



Rights Defence (*weiquan*), Microblogs (*weibo*), and Popular Surveillance (*weiguan*)

The Rights Defence Movement Online and Offline

Teng Biao

Translator: Stacy Mosher



Electronic version

URL: <http://journals.openedition.org/chinaperspectives/5943>

DOI: 10.4000/chinaperspectives.5943

ISSN: 1996-4617

Publisher

Centre d'étude français sur la Chine contemporaine

Printed version

Date of publication: 1 October 2012

Number of pages: 29-39

ISSN: 2070-3449

Electronic reference

Teng Biao, « Rights Defence (*weiquan*), Microblogs (*weibo*), and Popular Surveillance (*weiguan*) », *China Perspectives* [Online], 2012/3 | 2012, Online since 01 October 2015, connection on 28 October 2019.

URL : <http://journals.openedition.org/chinaperspectives/5943> ; DOI : 10.4000/chinaperspectives.5943

Rights Defence (*weiquan*), Microblogs (*weibo*), and the Surrounding Gaze (*weiguan*)

The Rights Defence Movement Online and Offline

TENG BIAO

ABSTRACT: The rise of China's rights defence movement has occurred in tandem with the rapid development of the Internet in China. Various forms of rights defence inside and outside of the courtroom have emerged and developed alongside changes to China's ideological, political, and legal systems and social structure. Similarly, Internet technology such as microblogs and other social media are enriching the modalities of activity in the rights defence movement, enhancing the mobilisation capacity of activists, and accelerating the systematisation of popular rights defence, profoundly affecting China's ongoing political transformation.

KEYWORDS: rights defence (*weiquan*), social movement, web 2.0, social media, civil society.

China's rights defence movement has not long been a focus of attention, but its background, significance, and strategies, as well as key personalities and cases, have been analysed in an increasing number of articles. This article will mainly analyse how legal professionals in the rights defence movement use the Internet – in particular social media such as microblogs (*weibo*) – in various rights defence activities, as well as the influence that the Internet is likely to have on the movement.

The rise of the rights defence movement and its social factors

The year 2003 is generally regarded as a symbolic year for the rights defence movement (*weiquan yundong* 维权运动). Cases such as Dr. Jiang Yanyong's exposure of the true face of the SARS crisis,⁽¹⁾ the death of a young university-educated designer, Sun Zhigang, in a Custody & Repatriation centre, the arrest of village financier Sun Dawu,⁽²⁾ the Li Siyi incident,⁽³⁾ the arrests of Internet activist Liu Di⁽⁴⁾ and Internet essayist Du Daobin,⁽⁵⁾ the participation of independent candidates in local-level people's congress elections, and other such public incidents attracted the participation of lawyers, scholars, journalists, and dissidents and had enormous social repercussions. At the end of 2003, scholars began to refer to 2003 as the year when China's "new civil rights movement" (*minquan yundong* 民权运动) was launched.⁽⁶⁾ Not long afterward, the phrase "rights defence movement" increasingly replaced "civil rights movement" and became a focus of analysis by foreign media and some China watchers. A seminal moment occurred at the end of 2005, when *Yazhou Zhoukan* made 14 "Chinese rights defence lawyers" its collective "persons of the year."⁽⁷⁾

The rights defence movement has overlap and affiliation with the dissident movement and the democracy movement (*minzhu yundong* 民主运动).

He Qinglian believes that the rights defence movement mainly demands personal rights, while the democracy movement demands public power.⁽⁸⁾ Hu Ping's comparison of the two concludes, "The rights defence movement has increasingly moved from spontaneous to conscious. In today's China, rights defence activities are drawing ever closer to the democracy movement, the two combined constituting a powerful force promoting political reform."⁽⁹⁾

1. In 2003, while the Chinese authorities were claiming to have brought the SARS crisis under control, Jiang Yanyong, a retired doctor at Beijing's 301 Military Hospital, sent a letter to the news media stating that China's Public Health Ministry was covering up the true situation, and that the figures published in the official media were a gross understatement.
2. Rural industrialist Sun Dawu won acclaim for a speech he delivered at Peking University about the nation's rural areas, agriculture, and farmers. On 27 May 2003, he was arrested and held for more than five months on suspicion of "illegally absorbing public funds." The case engendered a strong reaction in the Chinese and international media, and in China's intellectual community.
3. On 4 June 2004, a drug addict named Li Guifang was arrested for theft and sent to a drug rehabilitation centre. She repeatedly pleaded with the police to notify family members to look after her three-year-old daughter, Li Siyi, who had been left home alone. The police ignored her pleas, and the child was discovered dead of starvation on 21 June.
4. A student at Beijing Normal University, Liu Di, who used the online name "Stainless Steel Rat," was taken away by Beijing State Security police on 7 November 2002, drawing waves of protest from the intellectual community.
5. Writer Du Daobin, employed in a medical insurance management office in Yingcheng City, Hubei Province, was arrested in October 2003 after publishing a series of essays and taking part in appeals on the Internet.
6. Wang Yi, "Minquan yundong: Juli women zi you yi gongfen" (The civil rights movement: Just a centimetre away), *Xinwen Zhoukan*, 24 November 2003; Di Feng, "Xin minquan yundong nian" (The year of the new civil rights movement), and Wang Yi, "2003 gongmin quanli nian" (Civil rights year 2003), in *Xinwen Zhoukan*, 22 December 2003.
7. "Zhongguo weiquan lushi fazhi xianfeng" (China's rights defence lawyers, the vanguard of rule of law), *Yazhou Zhoukan* (Hong Kong), 25 December, 2005.
8. He Qinglian, "Zhengqu siquanli de weiquan huodong yu yaoqiu quanli de minzhuhua yundong" (The rights defence movement, fighting for personal rights and interests, and the democratisation movement, demanding power), <http://archives.cnd.org/HXWK/author/HE-Qinglian/kd060604-5.gb.html> (consulted on 20 August 2012).
9. Hu Ping, "Weiquan yu minyun" (Rights defence and the democracy movement), *HRIC Biweekly*, no. 12, 5 November 2009.

The Internet has made communications between various intellectuals and activists extremely frequent and convenient. The identities of rights defenders and democracy activists are increasingly merging and overlapping. The consensus among the various parties is progressively enlarging, and they are jointly participating in an ever greater number of activities. Although the rights defence movement and democracy movement have different emphases, a trend of mutual support, cooperation, and collaboration has emerged.

The main social factors in the rise of China's rights defence movement are as follows:

- (a) *Development of the legal system and legal profession.* After the Cultural Revolution ended, China's legal system embarked on a difficult resurrection process. In particular, the introduction of the Administrative Procedure Law (1989), the introduction and refinement of the Criminal Procedure Law (1979, 1997), the restoration of the legal profession through the introduction of the Law on Judges (1995), Law on Procurators (1995), and Law on Lawyers (1996), and the implementation of nationally unified judicial examinations provided legal and litigative channels for defending civil rights, as well as the embryo of a legal professional community. At the same time, traditional ideological discourse ("class struggle," "Cultural Revolution") had to be abandoned, and the authorities moved toward a new ideological discourse and strategy exemplified by "reform and opening," "ruling the country in accordance with law" (*yifa zhiguo* 依法治国),⁽¹⁰⁾ "Three Represents," and "harmonious society." In particular, putting forward "rule of law" and adding "human rights" to the Chinese Constitution made it possible for civil society to turn these concepts into more than just empty phrases. Rule of law discourse coupled with laws and regulations provided space for rights defence activities. The very influential Sun Zhigang case in 2003 was a classic example of using official discourse and the legal system to carry out a civil campaign.⁽¹¹⁾
- (b) *Space for traditional and new media.* Although traditional media are strictly controlled,⁽¹²⁾ they are not completely bereft of space. While under pressure from official ideology and censorship, they also face the pressure of the market. For this reason, the traditional media (journalists with a sense of social responsibility) regularly employ strategies that allow some hot button rights defence issues to appear in print.⁽¹³⁾ In addition, the rise of online media has greatly challenged the official media monopoly, changing China's discourse ecology and even the concept of the media. As a result it will have a tremendous influence on China's rights defence movement and political transformation.
- (c) *Space for civil activity enlarged by development of the market economy.* Although China's rapid economic development has brought many problems, such as vast income disparity, government-business collusion, and environmental depredation, there is no denying that the vast majority of ordinary people have seen their living standards enhanced, and this has provided an economic foundation for the rights defence movement. Resource mobilisation theory emphasises the discretionary time and money needed for social movements.⁽¹⁴⁾
- (d) *Dissemination of liberal thought (ziyouzhuyi sixiang 自由主义思想) and expanded consciousness of civil rights.* In the latter half of the 1990s, a major trend among China's intellectuals was the resurrection of liberalism by a group of scholars who intended through reflection, research, and advocacy of liberalism to fully realise modernisation and give expression to the resources of principle and thought of constitutional

democracy."⁽¹⁵⁾ Publishers introduced a large number of liberal works and translations, and intellectual circles expressed enormous interest in the dissemination of liberalist thought. "Upon entering the minds of the Chinese, the theories of liberalism inevitably entered their daily lives."⁽¹⁶⁾ At the same time, the public's rights consciousness and awareness of rule of law was also growing. This formed the conceptual basis for the rights defence movement. Furthermore, the process of economic development was accompanied by a progressive relative deprivation, which provided the socio-psychological conditions for the rights defence movement.⁽¹⁷⁾

- (e) *The efforts of democracy activists.* In the years following 1989, students and ordinary citizens who had participated in the democracy movement suffered severe repression, and society was permeated with an atmosphere of desolation and terror. Even so, protests and efforts in the fight for democracy were never abandoned. The Tiananmen Mothers Campaign,⁽¹⁸⁾ the open letter movement,⁽¹⁹⁾ the organisation of political parties, underground publications, and other such activities of civil dissent continued unabated, accumulating resources of morality and justice and to a certain degree expanding the space for civil society activities. In this way, the rights defence movement was a successor to the democracy movement.⁽²⁰⁾

The development of China's Internet

In China, the rise of the rights defence movement and the development of the Internet evolved simultaneously and influenced each other.⁽²¹⁾ China

10. Editor's note: For a discussion of "rule of law," "rule by law," and related terminology, see e.g. Albert Chen, "Towards a Legal Enlightenment: Discussions in Contemporary China on the Rule of Law," *UCLA Pacific Basin Law Journal*, vol. 17, 2000, p. 125.
11. Keith J. Hand, "Using Law for a Righteous Purpose: The Sun Zhigang Incident and Evolving Forms of Citizen Action in the People's Republic of China," *Columbia Journal of Transnational Law*, vol. 45, no. 1, 2006. See also Teng Biao, "Sun Zhigang shijian: Zhishi, meijie yu quanli" (The Sun Zhigang incident: Knowledge, media, and power), http://blog.boxun.com/hero/tengb/19_1.shtml, and Liu Xiaobo, "Minjian weiquan yundong de shengli" (The triumph of the popular rights defence movement), BBC, 6 July 2003, http://blog.boxun.com/hero/liuxb/91_1.shtml (links consulted on 20 August 2012).
12. Regarding official strategies for controlling the media, see He Qinglian, *Wusuo Zhongguo: Zhongguo dalu kongzhi meiti celüe da jiem* (Locked-in China: Exposing mainland China's strategies for controlling the media), Taiwan, Liming chuban gongsi, 2006. Published in English as *The Fog of Censorship: Media Control in China*, Human Rights in China, 2008, www.hrichina.org/content/4050 (consulted on 20 August 2012).
13. For the role of the media in the Sun Zhigang incident, see Philip P. Pan, *Out of Mao's Shadow: The Struggle for the Soul of a New China*, New York, Simon & Schuster, 2008, chapter 9.
14. John D. McCarthy and Mayer N. Zald, "Resource Mobilization and Social Movements: A Partial Theory," *American Journal of Sociology*, vol. 82, no. 6, May 1977, pp. 1212-1241.
15. Xu Youyu, "Ziyouzhuyi yu dangdai Zhongguo" (Liberalism and modern China), in Li Shitao (ed.), *Zhishifenzhi lichang: Ziyouzhuyi zhi zheng yu Zhongguo sixiangjie de fenhua* (The intellectual standpoint: The fight for liberalism and splits in China's intellectual circles), Shidai wenyi chubanshe, January 2000, pp. 412-430.
16. Teng Biao, "Zhongguo weiquan yundong wang hechu qu" (What next for China's rights defence movement?), *Ren Yu Renquan*, October 2006.
17. Progressive relative deprivation: the "substantial and simultaneous increase in expectations and decrease in capabilities." See James Chowning Davies, "Toward a Theory of Revolution," *American Sociological Review*, vol. 27, 1962, pp. 5-19.
18. Website of the Tiananmen Mothers, a group of family members of victims of the official crackdown on the 1989 Democracy Movement, www.tiananmenmother.org/index_files/Page379.htm (consulted on 20 August 2012).
19. For more on the open letters movement, see Teng Biao, "Cong shangshu dao gongkaxin" (From petitioning to open letters), *Beijing Spring*, October 2005.
20. Teng Biao, "Gongmin weiquan yu shehui zhuanxing" (Popular rights defence and social transformation), *HRIC Biweekly*, 4 July, 2010.
21. Regarding the co-evolution of the Internet and civil society, see Guobin Yang, "The co-evolution of the Internet and civil society in China," *Asian Survey*, vol. 43, no. 3, May-June 2003, pp. 405-422.

formally joined the Worldwide Web in 1994, and by the end of 1996, there were 200,000 Internet users in China. The rights defence movement's signal year, 2003, was also known as the year of "Internet discussion" as China's netizens became aware of their power to change the course of events through the Internet.⁽²²⁾ The statistics at the end of 2003 were: 79,500,000 netizens in China; 30,890,000 computers connected to the Internet; and 596,000 websites with a .cn registration. The number of people online at the end of 2004, 2006, 2008, and 2010 reached 94 million, 137 million, 298 million, and 457 million, respectively. As of the end of June 2012, 539 million Chinese were online, with the Internet accessible to 39.9 percent of the population, and 388 million Chinese accessed the Internet through cell phones, for the first time exceeding the number using computers, 380 million. The number of people with immediate communication access has reached 445 million, and 251 million Chinese access social media websites. China's netizens spend an average of 19.9 hours online every week.⁽²³⁾

The "Web 2.0" concept that emerged in 2004 quickly spread to China. Characterised by user sharing, information gathering, the assembling of social groups around points of interest, and user-to-user interaction, it has turned Internet users from browsers to creators of online content. Web 2.0 products include Skype, Twitter, Wiki, Facebook, Youtube, Flickr, QQ, MSN, Renren, and microblogs, among others.⁽²⁴⁾ The interactive nature of Web 2.0 and its rapid transmission and transparency of information, supported by the simultaneous development of cellular phones and other such technologies, greatly facilitated the organisation of social movements. In this way, Web 2.0 changed the face of social movements and became an effective tool for promoting democracy on the global scale.

In March 2006, Twitter burst onto the scene, pulling everyone into the world of microblogs (*weibo*). Twitter was imitated by Chinese enterprises, with the May 2007 establishment of Twitter clone Fanfou launching China's *weibo* era. Other clones called Jiwei, Zuosha ("Wassup?"), and Tencent followed in close succession. Another large batch of microblogging sites, including Digu, Jishike, Fexion, 9991 Microblog, Tongxue, and Follow5, went online in 2009. The Sina microblog website went live in August 2009 and quickly became China's most influential microblogging site. With the establishment of aggregate gateway microblogs (t.163, Tencent, and Sohu microblogs going online in January, March, and April 2010 respectively), vertical gateway microblogs, news microblogs, e-commerce microblogs, SNS microblogs, and independent microblog websites, China formally entered the *weibo* era.⁽²⁵⁾

Technical features made it impossible for the Chinese government to directly delete Twitter feeds. This made Twitter enormously effective for reporting sudden hotspot events and sensitive incidents, and inevitably attracted large numbers of rights defenders, citizen journalists, independent writers, and liberal-minded netizens. The day after the July 5 disturbances in Urumqi in 2009, Twitter was blocked off. (Facebook was blocked on July 7.) Even so, some Chinese account-holders accessed Twitter through various methods such as API proxies Twip and Twestr, third-party platforms or software such as Dabr and Twitese, or firewall-circumventing proxies such as Freerate, Ultrasurf, or VPN.⁽²⁶⁾ Although only a small number of people actively use Twitter in China, it is widely used by rights defence lawyers, citizen journalists, and other activists determined to preserve their freedom of expression. Some Twitter users encourage others to register and use microblogs inside China, because these have more traffic. Other Twitter users promote proxies and Twitter, because these platforms provide access to large amounts of information that is censored in China.

China's microblog and cellular telephone usage has developed at lightning speed. As of the end of March 2012, the Tencent, Sina, and t.163 microblogs had 425 million, 324 million, and 120 million registered users respectively.⁽²⁷⁾ By May 2012, Sina microblogs sent out an average of more than 100 million content items per day, with average online access of around 60 minutes.⁽²⁸⁾ At the end of February 2012, China had 1.007 billion cell phone users, among whom 3G account-holders numbered 144 million and rising.⁽²⁹⁾ As of the end of June 2012, people blogging from their cell phones numbered 170 million, with a usage rate of 43.8 percent among people who access the Internet through their cell phones.⁽³⁰⁾ "The combined use of microblogs and cell phones is an extension of online interactive behaviour that allows netizens to maintain a shifting linearity. More crucially, microblog users can draw on cell phone media to become spot news reporters, indirectly and rapidly reporting events as they happen."⁽³¹⁾

Individual rights defence: In the courtroom and on the Internet

The typical work of rights defence lawyers is advocacy. Gaining familiarity with the law, investigating evidence, and fighting for the rights of litigants have therefore become the fundamental tasks of rights defence work. This alone does not constitute a rights defence movement, however. The greatest problem of China's judicial system is that the judiciary is not independent and there is no effective supervision of the unlawful activities of public security organs, procuratorates, and courts. In almost all human rights cases, "judges don't pass judgment, and those who pass judgment don't appear at trial"; trials are mere window-dressing, and the actual power to adjudicate lies outside of the courtroom. Due to the central-regional government dynamic in China's post-totalitarian system, the desire of local officials to minimise unrest during the current emphasis on stability preservation,⁽³²⁾ and public opinion becoming a consideration in the handling of crises or sensi-

22. Hu Yong, *Zhongsheng xuanhua: Wangluo shidai de geren biaoda yu gonggong taolun* (Mass uproar: Personal expression and public discussion in the Internet age), Guangxi shifan daxue chubanshe, 2008, pp. 307-308.

23. See the China Internet Network Information Center (CNNIC)'s annual "Statistical Reports on the Internet Development in China," www1.cnnic.cn/en/index/00/index.htm (consulted on 20 August 2012).

24. See the Wikipedia entries on Web 2.0, http://en.wikipedia.org/wiki/Web_2.0 and http://zh.wikipedia.org/wiki/Web_2.0 (links consulted on 20 August 2012).

25. Yan Deli, "Woguo weibo de fazhan licheng he fazhan qushi fenxi" (An analysis of the development process and development trends of China's microblogs), <http://news.iresearch.cn/0468/20101130/128679.shtml> (consulted on 20 August 2012).

26. See the Wikipedia entry on Twitter, <http://zh.wikipedia.org/wiki/Twitter>; see also Chang Ping, "Twitter zai Zhongguo" (Twitter in China), *Financial Times* online Chinese edition, 11 January 2010, [www.ftchinese.com/story/001030710](http://ftchinese.com/story/001030710) (links consulted on 20 August 2012).

27. "Wangyi weibo zhuce yonghu shupo yi cheng disan da weibo" (T.163 microblog registered users break 100 million to become the third largest microblog), <http://tech.163.com/12/0517/10/81MT5H5K000915BF.html> (consulted on 20 August 2012).

28. "Xinlang weibo yonghushu chao 3 yi banshu yonghu yidong zhongduan denglu" (Sina weibo accounts exceed 300 million, half of account holders shift terminal registration), *Xinjingbao*, 16 May 2012, http://tech.ifeng.com/internet/detail_2012_05/16/14546599_0.shtml (consulted on 20 August 2012).

29. "2012 nian 2 yue Zhongguo 3G yonghu guimo yi da 1.4 yi" (In February 2012, China 3G account-holders reach 140 million), http://tech.ifeng.com/internet/date/detail_2012_04/11/13804950_0.shtml (consulted on 20 August 2012).

30. CNNIC, "Di 30 ci Zhongguo huan wangluo fazhan zhuangkuang tongji baogao" (30th statistical report on the development of China's Internet), July 2012.

31. Yan Deli, *op. cit.*

32. For a report on the "stability preservation apparatus" and a "China stability preservation organization chart," see "Weiwen tizhi" (The stability preservation apparatus), *Caijing online*, 7 June 2011, www.caijing.com.cn/2011-06-07/110738832_1.html (consulted on 20 August 2012).

tive incidents, rights defenders try to use the media to influence the judicial outcomes of certain cases.⁽³³⁾ Given the lack of judicial and media independence, a very complex relationship has emerged between the judiciary and popular will. Regarding certain hot-button issues, rights defenders have used the Internet to exert the pressure of public opinion in a way that has increased the cost of judicial injustice. Without constant public monitoring and efforts through the Internet, some cases would end up with defendants being framed, or with the judiciary acting in a peremptory or evasive manner. Concern over individual cases; open letters, petitions, and Internet postings; and rights defence actions by lawyers, journalists, and intellectuals have combined to give rise to an increasingly law-conscious and public-spirited populace.⁽³⁴⁾ Liu Xiaobo believes that non-violent rights defence campaigns "put freedom into practice through the use of enlightened thought, expression, and rights defence activities in the details of daily life; and especially through the sustained accumulation of individual rights defence cases, they build up a sense of morality and justice, organisational resources, and tactical experience among the people."⁽³⁵⁾

Trainee lawyer Wang Daogang was detained over the matter of a 3,000 yuan lawyer's fee. In March 2012, lawyer Cheng Hai posted the indictment and defence statements for the case on a microblog. Once the prosecution learned of this, it posted its own "factual basis" and "legal basis" on the Internet. After studying the case, some lawyers felt that Wang's action did not constitute a crime but only a disciplinary infraction, and they suggested that a professional grudge might be behind the case. Lawyer Liu Yang then took the lead in publishing online an "Urgent Appeal Demanding that the Haidian District People's Court Declare Trainee Lawyer Wang Daogang Not Guilty," which was signed by 118 lawyers. Soon afterward, the procuratorate withdrew the charges.⁽³⁶⁾ This case is an example of how once a case becomes public on the Internet and brings pressure to bear, officials are compelled to respond in some way, and sometimes will compromise.

Following the Sun Zhigang case, public attention on the Internet has resulted in changes to some decisions. For example, in the cases of Sun Dawu, Deng Yujiao,⁽³⁷⁾ Cui Yingjie,⁽³⁸⁾ Xu Ting,⁽³⁹⁾ the Chongqing Nail House,⁽⁴⁰⁾ Li Zhuang,⁽⁴¹⁾ Guo Baofeng, Wu Ying,⁽⁴²⁾ and the "five Guangzhou gentlemen holding placards,"⁽⁴³⁾ it can be said with certainty that without the attention brought to the cases on the Internet, the fates of the persons concerned would have been quite different. Rights defence in these cases led to the emergence of some enthusiastic and appealing human rights lawyers, as well as many outstanding grass roots rights defence activists and citizen journalists. In addition, interaction with members of the public and constant contact and collaboration gave rise to an informal circle of rights defenders and increased organisational abilities in rights defence campaigns. The noteworthy "legal team" phenomenon emerged and became apparent against this background. The development of the Internet, in particular the social media, greatly accelerated the emergence of teamwork by lawyers.

The cases of Cai Zhuohua,⁽⁴⁴⁾ Dongyang's Huashui Village,⁽⁴⁵⁾ the Three Grades of Servants church,⁽⁴⁶⁾ Taishi Village,⁽⁴⁷⁾ Chen Guangcheng, Wang Bo (a case of religious freedom for Falun Gong), and the melamine-tainted milk powder scandal all involved collective participation by multiple lawyers. In early 2007, a coalition of Christian rights defence lawyers was established. Once microblogs became an important medium for communication, link-ups, cooperation, and the development of collective action among lawyers became even easier and more cost-effective. Guangdong-based *Southern Exposure* magazine perceptively noted the social significance of these legal teams, and referred to 2011 as the year of collective legal action: "If it is

said that the legal teams in the Li Zhuang case and Beihai case were examples of a professional community pulling together, then the legal teams in the subsequent Suzhou 'Changshu six youths' case and Guizhou 'Li Qing-

33. For the relationship between the rights defence movement and the media, and the media strategies employed, see Teng Biao, "Gongmin weiquan yu shehui zhuangxing" (Popular rights defence and social transformation), *HRIC Biweekly*, 4 July 2010.
34. See Teng Biao, "Jingcheng tuwei: Shifa yu minyi" (Breaking out of encirclement), *Tongzhou gongjin* (In the same boat), no. 7, 2008. For a general discussion of the media and China's judiciary, see Benjamin L. Liebman, "Watchdog or demagogue? The media in the Chinese legal system," *Columbia Law Review*, vol. 105, no. 1, 2005, pp. 1-157.
35. Liu Xiaobo, "Tongguo gaibian shehui lai gaibian zhengquan" (Changing the government by changing society), in Liu Xiaobo, *Zhuixun ziyou* (The pursuit of freedom), *Laogai Research Foundation*, 2011, p. 340.
36. Liu Yang, "Lianhe juji, yaxu shi gaibian Zhongguo lishi mingyun youxiao shouduan" (United attack may be an effective strategy for changing the fate of China's lawyers), 17 March 2012, http://blog.sina.com.cn/s/blog_63aeaf70102e0ol.html (consulted on 20 August 2012).
37. On 10 May 2009, three government officials in Sanming Township, Hubei Province, attempted to sexually assault manicurist Deng Yujiao. Deng defended herself with her manicuring shears, wounding two of the officials, one of them fatally. After Deng was arrested, public support for her burgeoned on the Internet. In June 2009, the court delivered a verdict of no criminal penalty against Deng.
38. On 11 August 2006, a Haidian urban management official named Li Zhiqiang and his colleague confiscated the cart of peddler Cui Yingjie. During the ensuing scuffle, Cui stabbed Li to death. In April 2007, Cui was handed a suspended death sentence.
39. On 21 April 2006, Xu Ting and his friend Guo Anshan took advantage of a malfunctioning ATM to withdraw 175,000 yuan and 18,000 yuan, respectively. In December 2007, Xu was sentenced to life imprisonment. When this information became public, the pressure of public opinion led to a retrial, and in February 2008, Xu's sentence was lowered to five years in prison.
40. Redevelopment of Chongqing's Hexinglu District began in 2004, but householders Yang Wu and Wu Ping refused to be relocated. The developer began foundation excavation around their home, with the result that the house stood out like a nail on an island of earth. The incident drew all the more attention because it occurred during the annual sessions of the National People's Congress and Chinese People's Political Consultative Conference.
41. On 9 February 2010, Li Zhuang, a lawyer for one of the defendants in the Chongqing organised crime crackdown, was convicted by the Chongqing Intermediate Court of fabricating evidence and impairing testimony, and was sentenced to one year and six months in prison. Upon completing his prison term, Li was indicted once again for "crimes of omission" and was escorted to the procuratorate for examination. After strong protests from lawyers, scholars, and others, the procuratorate withdrew the charges after the trial commenced.
42. In January 2012, a private entrepreneur, Wu Ying, was sentenced to death for fraud by the Zhejiang Provincial High Court. After the case raised enormous public concern, the Supreme Court sent the case back for retrial, and on 21 May of the same year, Wu Ying was handed a suspended death sentence.
43. On 30 March 2012, a dozen Guangzhou-based democracy and rights defence activists held up placards in Guangzhou's pedestrian walkways demanding that the government push forward political reform. Five of them, Ou Ronggui, Xiao Yong, Huang Wenxun, Yang Chong, and Luo Shouheng, were subsequently placed in criminal detention for "unlawful assembly, demonstration, and protest." All five were released after support for them was raised on the Internet.
44. In 2005, Cai Zhuohua, an evangelist at a Beijing house church, was arrested for printing Bibles to distribute to Christians in impoverished regions. More than a year later, he was sentenced to three years in prison for "operating an illegal business," and his wife likewise received a two-year prison sentence.
45. Translator's note (hereafter TN): In April 2005, thousands of public security and other personnel clashed with tens of thousands of villagers in Huashui Township of Dongyang City, Zhejiang Province, over pollution caused by local chemical plants. See "Ceng bei fengsha de 'Dongyang Huashui shijian' zhenxiang ji guanfang baodao" (The truth and the official version of the blacked-out "Dongyang Huashui incident"), Lubangsheng Random Thoughts blog, www.9ask.cn/blog/user/lubangsheng/archives/2006/11448.html (consulted on 20 August 2012); and "Large Scale Riot Erupts in Huashui Town of Zhejiang Province," *The Epoch Times*, 15 April 2005.
46. TN: Members of the Three Grades of Servants church were put on trial in 2006, with three sentenced to death, three others sentenced to life in prison, and 11 others sentenced from three to 15 years in prison in connection with the murders of several members of the rival Oriental Lighting sect. See Reuters, "Three Grades of Servants: China sentences sect members to death for murders," 7 July 2006, posted on the Religion News Blog, www.religionnewsblog.com/15192/three-grades-of-servants-china-sentences-sect-members-to-death-for-murders (consulted on 20 August 2012); and China Aid Association, "Urgent Appeal regarding the Church Case of the 'Three Grades of Servants' by Preachers from the House Churches of China," 17 March 2006, www.chinaaid.org/2006/03/urgent-appeal-regarding-church-case-of.html (consulted on 20 August 2012).
47. In July 2005, residents of Taishi Village in Panyu, Guangdong Province, repeatedly demanded the recall of the village head over payments for reclaimed land and other issues. When several villagers and their legal advisors were detained, a large number of rights defence lawyers became concerned and offered legal advice in support. The incident attracted considerable media coverage both inside China and overseas.

hong mafia case' demonstrated the extension of common cause-type legal teams to other kinds of cases."⁽⁴⁸⁾ In the example of the Guizhou Li Qinghong mafia case, more than 100 lawyers were involved at various times, and a good portion of them were lawyers who enjoyed considerable influence through their microblogs. Lawyers used microblogs to post news about the case, to accuse prosecutors and judges of procedural violations, to expose the extortion of confessions from their clients through torture, to expose how their clients had been intimidated into dismissing legal counsel, to post open petition letters, and to appeal for other lawyers to join in. Apart from defence lawyers, some other lawyers and scholars came forward to attend the trial, or to investigate or lend moral support, and many netizens followed, discussed, and forwarded the postings, maintaining sustained Internet traffic on an unprecedented scale.

The "surrounding gaze": The Internet and rights defence outside the courtroom

Apart from teaming up on cases, rights defence activists committed to the concept of rule of law attempt to promote it at an even deeper level. In this connection, the term *weiguan* (围观) has recently appeared. The University of Hong Kong's China Media Project has coined the English translation "surrounding gaze," with the following explanation: "The 'surrounding gaze' is the notion, rooted in modern Chinese literature and culture, of crowds of people gathering around some kind of public spectacle. [...] The term can now point to the social and political possibilities of new communications technologies, such as the Internet and the microblog, which might, say some, promote change by gathering public opinion around certain issues and events. The term *weiguan* can refer to the larger phenomenon of the 'surrounding gaze,' including its pejorative sense, but also often refers to its positive or potential dimension as concentrated public opinion. The term 'online surrounding gaze,' or *wangluo weiguan*, is also commonly used today."⁽⁴⁹⁾ This section will discuss various aspects of the "surrounding gaze."

Challenging "evil laws"

Apart from defending their clients' rights in cases, rights defence lawyers also employ various means to promote change in the legal system. The Sun Zhigang case led to the abolition of the Custody and Repatriation system. After Du Daobin was arrested in 2003, more than 100 intellectuals and rights defenders in China issued an "Appeal Demanding a Legal Explanation of the 'Crime of Inciting Subversion.'" Legal practitioners used various means to collectively appeal for abolition of the Re-education Through Labour system. For example, in November 2007, Mao Yushi, He Weifang, and others (most of them legal practitioners) jointly signed a "Citizens' Proposal to Launch an Investigation into Violations of the Constitution and to Abolish the Re-education Through Labour System."⁽⁵⁰⁾ In the defence statement for the 2007 Wang Bo case, defence counsel openly challenged each of the laws and judicial interpretations that penalised practitioners of Falun Gong.⁽⁵¹⁾ In 2010, lawyer Yang Jinzhu prepared to collect signatures from 10,000 lawyers for a proposal that the Supreme People's Court issue a judicial interpretation of Article 306 of the Criminal Law (the crime of perjury by lawyers), but was halted by the Hunan judiciary.⁽⁵²⁾ There have also been many campaigns by activists demanding abolition of China's family planning policies. While the National People's Congress was discussing the draft amended Criminal Procedure Law in 2012, members of the public expressed

particular concern regarding some provisions that were contrary to the spirit of rule of law, and many rights defenders called for an end to "evil laws" (*efa* 恶法).⁽⁵³⁾

Promoting direct elections in lawyers' associations

China does not have an autonomous legal profession; lawyers' associations at all levels are puppets of the justice bureaus, lacking democratic elections and transparency in their policy-making. In 2004, Liu Zilong and other lawyers pushed for a recall of the president and secretary general of the Shenzhen Lawyers' Association,⁽⁵⁴⁾ an incident that was echoed by Beijing's legal professionals a few years later. On 26 August 2008, Cheng Hai, Tang Jitian, and more than 30 other Beijing lawyers posted on the Internet "An Appeal to All Beijing Lawyers, the Municipal Justice Bureau, and Municipal Lawyers' Association: Conform with the Tide of History and Achieve Direct Elections to Lawyers' Association," which called for direct elections to the Lawyers' Association, and also solicited the views of fellow professionals regarding their draft "Electoral Procedures for the Beijing Lawyers' Association." These lawyers used methods such as text messaging, email, regular meetings, and personal visits to legal offices to appeal for the support of other lawyers and to canvass for votes in the election. The Beijing Lawyers' Association then issued a "Stern Statement" warning, "Anyone who, on the pretext of promoting democratic elections, uses text messaging, the Internet, and other such media to covertly establish contact, publish seditious comments, stir up rumours, and engage in rabble-rousing among Beijing's lawyers in an attempt to win support among the ill-informed for so-called 'direct elections to the Beijing Lawyers' Association,' is violating the law."⁽⁵⁵⁾

48. Ye Zhucheng, "Lüshituan: Fazhi lilian de jueqi" (Legal teams: The rising power of rule of law), *Nan-feng Chuang* (Southern Exposure), 31 December 2011. TN: For an excellent English summary of the Li Qinghong case and its implications, see Yueran Zhang, "China's All-Star Legal Team Pleads for Defendants' Rights On Social Media," Tea Leaf Nation, 25 July 2012, <http://tealeafnation.com/2012/07/bilingual-brew-chinas-all-star-legal-team-pleads-for-defendants-rights-on-social-media> (accessed 28 August 2012).
49. TN: "The Surrounding Gaze," Media Dictionary, *The China Media Project*, <http://cmp.hku.hk/2011/01/04/9399> (consulted on 20 August 2012).
50. "Guangyu qidong weixian shencha chengxu, feichu laodong jiaoyang zhidu de gongmin jianyi" (Citizens' proposals to launch an investigation into violations of the constitution and to abolish the Re-education Through Labour System), www.ccwlawyer.com/center.asp?idd=1293 (consulted on 20 August 2012). For examples of opposing the RTL system in specific cases, see Teng Biao, "Shei lai chengdan dizhi efa de zeren" (Who will take responsibility for boycotting evil laws?), *HRIC Biweekly*, no. 41, 16 December 2010; Si Weijiang, "Fang Hong su Chongqing shi laoiaowei yituo shibei laoiaojiao an daili ci" (Legal counsel's statement in Fang Hong's lawsuit against the Chongqing Municipal RTL Committee), www.niwota.com/submsg/10342725 (consulted on 20 August 2012); and regarding the 2012 appeal following the conviction that year of Tang Hui (a petitioner seeking justice for her raped daughter who was sent to a labour camp) in Hunan: 'Shi lüshi jianyan sifabu gong'anbu tiaozheng laoiaojiao zhidu' (Ten lawyers submit suggestions to the Ministries of Justice and Public Security to adjust the Re-education Through Labour system).
51. Li Heping, Teng Biao, et al., "The Supremacy of the Constitution, and Freedom of Religion" (Stacy Mosher, trans.), in Stacy Mosher and Patrick Poon (ed.), *A Sword and a Shield: China's Human Rights Lawyers*, Hong Kong, China Human Rights Lawyers Concern Group, February 2011.
52. See "Yangsi daofa" (Yang's swordsmanship), *Southern Metropolitan Weekly* (Nandu Zhoukan), 11 June 2011, www.nbweekly.com/news/special/201106/26344.aspx (consulted on 20 August 2012).
53. Beifeng posted an online appeal for a "Campaign of all Chinese to halt evil laws," and provided a list of all NPC delegates, calling on netizens to telephone delegates or send them email and text messages stating "The amended Criminal Procedure Law is an evil law and must on no account be passed." Mai Yanting, "Minjian qishen fankang xingsufa, lizu 'beishizong' hefahua" (Public rises in opposition to Criminal Procedure Law, forcefully resists legalisation of "disappearing"), RFI, <http://www.chinese.rfi.fr/node/108060> (consulted on 20 August 2012).
54. "Shenzhen lüxie huizhang bamian shijian zhixuan huizhang de '18 zongzui'" ("18 crimes" in direct elections in the recall incident for the president of the Shenzhen Lawyers' Association), *21 shiji jingji baodao*, 4 August 2004.
55. Zhou Hua, "Beijing lüshi xiehui zhixuan fengbo" (Controversy over direct elections to the Beijing Lawyers' Association), *Southern Exposure*, 14 October 2008.



Demonstrators gathering for a *weiguan* protest action on the day of the trial of internet activist You Jingyou for defamation in the context of the "Three Netizens of Fujian" case, Fuzhou (Fujian Province), 16 April 2010 (the other two "Fujian netizens" were Wu Huaying and Fan Yanqiong). The banner displayed here –quoting Premier Wen Jiabao– reads "Fairness and justice outshine the sun." Wang Lihong, the woman on the left, was later convicted of "creating a disturbance" for her participation in this action. © He Yang

This statement provoked a negative response in the legal profession. Although the effort to promote democracy in the Lawyers' Association was not successful, it had enormous influence and considerable historical significance.⁽⁵⁶⁾ There are indications that the suspension of licenses and non-renewal of registration of some lawyers (such as Yang Huiwen, Wen Haibo, Chang Lihui, Tang Jitian, Tong Chaoping, and Jiang Tianyong) over the following two years was retaliation by the Justice Bureau and the Beijing Lawyers' Association.

Activating the Constitution

In May 2003, He Weifang, Xiao Han, and three other scholars sent a letter to the Standing Committee of the National People's Congress requesting a special investigation into implementation of the Custody & Repatriation system since the death of Sun Zhigang. This was an attempt to activate the long-dormant Article 71 (1) of the PRC Constitution, which states: "The National People's Congress and its Standing Committee may, when they deem it necessary, appoint committees of inquiry into specific questions and adopt relevant resolutions in the light of their reports." Requesting that the government disclose certain information in accordance with the "Regulation on the Disclosure of Government Information" is another typical example of attempting to activate existing laws in order to promote systemic change. In 2009, Beijing lawyer Yang Huiwen filed a request for information with all 73 departments under the Beijing municipal government, requiring disclosure of "the specifics of official vehicle use, reception of guests with public funds, and the financial administration of public funds leaving China; the circumstances of execution of the annual budget, departmental budget data, and policy-making processes," etc., but received only two complete replies.⁽⁵⁷⁾

Strolling and "surrounding gaze"

The 2007 Xiamen PX incident⁽⁵⁸⁾ took on symbolic significance by endowing the term "strolling" with a completely new connotation. A series of subsequent public incidents (the Three Fujianese Netizens, the Yihuang demolition and removal,⁽⁵⁹⁾ the Zhao Lianhai case,⁽⁶⁰⁾ the Panyu refuse incinerator,⁽⁶¹⁾ etc.) likewise brought the phrase *weiguan* – "surrounding gaze" – to the fore. In the writings of Lu Xun, *weiguan* has a bleak and negative connotation. "However, the citizens' *weiguan* spurred by microblogs has clearly redefined the term, making it a synonym for active participation.

56. For an assessment of this incident, see Jerome A. Cohen, "The Struggle for Autonomy of Beijing's Public Interest Lawyers," *China Rights Forum*, no. 1, 2009, www.hrichina.org/crf/article/3692 (consulted on 20 August 2012).

57. Huang Xiuli, "Yici youguan xinxi gongkai de 'xingwei yishu'" (A "performance art" incident regarding open information), *Southern Metropolitan Weekly*, 20 May 2009.

58. TN: Text messaging mobilized thousands of residents in a street protest opposing construction of a \$1.5 billion a xylene (PX) plant in Xiamen, Fujian province. For an analysis of the incident, see Li Datong, "Xiamen: The triumph of public will?," *Open Democracy*, 16 January 2008, www.open-democracy.net/article/xiamen_the_triumph_of_public_will (consulted on 20 August 2012), and "The Xiamen PX Project," *EastSouthWestNorth*, 1 June 2007, http://zonaeuropa.com/20070601_1.htm (consulted on 20 August 2012).

59. On 10 September 2010, three people were critically injured in a self-immolation incident triggered by a forced demolition and relocation in Fenggang Township, Yihuang County, Jiangxi Province. One of those injured, Ye Zhongcheng, subsequently died of his injuries.

60. Zhao Lianhai set up a website, "Kidney Stone Babies," dedicated to victims of the 2008 melamine-tainted milk powder scandal, through which he carried out investigations, published news, and called for the parents of affected infants to join together in a rights defence lawsuit. In November 2010, Beijing's Daxing Court sentenced Zhao to two-and-a-half years in prison for the crime of "stirring up trouble."

61. In 2009, the Guangzhou municipal government decided to build a power plant fuelled by the incineration of domestic waste at a location in the Panyu District, with operation scheduled to commence in 2010. In October 2009, hundreds of landholders in the locality of Dashi launched a protest against the plant.

The arrival of the microblog marks an epoch during which *weiguan* has been elevated to a new historic height.”⁽⁶²⁾

The Open Constitution Initiative (*Gongmeng*) and Dr. Xu Zhiyong have long been concerned with the rights of petitioners, and repeatedly organised *weiguan* events at so-called “black prisons,”⁽⁶³⁾ on a number of occasions bringing about the rescue of some petitioners. This kind of “surrounding gaze” uses the Internet to organise citizen volunteers and devise tactical strategies, while coordinating online and offline activities through microblogs and Twitter.⁽⁶⁴⁾ On 16 June 2010, the day of the Dragon Boat Festival, netizens organised a “summer evening party” in support of rights defender Ni Yulan. When the police detained Ni Yulan, netizens set up tents at the entrance to the detention centre in protest, and when the police drove them off, they took to the streets.

The case of the Three Fujianese Netizens⁽⁶⁵⁾ added another thick dossier to the history of *weiguan*. When the trial opened at the Mawei District People’s Court on 16 April 2010, hundreds of netizens from all over China sent out messages of support at a pre-arranged time and reported on the situation through Twitter. Although many participated in the *weiguan* event, they created a moving spectacle of peace, restraint, and order, and left behind a series of essays, videos, and analyses that captured the attention of observers. Commentators noted, “The Fujian *weiguan* incident did not arise spontaneously out of thin air, but in fact was the inevitable result of the development of China’s civil society over the course of several years.”⁽⁶⁶⁾ “This mass *weiguan* was the culmination of years of struggle, and it will continue; it is completely different from the Xiamen PX incident and has greater value and significance.”⁽⁶⁷⁾ One important difference is that the focus of this “surrounding gaze” was the freedom of expression guaranteed in the Constitution, rather than personal interests or an environmental issue.

NGOs

Many rights defence activities require a great deal of day-to-day, trivial work; they require the coordinated action and substantial human and financial resources that only a non-governmental organisation (NGO) can provide. For example, there is the Aizhixing Institute, which focuses on AIDS and public health; the Shenzhen Equity & Justice Initiative, which focuses on involuntary psychiatric treatment; the Beijing Yiren-ping Centre, which focuses on equal rights; the Transition Institute (*Zhuanzhixing*), which focuses on professional monopolies, tax reform, and research on social transformation; the Open Constitution Initiative (*Gongmeng* 公盟), which focuses on human rights and rule of law; and the Beijing-based China Against Death Penalty, which focuses on the death penalty. NGOs focusing on rights defence activities, whether relating to environmental protection, workers’ rights, or the rights of people living with HIV-AIDS, have difficulty registering with the Ministry of Civil Affairs, and can only register with ministries in charge of industry or commerce. Some are not able to register at all, and can only exist as operational networks: for example Civil Rights and Livelihood Watch (*Minsheng guangcha gongzuoshi* 民生观察工作室) and China Against Death Penalty. Some were registered as companies but then had their registration cancelled, such as the Open Constitution Initiative. *Gongmeng*’s participation in the rights defence movement was quite wide-ranging, focusing on petitioners’ rights, public interest litigation, civic participation and grassroots elections, lawyers’ rights, freedom of expression, tainted milk powder and other public health incidents, promot-



A demonstrator holds up a banner reading “Light, Truth, Justice,” “Justice is a human longing,” and (in smaller script), “Pay attention to the Case of the Three Fujian Netizens. 16 April [2010].”

© He Yang

ing reform to the household registration (*hukou*) system, and demanding equal access to education, among other issues.

Independent candidates in people’s congress elections

According to The Electoral Law of the PRC, direct elections to the various levels of people’s congresses occur nominally up to the county level. Even county-level people’s congress elections are manipulated and are sham democracy. However, some individuals such as Yao Lifa and Xu Zhiyong have managed to exert influence as independent candidates in county people’s congress elections.⁽⁶⁸⁾ Microblogs were very influential during the 2011 people’s congress elections, with many rights defenders, lawyers, writers, and teachers using microblogs to announce their candidacy, and carrying out campaigns and publicity through microblogs, blogs, public speeches, leafletting, visits and other methods. Because the government exerted pressure through various types of covert manipulation and overt unlawful acts, only a tiny minority of independent candidates were ultimately elected, but their

62. Xiao Shu, “Gongmin weiguan: Laizi putongren de jianjin geming” (Citizen’s surrounding gaze: The product of gradual revolution among the ordinary people), *Shidai zhouban*, no. 106, 25 November 2010. For an earlier article that brought out the surrounding gaze’s significance to social movements, see Xiao Shu, “Guangzhu jiushi lilian: Weiguan gaibian Zhongguo” (Attention is power: The surrounding gaze changes China), *Nanfang Zhoumo* (Southern Weekend), 13 January 2010.
63. On black prisons, see Human Rights Watch, “An Alleyway in Hell: China’s Abusive ‘Black Jails,’” November 2009, www.hrw.org/sites/default/files/reports/china1109webwcover_1.pdf (consulted on 20 August 2012).
64. For a comprehensive record of one *weiguan* operation at a black prison, see Teng Biao, “Gongmin zai xingdong” (Citizens in action), *Gongmin yuekan*, January 2009.
65. Three Fujian netizens, You Jingyou, Fan Yanqiong, and Wu Huaying, posted comments on the Internet regarding the Yan Xiaoling case, and apart from seeking redress for injustice, suggested that the Mingqing police were shielding a criminal gang. The Mawei procuratorate charged the three with framing the police. After three hearings, the court found the three netizens guilty of slander. Throughout the trial, netizens converged on Fujian in a show of support and sustained interest in the case through postings on the Internet.
66. Wang Debang, “Qushahua, qi liangzhi: Fuzhou ‘san wangmin an’ weiguan shijian qianxi” (Exercising conscience: A superficial analysis of the ‘Three Fujianese Netizens’ surrounding gaze incident), *Minzhu Zhongguo*, 8 May 2010.
67. Wang Ze, “‘Weiguan’ chuanguo lishi: 4.6 qinlizhe de zishu” (The surrounding gaze creates history: An account by a 16 April [2010] participant), *HRIC Biweekly*, 6 May 2010.
68. Zhang Jianfeng, “Duli renda daibiao shi nian fuchen” (The ebb and tide of independent people’s congress delegates), *Southern Exposure*, no. 16, 2009.

campaigning activities still had historical significance by displaying the power of ordinary citizens.⁽⁶⁹⁾

Recall movements

In April 2003, nearly 10,000 villagers from several towns under the jurisdiction of Fujian's Fu'an City signed a joint petition demanding the recall of Fu'an's mayor. This was the first recall petition for a mayor since 1949, and it was soon followed by similar petitions in Fujian's Minhou County and Fuzhou City, and Hebei's Tangshan City and Qinhuangdao City, where representatives of tens of thousands of farmers who had lost their land launched campaigns demanding that local Party and government administrators be removed from office and deprived of their qualifications as people's congress delegates.⁽⁷⁰⁾ The Taishi Village incident in 2005 was even more influential.⁽⁷¹⁾ Right defenders with special legal expertise played critical roles in several recall campaigns, among them Li Boguang (aka Li Baiguang), Guo Feixiong, Tang Jingling, Lü Banglie, Zhao Yan, and Yu Meisun.

Compiling handbooks

Rights defence movements require constant summarisation of experience, the provision of campaign guidebooks, and the promotion of theory to guide practice. Some rights defenders and organisations have written and compiled practical handbooks: for example Yao Lifa's *Essential Knowledge for China's Independent Candidates in the 2011-2012 Elections*, the *Civil Rights Handbook* edited by Zhang Hui, the Transition Institute's *Citizen's Guide to Taxation*, Xu Zhiyong's *Civil Rights Defence Handbook*, the *Citizen's Guide to Participating in People's Congress Elections* by Wei Huanhuan and Yao Lifa, the *Handbook Against Torture* by Li Heping and other lawyers, and a series of handbooks by Aizhixing aimed at people with AIDS, homosexuals, and other groups.

Non-violent non-cooperation and civil disobedience

A typical example of "non-violent non-cooperation" was the "take back the vote campaign" launched by Tang Jingling and others in 2006. The campaign called for citizens to use various means of expressing their refusal to participate or vote in elections as a boycott of manipulated and sham elections. This seems antithetical to independent participation in elections, but its social significance achieves the same end through different means.⁽⁷²⁾ Other examples of non-cooperation campaigns include joint statements rejecting CCTV and other official media,⁽⁷³⁾ publicly refusing to subscribe to official newspapers, refusing to provide service,⁽⁷⁴⁾ uninstalling software that helps the government monitor and control information, refusing to use Yahoo! email following the arrest of Shi Tao,⁽⁷⁵⁾ and refusing to join or announcing withdrawal from Party organisations, writer's associations, and other official organs.

Civil disobedience is when citizens follow their conscience by using non-violent methods to openly defy laws, willingly bearing the consequences to appeal to the public's sense of justice. Theorists are divided over whether or not civil disobedience is appropriate to non-democratic regimes. Although it is hard to identify influential classic examples of civil disobedience in China,⁽⁷⁶⁾ cases of a similar nature can be cited. One example is Christian house churches refusing to register with the government and carrying out worship activities in public.⁽⁷⁷⁾ Another example is Yang Zhizhu's open vio-

lation of China's family planning policies with an out-of-plan baby.⁽⁷⁸⁾ There is also Beijing residents' intentional violation of bans on setting off fire-crackers during the Spring Festival, or lawyer Li Subin's defiance of a ban on driving cars with less-than-1.0-liter engine displacement along Chang'an Avenue.⁽⁷⁹⁾

There are many other types of rights defence, for instance sit-ins, relay hunger strikes, labour strikes, carrying placards on streets, citizen investigation teams, lobbying for legislation and policies, satirical skits, street performance art, creation and performance of songs, Internet boycotts,⁽⁸⁰⁾ applications for demonstration permits, cartoons, graffiti, popular opinion awards, debates, documentary films,⁽⁸¹⁾ large-scale dinner parties,⁽⁸²⁾ etc. Some more extreme methods include self-immolation, hunger strikes, self-mutilation, self-confinement, and self-abasement, but because these are

69. For observations on the 2011 people's congress elections in Beijing and Guangzhou, see Xu Zhiyong and Ai Huanhuan, "Shiluo de Guangzhou renda xuanju: Gongmeng 2001 xuanju guancha zi er" (The lost Guangzhou people's congress election: *Gongmeng's* election survey no. 2); and Ai Huanhuan, "Dang lindaoxia de minzhu: Beijing xuanju guancha" (Democracy under the Party's leadership: A survey of the Beijing elections), Beijing, Open Constitution Initiative, 2011, <http://gongmengchina.com> (consulted on 20 August 2012).
70. Teng Biao, "Gan wen lu zai hefang: Ping Fujian, Hebei deng di nongmin bamian renda daibiao an" (Daring to ask the way: A critique of people's congress recall campaigns among the peasants of Fujian, Hebei, and other localities), *Xiandai wenming huabao*, July 2004.
71. Regarding the Taishi Village incident, see the related Chinese Wikipedia entry, <http://zh.wikipedia.org/wiki/%E5%A4%AA%E7%9F%B3%E6%9D%91%E7%BD%B7%E5%85%8D%E4%BA%8B%E4%BB%86> (consulted on 20 August 2012), an English-language summary on the *EastSouthWestNorth* blog, www.zonaeuropa.com/20050919_1.htm (consulted on 20 August 2012), and Ai Xiaoming's documentary *Taishi Village*.
72. Teng Biao, "Cong 'lianghui' kan shuhui xuanpiao yundong" (The "buy back the vote" movement from the angle of the "two conferences"), http://blog.bboxun.com/hero/2007/tengb/13_2.shtml (consulted on 20 August 2012).
73. In 2009, Ling Cangzhou and others issued open letters entitled "Boycott CCTV, refuse brain-washing" and "Farewell, propaganda and lies," the latter of which enumerated ten practical methods for boycotting official media and rejecting falsehood, including: no longer subscribing to or purchasing publications that published inaccurate reports or covered up major incidents, and to communicate protest to these media via telephone, fax, email, blogs, discussion forums, or text messaging; to the greatest extent possible, patronizing online news services, listservs, and e-trade that provided relatively objective and comprehensive coverage with a lesser degree of screening; and refusing to accept invitations or interviews from news media that provided inaccurate reporting or that covered up major incidents. See Radio Free Asia, "Ling Canzhou deng 28 ren fabiao 'Zaijian! Xuanchuan yu huangyan' gongkaxin" (Ling Canzhou and 27 others issue open letter "Farewell, propaganda and lies"), 18 March 2009, www.rfa.org/mandarin/yataibaodao/openletter-03182009090819.html (consulted on 20 August 2012).
74. In a recent example, members of the public in Shifang County, Sichuan Province, expressed their disapproval of police violence against protesters by posting signs stating "No police officers allowed" in the windows of restaurants and shops.
75. TN: Journalist Shi Tao was detained in 2004 after Yahoo! provided the Chinese authorities with account information relating to an email he sent to a US-based website. See Amnesty International, "Imprisoned for Peaceful Expression," www.amnestyusa.org/our-work/cases/china-shi-tao (consulted on 20 August 2012).
76. For one analysis, see Zhang Hui, "'Gongmin bufucong' ji qi zai Zhongguo shehui de pingjing pochu" (Civil disobedience and its bottleneck in Chinese society), *HRIC Biweekly*, no. 33, 26 August 2010, <http://biweekly.hricchina.org/article/608> (consulted on 20 August 2012).
77. Examples include Beijing's Shouwang Church in 2008 and Chengdu's Autumn Rain Blessings Church in 2009. See Liu Tongsu, "Jiuge zhuri de yiyi: 'Qiuyu zhifu' shijian pouxi" (The significance of nine Sundays: Dissecting the "Autumn Rain Blessings" incident), 12 September 2009, www.gongfa.com/html/gongfapinglun/20090912/550.html (consulted on 20 August 2012).
78. TN: An associate professor of law at China Youth University of Political Science, Yang was dismissed after the birth of his second child. See "How Many Fetuses Killed in 40 Years?", *China Digital Times*, 19 June 2012, <http://chinadigitaltimes.net/2012/06/how-many-fetuses-killed-40-years> (consulted on 20 August 2012).
79. Li Subin filed a lawsuit against Beijing's Xicheng District police for imposing a 100 yuan fine on him when he drove his 1.0-liter Charade along Chang'an Avenue on 23 August 2005. He dropped the lawsuit after the State Council in January 2006 issued a notice banning these curbs. See *China Daily* online, "Driver Drops Lawsuit Against Beijing Traffic Police," 13 January 2006, www.china.org.cn/archive/2006-01/13/content_1155058.htm (consulted on 20 August 2012).
80. TN: See for example an appeal by Ai Weiwei for a one-day Internet boycott on 1 July 2009: *Deutsche Welle*, "Ai Weiwei huyi 'bawang' yitian" (Ai Weiwei calls for a one-day Internet boycott), 23 June 2009, <http://dailynews.sina.com/bg/chn/chnpolitics/dwworld/20090623/0331380783.html> (consulted on 20 August 2012).

controversial and present particular difficulties, they have not been widely used.

Online rights defence campaigns

As soon as the Internet entered China, ordinary citizens began using it to fight for their rights. Huang Qi, who was imprisoned in 2000 after establishing the Tianwang website in 1999, launched numerous human rights efforts through the Internet. From creating websites, discussion forums, bulletin boards, and blogs to the use of Twitter and microblogs, rights defenders have remained at the forefront of learning and using the latest networking technology, putting China on the road to technological empowerment.

The interactivity, openness, grassroots appeal, and immediacy of Web2.0 technology have created new modes for social movements. Online social movements can be multi-hubbed, random, boundary-straddling, and virtual. Any given networking module, website, or web page can become the hub of a campaign. A casually transmitted item of information can launch a collective netizen movement. The initiator of a campaign can conceal his or her true identity. At the same time, however, online social movements can also be planned, normative (through fixed network positions), and localised, and a great deal of information can be released through identifiable entities.⁽⁸³⁾ The abundance and diversity of online rights defence activities have propelled both the breadth and depth of development of China's rights defence movement.

Online petitions

It used to be that the cost of organising open letters was very high, while the channels for issuing them were narrow and the range of recipients very limited. The Internet age has made the organisation of open letters much more convenient, while also reducing the cost. Blogs, email, listservs, Skype, qq, MSN, Twitter, and microblogs can all be used to organise and issue open letters, and websites have been established specifically for signature campaigns. Many open letters were issued during rescue efforts for Du Daobin, with more than 1,600 signatures gathered in a short amount of time. It was during the signature campaigns surrounding this incident that "there emerged an unusual convergence of intellectuals from both within and outside the system."⁽⁸⁴⁾ In the Gan Jinhua case,⁽⁸⁵⁾ 300 signatures were gathered, including those of many lawyers and legal scholars. In the Wu Changlong injustice case,⁽⁸⁶⁾ the first round of campaigning garnered 1,252 signatures. Following the Li Wangyang incident, round after round of signature campaigns proliferated, along with the creation of websites specifically for collecting signatures and related articles and publicising the progress of the campaign.⁽⁸⁷⁾ It can be anticipated that an increasing number of online signature campaigns will arise in response to specific cases or incidents.

Online rescue

On 16 July 2009, Twitter account holder Guo Baofeng (amoiist) was detained by the Mawei police after disseminating information on a case of injustice through the Internet. While police officers were asleep, he issued a rescue appeal through Twitter. This incited the indignation and sympathy of his Twitter followers, who the next morning voiced their protest through a relay tweet: "Guo Baofeng, your mother is calling you home for dinner!"

A posting with similar wording had just become a hot topic on Baidu's World of Warcraft (*Moshou*) discussion forum, and now became miraculously associated with Guo Baofeng's personal circumstances. After that, news about Guo was promptly published through Twitter, and followers immediately launched offline rescue activities such as postcard mailing campaigns. On 31 July, Guo Baofeng was released.⁽⁸⁸⁾ The Chen Guangcheng, Ai Weiwei, and Gongmeng-Xu Zhiyong cases also engendered impressive Internet rescue campaigns involving massive quantities of articles, photos, postings, cartoons, and videos on Twitter, microblogs, and Facebook.

"Emblem campaigns"

When Liu Xiaobo was on trial, many netizens launched "yellow ribbon campaigns" by adding a yellow ribbon symbolising "thoughts and prayers for your safe return" on their Twitter and microblog banners. Many members of the public who gathered outside the court to demonstrate their support for Liu also wore yellow ribbons or tied them to the railings outside the court. In other cases, large numbers of netizens have placed images of the person they're concerned about on their microblog, QQ, or Twitter banner – for example, photos of Chen Guangcheng, "Pearl" He Peirong, or Li Wangyang. In the course of its long involvement in rights defence campaigns, Gongmeng appealed on its website for unified use of "citizen" symbols. In addition, symbols such as the "Grass Mud Horse" or "River Crab," and texts created by netizens, have been used for the purposes of protest, satire, or deconstruction.⁽⁸⁹⁾ I refer to this phenomenon as "emblem campaigns." These symbols are very eye-catching, and through shared symbol tagging, netizens can recognise the like-minded among them, promoting a psychological identity among participants in social movements and building up a formidable momentum for protest. It likewise facilitates offline contact and campaign coordination.

81. See Teng Biao, "Zhongguo gongmin yundong zhong de minjian julupian" (Privately-made documentaries in China's civic movements), *Open Magazine* (Kaifang, Hong Kong), no. 8, 2010.
82. The Chinese term for feasting, *fanzui*, is a homonym for committing a crime, and in this case refers to public gatherings in defiance of government controls or prohibitions. The phrase carries a taunt against totalitarian government.
83. Lu Jun, "Lun wangluo shehui yundong" (On Internet social movements), www.bjpopss.gov.cn/bjpopssweb/n32725c27.aspx (consulted on 20 August 2012).
84. Liu Xiaobo, "Minjian weiquan zai susha zhongcheng zhang" (The tough upbringing of popular rights defence), in Liu Xiaobo, *Weilai de ziyou Zhongguo zai minjian* (The future free China lies with the people), Laogai Research Foundation, December 2010.
85. TN: Gan Jinhua was sentenced to death in 2005 for a robbery that resulted in the death of two nuns. See Amnesty International, "Urgent Action: Chinese Man Faces Death Penalty," 15 January 2010, www.amnesty.org/en/library/asset/ASA17/004/2010/en/04b0c3e6-b183-4be8-bb42-b8a07e287c7d/asa170042010_en.pdf (consulted on 20 August 2012).
86. TN: Wu Changlong was handed a suspended death sentence in connection with a fatal bomb explosion in Fuqing City, Fujian Province, on 24 June 2001. Wu appealed on the basis that his confession was extracted under torture. See Human Rights in China, "Veteran Fuzhou Lawyer Sues Judicial Bureau to Assert Right to Practice, Puts Spotlight on Two Other Flawed Cases," 3 August 2010, www.hrichina.org/content/833 (consulted on 20 August 2012).
87. Labour rights activist Li Wangyang was found hanged in a hospital room one year after his release from serving a 21-year prison sentence for counterrevolutionary propaganda, incitement, and subversion. Mass protests broke out in Hong Kong after police declared Li's death a suicide, and then an "accidental death," conclusions that were rejected by Li's family and local activists. See www.liwangyang.org (consulted on 20 August 2012).
88. Wu Mao, "Cong 'Ni mama han ni huijia chifan' kaiqi de Zhongguo hulanwang 'xingwei yishu'" (China's Internet "performance art" in "Your mother is calling you home for dinner"), *Shidai zhoukan*, 12 January 2010; *China Digital Times*, "Guo Baofeng, Your Mother is Calling You Home for Dinner! (With Slideshow)," 26 July 2009, <http://chinadigitaltimes.net/2009/07/guo-baofeng-your-mother-is-calling-you-home-for-dinner%E2%80%9D-with-slideshow> (consulted on 20 August 2012).
89. See Eva Pils, "The Dislocation of the Chinese Human Rights Movement," in Stacy Mosher and Patrick Poon (eds.), *A Sword and a Shield: China's Human Rights Lawyers*, Hong Kong, China Human Rights Lawyers Concern Group, 2009, pp. 141–159.



Human rights (*weiquan*) lawyers and rights defenders gather outside the Court of Linyi City (Shandong Province) on 20 July 2006 to show solidarity with blind rights advocate Chen Guangcheng, accused of 'damaging public property' and 'causing a traffic disturbance,' and his defence lawyers (the authorities on that day postponed the trial). Cheng's supporters are each wearing a shirt with his picture and the words 'Blind – Chen Guangcheng – Freedom'.

© Teng Biao

Online publications

The Chinese government strictly prohibits privately-published newspapers. In terms of the Internet, however, there is no longer any genuine technical barrier to private publication. A typical example is *Yibao* ("One Man's Paper," www.1bao.org), published by Zhai Minglei. In addition, the Internet has many "personal newspaper services" such as Paper.li, which aggregate and filter news from social networks such as Twitter and Facebook, and then turn the content into an online daily.

Flash mobs

The flash mob is a phenomenon in which a group of people gathers at a time and place arranged in advance through the Internet or text messaging, then carries out a designated action (such as applauding or shouting slogans) before disappearing in an instant. An unsuccessful "Free Chen Guangcheng Beijing flash mob" was organised in April 2010. A more recent action occurred at 9:00 p.m. on 10 May 2012, when a huge number of postings supporting You Minglei simultaneously appeared on all of the major microblogs.⁽⁹⁰⁾

Human flesh search engines and name lists

Although human flesh search engines have been confronted by a number of legal and ethical controversies, carrying out searches to identify perpe-

trators continues to draw the support of netizens on certain hot-button issues. Some more recent examples include the forced abortion case in Ankang, Shaanxi Province,⁽⁹¹⁾ and a protest regarding a molybdenum-copper project in Shifang County, Sichuan Province.⁽⁹²⁾ Netizens tracked down a head nurse involved in the first case, and a "fat policeman" who had been responsible for beatings in the second case.

Ai Weiwei carried out a citizen's investigation to identify child victims of the 2008 Sichuan earthquake. He was able to identify 5,212 young victims, and listed their names on the Internet, as well as memorialising them on their birthdays. In 2010, he similarly launched an investigation to identify the victims of a massive fire in Shanghai's Jing'an District. After a major fire in Tianjin's Ji County in June 2012, someone used Google Docs in an attempt to challenge the officially published name list. Some rights defenders have also used Internet technology to compile name lists of polit-

90. You Minglei was placed in criminal detention on 5 May 2012 on charges of "incitement to subvert state power" for distributing leaflets. He was released one week later. See "Hulianwang liliang yang You Minglei an xianzhuanji" (The power of the Internet brings a turn for the better in the You Minglei case), 13 May 2012, www.singsquare.com/drupal712/zh-hans/content/%E4%B%A%92%E8%81%94%E7%BD%91%E5%8A%9B%E9%87%8F%E8%AE%A9%E6%B8%B8%E6%98%8E%E7%A3%8A%E6%A1%88%E7%8E%B0%E8%BD%AC%E6%9C%BA (consulted on 20 August 2012).

91. TN: See Josh Chin, "China Says It Suspended Officials in Force-Abortion Case," *The Wall Street Journal*, 15 June 2012, <http://online.wsj.com/article/SB10001424052702303410404577468170016159682.html> (consulted on 20 August 2012).

92. TN: See Tania Branigan, "Anti-pollution protesters halt construction of copper plant in China," *The Guardian*, 3 July 2012, www.guardian.co.uk/world/2012/jul/03/china-anti-pollution-protest-copper (consulted on 20 August 2012).

ical prisoners.⁽⁹³⁾ Special websites and Twitter accounts have been set up to collect name lists of evildoers, and to collect information on secret police, procurators, and judges involved in persecuting prisoners of conscience.

Apart from the afore-mentioned forms, there are also online ballots, video conferencing, online seminars, Internet publications, etc.; it could be said that not a day passes without a new method of online social movements being created. What should be noted is that these various online and offline rights defence campaigns are seldom used in isolation, but are more typically used in combination. The Qiu Qingfeng incident in 2000 is believed to be "China's first protest using a combination of online and offline methods."⁽⁹⁴⁾ The 2003 Li Siyi incident resulted in a flood of essays, songs, and reports; a memorial website was established through which people could offer flowers and songs, light candles and incense, and perform libations, and Ren Bumei, Wen Kejian, and Qin Geng took part in a relay hunger strike.⁽⁹⁵⁾ Another example of a successful rights defence case is Feng Zhenghu's struggle in 2009 for his right to return to his country. Feng received online and offline support through in-kind donations, text messages, and direct twitter messages.⁽⁹⁶⁾ The melamine milk powder contamination incident drew inter alia open letters, the organisation of meetings of the parents of victims, paid advertisements in *Southern Weekend*, the organisation of a legal team and legal aid for lawsuits, media and Internet mobilisation, the filing of lawsuits in Hong Kong, negotiations with the factory owners, banners in the streets, and academic symposia.⁽⁹⁷⁾ The campaign to rescue Chen Guangcheng adopted an even richer array of activities: protests outside court, letter-writing campaigns, sending milk powder and school supplies to Chen's children, visits, setting off fireworks and releasing balloons, altering Twitter or microblog banners, wearing "Guangcheng shirts," Guangcheng bumper stickers, the production of videos and documentaries, people's awards, telephoning local government officials to protest and posting the audio recording on the Internet, street performance art, taking pictures of dark glasses and posting the photos on the Internet, setting up special websites, circulating open letters, disseminating leaflets, posting online advertisements for marriage partners,⁽⁹⁸⁾ and other examples too numerous to list here.

Rights defence campaigns constantly intersect and coordinate online and offline. This is sometimes referred to as the "three-dimensional rights defence model [...] flexibly integrating seven key elements: domestic media reports, on-site guidance, investigation and analysis, court litigation support, consolidation of public opinion through the Internet, proposals for systemic reform, and monitoring by the international community (through international media and international relations). [...] It combines systematic reform campaigns with unsystematic social movements."⁽⁹⁹⁾

Conclusion

An authority on social movements, Charles Tilly, believes that social movements have three key elements: 1) campaigns: "A sustained, organised public effort making collective claims on target authorities"; 2) social movement repertoire defined as the "Employment of combinations from among the following forms of political action: Creation of special-purpose associations and coalitions, public meetings, solemn processions, vigils, rallies, demonstrations, petition drives, statements to and in public media, and pamphleteering"; 3) so-called "WUNC displays": an acronym for "participants' concerted public representation of [...] worthiness, unity, numbers, and commitments on the part of themselves and/or their constituencies".⁽¹⁰⁰⁾

Viewed from this angle, China's rights defence movement qualifies as a social movement in progress. Some researchers describe and analyse the rights defence movement under the framework of social movements. For example, Li Fan believes that modern China's "freedom and civil rights movement" has the following characteristics: demanding clear objectives of social liberty and the safeguarding of rights and interests; sustained posting of these demands in one locality after another throughout China; organisation and interaction between different groups is limited but emerging; and the methods for expressing demands is diverse and constantly growing.⁽¹⁰¹⁾ This movement has not reached the stage of "possessing a unified comprehensive organisational hub, but is scattered and spontaneous, able to arise and die out at a moment's notice, but also able to be revived at a moment's notice. Overall, it embodies a state of continuous development."⁽¹⁰²⁾

China's rights defence movement has its own unique aspects: 1) A low level of organisation. The rights defence movement has multiple hubs and a low level of organisation. NGOs are not the mainstream, and the movement is subject to enormous constraints. There exist some informal organisations, for example regular or irregular gatherings of civil society activists, and legal teams that cooperate when the opportunity arises, form around cases, and then dissolve after a case is finished. This is mainly for the purpose of reducing risk in an atmosphere of intense political pressure. 2) Multilevel appeals. There is the safeguarding of lawful rights and interests in individual cases, the promotion of changes to a law or policy, the defence of freedom of expression or worship and other such constitutional rights, and the kind of demand for systemic political reform seen in Charter '08. Opinions still diverge within the rights defence movement regarding appeals for political reform and over whether the rights defence movement needs to become politicised. 3) Multilevel actions. Some rights defence actions are very modest: a microblog exposing an environmental pollution problem, a small-scale petition, a research report or a symposium. Some are extremely radical, such as self-immolation or hunger strikes. Opinions continue to diverge over whether it is right to stage a hunger strike, "take to the streets," or publicly defend Falun Gong.

93. "Beifeng: Hu Wen zhuzhengjian 'zhengzhifan' zengduo" ("Political crimes" increase under the Hu Wen administration), *Deutsche Welle*, 27 June 2012, www.dw.de/dw/article/0,,16052621,00.html (consulted on 20 August 2012).

94. Zhao Dingxin, *Shehui yu zhengzhi yundong jiangyi* (Teaching materials on society and political movements), Shehui kexue wenxian chubanshe, 2006, p. 112. Qiu Qingfeng was a Peking University student who was raped and murdered on 19 May 2000. Students protested when the university authorities prohibited memorial activities and the wearing of mourning corsages. See the related Wikipedia entry, <http://zh.wikipedia.org/zh/%E9%82%B1%E5%BA%86%E6%9E%AB%E4%BA%8B%E4%BB%B6> (consulted on 20 August 2012).

95. Kang Xiaoguang, *Qisu: Weile Li Siyi de beiju bu zai chongyan* (A lawsuit: So that Li Siyi's tragedy will not be repeated), Hong Kong, Mingbao chubanshe, 2005.

96. From 7 June 2009, rights defender Feng Zhenghu was denied re-entry into China eight times. On 4 November 2009, Feng Zhenghu began a peaceful protest by camping out at Tokyo's Narita Airport. He was eventually allowed to re-enter China after 92 days. The affair was reported through Twitter and other social media and attracted wide attention.

97. Teng Biao, "Fālǚren yu fǎzhī guójiā" (Legal professionals and the rule of law state), *HRIC Biweekly*, no. 46, 24 February 2011.

98. There have been too many articles and analyses on the Chen Guangcheng case to cite here. Regarding the "online advertisements for marriage partners," see Gan Lu, "Ziyou Guangcheng huodong yinfa wangyou linyi zhenghun re" (Free Guangcheng campaigns spark off a rash of netizen spouse-seeking advertisements in Linyi), *New Century News*, 2 December 2011, www.new-centurynews.com/Article/china/201112/20111202195258.html (consulted on 20 August 2012).

99. Li Fan, *Dangdai Zhongguo de ziyou minquan yundong* (Modern China's freedom and human rights movement), Taiwan, Juliu tushu gongsi, July 2011, pp. 195–196.

100. Charles Tilly, *Social Movements, 1768–2004*, Boulder (CO)/London, Paradigm Press, pp. 3–4, 2004; Chinese edition translated by Hu Li, Shanghai renmin chubanshe, 2009.

101. Li Fan, *op. cit.*, chapter 1.

102. *Ibid.*

As to the “full use” of legal space, it can in fact serve the purpose of safeguarding justice in individual cases or improving particular provisions of bad law, but is it possible through this method to turn China into a constitutional state? Will demanding that the government observe its laws be enough to achieve civil liberty and then move toward democratisation? The avoidance of organisation can in fact reduce (though not eliminate) risk, but without organisation, can the rights defence movement become a high-quality, effective social movement? Might a rights defence movement shackled by “legalisation of political issues and specialisation of legal issues” end up binding itself hand and foot? Can rights defence pick and choose, refusing to take on the most sensitive cases and topics?

These controversies began as early as 2005, when lawyer Gao Zhisheng wrote his open letter on the persecution of Falun Gong practitioners,⁽¹⁰³⁾ and they remain current today. In a 2006 essay, Gao argued that the rights defence movement should “become non-violent, politicised, and organised, and should take to the streets.” Microblog discussions over the need for a more organised rights defence movement following Sichuan’s Shifang incident and Fujian’s Qidong Incident show that the debate continues.⁽¹⁰⁴⁾ The omnidirectional influence new networking technologies have had on the rights defence movement may eventually result in new conclusions.

The core of the movement is human activity. The enhancement of transportation and communication has clearly extended the scope of activities and the capacity for association, which in turn has had a marked effect on social mobilisation and collective action. One example is that petitioning becoming a social issue in the 1990s due in part to improved rail speeds and the construction of many expressways.⁽¹⁰⁵⁾ According to Marshall McLuhan, the media are “extensions of man.”⁽¹⁰⁶⁾ The influence of the Internet on the media can be seen in these new phrases: we media; public media; republic media, social media, participatory media, collaborative media, common-shared media, etc.⁽¹⁰⁷⁾ The new media have in fact transformed the traditional meaning of space and time. Manuel Castells points out that the world has shifted from a “space of places” to a “space of flows,” and that the space of flows in information society is allocative; a person’s social function is basically organised within this space of flows.⁽¹⁰⁸⁾ According to Paul Virilio, what we call the world no longer refers to geographic expanse, but rather to “a temporal distance constantly being decreased by our transportation, transmission, and tele-action capacities.”⁽¹⁰⁹⁾

In the Information Age, a person can become an operative (such as a participant in a social movement) even when physically absent; complete in advance an action that will be required at some future time;⁽¹¹⁰⁾ exert power through anonymous means; and influence actual social incidents from a virtual space. The cost and risk of participating in movements has been greatly reduced, and an accumulation of “micro-dynamics” can wield outstanding power. “Speaking only of the individual netizen, his every strike on the keyboard, every reply, comment, or forwarding of a posting seems so small that its effects can be overlooked. When he does this, he may not know where his comrades and companions are. But when these apparently impotent and isolated actions come together, a lone clap becomes an ovation, a small crowd expands to a mass, and strangers are assembled into a resonant action group.”⁽¹¹¹⁾ This is also the reason why civil action has become increasingly dynamic, even though the government has been unceasing in its suppression of the rights defence movement.

The quandary of “systematisation” seems to have become a bottleneck in the rights defence movement. Even so, BBS, Twitter, Skype, email, mail list, QQ, QQ groups, microblogs, blogs, microblog groups, etc., as well as the

increasing popularisation of cellular phones, have allowed for the synchronised dissemination of information, immediate group contact, and multi-party online interaction, and thus have greatly changed the face of interpersonal exchanges and alliances. New Internet technology also has the capacity to assemble information into types, as well as assembling people with the same convictions, greatly facilitating the mobilisation of public opinion and social mobilisation, and leading to the emergence of new types of associative formations, such as virtual associations and online communities, which to a certain extent can break through prohibitions on “banned associations.” “Virtual associations,” “online communities,” “informal organisations,” “covert organisations,” “temporary organisations” – whatever name they go by, these “quasi-organisations” have already become a social reality. Constant exchanges between individuals with shared concerns and viewpoints in virtual space have also made offline face-to-face exchanges and gatherings a matter of course. It is through this practice that citizens’ self-organisational capacities can gradually take shape and improve. This is what Clay Shirky refers to as “organizing without organizations,”⁽¹¹²⁾ and Sidney Tarrow believes, “It was not so much these formal organizations, but the informal social networks that lay at their heart and the informal connective structures among them that were potential centers of collective action... Less easily infiltrated by the police than formal associations and less subject to factionalization, informal networks had advantages during a time when governments were becoming increasingly wary of combination.”⁽¹¹³⁾ Before and even since the rise of the rights defence movement’s, people have not abandoned efforts toward organised protest, as illustrated by the creation of political parties such as the Chinese Liberal Democratic Party, the Chinese Workers’ Rights Protection Alliance, and the China Democracy Party, and groups such as the Tiananmen Mothers, the Pan-Blue Alliance, the Chinese Independent PEN Centre, the Guizhou human rights seminars, various house-churches, and the Open Constitution Initiative. Nevertheless, mobilisation and organisation in the Internet Age allow for collective action and social movements without organisational structure, charters, or fixed membership, without leaders and without advance planning. The traditional

103. Regarding the controversy over Gao Zhisheng, see Eva Pils, “Rights Activism in China: The Case of Lawyer Gao Zhisheng,” in Stephanie Balme and Michael C. Dowdle (eds.), *Building Constitutionalism in China*, Basingstoke (UK), Palgrave Macmillan, 2009, pp. 243–260; and Eva Pils, “Asking the Tiger for His Skin: Rights Activism in China,” *Fordham International Law Journal*, vol. 30, no. 4, 2006, article no. 6, <http://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=2065&context=ilj> (consulted on 20 August 2012). For commentary on the politicisation of the rights defence movement, see Teng Biao, “Gongmin weiquan yu shehui zhuanxing,” *op. cit.*

104. Gao Zhisheng, “Yinan 7.20 shijian hou weiquan kangyi yundong de yixie sikao (Some thoughts on the rights defence protest movement after the Yinan Incident of 20 July [2006]),” <http://www.epochtimes.com/gb/6/7/30/n1404076.htm> (consulted on 20 August 2012).

105. Fan Yafeng, “Weiquan zhengzhilun” (The politicisation of rights defence), 28 November 2008, <http://gongfa.com/html/gongfazhuanti/minqianyuweiquan/20081128/114.html> (consulted on 20 August 2012).

106. Marshall McLuhan, *Understanding Media: The Extensions of Man*, McGraw-Hill, 1964. Chinese edition translated by He Daokuan, Beijing, Commercial Press, 2000.

107. Hu Yong, *op. cit.*, pp. 5, 19. “Common-shared media” is a concept put forward by Hu referring to “communications for all, by all.”

108. Manuel Castells, *The Rise of the Network Society, The Information Age: Economy, Society and Culture Vol. I*, Oxford, Blackwell, 1996. Chinese edition translated by Xia Zhujiu et al., Beijing, Shehui kexue wenxian chubanshe, 2010, p. 524.

109. Paul Virilio, *Virilio Live: Selected Interviews*, (John Armitage ed.), London, Sage, 2001, p. 78.

110. For example, after writing an article, one can upload it at a set time through a microblog.

111. Li Yonggang, *Women de fanghuoqiang* (Our firewall), Guilin, Guangxi shifan daxue chubanshe, 2009.

112. Clay Shirky, *Here Comes Everyone: The Power of Organizing without Organizations*, London, Penguin Press, 2008.

113. Sidney Tarrow, *Power in Movement: Social Movements and Contentious Politics*, Cambridge University Press, 1998, pp. 49–50.

concept of organisation is increasingly subverted by Internet technology and actual practice.

To a certain extent, therefore, the Internet has broken down a number of traditional dichotomies: information disseminators vs information recipients; official media vs popular media; domestic media vs foreign media; domestic vs foreign; on-site vs off-site; organised vs individual; elite vs grassroots; public domain vs private domain; traditional activity vs virtual activity; and even political vs apolitical; online vs offline; and the powerful vs the powerless. Havel said that that living in truth is the "power of the powerless";⁽¹¹⁴⁾ networking technology is likewise the power of the powerless. The Internet has become "liberation technology"⁽¹¹⁵⁾ due to Web 2.0 social movements' gradual subversion of existing associative power structures.⁽¹¹⁶⁾

Under a political structure with freedom of expression and association, civil society "first located breaches through the Internet, and once the Internet set down roots, brought about spontaneous alliances in the virtual world. Civic collective movements then progressively infiltrated, influenced, pushed forward, and altered reality. Civic collective movements in China were once unimaginable, but with the help of the Internet and public opinion forums driven by the Internet, they have become a reality, and are creating one miracle after another in China's public life."⁽¹¹⁷⁾ China's rights defence movement has achieved much in the space of just ten years. Landmarks include: the Sun Zhigang incident, the Taishi Village incident, the Chen Guangcheng incident, the Xiamen PX incident, Charter '08, Ai Weiwei's Sichuan earthquake investigation, the Guizhou human rights seminars, Huang Qi's 6.4 Tianwang website and Liu Feiyue's Livelihood Watch, the Deng Yujiao case, the Qian Yunhui incident,⁽¹¹⁸⁾ the Li Zhuang case, the incident of the Three Fujian Netizens, the Wukan incident, the participation of independent candidates in the 2011 people's congress elections, Guiyang's Li Qinghong case, *Gongmeng's* push for the equal right to education, and the "New Citizens' Movement."

The main developer of Twitter, Jack Dorsey, once said: "One could change the world with one hundred and forty characters." In terms of China's political transformation, the situation is of course much more difficult and complex; it will take more than mouse clicks, and will require the much greater energy of offline collective action. In recent years, many public intellectuals and activists have given the optimistic prognosis that "the surrounding gaze is changing China." The Internet has already brought enormous transformation to the concepts and modes of dissemination of information, personal interaction, social mobilisation, and political movements. Against this background, the various online and offline activities of participants in China's rights defence movement are changing China.

■ Translated from Chinese by Stacy Mosher.

■ Teng Biao is a Lecturer at China University of Political Science and Law; he practices law at the Beijing Huayi Law Firm, and is the Director of China Against Death Penalty, Beijing. He holds a PhD from Peking University Law School. He is also a Visiting Scholar with the Centre for Rights and Justice at the Faculty of Law, The Chinese University of Hong Kong, in the academic year 2012/2013. In 2003, he was one of the "Three Doctors of Law" who complained to the National People's Congress about unconstitutional detentions of internal migrants in the widely known "Sun Zhigang Case." Since then, Teng Biao has provided counsel in numerous other human rights cases, including those of rural rights advocate Chen Guangcheng, rights defender Hu Jia, the religious freedom case of Wang Bo, and numerous death penalty cases. He has also co-founded two groups that have combined research with work on human rights cases: "Open Constitution Initiative" (Gongmeng / now Gongmin) and "China Against Death Penalty" (tengbiao89@gmail.com).

114. Vaclav Havel, "The Power of the Powerless," in Vaclav Havel et al., *The Power of the Powerless: Citizens Against the State in Central-Eastern Europe*, Abingdon (UK), Routledge, 2010, pp. 10–60.

115. Larry Diamond, "Liberation Technology," *Journal of Democracy*, vol. 21, no. 3, July 2010.

116. Of course, we should here recall what Charles Tilly warned about technological determinism in these changes, which may "result less from the adoption of digital technologies as such than from alterations in the political and economic circumstances of social movement activists." Charles Tilly, *op. cit.*, p. 106.

117. Xiao Shu, "Zhongguo shehui de liangji zhendang yu chuanbo geming" (Chinese society's polar oscillation and dissemination revolution), *Jingji guanchabao*, 20 July 2009.

118. TN: Qian Yunhai, a popular elected village head in Zhejiang Province who had a long history of fighting alleged abuses by local government, was crushed under a truck at a building site on 25 December 2010. An eyewitness said that four men held Qian down while the truck was driven over him. See Edward Wong, "Suspicious Death Ignites Fury in China," *The New York Times*, 28 December 2010, www.nytimes.com/2010/12/29/world/asia/29china.html (consulted on 20 August 2012).