

# ATOP A VOLCANO

BY LIU XIAOBO

**Freedom of expression is crucial for exposing the societal ills that breed discontent, and for working out solutions that will lead to genuine stability in Chinese society.**

Dedicated to preserving stability and maintaining its monopoly on power, the Beijing regime has grown accustomed to singing the praises of China's booming economy. Since October 2004, however, the government has faced serious challenges from the periphery. Clashes have occurred between the government and ordinary citizens, involving thousands, tens of thousands and even more than a hundred thousand people.

In its October 2004 issue, the Hong Kong-based *Trend Magazine* (Dongxiang) reported that the Central Committee for Comprehensive Management of Public Security published an internal report on social order during the month of September revealing that there had been more than 520 marches, demonstrations and anti-government rallies in more than 170 cities and 390 counties in 29 provinces and districts, not counting Tianjin City and the Tibet Autonomous Region. Throughout China, 3.1 million people took part in marches, demonstrations, rallies and petitioning expeditions to the capital, with more than 70 street clashes taking place between the government and the people. In more than 100 instances, city and county government offices were damaged or forcibly occupied. In many cases, buildings and vehicles were set on fire or destroyed by demonstrators. Casualties included 200 public security officers, military police officers and government officials. More than 1,000 people were arrested and charged with organizing a disturbance or various acts of violence.

The *Oriental Outlook Weekly* (Liaowang Dongfang Zhoukan), published by the Xinhua News Agency, further revealed that 58,000 relatively large disturbances or riots occurred in 2003, an average of approximately 160 disturbances per day. In many cases, administrative units of the Party and the government were attacked. These figures indicate that instances of social unrest increased by 15 percent in 2003 compared with the previous year, and showed a seven-fold increase compared with 10 years earlier. Not only is violent confrontation much more common today than it once was, but the scale of the dis-

turbances has been gradually increasing, and the level of violence has also rapidly escalated.

The main impetuses for marches, demonstrations, rallies and petitioning drives in urban areas include the following: 1) workers laid off from state-owned enterprises that are closed, restructured or merged, who are not provided with new employment or adequate compensation; 2) people who feel that their rights and interests are being abused; 3) popular opposition to corruption and abuses by the Party and government, the public security bureau and judicial organs; 4) the lower and working classes taking a stand against the growing social polarization between the rich and the poor; and 5) social retaliation against inadequate and unjust handling of social issues by government departments.

The main causes of marches, demonstrations and rallies in the countryside include the following: 1) local government departments infringing on or seizing the land use rights of farmers who depend on the land for survival; 2) peasants resisting various levies imposed on them by local governments; 3) rural migrant laborers who have part of their wages withheld or who are not paid on time; 4) rising prices of chemical fertilizers, farm implements and seeds; and 5) peasants having their farmland confiscated for construction projects without compensation.

Meanwhile, in places such as Anhui, Hubei and Jiangxi Provinces, peasants have spontaneously organized "autonomous committees" and "peasants' representative bodies" to spearhead the defense of their rights, and have gone so far as to demand the prosecution and execution of corrupt village cadres known as "local despots." Moreover, many intellectuals and lawyers have begun participating in the peasants' rights movement by providing literary, material and legal services that help peasants publicize their appeals for their rights and expose local governments' abuse of peasants' rights. For example, the legal scholars Yu Meisun and Li Boguang, the journalist Zhao Yan and the sociologist Zhang Yaojie have been engaged in long-standing campaigns to help peasants in Fujian and Hebei Provinces safeguard their rights.<sup>1</sup>

The most widely reported clashes between citizens and the authorities occurred between October 27 and November 7, 2004 in Hanyuan County, Sichuan Province. The clashes arose over forced relocation and inadequate compensation of vil-

lagers affected by a dam project. According to the Hong Kong-based *Oriental Daily* (Dongfang Ribao), the Chinese leadership took the Hanyuan riots very seriously and characterized them as “large-scale mass incidents.”<sup>2</sup>

The *Oriental Daily* article reported that on November 8, 2004, a special working group dispatched by the central government and headed by Wang Yang, the vice-secretary-general of the State Council, arrived in Hanyuan. At a meeting with senior county cadres, Wang Yang delivered the following four-point directive from Hu Jintao and Wen Jiabao: “It is understandable that the people should want to stop the dam construction. It is also normal that residents about to be relocated should express their opinions through a variety of channels. Local residents about to be relocated should be encouraged to tell the authorities what they think. They must not be prosecuted. But while the authorities must protect the rights and interests of local residents slated for relocation, they must severely punish criminal elements who beat, smash, rob and burn.”

Because the Chinese government maintains strict media censorship, the government-controlled media continue to restrict their coverage to economic prosperity and political stability. “The era of peace and prosperity” has become a ubiquitous catchphrase. But in domestic and foreign circles, there is much talk of China sitting atop a volcano. The Wanzhou Incident is seen as one example of the smoldering public dissatisfaction.<sup>3</sup> Although apparently triggered by a spontaneous street brawl, the massive riot, involving tens of thousands of people, indicates a deep-rooted public resentment and antagonism against government officials that can ignite the common people like dry kindling in an instant.

### **A crumbling foundation**

Westerners are often perplexed by China’s situation since the Tiananmen Massacre in 1989. With China’s reforms crippled by political corruption and growing polarization between rich and poor, how has it been possible for the government to sustain rapid economic growth and social stability over the past 15 years?

Countless predictions of the CCP’s impending demise following the Tiananmen Massacre proved incorrect. It became apparent that the regime of the post-totalitarian era did not need to reestablish the legitimacy it had squandered so quickly; neither was there any need to revise its crippled reform strategy or obsolete political system. The regime simply relied on economic growth and an iron fist to maintain its grip on power and political stability.

In recent years, however, ordinary people have become increasingly aware of their individual and collective rights. They have grown less tolerant of government oppression and more sensitive to social injustice and suffering. The spirit of rebellion has grown stronger, and a spontaneous popular movement for civil rights is gaining momentum. China’s social structure has evolved to the point where might resides with the authorities and right with the ordinary people. Yet no matter how much Party bosses espouse “Deng Xiaoping Theory,” the “Three Represents” and the “New Three People’s Principles,” the government departments in charge of CCP ideology

invariably abuse their power and are no longer able to rein in the people’s desire for morality and justice. No matter how much the government controls the media and censors the Internet, it is unable to silence popular opinion. In other words, ordinary Chinese people have developed a system of values independent of the government, producing moral heroes of international standing such as Ding Zilin, Bao Tong, Jiang Yanyong and Gao Yaojie.<sup>4</sup>

During this time of “stability at the macro level and unrest at the micro level,” the Communist regime, single-mindedly dedicated to the maintenance of social order, has seen the foundations of its pyramid-shaped power structure gradually crumble. The regime has not hesitated to employ brute force, lies and bribery in its efforts to maintain stability, preserve one-party rule and further the interests of its minority elite. Ultimately, however, government-imposed terror does not preserve stability, but rather creates unrest. Lack of free expression, imposed from above, does not lead to consensus but to the build-up of resentment. In a dictatorship, only two types of stability are possible: the false stability of ten thousand horses standing mute and motionless, or the tense stillness that precedes the sudden ignition of a prairie fire.

### **The growth of popular activism**

While organized popular resistance remains difficult under the iron grip of the Communist dictatorship, the crippled reforms have nevertheless spurred calls for freedom by disadvantaged individuals, social groups and an emerging grassroots civil rights movement, with protests occurring daily throughout China. Moreover, the media are hitting more “edge balls,” to use a ping-pong metaphor, pushing the boundaries of acceptable reporting in China. The Internet, by providing ordinary people with access to uncensored news, has rapidly become the preferred forum for publicizing grievances and has enhanced the people’s ability to organize and stand up for their rights.

The growth of a grassroots civil rights movement is seen from very different angles by the government and the people. To the Communist regime, which regards the will of the people with hostility, the movement is a clear indication of its loss of control over society, and the government uses the carrot of bribery and the stick of repression to curtail every move toward a free press or organized popular resistance. Ordinary citizens, on the other hand, are becoming increasingly aware of their rights and are spontaneously standing up for them. Although opposition and human rights activists have campaigned unceasingly since 1989, popular opposition has now exploded on several fronts:

- For the past 15 years, Professor Ding Zilin has represented the families of the victims of the Tiananmen Massacre, collecting eyewitness accounts and seeking justice for victims’ families by petitioning to clear the victims’ names, protesting censorship and demanding political reform.
- Falun Gong practitioners and underground Christians are actively resisting religious persecution and demanding freedom of religion and assembly. A disproportionately large number of Christian evangelists have been arrested in comparison with democracy activists or dissidents. Fur-

thermore, copies of Yuan Zhiming's documentary *The Cross* have been widely circulated in China, and have deeply moved those who have seen it.

- Intellectuals are insisting on freedom of expression.
- There is consistent evidence of dissent within the CCP.
- Private entrepreneurs are demanding market fairness and protection of property rights.
- There is mounting popular concern for civil rights issues, as exemplified by the Sun Zhigang Incident,<sup>5</sup> Dr. Jiang Yanyong's courageous outspokenness during the SARS crisis, and Gao Yaojie, Wan Yanhai and Hu Jia's continuing campaign for HIV/AIDS prevention and treatment and protection of the rights of patients and their children.

But the most explosive civil rights movement is that taking place in the lower classes. While the examples of civil activism just mentioned primarily involve intellectuals, they are only the tip of the iceberg, and it is the spontaneous activism of the socio-economically disadvantaged that now comprises the bulk of China's current civil rights movement. Mass movements by peasants, rural laborers, unemployed workers in cities and towns, and other disadvantaged groups, occur not only daily, but all across China, including economically developed areas such as Guangdong Province, Shanghai and Beijing. Ordinary people march on the capital to appeal for intervention from central authorities and sign petitions by the tens of thousands for the recall of substandard officials. Three years ago, some 100,000 workers took to the streets in the northeastern cities of Liaoyang and Daqing in protests that lasted nearly a month. When pushed beyond the limits of endurance, protesters may attack local governments, or in extreme cases commit self-immolation in Tiananmen Square.

#### An ossified system

"Stability at the macro level and unrest at the micro level" is not only a manifestation of a growing grassroots movement for civil rights, but also of a crisis within the ruling clique. At the Fourth Plenary Session of the 16th Central Committee of the CCP held in September 2004, Jiang Zemin was forced to give up the chairmanship of the Central Military Commission, and Hu Jintao prioritized strengthening the Party's capacity to govern. This is a clear indication of a crisis within the ruling party, which can be traced to at least three scenarios:

1. *The worsening corruption situation cannot be contained.* Given that those with special privileges are protected during anti-corruption campaigns, that the judiciary has no independence to prosecute corruption (only the Political Bureau of the CCP and the Central Commission for Discipline Inspection are authorized to investigate and prosecute cases of corruption among high-ranking officials), and that there is a complete lack of transparency surrounding "black-box" anti-corruption operations, the oligarchs who run the Chinese dictatorship are unable to force certain senior associates off the gravy train.

If Li Peng, with his woefully deficient image, intelligence and ability, had been retired several years ago and his family exposed and prosecuted for corruption, the CCP regime would have come one step closer to reestablishing its legitimacy. But Li Peng completed his tenure as second-ranking Party leader

and chairman of the National People's Congress (from which he retired during the Sixteenth National Congress of the CCP in November 2002) with a "satisfactory" record, and his son Li Xiaopeng has faced no consequences for his role in the case of illegal fundraising involving Xin Guo Da Futures Co., Ltd. Li Peng's downfall, if handled improperly, could have imperiled the entire ruling clique. But unless special privileges and black-box operations are eliminated and prosecutors work independently of the Party, corruption will remain uncontained.

2. *Government orders are often ignored, and government effectiveness is decreasing at all levels.* With reforms awakening interest in personal profit, wealth has quickly become the ultimate goal in Chinese society. The policy of delegating power to lower levels and allowing them to keep a bigger share of the profits is producing a polarizing effect between the local and central governments, higher and lower levels, and organizations and individual officials. For example, when Premier Wen Jiabao issued three successive orders to deal with a case that involved a violation of rights in Heilongjiang Province, local officials simply feigned compliance.<sup>6</sup>

The most typical manifestation of this "intestinal obstruction" is worth discussing in greater detail. There is a veritable flood of people petitioning officials at various levels, and government authorities openly acknowledge that 80 percent of such petitions are legitimate and reasonable. Yet a recent report commissioned by the government reveals that only 0.2 percent of petitions to higher authorities are resolved.<sup>7</sup> It is because the government has been unable to satisfactorily handle and resolve these petitions that people who had been camping out for long periods at the Beijing Petitioners' Village began applying for permission to stage demonstrations. For example, some 20,000 petitioners, led by Li Xiaocheng, on July 30, 2004 applied to the Beijing Public Security Bureau, as required by law, to hold a demonstration at Tiananmen Square. But the PSB's Fengtai branch arrested Li and deployed a large contingent of police officers to the square on August 7 to prevent the petitioners from staging a perfectly legal demonstration.

The petitioning system is virtually the only legal recourse ordinary Chinese people have for defending their human rights. But in an environment in which official power is enormous and the power of ordinary people is minute, the petitioning system ultimately serves as little more than window-dressing. Given that the petitioning system has become almost completely dysfunctional, the best way to demonstrate concern for people at the bottom of society is to eliminate it altogether and instead focus on human rights and administrative and judicial remedies.

There are several steps we can take toward these goals. First, the government monopoly over the media should be gradually relaxed, and the formation of a system for recourse for human rights should be promoted. Second, a provision should be added to the constitution restricting the power of the Party. Third, existing provisions guaranteeing human rights in legal statutes and ordinances should be enforced across the board, and all provisions that violate human rights (such as the crime of incitement to subvert state power) should be eliminated, while gradually increasing the catalogue of provisions that

guarantee rights. Fourth, government officials need to be held accountable through enforceable legal provisions that guarantee human rights. Laws should be drafted to punish officials who abuse their power, fail to comply with laws or are negligent in enforcing them. Fifth, a constitutional court should be established within the People's Congress that is independent of the Party and the executive government.

3. *Government officials and Party members have lost their trust in and loyalty to the system.* Lacking moral legitimacy, the regime has come to rely exclusively on economic growth to maintain power and further personal interests. The Party is manned with officials at all levels who are intent on individual advancement and protecting their vested interests without any regard to morality or justice. A pledge to "strengthen the capacity to govern" by a leadership group that is lacking in political or ethical convictions is like spitting against the wind.

Unless Hu Jintao and Wen Jiabao can surpass Deng Xiaoping's reforms in boldness and political wisdom, they will be as plagued by crises as their predecessor Jiang Zemin was. If the regime gradually moves toward the rule of law, an expansion of civil rights and a reduction of official abuses, it will strengthen its capacity to govern. Otherwise, it will simply tighten its stranglehold on public opinion and intensify the exploitation of ordinary people. Current policies will increase official corruption and rapaciousness, as well as arbitrary administration and official malfeasance, which can only result in even fiercer popular resistance. Poor government has already produced a grassroots civil rights movement that is staging daily acts of resistance on individual and collective levels all over the country, including Tiananmen Square, the symbolic heart of the government's center of power.

### **Popular pressure for political reform**

Facing an era of growing civil rights awareness

During the Maoist era, hundreds of millions of Chinese peasants endured ruthless exploitation and systematic discrimination; yet they obeyed the law and did not question their station in life. Even a man-made famine did not provoke the Chinese peasantry to rebellion. Rather than rise in protest, they preferred to flee from their villages or starve to death. In China's post-totalitarian era, the Chinese peasantry enjoys a higher standard of living and better treatment than ever before. Although peasants remain victims of bias, corruption and the polarization of rich and poor, they have new opportunities for temporary work in urban areas and are much less likely to face mass starvation. This prompts the question: why did large-scale peasant uprisings occur during the last years of Mao's rule, when there was essentially no starvation, rather than during the height of the Maoist period? Similarly, why has there been a long series of riots and anti-government demonstrations in the countryside during the reigns of Deng Xiaoping, Jiang Zemin and Hu Jintao?

During the final years of Mao's rule, China witnessed popular movements against the Cultural Revolution and the Gang of Four, and even the anti-Maoist April Fifth Movement of 1976. In the late 1970s, Chinese citizens posted essays at Beijing's

Democracy Wall calling for the "fifth modernization," democracy, as well as freedom of speech and fundamental human rights, and students began showing interest in participating in college and university elections. From 1986 to 1989, one student movement followed another, culminating in the student movement of 1989 that shook the world.

While more recent popular opposition has not reached the magnitude or global impact of the 1989 student movement, there has been a steady stream of small-scale and scattered demonstrations by people standing up for their rights. Spontaneous acts of resistance are becoming more frequent. The indomitable spirit of the Tiananmen victims' families, the emergence of political movements of various stripes, the internationalization of Falun Gong's campaign for religious freedom, the intellectuals' resistance against "literary inquisition," and particularly the peasant and labor movements have all grown in intensity since the late 1990s, leading to the dawn of an era of large-scale popular resistance.

It is common knowledge that political stability depends on popular acknowledgement of the legitimacy of a government or political system. During the height of Maoist totalitarianism, China remained stable, not because of violent oppression or systematic terror, but because the people were uninformed. The ignorance of the masses made ideological indoctrination particularly effective during the Maoist era; Mao Zedong attained a god-like status, and the regime was able to enjoy moral legitimacy.

While the recent growth of civic activism and popular resistance has brought this legitimacy into serious question, from the perspective of the growing number of citizens who are initiating an organized defense of their rights, something meaningful and positive is happening in Chinese society. Growing prosperity, organized resistance among disadvantaged groups, dissident activism, intellectuals' calls for freedom of speech, political debate and activism on the Web, efforts of traditional media toward freedom of the press, and the emergence of countless moral heroes are providing a powerful impetus for peaceful criticism of the government and non-violent demonstrations that are a necessary component of a healthy social order. A society that facilitates and guarantees such freedoms demonstrates its vitality and ability to maintain fundamental social stability.

In Western societies, for example, freedom of speech and frequent demonstrations do not produce social turmoil. Nor have demonstrations of hundreds of thousands of Chinese people threatened the social stability of Hong Kong or Taiwan.

The Chinese government's panic each time its citizens peacefully appeal for justice reveals its extreme selfishness and the complete instability of Chinese society. Since the collapse of Communist totalitarianism, human history has taken a clear turn toward freedom and democracy. Individual freedom and individual rights have become the most respected values and constitutional democracy has become the most respected of political systems. Likewise, Chinese people at all levels of society are demanding an end to corruption, discrimination, persecution and poverty, and are fighting for justice, civil rights, freedom and democracy.

Ultimately, popular opposition to dictatorship and the struggle for political reform will culminate in a constitutional government. For this reason, the Chinese Communist regime should as a matter of urgency construct a political arena for grassroots politics, channel popular enthusiasm for civil rights and political participation into peaceful political expression under the rule of law, advance political reform in a way that contains the noxious side-effects of economic reforms, guarantee civil rights and restrain the abuse of power by government officials, and gradually establish an effective system of human rights remedies. Only then will the regime be able to quell popular resentment and avoid an all-out crisis.

#### The dictatorship will pay the price for civil rights

The current situation of “stability at the macro level and unrest at the micro level” underscores the reality of a social crisis that is exerting negative pressure on political reform. This negative pressure will be transformed into a constructive force for political change in mainland China only if ordinary citizens are able to exert sufficient positive pressure. Without sufficient positive pressure, negative pressure will only stimulate reforms that respond to opportunistic appeals by people whose rights and interests are threatened, but which fail to ensure long-term political stability.

Pursuit of freedom and aversion to coercion do not stem from theoretical arguments for freedom or from an individual’s cultural or intellectual background, but are rooted in human nature and magnified by individual experience. Once the yearning for freedom is awakened, it can lead to spontaneous action, and through example may gradually become an aspiration shared by all of society, which no amount of force or coercion can extinguish.

The Chinese Communist regime’s stubborn refusal to initiate political reform inspires a sense of hopelessness regarding China’s future. But the surge of civil rights activism gives plenty of reason for optimism regarding China’s freedom in the future. In spite of outdated official ideology, popular consciousness has emerged from many decades of deception to “realize its errors and mend its ways.”

Nonetheless, popular activism in China has a long way to go before developing into an independent and organized civil society movement. But while popular activism remains too weak to change China’s dictatorial order or to stop the regime from implementing a reign of terror, its growth is making it ever more costly for the regime to stay in power and carry out repression. The scattered nature of popular activism in fact helps to protect it from effective control by the regime. In other words, at a time when social resources are flowing into the hands of ordinary citizens who are increasingly aware of their rights, and when even Party members don’t believe in the official ideology, the regime cannot afford to pay the high cost of crushing fast-growing grassroots civil rights and religious movements. What’s more, the collapse of the Chinese Communist totalitarian system and the growing dependency of China’s economy on Western markets also ensure that major crackdowns such as the Tiananmen Massacre and the suppression of the Falun Gong provoke international moral condemnation

and sanctions that remain a serious source of vexation to the regime.

The Chinese Communist regime can afford to lock up one Jiang Yanyong, but it cannot afford to lock up two, three or an indefinite number of such people. It can arrest a few Web-based political commentators, shut down Web sites and monitor and control discussions on the Internet, but it is unable to smother all political debate and calls for civil and human rights on the Internet. It can trump up charges to suppress the freedom of the press, as it did during the *Southern Metropolis News* (Nanfangdu Shibao) case,<sup>8</sup> but it cannot stop the general public from harboring suspicions about this case, nor can it intimidate all journalists into silence. It can destroy many house churches and arrest a great many evangelists, but it is powerless to destroy all house churches and arrest all Christians. It can stop many ordinary citizens from petitioning, but it cannot put a stop to the rising flood of such petitions. If the regime adheres obstinately to its misguided policy of repression, popular resistance and mainstream international opinion will grow to the point where a reign of terror will simply become too costly, both domestically and internationally, and persistence in the error will lead to collapse.

Under the combined pressure of popular domestic activism and mainstream international opinion, the Chinese Communist regime has been forced to demonstrate adjustments to its reforms and overall strategy. Much has changed in China: from a complete lack of freedom to a modest expansion of freedom; from absolute unanimity and uniformity to a plurality of opinions and values; from a state rationing system to a market economy and a comparatively good standard of living; from no recognition of private property to constitutional protection of private property; from a complete denial of human rights to a constitutional recognition of such rights; from the wholesale violation of laws human and divine to vocal demands for the establishment of rule of law; from the brazen extermination of entire social classes to covert persecution of individual dissidents; from a complete lack of restraint on executive power to the Administrative Licensing Law;<sup>9</sup> from systematic discrimination against the peasantry to a step-by-step abolition of this discrimination; from sucking the life-blood of the peasantry by all sorts of fraudulent means to an eventual abolition of rural taxes and fees; from censoring news about AIDS and persecuting activists to openly recognizing AIDS as a public health issue and calling on all of society to join in AIDS prevention; from “black-box” anti-corruption operations to systematic auditing of companies and individuals. None of this progress has been graciously bestowed by the Party, the government or enlightened rulers; it has all been fought for by common people, who have paid dearly for it.

In this time of growing popular awareness of human rights and freedom, the best hope for change in China resides not in the government but in the people. If Chinese citizens stand firm and persevere in their demands, they will gradually become an organized and powerful civic force. This popular momentum constitutes the most effective pressure for change within the system and will generate positive engagement between the government and the citizenry.

## Human rights breakthroughs

In recent years, grassroots human rights activism has demonstrated that whenever a breakthrough is achieved, it is mainly because individuals have fought for freedom of the press, freedom of speech and the right to find out the truth. It's fair to say that an effective system of human rights remedies depends on a combination of free speech remedies, administrative remedies and judicial remedies. None is dispensable, but of the three freedoms, that of speech and press are the most valuable. Whenever the media expose a human rights violation, there is a good chance that the victim will obtain administrative or judicial relief. But victims whose cases are kept under wraps seldom obtain justice. Strengthening human rights watchdogs and providing better relief to victims of human rights abuses are also essential in establishing an effective human rights protection system. Freedom of speech and of the press not only lie at the very heart of individual liberty and dignity, but are essential instruments for monitoring the government, protecting human rights and providing an outlet for public opinion.

Public opinion on the Internet, which is difficult to censor, and exposés by some of the more liberal newspapers and magazines have been particularly successful in drawing attention inside and outside China to human rights cases, and sometimes even in obtaining relief for victims. This is a typical sequence of events: a newspaper exposes a human rights abuse; public opinion is alerted to the case; the government starts to pay attention; public opinion grows increasingly incensed; a high official instructs his subordinates; the local authority or court steps in and settles the problem.

Without pressure from public opinion on the Internet and in the foreign media, it is hard to imagine that Hu Jintao and Wen Jiabao would have taken concrete steps to resolve the clashes between the government and the citizens of Hanyuan.

Compared with the Maoist era and the period up to the mid-1990s, human rights cases such as those mentioned above are being handled relatively well. Public opinion is having a growing impact on government responsiveness, but China is still far from having a formal system for the protection and redress of human rights. Calls for the protection of human rights remain spontaneous, scattered and outside the system, and the regime can arbitrarily rule that such calls are illegal. Only when China becomes a society with an independent press and freedom of speech will a stable civil society framework for public opinion be possible. To broaden human rights protection and relief beyond a few isolated cases, mechanisms must be established to guard against human rights abuses before they occur. There must be standardized penalties for those who commit human rights abuses, and provisions to compensate their victims. Once this is achieved, news media and individual citizens will be able to enjoy fundamental rights, and judicial and administrative departments will have to assume their legal responsibility to protect these rights.

For that reason, the primary goal of the civil rights movement in mainland China should be to promote freedom of speech and of the press.

Translated by Paul Frank

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## TRANSLATOR'S AND EDITOR'S NOTES:

1. Articles by these professionals have been translated and published in *China Rights Forum*, No.3 and No.4, 2004.
2. For more information on this incident, see He Qinglian's article, "The Hanyuan Incident: Draining the Pond to Catch the Fish," elsewhere in this issue of CRF.
3. On October 18, 2004, a man named Zeng who claimed to be an official beat up a street porter who had bumped into his wife in Wanzhou District, Chongqing City. As word spread that the police were covering up for an official assaulting a citizen, a full-scale riot developed involving more than 10,000 people.
4. Ding Zilin heads up the Tiananmen Mothers, a group of people seeking justice and accountability on behalf of those killed by the government's violent crackdown in June 1989. Bao Tong, formerly personal secretary to purged Party General Secretary Zhao Ziyang, has been vocal in calling for Zhao's release from house arrest, and for accountability over the 1989 crackdown. Jiang Yanyong, an army surgeon, exposed the SARS scandal and has also pressed within the government for accountability over the 1989 crackdown. Gao Yaojie, a doctor, has pressed for the rights of people infected with HIV/AIDS.
5. Sun Zhigang, a graduate detained for inadequate documentation while in Guangzhou, was beaten to death while in custody in March 2003. His death led to a public outcry that ultimately brought about the abolition of the Custody & Repatriation system.
6. *Asia Times* reported on July 28, 2004: "In Jixi City in northeastern China's Heilongjiang Province, the government failed to make due payment of tens of millions of yuan to contractors, who in turn, stalled payments to migrant workers for years. In early 2004, the case received attention from Premier Wen Jiabao who ordered officials to promptly address the problem. Nonetheless, local officials later defied the order and submitted a fabricated report to higher authorities, sources said."
7. See "Guonei shoufen xinfang baogao huo gaoceng zhongshi" (First report on appeals to higher authorities in China gets high-level attention), *Nanfang Zhoumo* (Southern Weekend), April 11, 2004.
8. On March 19, 2004, Cheng Yizhong, editor-in-chief of *Nanfang Dushi Bao* (Southern Metropolis Daily), was arrested without charge by Guangdong Province public security agents while he was visiting Sichuan Province. On the same day, the Dongshan District Court in Guangzhou sentenced deputy editor-in-chief and general manager Yu Huafeng and former editor Li Mingyong to 12 and 11 years respectively on trumped-up charges of "corruption" and "embezzlement of public funds." The arrests were linked to a series of hard-hitting newspaper stories on SARS and the death in custody of Sun Zhigang.
9. According to Premier Wen Jiabao, the Administrative Licensing Law, which took effect on July 1, 2004, aims to restrict government power, increase the transparency of the administrative approval procedures and reduce the cost of administration. See <http://www.china.org.cn/english/government/99821.htm>