Rights Defence (weiquan), Microblogs (weibo), and Popular Surveillance (weiguan)
The Rights Defence Movement Online and Offline

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

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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* of the true face of the SARS crisis, the death of a young university-educated designer, Sun Zhigang, in a Custody & Repatriation centre, the arrest of village financier Sun Dawu, the Li Siyi incident, the arrests of Internet activist Liu Di and Internet essayist Du Daobin, 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*, fight for personal rights and interests, and the democratisation movement, demanding power), and Wang Yi, “2003 gongmin quanli nian” (Civil rights movement: Just a year ago).

Yazhou Zhoukan made 14 “Chinese rights defence lawyers” its collective “persons of the year.”

The rights defence movement has overlap and affiliation with the dissident movement and the democracy movement (*minzhu yundongna*, rights defence activities are drawing ever closer to the democracy movement, the two combined constituting a powerful force promoting political reform.

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1. In 2003, while the Chinese authorities were claiming to have brought the SARS crisis under control, Jiang Yangong, a retired doctor at Beijing’s 307 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 zhouchan, 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 movement: Just a year ago).
7. 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.
8. He Qinglian, “Zhengqu siquanli de weiquan huodong yu yaoqiu quanli de minzhuhua yundong” (Rights defence lawyers, the vanguard of rule of law), Yazhou zhouchan (Hong Kong), 25 December, 2005.
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)
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 assemblage 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 Jiawu, Zuoshu (“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 (tie.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 Tweetr, third-party platforms or software such as Dab and Twitese, or firewall-circumventing proxies such as Freagate, 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-

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\[23\] Ibid.


\[27\] “Wangyi weibo zhuce yonghu shuop yi cheng disan da weibo” (T.163 microblog registered users break 100 million to become the third largest microblog), http://tech.ted.com/12/0517/10/81MTHSKS0009158.shtml (consulted on 20 August 2012).

\[28\] “Xinlang weibo yonghushu cao 3 yi banshu yonghuyu yidong zhongduan dengl” (Sina weibo accounts exceed 300 million, half of account holders shift terminal registration), Xingyong, 16 May 2012, http://tech.1 Engel.com/ internet/detail_2012_05/16/14546699_0.shtml (consulted on 20 August 2012).


\[31\] Yan Deli, op. cit.

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 posts; 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 indirectness 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 an online “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 Yujiu, [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 outcomes of certain cases. [33] Concern over individual cases; open letters, petitions, and Internet posts; and rights defence actions by lawyers, journalists, and intellectuals were framed, or with the judiciary acting in a peremptory or evasive manner. Concern over individual cases; open letters, petitions, and Internet posts; and rights defence actions by lawyers, journalists, and intellectuals were framed, or with the judiciary acting in a peremptory or evasive manner. Concern over individual cases; open letters, petitions, and Internet posts; and rights defence actions by lawyers, journalists, and intellectuals were framed, or with the judiciary acting in a peremptory or evasive manner.

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The cases of Cai Zhuhua, [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 Zhubao case and Beihei 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-
hong mafia case’ demonstrated the extension of common cause-type legal teams to other kinds of cases.” 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 (
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. 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. [56]

Slogging and “surrounding gaze”

The 2007 Xiamen PX incident [58] took on symbolic significance by endowing the term “slogging” 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. [57]
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
campaigning activities still had historical significance by displaying the power of ordinary citizens. (99)

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. (97) The Taishi Village incident in 2005 was even more influential. (77) Right defenders with special legal expertise played critical roles in several recall campaigns, among them Li Boguang (aka Li Baiguang), Guo Feixiong, Tang Jingling, Lu Bangtie, 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. (76) Other examples of non-cooperation campaigns include joint statements rejecting CCTV and other official media, (75) publicly refusing to subscribe to official newspapers, refusing to provide service, (74) uninstalled software that helps the government monitor and control information, refusing to use Yahoo! email following the arrest of Shi Tao, (73) 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. (75) Another example is Yang Zhizhu’s open vio-

lation of China’s family planning policies with an out-of-plan baby. (99) There is also Beijing residents’ intentional violation of bans on setting off firecrackers 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, (95) applications for demonstration permits, cartoons, graffiti, popular opinion awards, debates, documentary films, (91) large-scale dinner parties, (92) etc. Some more extreme methods include self-immolation, hunger strikes, self-mutilation, self-confinement, and self-abasement, but because these are

71. Regarding the Taishi Village incident, see the related Chinese Wikipedia entry, http://zh.wikipedia.org/wiki/%E5%A4%AA%E7%9F%B7%E6%9D%91%E7%BD%B6%E5%9B%BD%E5%BE%97%E6%88%66 (consulted on 20 August 2012), an English-language summary on the EastSouthWestNorth blog, www.zonaeuropa.com/20050915_1.html (consulted on 20 August 2012), and Ai Xiaoming’s documentary Taishi Village.
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 media that provided inaccurate reporting or that covered up major incidents. See Radio Free Asia, “Ling Canzhou deng 28 ren fabiao ‘Zaijian! Xuanchuan yu huanyang! gongkaixin’” (Ling Canzhou and 27 others issue open letter “Farewell, propaganda and lies”), 18 March 2009, www.rfa.org/mandarin/yataibaodao/openlet-ter-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, “Impounded for Peaceful Expression,” www.amnestyusa.org/our-work/cases/china-shi-tao (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).
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 2.0 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. [33] 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.” [34] In the Gan Jinhua case, [35] 300 signatures were gathered, including those of many lawyers and legal scholars. In the Wu Changlong injustice case, [36] 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. [37] 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 (amoist) 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. [38] The Chen Guangcheng, Ai Weiwei, and Gongmeng-Xi 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. [39] 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.

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81. See Teng Biao, “Zhongguo gongmin yundong zhong de minjian jilupian” (Privately-made documentaries in China’s civic movements), Open Magazine (Kaifang, Hong Kong), no. 8, 2010.
82. The Chinese term for feasting, fanju, 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.
84. Liu Xiaobo, “Minjian weiquan zai susha zhongchen g zhang” (The tough upbringing of popular rights defence), in Liu Xiaobo, Weiqian zai suzhou (The Future Free China lies with the people), Laogai Research Foundation, December 2010.
86. TN: Wu Changlong was handed a suspended death sentence in connection with a fatal bomb explosion in Fuxing 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.hrinchina.com/content/833 (consulted on 20 August 2012).
87. Labour rights activist Li Wangyang was found hanged in a hospital room one year after he released from serving a 21-year prison sentence for counterevolutionary 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).
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.

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 perpetrators 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, and a protest regarding a molybdenum-copper project in Shifang County, Sichuan Province. 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-
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.” (96)

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. (100) 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 legal 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.

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)

94. Zhao Dingpin, Shehui yu zhiyi yundong jiangbao (Teaching materials on society and political movements), Shenhua kewen weishan 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%81%B8%E5%8D%B5%E6%9E%A8% E4%BA%8B%E4%BA%8E (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.
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 Li, “Ziyu Guangcheng huodong yinfa wangyou Linyi zhenghun re” (Free Guangcheng campaigns spark off a rash of marriage-seeking advertisements in Linyi), New Century News, 2 December 2011, www.newcenturynews.com/Article/china/201112/20111202195258.html (consulted on 20 August 2012).
99. Li Fan, Dengdai Zhongguo de ziyu minquan yundong (Modern China’s freedom and human rights movement), Taiwan, Jiliu tushu gongsi, July 2011, pp. 195-196.
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 shackle itself to “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, and they remain current today. In a 2006 essay, Gao argued that the rights defence movement should “become non-violent, politisised, 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. 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. According to Marshall McLuhan, the media are “extensions of man.” 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. 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. According to Paul Virilio, what we call the world no longer refers to geographic expanse, but rather “a temporal distance constantly being decreased by our transportation, transmission, and tele-action capacities.”

In the Information Age, a person can become an operative (such as a participant in a social movement) even when physically absent; complete in 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. According to Marshall McLuhan, the media are “extensions of man.” 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. According to Paul Virilio, what we call the world no longer refers to geographic expanse, but rather “a temporal distance constantly being decreased by our transportation, transmission, and tele-action capacities.”

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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; 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 out-greatly reduced, and an accumulation of “micro-dynamics” can wield out-
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”; networking technology is likewise the power of the powerless. The Internet has become “liberation technology” due to Web 2.0 social movements’ gradual subversion of existing associative power structures.

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, 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, the Guangcheng incident, the Xiamen PX incident, Charter ‘08, Ai Weiwei’s Sichuan earthquake investigation, the Guizhou human rights seminars, the Deng Yujiao case, the Qian Yunhui incident, 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, 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.

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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.