “nail house,” coined after a Chinese expression describing those who are willing to stand up to authority. As many Chinese have been made painfully aware, such nails can be pulled or hammered down. Wu Ping was lucky, however, and her timing and dramatic flair paid off. A court announced that Wu Ping and her husband would receive a new apartment and space for a new business as well as monetary compensation. The house was subsequently demolished, and Wu Ping, who had briefly become a spokesperson for many others facing similar evictions and demolitions, suddenly became unavailable for comment.

The police ordered major websites to stop covering the story, and the state-run media fell silent.

That the tightly controlled Chinese media even covered such a story came as much of a surprise, but Wu Ping’s nail house emerged just as the National People’s Congress was passing a new property rights law that purports to protect individual homeowners. This may have been more of an exceptional case than a breakthrough for the Chinese media, given that tens of thousands of Chinese fall victim to government-backed land development schemes and receive little compensation. The lenient treatment of Wu Ping may have helped the government to make a propaganda point, namely that the government respects private property, at least in certain cases. Yet, the “nail house” case may also reveal that downtrodden individuals in China are becoming more willing to challenge the system through unconventional means. Some bloggers are still trying to keep the story alive and have found a similar case in Shenzhen, although it has not received the same attention that Wu Ping’s case received.

CHINA’S BIGGEST UNCOVERED STORY

China’s breakneck economic growth is one of the biggest stories in the world today. Nevertheless, that growth has created another important story, one that is less extensively covered. According to sources from the Ministry of Labor and Social Security, some 40 million Chinese farmers have lost their land to urbanization over the previous decade, with additional millions set to suffer a similar fate (Xinhua, July 25, 2006). Local officials are grabbing land for development projects, profiting from rising property values and paying farmers compensation that is far from adequate. In response, the farmers are protesting in large numbers, and in 2006, the Ministry of Public Security reported 87,000 protests, riots and other “mass incidents,” many of them occurring in rural areas far from large cities like Chongqing, where the nail house incident occurred (*People’s Daily*, January 20, 2006). At the same time, many farmers and others are increasingly trying to use the country’s legal system to defend their rights. They are aided by a new breed of Chinese activists, including a number of outspoken lawyers, whose work is largely ignored by the state-run media. Cyber-dissidents in the form of bloggers and journalists have also taken up their cause, but a number of them are now in prison, and it has become increasingly dangerous for Chinese journalists to cover the unrest. The Paris-based organization Reporters Without Borders (RSF) has reported about 40 incidents of physical attacks on journalists, many of them carried out by gangsters, thugs and migrant construction workers hired by local officials and businessmen. At least 31 journalists were in jail in China as of January 1 [1].

When President Hu Jintao took power more than three years ago, some Chinese intellectuals, including journalists, hoped that he would open up China's political system and allow the Chinese media to begin covering major stories such as corruption and rural unrest. A high point for Hu among "liberal" intellectuals came in the spring of 2003, when he fired China's health minister as well as the mayor of Beijing for covering up the Severe Acute Respiratory Syndrome (SARS) epidemic and seemed to promise more transparency regarding major issues. In fairness, coverage of major health threats, such as HIV/AIDS and most recently bird flu, has at least slightly improved. Nevertheless, the media face even stricter controls under Hu than was the case under his predecessor Jiang Zemin.

By early 2004, the honeymoon between the government and the press was over as the Communist Party began another crackdown on newspapers and television stations that dared to report on the Chinese society's "dark side." Beijing also began to police the internet more actively. After the "color revolutions" in countries such as Ukraine and Kyrgyzstan in the first half of 2005, Hu began warning of the danger of dissident groups and non-governmental organizations working with "anti-China forces abroad" to undermine Communist Party rule.

In 2006, lawyers and judges were banned from speaking to foreign journalists about "mass incidents" involving farmers and the unemployed. RSF concluded in its annual report that journalism was "being forced into self-censorship" and had become the most dangerous job after mining and police work. At the same time, defamation suits against journalists became more common during the year, and according to RSF, "as preparations got under way for the next Communist Party Congress in October 2007, public security arrested at least 12 journalists and placed scores more under surveillance."

COMMERCIALIZATION HAS NOT WEAKENED CONTROLS

Some hoped that the growing commercialization of the Chinese media would result in a loosening of controls, but that has not been the case. A groundbreaking report released by Freedom House last year explains how the Chinese government has modernized the media system to meet business criteria and the needs of China's political leaders, but not the needs of its journalists [2]. The government monitors journalists through a national registration system and mandatory participation in ideological training sessions. Officials deliver content requirements increasingly via telephone, but also on occasion in propaganda circulars. The government has been using a vaguely worded "national secrets" law with greater frequency against journalists in recent years, the report notes, though "a far more common

source of concern is a libel suit." Newspapers that attempt to do investigative reporting lose most of these cases, especially since the laws allow plaintiffs to decide where the case will be tried. Plaintiffs "typically choose their own jurisdiction, where they have strong personal connections in the courts" [3].

Propaganda officials constantly remind journalists of what they consider the most sensitive topics. The taboo list ranges from coverage of dissidents and ethnic minorities to high-level corruption and unrest among farmers and workers. Off-limit subjects also include religious groups not recognized by the government and several historical topics, such as Mao Zedong's "anti-rightist" campaign of 1957 and his responsibility for the millions of deaths caused by the Great Leap Forward and subsequent famine. The killing of demonstrators near Tiananmen Square in 1989 is, of course, still on the taboo list [4].

Commercialization has permitted advertising and more varied and colorful editorial content, with once-taboo subjects such as sex and crime being reported upon and discussed. Driven by profits, tabloid journalism and news of the weird—two-headed piglets or ducks that drink beer—is in; the more graphic the pictures of a crime scene showing slit throats, the better. Commercialization has also led to "performance bonuses" that are based upon the journalists' ability to please both consumers and party bosses. The need to earn bonuses, which can amount to more than half of a journalist's salary, leads reporters to engage in an approach to journalism that shuns any hard-hitting investigative journalism on issues of political sensitivity, resulting in what *The Wall Street Journal* once described as "new and improved propaganda."

A TEST CASE: AIDS COVERAGE

The case of HIV/AIDS coverage in China over recent years serves as such an example. Hu Jintao and Premier Wen Jiabao have embraced a policy of greater transparency on this issue, and the government no longer blacks out the subject completely. Yet, according to Chinese AIDS activist Hu Jia, the government is split over the issue. President Hu and Wen want to give more prominence to the issue, but Li Changchun, the Politburo Standing Committee member who is in charge of propaganda, wants to play it down. Li was acting governor and then governor of Henan province in the early 1990s, when a local government-sanctioned blood plasma donor business triggered an HIV/AIDS epidemic in the province. With the support of Luo Gan, the Standing Committee member who oversees the police and security services, these two Politburo heavyweights are in turn allied with local officials, such as those in Henan who have tried to cover up the HIV/AIDS-blood plasma

connection [5].

According to Gao Yaojie, China's leading AIDS activist, blood plasma businesses have spread to other provinces. China's state-run media avoid this issue, however, and focus instead on the less controversial elements of HIV/AIDS—transmission of HIV infections through sex or intravenous drug use. When non-governmental organizations have attempted to shed light on the situation, their complaints have been routinely ignored by the media. Earlier in April, when 62 of China's NGOs made comments opposing a government monopoly over AIDS funding, Chinese state-run media and websites failed to even mention it.

BLOGGERS TO THE RESCUE?

Given these restrictions and omissions, the internet and Chinese bloggers may be the best hope for a breakthrough toward a freer flow of information in China. The way in which the nail house story developed might be instructive in this regard. Blogs were the first to cover the story—no one seems to be sure which blog struck first—followed by people who took cell phone pictures that quickly reached the web. Such a stream of grassroots information proved to be difficult for the government to control.

To be certain, the government has been very effective at blocking major websites and using undercover policemen to infiltrate and manipulate chat rooms. It is now putting an even greater effort into monitoring blogs and video exchange sites. According to Xinhua, China was expected to have 60 million bloggers by the end of 2006, but few bloggers dare to take on sensitive issues (Xinhua, May 6, 2006). Moreover, China's blog tools include filters that block "subversive word strings" and the authorities pressure companies that are operating these services to control content. They employ "armies of moderators" to clean up blogging content. Sensitive words like "freedom" or "democracy" are censored. With 52 people currently in prison for expressing themselves online, self-censorship among bloggers are in full force, with most blogs selectively dealing with pop culture and personal matters [6].

Despite all this, a significant number of people on the internet in China are both tenacious and tech-savvy. Radio Free Asia's (RFA) readers and listeners, for instance, regularly request information on how to use proxies, and the story of Qu Chao shows how some people have succeeded in beating the system. Qu, a disabled person from Jilin province who had offended officials by taking his complaints to Beijing, had his property destroyed, failed to obtain redress in the courts and was imprisoned in a detention center. While in detention, he and other prisoners managed to listen to RFA via shortwave radio.

As soon as he was released, Qu launched online queries through chat rooms about how to reach RFA. Late last month, one volunteer posted his story on an RFA blog, and in response, a RFA reporter called Qu and began checking into the facts involved in his story.

Budding "citizen journalists" have also begun to emerge through the chaos of the blogosphere. On April 9, bloggers revealed the story of an incident that had erupted in Beijing. A farmer decided to drive his tractor into the city, possibly to carry his complaints to the heart of the Chinese capital. Groups of "irregular policemen"—a euphemism for thugs—hired by the city and labeled as "city administrative teams" began to pursue the man and his tractor. They then rammed a car into the tractor and dragged the farmer away. While the journalist who witnessed the scene had her camera smashed, bloggers managed to pick up the story by taking pictures with cell phones. The bloggers presented an interesting story backed up by their pictures, but many details were missing, including the story behind the farmer's actions as well as his fate [7].

Could it be that bloggers will now fill the gap and provide some of the investigative journalism that is missing from the equation? Unlikely, say leading Chinese journalists. Despite greater freedom that has been promised to foreign journalists during the period leading up to the Beijing Olympics in 2008, Chinese journalists are operating under rules that could get stricter rather than looser. In an interview earlier this year with RFA, Li Datong, former editor-in-chief of a groundbreaking investigative magazine that belonged to the *China Youth Daily*, expressed doubt that the Olympics would bring any positive change. Li himself was fired last year after publishing a number of sensitive articles, and his magazine supplement, *Freezing Point*, was shut down.

China's leaders judge the news based upon whether it supports or undermines their power, said Li. "Pornographic and vulgar things don't threaten their political power, so they don't care; they allow it to spread unchecked. But if... they think they will suffer political harm, they will search and destroy...." In Li's view, the media are not effectively monitoring corrupt officials. "The (media) reports about corruption are all produced after the case is resolved. They are not reports based on the media's knowledge and experience. What significance do such reports have? None whatsoever...Recently, the party secretary in Qingdao was sacked...What happened? No one knows. It's a mystery." Li acknowledges that the internet is more flexible than the traditional media, but, he says, "the reporting one can do on the internet is often limited...It is random and piecemeal. Does this discourse have any impact? It has no impact... Only professional journalists have the professional skills

to do these kinds of investigations” [8]. Yet, the nail house case shows that bloggers can in fact break a story, provide the momentum required to keep it running longer than newspapers or major websites and stay with it until the end. In addition, more Chinese seem willing to stand up like nails—which again like Chongqing could prove to be a potent challenge to the state.

Dan Southerland is the Vice President of Programming and Executive Editor of Radio Free Asia (RFA). Prior to joining RFA, he was The Washington Post’s bureau chief in Beijing from 1985 to 1990. He received a Pulitzer Prize nomination in 1990 for his coverage of Tiananmen and an Edward R. Murrow Press Fellowship in 1990-91.

NOTES

1. See the Reporters without Borders’ “China – Annual Report 2007,” available online at: http://www.rsf.org/article.php3?id_article=20779.
2. Freedom House Special Report: “Speak No Evil; Mass Media Control in Contemporary China,” by Ashley Esarey, February 2006.
3. *Ibid.*
4. Dan Southerland’s testimony before the U.S.-China Economic and Security Review Commission: “The State of Chinese Media and the Internet in China,” April 14, 2005.
5. Radio Free Asia (RFA) English Web page: “Chinese AIDS Activist Defies Police,” by Dan Southerland, April 5.
6. Reporters Without Borders’ “China – Annual Report 2007.” Also see “China to have 60 million bloggers by end-2005,” Reuters, May 6, 2006 and “China says number of blogs tops 34 million,” Associated Press, September 25, 2006.
7. Duowei Boke: Beijing Chengshi Guanlizhe Yue Li Yue Niude Yangzi. “Duowei Blog: Beijing city managers are becoming more and more arrogant.”) See three bloggers’ comments, April 9.
8. RFA investigative reporter Peter Zhong’s interview with editor Li Datong, broadcast January 10, 2007.

* * *

The Anti-Seditious Speech Debate and Media Law Reform

By Thomas E. Kellogg

Due to Beijing’s heavy reliance upon the past as a pillar of public support, the Chinese government has a vested interest in maintaining a high degree of control over the nation’s history. This degree of control is maintained through a network of laws and regulations that prohibit discussions of certain subjects without prior approval and enforced by a nationwide network of Propaganda Bureau officials who monitor every newspaper, magazine, television station and book publishing office in the country.

It is against this backdrop that the recent debate over leftist Chinese People’s Political Consultative Congress (CPPCC) delegate Yu Quanyu’s proposed anti-seditious speech law must be understood. In China, the past is treated selectively, with certain events serving as material for political propaganda, while others treated as sacred cows, forbidden to be discussed or even mentioned. The Party, for instance, regularly circulates its heavily edited version of the Sino-Japanese war and its victory over the Nationalists, and yet, forbids nearly all in-depth discussions of the horrors of the political purges of the 1950s or the Cultural Revolution. Although millions of Chinese still remember those days, and in many cases still remember loved ones lost to Mao’s political mania, the subject of what happened and why is seldom discussed in the media and is subject to deep elisions and emendations in the nation’s history textbooks.

Yu Quanyu’s proposal sought to further strengthen the government’s already tenacious grasp over history. Interestingly enough, however, Yu’s ideas were met with skepticism, if not outright criticism, by various voices in the state-run media. Moreover, despite Yu’s continued push for action, his proposals were met largely with indifference. While the debate over the incident does indicate that media commentaries can play a useful role in batting down regressive proposals, what was nonetheless missing from the debate—including any serious push for more wide-ranging media law reforms—was just as telling as the criticisms against Yu’s proposed law.

The debate began on March 4 when Yu Quanyu, a longtime propagandist, floated the idea of a new “anti-seditious speech” law. Speaking to reporters after a CPPCC meeting, Yu argued that the new law was needed to ensure that scholars who “twisted historical facts” could be punished. According to Yu, a new law would “force those scholars and (members of) the media” who have “reversed the verdict” on certain key historical moments to “face responsibility and punishment in accordance with the

law” (*Wen Wei Po*, March 5). Yu mentioned the Opium Wars and the Japanese atrocities during World War II as examples of subjects on which more stringent legislation was required.

Yu, 72, is no stranger to bare-knuckle politics. A longtime leftist, Yu served as the head of the Party flagship newspaper *People’s Daily* in the early 1990s and later served as the vice-president of the Chinese Society for the Study of Human Rights, a government-run organ that releases an annual rebuttal to the China chapter of the U.S. Department of State’s human rights report [1]. Yu also authored the forward to the bestselling mid-1990s nationalist tract *China Can Say No*.

In an interview in mid-March, Yu hinted that he was receiving help from a small group of unnamed legal experts on drafting a bill, but, in the absence of any specific text, it is difficult to parse Yu’s proposal in any significant way [2]. Of course, the word that he used, *hanjian*, which can be translated either as “seditious” or more literally as “traitor to the Han,” is not a legal term and is in many ways the opposite of the precise and narrowly-tailored language needed to ensure that truly seditious speech is clearly separated from protected political speech.

Yu’s justification of his proposal was somewhat weak, given that it relied upon an inaccurate parallel with U.S. free speech law. Yu had argued that yelling out “overthrow Bush” was punishable speech in the United States, when in fact such speech is, in most circumstances, religiously protected. Yu also made references to European laws on Holocaust denial, again an imperfect parallel, if only because the European states that do enforce such laws also have strong free speech protections, ensuring that such laws cannot be used for political purposes.

More interesting than Yu’s proposals were the responses they generated. One of the first comments on Yu’s proposal came from an editorial in the *China Economic Times*, which argued that such a law would infringe upon the free speech rights protected by the Chinese constitution. “Discussion among the people,” the newspaper noted, even on sensitive issues like China’s experience during the Opium Wars, “is...a sign of greater multiplicity and political tolerance in Chinese society.” The paper argued that Yu’s ideas should be rejected as a potential threat to that discussion [3].

An editorial in the *China Youth Daily* also criticized Yu’s proposal in similar terms, emphasizing the importance of public debate, but also couching its points in terms of academic freedom. According to Zhi Ling, the author of the *China Youth Daily* piece, disagreements over academic issues should be handled not by law, but instead “purified”

through autonomous, self-regulating academic debate. Zhi closed with a reference to Article 47 of the Chinese constitution, which protects the right to engage in scholarly research and artistic and intellectual endeavors.

Perhaps the most comprehensive and articulate critique of Yu’s proposal came from one of its likely targets, the intellectual historian Yuan Weishi. Yuan had reason to speak out against the proposal: as one of China’s leading historians, Yuan has long advocated a rigorous, open, and inquisitive approach to the study of history. Yuan has insisted repeatedly in his writings and public commentary that an objective, truth-telling approach is an essential element of modernization. If scholars give up their objectivity, then they cease to be “independent academics” and instead become “propaganda tools.” “In modern society,” Yuan argues, “scholars and intellectuals are an independent group, in a separate rival camp from those, like government officials, who engage in public administration, and the industrialists and others in the sphere of economic administration. Their interaction helps maintain the normal operation of society. Scholars should be repositories of thought and intellectual knowledge, and should enlighten the other groups, rather than becoming mere pliant tools in their service. If they are voluntarily or forcibly displaced from that role, then the repercussions can often be catastrophic” [4].

Throughout his work, Yuan constantly invoked the concept of “modernism” and has pointed to free and open debate and tolerance for divergent views as key hallmarks of a modern society. “Pluralism,” Yuan noted, “is a foundational concept of modern culture, and has become an organizing principle of modern societal systems. Violations of academic and intellectual freedom are a violence that cannot be tolerated in modern society, and was long ago condemned by modern citizenry” [5].

Yuan elaborated on his views in a January 2006 essay entitled “Modernization and History Textbooks,” published in the *Freezing Point* weekly supplement to the *China Youth Daily*. In that essay, Yuan criticized a Chinese history textbook used in middle schools across China, pointing out that it was rife with distortions that paint China as a passive victim of imperial aggression, whitewashing both instances of Chinese collaboration and the efforts of some Westerners to come to China’s aid. The product of this over-emphasis on victimhood is a sort of embittered nationalism, one that China’s government has repeatedly stoked in recent years.

Near the end of “Modernization and History Textbooks,” Yuan contrasts an impassioned nationalism with a more “objective” and analytical patriotism. “It is obvious that we must love our country,” Yuan writes. “But there are

two ways to love our country. One way is to inflame nationalistic passions. Traditional Chinese culture had deeply ingrained ideas such as ‘Chinese and foreigners are different’ and ‘if you not my kind, then your loyalties must be opposite to mine.’ Our thinking is still poisoned by them today. The latest edition is this: if there is a conflict between China and others, then China must be right; patriotism means opposing the other powers and the foreigners. In the selection and presentation of historical materials, we will only use those that favor China whether they are true or false. The other choice is this: we analyze everything rationally; if it is right, it is right and if it is wrong, it is wrong; calm, objective and wholly regard and handle all conflicts with the outside” [6].

Even in the absence of Yu’s proposed anti-sedition law, Yuan’s piece led to serious trouble. After the article was published, the longtime editor of *Freezing Point*, Li Datong, was removed from his post, and the paper was forced to run a propaganda-style critique of Yuan’s original article. *Freezing Point* was temporarily closed down, reopening a few weeks later under new editorial leadership.

Yuan’s take on Yu’s proposal mirrored his own views about the role of historical debate in modern society. In an interview with the Guangzhou-based *Southern Metropolis Weekly*, Yuan criticized the “extreme nationalist mentality” of Yu’s proposal, and implied that such a law was antithetical to a modern society. Yuan also emphasized the fact that a significant amount of public commentaries came out against Yu, citing criticism of Yu’s proposal as a sign of progress. “China has won a few points for its international image through this argument,” Yuan noted. “Why? Because the first voice criticizing Yu Quanyu was the *China Economic Times*, a paper sponsored by a department under the State Council, a paper run by the Chinese government. And there also was the *China Youth Daily*. On the second day, *Southern Metropolis Daily* also published an opinion piece refuting him. Papers from the national to local levels published commentary, and all of them trumpeted that this was a mistaken political viewpoint. Online there were many different opinions, but the majority championed the cause of free speech and demonstrated a valuable rational attitude. Through so many years of reform and opening up, through the wind and rain, the ability of the Chinese people to judge right and wrong has increased markedly. This is something to be happy about” [7].

While it was helpful for Yu’s critics to point out that the anti-seditious speech proposal was deeply flawed, and even to praise the Chinese media for publishing critiques of the proposed law, what was missing from the public debate was any discussion of the current strict limits on public

discussion of China’s charged past. What the commentators failed to mention was that, sadly, Yu’s proposed law, as overbroad and detrimental to public debate as it was, would have largely been superfluous: China already has a vast network of laws, covering everything from the neighborhood leaflet to websites and blogs, that restricts discussion of both sensitive historical incidents and deep-seated contemporary problems.

Although public debate in China, aided by a small but growing civil society, a tech-savvy online commentariat, and an ever-more commercialized media, has grown more robust during the past few decades, there has been virtually no progress on creating a legal framework that protects rather than prohibits free speech. Instead, the government has gone in the opposite direction, extending the legal framework that controls “old” media to new media almost as soon as a new medium springs up.

In recent years, there has been a small but significant increase in the government’s assertion of control over the media. The Guangzhou-based *Southern Weekend*, long the symbol in the West of greater media openness, has been reined in, and a number of other brand-name publications, including *The Beijing News*, *Caijing* and of course *Freezing Point*, have all experienced tremors of a greater or lesser variety over the past two years.

Yet this increasing aggressiveness on the part of the government has been matched by a growing sense of professional responsibility and identity on the part of many journalists. When prominent *Southern Metropolis Daily* executives Yu Huafeng and Li Minying were jailed on what many observers believed were trumped-up charges of economic malfeasance, more than 2,000 journalists wrote a public letter in June 2005 urging the government to release the men. Individual victims of censorship are also taking a more active stance: when her book on the lives and times of various Beijing Opera stars was banned by propaganda authorities, Beijing-based intellectual Zhang Yihe complained publicly, and, in a rare move, named General Administration of Press and Publications official Wu Shulin as the one responsible for pulling her book off the shelves.

What all of these incidents of repression, sometimes followed by words of protest, have in common with Yu Quanyu’s modest proposal is that they all illustrate an important gap in Chinese law: at present, there are no legal standards to separate protected political speech from speech that is legally actionable. Chinese legal academia is rich with deep discussion of free speech law in the United States, Europe and elsewhere, and Chinese judges are increasingly aware of the ways in which constitutional norms are used

to measure the appropriateness of government legislation. This increased academic knowledge, however, has yet to translate into a real public debate over how to formulate these key concepts into legislative reality.

It is indeed a form of progress when the state-run media publishes editorials criticizing retrograde proposals like the one floated by Yu Quanyu. Yet these same media outlets seem to lack the ability to put forward more progressive proposals of their own, much less critical of the restrictive laws already on the books. It may be time for the government to allow for a more open debate on media regulation: if Yu Quanyu can voice his opinion on China's largest political stage, then those in favor of progressive reforms should be allowed to advance their own proposals as well.

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NOTES

1. Background taken from *Southern People Weekly*, translation courtesy of Danwei blog, available online at: http://www.danwei.org/scholarship_and_education/you_quanyu_the_man_behind_the_r.php.
2. *Southern People Weekly*, translation courtesy of Danwei blog, available online at: http://www.danwei.org/scholarship_and_education/you_quanyu_the_man_behind_the_r.php. Although there was no draft text, Yu did make the following comment as to the substance of the law: “[A]pologists for the actions of China’s invaders since the Opium War in 1840 be given up to 10 years in prison; apologists for the actions of China’s invaders since 1931...should be given up to 20 years.”
3. Translation courtesy of CMP, available online at: <http://cmp.hku.hk/look/article.tpl?IdLanguage=1&IdPublication=1&NrIssue=1&NrSection=100&NrArticle=807>.
4. Yuan Weishi, *Modern China Research*, blog posting, December 8, 2005. The posting was originally published in the Chinese-language Hong Kong-Canton Daily News (*Au Gang Xinxi Bao*), May 10, 1998.
5. Yuan Weishi, “Speak the truth, speak your own mind,” essay dated June 12, 1997, posted on Yuan Weishi’s blog.
6. Yuan, “Modernization and History Textbooks,” *China Youth Daily*, *Freezing Point* supplement, January 11, 2006. Translation courtesy of ESWN blog.
7. Yuan Weishi interview with *Southern Metropolis Weekly*. Translation courtesy of Danwei, available online at: http://www.danwei.org/media_regulation/yuan_weishi_yu_quanyu_treason.php.

A Campaign in Hong Kong Without a (Real) Election

By Christine Loh

Hong Kong Chief Executive Donald Tsang’s reelection campaign was marked by a gesture symptomatic of his style—a grossly exaggerated and prolonged handshake. While a victory for Donald Tsang was anything but uncertain, both his campaign and handshake exhibited awkwardness as well as a desire to dominate his opponent. Tsang was unaccustomed to being politically challenged and at times during the campaign, revealed his contempt for the electoral system. Displeased that he had to debate the competition, he complained that the people in Hong Kong would be willing to nominate even a “useless person” just to ensure competition. In the end, on March 25, Tsang had received 649 votes out of the total 772 valid votes that had been cast, providing him with a comfortable margin over the 123 votes received by pro-democracy candidate Alan Leong. Yet, it was Tsang’s poor performance at the first critical televised debate with Leong, representing the Civic Party, which gave a second wind to his challenger’s efforts. The debate became a Hong Kong political milestone—people witnessed Tsang’s power punctured by an individual who had no chance of winning.

BEIJING’S HELPING HAND

Throughout the entire campaign, Beijing was explicit in its support of Donald Tsang. Senior officials from Zhongnanhai, such as State Councilor Tang Jiaxuan, openly supported Tsang soon after the Chief Executive had declared his candidacy, expressly praising his election platform and wishing him a smooth victory. Endorsements also came from Commissioner of the Office of Ministry of Foreign Affairs in Hong Kong Lu Xinhua, and Li Gang, Deputy Director of the central government’s Liaison Office in Hong Kong (*China Daily*, February 7).

Tsang launched his campaign by first meeting with the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB), the traditional pro-Beijing grassroots party that controlled 111 Election Committee votes. He then followed up with the Liberal Party, which bills itself as a party representing business interests, and together with its allies, influenced 110 votes in the Election Committee. The party had two complaints, however, that could have affected the course of the election (though not the predetermined outcome). Members of the Liberal Party felt sidelined by the government when it had not consulted with them prior to enacting unfavorable policies, particularly the ones relating to a minimum wage law and a competition law, both of which were supported by the DAB

(*South China Morning Post*, February 25; *The Standard*, February 27; *South China Morning Post*, February 27). These differences led to rumors that some 50-100 Election Committee members from the business sector would cast blank votes as a sign of disapproval.

Yet this seemed unlikely, given that many of Hong Kong's business elites, Liberal Party members and DAB members are also appointees to the National People's Congress (NPC) and Chinese People's Political Consultative Conference (CPPCC). Thus, when they were in Beijing during the annual meetings of these national bodies earlier in the month, authorities in Beijing used these occasions to lobby them and ensure that Tsang would not lose their votes in the election, irrespective of their differences. Beijing had felt the need to ensure that Tsang would be returned to office with the maximum number of votes, given that a sizable number of blank votes would damage Tsang's credibility. News reports quoted unnamed sources saying: "The central government has fully mobilized every channel to consolidate support for Mr. Tsang." Two high-profile meetings with the Liberal Party and the DAB—considered to be vote-consolidation endeavors by Beijing—were hosted by Liu Yandong, who heads the Chinese Communist Party's propaganda department (*South China Morning Post*, March 15) [2].

Efforts by other pro-Beijing individuals in Hong Kong also emerged during the campaign. In an attempt by loose-tongued gambling tycoon Stanley Ho to further secure votes for Tsang, he warned on March 11 that those Election Committee members casting blank votes could be tracked down by the government of Hong Kong (and punished). His gaffe, which proved to be detrimental and counterproductive, called for quick damage control by Beijing. Qiao Xiaoyang, the deputy secretary-general of the Standing Committee of the NPC emphasized that voting would be "open, fair and just" and that voters were entitled to vote according to their conscience (*The Standard*, March 13).

HORSE TRADING FOR VICTORY

Promises of political rewards and appointments in return for votes also proved to be just as potent as, if not more than, the pressure from Beijing. Allen Lee Peng Fei, a Hong Kong deputy to the NPC, stated that Zhongnanhai's fears had subsided because Tsang was expected to secure votes by rewarding the Liberal Party and the DAB with influential appointments (*The Standard*, March 10-11). Just days before the election, on March 19, it was revealed that the chairman of the Liberal Party, James Tien, was likely to be appointed as the chairman of the Hong Kong Tourism Board. The news came as a surprise to many since

Tien had no previous experience with tourism matters (*South China Morning Post*, March 19). Just days later, however, Tien told reporters that the Liberal Party would not want to be on Tsang's second term Executive Council, at least not until after the next Legislative Council election in September 2008, because any formal association with the administration would cost the party votes. Instead, the party wanted more of its members appointed to important advisory bodies (*South China Morning Post*, March 27). In other words, the Liberal Party wanted (and received) the best of all worlds. On March 27, Tien was named the new chairman of the Hong Kong Tourism Board (*The Standard*, March 28; *South China Morning Post*, March 28). That same day, DAB chairman Ma Lik revealed an agenda different from that of his Liberal Party counterparts stating that the election marked a "breakthrough" for further cooperation between the party and Tsang: "From ministers and deputy ministers to ministerial assistants, and even heads of major statutory and advisory bodies, we have suitable candidates...if the government wants us to provide names." Soon after the election, Ma reminded Tsang whom the Chief Executive could rely upon, reiterating the DAB's desire to assume positions on the Executive Council (*South China Morning Post*, March 28).

THE TELEVISED DEBATES

Yet, in spite of the deals that had sealed the outcome of the race long before the actual election, Donald Tsang was forced to publicly debate Alan Leong twice, given the tremendous public pressure for televised debates. The first occasion was hosted by Election Committee members, whereas the second was organized by Hong Kong's electronic media. The televised debates each drew some two million viewers.

The first debate on March 1 proved to be a highly charged event. Leong's strong performance during the 90-minute debate made the public appreciate the benefit of having a challenger. Leong helped to crystallize several issues of public concern, such as education, health care, poverty and air quality, and for the first time, Tsang was forced to respond to Leong's proposed policies with his own platform. Immediately following the first debate, a poll of 510 individuals was conducted by the University of Hong Kong showing that 42.1 percent of the people who identified themselves as "pro-democracy" would have voted for Leong, compared with just 25.2 percent in late February. Leong's support from moderates also increased from 9.7 percent to 18.1 percent.

The shift was reflected in Tsang's loss of support from these two camps. Tsang would have received 64.1 percent from the pro-democracy respondents had there been an election before the debate, but his lead was reduced to 48.4

percent after the debate. Votes from the respondents who thought of themselves as political moderates would have fallen from 77 percent to 71 percent. According to another instant poll conducted by Lingnan University's public governance program, of the 611 respondents, 36.5 percent said Leong had improved his image compared with 26.7 percent, who thought that Tsang had won the day. When it came to whom they would vote for if the election were held that day, and assuming that they could vote, 61.4 percent opted for Tsang and 25.9 percent favored Leong. Leong scored particularly well with viewers on the issue of introducing of universal suffrage in 2012 (*The Standard*, March 2) [3].

It was clear to Tsang that he had to perform far better the next time, and indeed, the second debate on March 15 was a much closer match. Following the second debate, most of the respondents to snap polls, however, opted to vote for Tsang, even if they thought that Leong had performed better. According to a University of Hong Kong instant survey, 38.9 percent of the 520 respondents thought that Tsang had performed better in the debate while 39.3 percent thought had Leong done better.

THE QUEST FOR SUFFRAGE

Leong's most important contribution to the campaign was to have drawn Donald Tsang into a debate on democracy. Had there not been a credible opponent, Tsang would have only needed to provide an election platform that satisfied Hong Kong's functional interests and still been re-elected without contest. Yet, because of the political challenge from Leong, Tsang promised to propose a "green paper" on suffrage in the middle of 2007 for a three-month public consultation. Based on the public's opinion, "a mainstream proposal [would] be presented to Beijing" and Tsang stated that he would not "rule out any date for universal suffrage, including 2012" (*South China Morning Post*, March 16). Tsang later backed away from such explicit language and instead, when questioned by an interviewer regarding a timetable and set date for universal suffrage, ambiguously responded, "We must follow what people want. If people want universal suffrage according to a certain scheme of things, particularly a certain form of universal suffrage leading up to a final date and that is the favored decision, I will put that up faithfully to the central government" (CNN Interview, March 12).

Donald Tsang may be satisfied with a capitalist regime that maintains the rule of law, allows a large degree of personal freedom operating under a strong, centralized political authority and holds periodic elections that are tightly controlled. Yet, the question is whether a political system structured along these lines will be acceptable to the people

of Hong Kong. Tsang's proposal for a public consultation on suffrage is likely to be viewed skeptically by the people of Hong Kong, given Beijing's penchant for "united front" tactics in generating a tremendous number of responses that are favorable to the Chinese leadership. If this indeed becomes the case, what Tsang seems to envision as the future political system of Hong Kong—a capitalist quasi-democratic regime—will likely be dismissed by the public as little more than a pretense for Beijing's continued exercise of authority. The current provisional mandate that Tsang has secured will also be conditional upon his willingness to consider the broader public's interests during his tenure for the coming five years. If his policies—guaranteed to be closely scrutinized by public—are viewed as pandering to Beijing's preferences or to the interests of a select group of elites, Tsang's moral authority will be undoubtedly compromised.

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NOTES

- 1."Xuanju Xinqing, qu 401 piao zugou chen yihou feichai can xuan dou gou piao" [*Getting 401 nominations will be enough, even 'useless people' can obtain enough nominations*], *Ming Pao*, March 22, 2007. The original phrase was: "If a 'useless person' steps forward, there will still be enough nominations for him as he will have to take part in the competition."
2. The report said delegates to meetings in Beijing who were also Election Committee voters were contacted either by officials from the Communist Party's propaganda department or by officials from other departments.
3. A number of political commentators also thought that Leong performed better than Tsang; Ma Ngok gave Tsang 60 points and Leong 75; Sung Lap Kung gave Tsang 70 and Leong 80; and Ivan Choy gave Tsang 68 and Leong 73, see "Xueze: Liang biancai chuse sheng ceng, te shou jiang shiji, xianwei reng ting ceng." [*Academics: Leong's debate performance is better than Tsang's, CE values pragmatism, EC members still back Tsang*], *Hong Kong Economic Times*, March 2, 2007.