

The Past, Present, and Future of Freedom of Speech and Expression in the People's Republic of China

By Liza Negriff

Introduction

The international community has been criticizing China for its human rights violations for years. However, one human rights violation has received less attention than some other rights issues both inside and outside of China: censorship and restrictions on freedom of speech and expression. This scantiness of attention is largely attributed to the fact that acquiring reliable information about censorship and freedom of expression in China is challenging. The Chinese Communist Party (CCP) has never officially recognized the existence of censorship since its inception in 1949. Even with impediments to obtaining information on censorship, the lack of international attention is unusual since few human rights violations affect the lives of Chinese citizens as much as the censorship of speech and restrictions on freedom of expression.

Chinese control over speech and expression has occurred in waves. Political events and ideologies have essentially shaped the features of the controlled press, media, publishing, and Internet that exist in China today. In the 1980s, publishing was liberalized to a certain degree for the first time, due to the demand of the private sector. However, the iron fist came down again in 1989, when a new law was passed to strengthen censorship and crack down on admissible content of published books. These tight restrictions have been maintained through the present day. The CCP's efforts to censor free speech have resulted in the most extensive and sophisticated system of censorship and surveillance in the world, especially for the Internet. This censorship violates laws under the international human rights law framework. Thus, the international community has maintained a constant call for the CCP to lift its strict control and restore free speech and expression to its citizens.

Legal “Protection” of Freedom of Speech and Expression

Surprisingly, freedom of expression is well-protected under the Chinese Constitution. By carrying out various types of media and speech censorship, the CCP is actually violating its own constitution. The CCP's censorship has created a significant gap between the guarantees awarded to Chinese citizens in the constitution and the enjoyment of these guarantees in reality. The term “disturbing social order,” which appears in both civil and criminal laws, creates a vagueness that, combined with the national culture of censorship, undermines the constitutional provisions guaranteeing free speech and expression. The vagueness implied in the term “disturbing social order” has led to a disproportionate and inconsistent enforcement of the laws, creating continual suppression of non-violent political speech and expression. An array of repercussions has surfaced for “violations” of CCP directives and restrictions, including: sanctions; criminal and financial liabilities; imprisonment; and business license termination.

Further, the vagueness has created self-censorship and self-regulation, as the government does not give Chinese citizens enough information about what they can and cannot do or say. The fear of saying or doing something that may turn out to be prohibited has caused Chinese citizens to be effective self-censors, which is exactly what the CCP was hoping would occur. If Chinese lawmakers chose to do so, they could decrease the continual suppression of non-violent dissent and expression by clearly defining the term “disturbing social order.” If the CCP wishes to regain the Chinese

people's faith, to increase China's political legitimacy worldwide, and to continue China's political and economic success, it will need to take such a measure.

Internet Censorship

With the recent rise of the Internet in China, the CCP has found yet another medium to censor and control. The vastness of the Internet poses a significant threat, compelling the CCP to strengthen legal and physical restrictions on its use. Currently, the CCP uses four modalities to control the Internet: the law, infrastructure, social norms, and the market. By using these components, the CCP has been able to create a web that generally keeps undesired content from being published. The Internet's nature makes it difficult to regulate, but the CCP has still managed to establish many effective controls.

Although it is heavily regulated, the Internet has provided the CCP with its biggest challenge to censorship. As the Internet revolution has continued to grow, so has the amount of restricted or "illegal" information that has been able to bypass the government's regulatory system. The increasing availability of restricted information has aided in the rise of an underground backlash and resistance to restrictions on distribution of unacceptable content. This backlash began when domestic companies started to test the limits of information aggregation and dissemination. As a result of the expanded dissemination of information, Chinese Internet users are gaining a much larger perspective on current events and the "truth" than those who still rely on traditional media sources.

The CCP continues to enforce censorship mechanisms, yet it has begun to encourage the use and spread of the Internet since its realization that no other medium offers a more promising future for China than that of the Internet. By fostering a network economy and simultaneously using that economy's resources and collaborators to monitor and regulate "dangerous, destabilizing, or antithetical" internet content, the CCP has been able to capitalize on the Internet's economic benefits while evading its risks. Consequently, the Internet is a double-edged sword with the potential to significantly expand the freedom of expression that the Chinese people have continuously been denied, while also prompting the CCP to become even more repressive on freedom of expression. Hence, in China today, liberation, empowerment, and optimism co-exist with suppression, censorship, and regulation.

The Future of Chinese Censorship

The CCP is aware that it will not be able to control and regulate Internet activity, the expression of its citizens, and the media forever, yet it has been unwilling to let go of its stronghold on information generation and dissemination for fear of a breakdown in social and political order. Because of the vast commercial power of the Internet to further incorporate China into the world economy, foreign investment, and trade, the CCP has loosened its stronghold, allowing the media to be more autonomous and diverse. The loosened constraints have led to growing prosperity and social development. However, until the CCP's strict political controls are lifted, the CCP will not be able to fully benefit from the internet's potential.

The backlash, resistance, and reform that have been occurring in the media will likely continue to cause a dynamic tension between the media and the CCP, weakening the CCP's power. Therefore, a continued effort by the CCP to censor the Internet may shorten the days of communist

rule. In the long run, the CCP will have to lift its control and implement an overhauling political reform if it wants to retain its power and secure the commercial interests of China. Whatever the future may hold, relationships are already transforming between the media, political subjectivity, and citizenship. Thus, while the CCP voices its rhetoric from the past, Chinese citizens are beginning to drive their own visions of the future and are forcing the CCP to engage in new kinds of media and expression censorship.

Opposing Viewpoints: The CCP's Actions as Violations of Human Rights?

Even though it appears irrefutable that the CCP's actions constitute a violation of the right to free speech and expression, skeptics assert that, under Asian philosophical values and Chinese ideology, the CCP's actions do not constitute a violation of human rights. The argument of the skeptics is fueled by the fact that almost all countries carry out censorship in some form, according to how their respective ideologies dictate what constitutes acceptable content. Accordingly, the characteristics of a country's media depend on the culture in which they operate, and therefore China's emphasis on collectivism, hierarchy, and social harmony has influenced the country's overt information constraints. Skeptics assert that these constraints should not be judged under the Western lens of international human rights laws, which disregard China's differing philosophical values and traditions.

Conclusion – Restoring the Right to Free Speech and Expression in China

Censorship in China has been occurring for centuries. It is time for the CCP to heed the call to reinstate the right to free speech and expression in China. Chinese citizens have the right to receive uncensored information concerning any topic to which they desire access. Although the generation and dissemination of information is framed differently in every country, the CCP's censorship of any and all politically sensitive topics constitutes a blatant violation of the right to free speech and expression protected in the Chinese Constitution and numerous human rights treaties. The rise of the Internet may be just what the Chinese people need to weaken the CCP's power and finally eliminate the seemingly eternal suppression and control of freedom of speech and expression.

Annotated Bibliography

- . 2007. Freedom of Expression: Reprinted from the 2007 Annual Report of the Congressional-Executive Commission on China. One Hundred Tenth Congress, First Session, October 10. Washington: US Government Printing Office.

Annotation: This comprehensive report on freedom of expression by the Congressional-Executive Commission on China addresses improvements and obstacles to government transparency regarding the free flow of information, the idea of no free press, party and government control over the media, roles the media is expected to play, consequences of a lack of free press, limited prospects that a free press will emerge, internet censorship and China's internet policy, challenges to media control, government policy towards publishing, banning and confiscating illegal publications, and developments concerning political prisoners. While the report may present the viewpoint of the United States government, it offers an up-to-date and comprehensive reading of all aspects of freedom of expression in China, and will be useful to readers interested in the topic.

- . 2007. “The Mechanics of Censorship: A Report on the Regulations for Print Media of the People’s Republic of China.” Article 19: Global Campaign for Free Expression. London.

Annotation: As of December 1, 2005, the CCP established new regulations on print media, as well as repercussions stemming from violations of the new regulations. The report seeks to explore the mechanics of the new Chinese censorship regime and evaluates each of the components of that regime based on international and comparative human rights law and practice. The report offers well-founded arguments and in-depth analysis as to why the new media regulations violate human rights and why they should be repealed. It discusses each component of the regulations under international law and foreign countries’ national customs to demonstrate why the regulations violate the fundamental human rights of the Chinese people.

- . 2002. *Media Freedom in China: Roundtable before the United States House of Representatives Congressional-Executive Commission on China*. One Hundred Seventh Congress, Second Session, June 24. Washington: US Government Printing Office.

Annotation: This roundtable hearing includes statements from a writer for the Center for Strategic and International Studies (CSIS), a Chinese journalist, and a representative of the Committee to Protect Journalists (CPJ). The speakers address the topic of restrictions on media freedom in China, since media censorship is a key Chinese human rights violation. The writer from CSIS claims that the notion that things are getting better in China is propelled by strong strategic and commercial interests that have little to do with political freedom and freedom of expression. Over-emphasis on the rule of law, as well as the interests of international media corporations may end up excluding freedom of expression. The Chinese journalist discusses the differences in the way the media is controlled today versus how it was controlled in the past. The representative from CPJ argues that the Chinese government does not tolerate press freedom, concluding that, while the Chinese government may not have perfect control, it remains unwilling to cede the battle. After these statements, the Committee follows by posing various questions to the speakers, giving the reader a breadth of views and opinions on the topic.

- . 2006. *United States House of Representatives Congressional-Executive Commission on China Annual Report 2006*. One Hundred Ninth Congress, Second Session, September 20. Washington: US Government Printing Office.

Annotation: The Committee’s Annual Report from 2006 focuses on freedom of expression, stating that the Chinese government’s content-based restriction controls political opinion and religious literature that are not prescribed by law, and aims to protect the ideological and political dominance of the Communist Party. The report examines pervasiveness, scope, and effectiveness of the Chinese government’s censorship; government licensing for print media; restrictions on political and religious publishing; restrictions not prescribed by law; restrictions on political speech that disagrees with the government; intent to form an

ideological uniformity; and restrictions on religious speech. The report concludes with a list of recommendations. The information in the report is some of the most up-to-date in existing sources and provides the reader with a relatively recent and complete discussion of censorship in China.

Amnesty International. 2006. "Undermining Freedom of Expression in China: The Role of Yahoo!, Microsoft and Google." Available online: <http://www.amnesty.org/en/library/asset/POL30/026/2006/en/1ce1ac2d-d41b-11dd-8743-d305bea2b2c7/pol300262006en.pdf>.

Annotation: This report provides an overview of the use of internet censorship as a tool to deny freedom of expression both through the Chinese government's suppression and through Yahoo!, Microsoft, and Google's collaboration with the authorities. Amnesty International claims that US Internet companies have complied with the Chinese government's censorship demands, thereby aiding in the control of the free flow of information with resulting repercussions. Although the report focuses on the complicity of US internet companies in Chinese censorship and does not go into great depth in many of the sections, it does a good job of giving the reader a basic idea of the human rights violations occurring in China today regarding freedom of expression and censorship.

Anonymous. 2009. "China and the Internet: An Uphill Fight for Freedom." *Harvard International Review* 31 (2): 68-73.

Annotation: This article discusses the internet in China as of 2008 and the current status of control and censorship. The Chinese Communist Party (CCP) uses four distinct mechanisms of control: technical filtering, pre-publication censorship, post-publication censorship, and proactive manipulation. Chinese citizens face repercussions for violating party regulations, despite a constitutionally-protected freedom of expression, and resistance to state policies is beginning to emerge. Overall, this article does a very good job of giving a short, but detailed, description of the issues surrounding internet censorship in China.

Brook, Timothy. 1988. "Censorship in Eighteenth-Century China: A View from the Book Trade." *Canadian Journal of History* 23 (2): 177-196.

Annotation: This journal article discusses the beginning of censorship in China in the eighteenth century under the Qianlong emperor. The Qianlong emperor began to burn all books that contained rebellious or anti-dynastic words. The author argues that the history of printing in China had a major influence on the literary inquisition. While the article does a good job of describing the history of the circulation and publication of books during this period, the crackdown on the book trade, and why certain books were banned under the inquisition, it is not incredibly informative on the history of censorship in China.

Cannici, William J, Jr. 2007. "The Global Online Freedom Act: A Critique of its Objectives, Methods, and Ultimate Effectiveness Combating American Businesses that Facilitate Internet Censorship in the People's Republic of China." *Seton Hall Legislative Journal* 32 (1):123-166.

Annotation: In its critique of the Global Online Freedom Act (GOFA), this law journal article first addresses how and why China controls the internet, introducing the concepts of self-censorship and self-regulation, internet police who monitor what people say and provide viewpoints to help shape public opinion, and automatic censorship. The author gives a background of the beginning of the internet as we know it today and goes on to complete an in-depth analysis of both the Global Internet Freedom Act and the GOFA, comparing and contrasting them. The article concludes that the GOFA should not be enacted. Although this article completes its analysis through the lens of the GOFA, it is also quite critical of the United States and looks at the issues through the viewpoint of the Chinese themselves, providing insight into the issue that many other articles fail to present.

Chen, Yi. 1992. "Publishing in China in the Post-Mao Era: The Case of *Lady Chatterley's Lover*." *Asian Survey* 32 (6): 568-582.

Annotation: The Chinese Communist Party has not officially recognized the existence of censorship since its inception in 1949, meaning that this "non-existence" of censorship and the near impossibility of acquiring information on the subject have caused an absence of attention to publishing and censorship in contemporary China both inside and outside of the country. This article uses the publication of *Lady Chatterley's Lover* to demonstrate the changing role of state censorship, including the "liberalization" of publishing to a certain degree in the 1980s with a renewed strengthening of censorship in 1989 that has lasted until today. While the example is specific and does not give the reader an overall idea of the censorship situation in China, the detailed example of the censorship of one book gives the reader an up-close look at how the system functions.

Chin-Chaun, Lee (ed.). 1990. Voices of China: The Interplay of Politics and Journalism. New York: Guilford Press.

Annotation: This volume of *Voices in China* is a compilation of dialogue between scholars and journalists specializing in China, as well as a blend of American and Chinese perspectives. The compilation focuses on the interplay between the journalism of politics and the political economy of journalism, both in and around China. In presenting this focus, the volume addresses two principle themes: the uneven gains and setbacks for Chinese media in the era of economic reform during the 1980s; and how US media coverage of China is embedded in the oscillating assumptions of America's China policy. The most beneficial aspect of this book to the reader is that it portrays numerous different viewpoints and allows the reader to see how the situation in China may not be entirely portrayed correctly in the American media.

Deva, Surya. 2007. "Corporate Complicity in Internet Censorship in China: Who Cares for the Global Compact or the Global Online Freedom Act?" *George Washington International Law Review* 39 (2): 255-319.

Annotation: The author discusses the concept of corporate complicity through the alleged involvement of Yahoo!, Microsoft, Google, and Cisco in internet censorship in China. The author attempts to add a new dimension to the existing debate by evaluating the efficacy of the United Nations Global Compact and the Global Online Freedom Act, and determining whether these two regulatory initiatives really ensure that corporations will take their human rights responsibilities seriously. The article concludes that the initiatives would not effectively push corporations to undertake and fulfill their human right obligations, and that, while the initiatives may tame the acts of some corporations, it is unlikely that they would successfully combat censorship by authoritarian foreign governments or achieve the goal of internet freedom.

D'Jaen, Miriam D. 2008. "Breaching the Great Firewall of China: Congress Overreaches in Attacking Chinese Internet Censorship." *Seattle University Law Review* 31 (2): 327-351.

Annotation: The efforts of the Chinese government have resulted in the world's most advanced system of internet censorship and surveillance, supported by tens of thousands of employees and extensive corporate and private sector cooperation. This article addresses the complicity of several US corporations in internet censorship in China and possible ways of holding them accountable. The actions of these US corporations led to the drafting of the Global Online Freedom Act (GOFA). The author concludes that Congress has overstepped its authority in attempting to impose US standards on countries with different political ideologies and claims that instead, a push should be made toward creating an industry-wide code of conduct. The article is pretty narrow in scope and mainly focuses on the nature and problems of GOFA as well as suggestions for its improvement.

Eastwood, Lindsay. 2008. "'Don't be Evil': Google Faces the Chinese Internet Market and the Global Online Freedom Act of 2007." *Minnesota Journal of Law, Science & Technology* 9 (1): 287-316.

Annotation: The creation of the internet has established a new challenge for the Chinese Communist Party in its attempt to censor speech and expression in China. The breadth of the internet has proved to be a threat to the CCP and, therefore, the CCP has implemented legal and physical restrictions on its use. Because many US companies want to take advantage of the new growth opportunities available in China, the CCP has enticed these companies to aid in large-scale censorship by threatening to exclude them from the market. The author explores the attempt of Congress to prevent this complicity of American companies in foreign restriction of internet-based free speech. The author determines that current US legislation, the Global Online Freedom Act, is ineffective in combating an

evolving system, and concludes that, ultimately, governments around the world will need to recognize that the internet cannot be regulated.

Endeshaw, Assafa. 2004. "Internet Regulation in China: The Never-ending Cat and Mouse Game." *Information & Communications Technology Law* 13 (1): 41-57.

Annotation: The Chinese Communist Party (CCP) developed its internet regulation system mainly because it perceived the internet as a pernicious tool to break down its social and political order and did not want to let go of the stronghold it had on information generation and dissemination. The author claims that, although the CCP loosened its stronghold on internet regulation once it realized that such censorship clashed with its desire and commitment to open its economy to foreign investment and trade, China still has not succeeded in finding an appropriate formula for dealing with the internet. The author concludes that the CCP cannot win this battle forever and, in the near future, internet censorship may actually shorten the days of the dictatorship. The organization, structure, and contents of this article will be very useful to readers interested in the CCP's censorship of the internet; however, the article's outlook on the future may be somewhat unfounded.

Gorman, G. E. 2005. "China-Bashing in the Internet Censorship Wars." *Online Information Review* 29 (5): 453-456.

Annotation: This short editorial takes a viewpoint that most other articles fail to acknowledge: that the current "China-bashing" that is occurring with respect to internet censorship is misleading, unfair, and, to some extent, inaccurate. The author aims to convince the reader that published works currently available on Chinese internet censorship "bash" China without ever considering that almost all societies carry out internet censorship in some form or another. The author's main argument is that there are differing national and regional interpretations of what constitutes acceptable content, and Western countries should not attempt to control what other countries censor for their own reasons and ideologies, since Western countries, too, monitor content that they deem harmful to society. While this editorial is a thought-provoking personal view of internet censorship in China, it does not provide much depth into the subject.

Hachigian, Nina. 2001. "China's Cyber-Strategy." *Foreign Affairs* 80 (2): 118-133.

Annotation: China has fallen in love with the vast commercial potential of the internet and, therefore, the government has sought to attain complete state control over Chinese internet. Yet, the author argues that, contrary to Western media portrayals, use of internet is frequently encouraged since the Chinese Communist Party (CCP) has realized that no other economic model offers a more promising future than that of the internet. Accordingly, the author dedicates a significant amount of space to discussing the current extent of internet censorship in China, including self-censorship, regulation, physical force, and intimidation. However, the CCP will not be able to censor internet users forever and, at that point, the

internet will be used for the exact purpose the CCP has worked so hard to evade. The author concludes that the only way the CCP can stop such a scenario from happening is if a real political reform is implemented. Although this piece presents a different viewpoint from most existing literature, the author fails to satisfactorily back up many of the arguments presented.

Hazelbarth, Todd. 1997. "The Chinese Media: More Autonomous and Diverse—Within Limits." Washington, DC: Central Intelligence Agency, Center for the Study of Intelligence.

Annotation: This monograph on the Chinese media, published by the Central Intelligence Agency, argues that the media has become more autonomous and diverse in recent years, driven by profit motive and confidence, aiding in China's growing prosperity and social development. Yet, at the same time, the autonomy and diversification of the media continue to be constrained by the State. The report supports this claim by examining data and figures for television, radio, newspapers, and journals, as well as the media reform and positive impacts of greater autonomy and diversity in the media. The report concludes that complete media autonomy is unlikely to materialize in China in the near future, or until China undergoes overarching political change, and that without autonomy, the media will continue to lack the power and credibility to influence the political transformation in China. This report provides the reader with an excellent comparison between the ways in which the media is and is not being censored.

Healy, Shawn. 2007. "The Great Firewall of China." *Social Education* 71 (3): 158-163.

Annotation: Senators John McCain and John Kyl have argued that the internet promotes grassroots democracy by its very nature. This argument was aimed at the People's Republic of China and the American technology companies that aid in government censorship. In this essay, the author describes existing censorship in China, the reaction of Chinese citizens regarding this censorship, and the complicity of American companies in the process. The article describes the breadth of current internet censorship in China at a micro-level with specific examples, allowing the reader to see what is really going on at the local level in China. This micro-level analysis is maintained throughout the paper and is effective in discussing blogs, the complicity of major American companies in facilitating the censorship process, the alternatives to complicity, and the cracks developing in the censorship system in China.

Kalathil, Shanthi. 2003. "China's New Media Sector: Keeping the State In." *The Pacific Review* 16 (4): 489-501.

Annotation: The author claims that domestic internet companies in China are playing a complex role in information aggregation and dissemination, but that in general the companies are sacrificing the market demand for interesting and timely information in order to appease the Chinese Communist Party's requirements for "political correctness." The author states that, although there are signs that more companies are testing the limits of

acceptable content, these changes are still taking place within the overall framework for media sector development set out by the central government. The author concludes that the expectations of the Chinese people that domestic and foreign internet companies will lead to a more liberal political environment are unfounded. Overall, the paper is well-written and the author provides well-founded arguments.

Kissel, Trina K. 2007. "License to Blog: Internet Regulation in the People's Republic of China." *Indiana International and Comparative Law Review* 17 (1): 229-269.

Annotation: Although the Chinese Communist Party (CCP) has welcomed technological advances because of the increased opportunity of economic growth, it has also seen the internet as a threat and therefore has implemented a stringent set of control mechanisms. The author examines the CCP's recent internet regulations in the context of the three methods used to control the internet: imposing civil and criminal liability through internet content regulation; employing technological mechanisms to restrict website content and enforce legal regulations; and restricting citizens' ability to access the internet through personal registration requirements and strict regulation of internet cafes. The author concludes that, although the methods of control are currently effective, the existing methods will likely no longer function with expanding access and increasing number of users. This paper provides an excellent overview of internet regulation in China and why it is done.

Lacharite, Jason. 2002. "Electronic Decentralisation in China: A Critical Analysis of Internet Filtering Policies in the People's Republic of China." *Australian Journal of Political Science* 37 (2): 333-346.

Annotation: As the internet revolution in China continues to grow, the flow of undesirable or "illegal" information continues to bypass the government's attempts to control internet content through a primitive regulatory system. The author examines the administrative and technical difficulties involved in internet regulation in China, concluding that the digital censorship the Chinese government aims to achieve is not possible. In reaching his conclusion, the author examines whether it is possible to regulate the internet, as well as China's data infrastructure and internet censorship framework. The author does a good job in presenting his arguments, but fails to address the prominent counter-argument in existing literature that states the Chinese censorship program is indeed working successfully.

Latham, Kevin. 2007. "SMS, Communication, and Citizenship in China's Information Society." *Critical Asian Studies* 39 (2): 295-214.

Annotation: This article investigates the transforming relationships between the Chinese media, power, political subjectivity, and citizenship. The author argues that, while the government voices its own rhetoric from the past, many Chinese citizens are driving their own alternative visions of the future and forcing the authorities to engage in entirely new kinds of media practices that pose different challenges than those of the past. This article

does an excellent job of demonstrating how the new information age is altering decades or centuries-old rhetoric. The focus on orderly and disorderly media adds a new twist to a general topic that is extensively covered. The author concludes that we must begin to loosen the straps of the old understanding to conceptualize the modern Chinese media and its relations to society and citizenship.

Link, Perry. 2001. "The Anaconda in the Chandelier: Censorship in China Today." Paper presented at the Woodrow Wilson International Center for Scholars' meeting, titled: "Scholars Under Siege? Academic and Media Freedom in China." Washington, DC, October 24.

Annotation: The author states that freedom of expression in China has become much freer in recent years; yet, with the Chinese Communist Party's (CCP's) long-standing priority of maintaining its grip on power, the CCP has effectively been able to continue censoring the Chinese public through a more invisible role. The author claims that the Chinese government's censorial authority in recent times has resembled a giant anaconda coiled overhead in a chandelier, meaning that the "vagueness" regarding the prohibitions in the censorship system has created very effective self-censorship in Chinese society. As China continues to become more connected with the rest of the world, the author concludes that we shall see precisely how far the anaconda can project its power; furthermore, censorship will harm the flow of information and continue to distort Western perceptions of China, and vice versa.

Longanecker, Mindy Kristin. 2009. "No Room for Dissent: China's Laws Against Disturbing Social Order Undermine its Commitments to Free Speech and Hamper the Rule of Law." *Pacific Rim Law & Policy Journal* 18 (2): 373-403.

Annotation: The author argues that the term "disturbing social order" that appears in many Chinese civil and criminal laws creates a vagueness that, when combined with the national culture of censorship, undermines various legal provisions that guarantee free speech in China by leading to disproportionate, irregular, and inconsistent enforcement of the laws. The author concludes that Chinese lawmakers can protect free speech and nonviolent dissent through clearly defining the term "disturbing social order" and that such a measure is necessary to regain the Chinese people's faith in their government, to increase the country's political legitimacy worldwide, and to aid in the continued political and economic success of China. This source gives a clear and concise background of the legal aspects of the censorship issue in China.

MacKinnon, Rebecca. 2008. "Cyber Zone." *Index on Censorship* 37 (2): 82-89.

Annotation: The Chinese internet censorship system is the most extensive and sophisticated in the world; even so, the author argues that liberation, empowerment, and optimism coexist with suppression, censorship, and compromise. This co-existence means that, even with the strict regulations on internet content, the Chinese population that uses the internet is gaining a much larger perspective on current events than those who rely on traditional media

sources. The author uses the example of blogging to demonstrate the push on the limitations of censorship, as well as the scope of the suppression that still exists. Thus, while the scope of the article is somewhat narrow, focusing almost entirely on blogging, the fact that it addresses both the positive and negative aspects of the existing situation in China makes the article useful to the reader.

Martinsons, Maris G., Stephanie N.G., Winnie Wong, and Richard Yuen. 2005. "State Censorship of the Internet in China." *Communications of the ACM* 48 (4): 67-67.

Annotation: This brief article gives the reader a broad overview of the Chinese government's internet censorship. The aim of the article is to demonstrate that the internet represents a double-edged sword: a cornerstone of the drive for economic development, as well as a medium where the principles of free speech and self-governance can be realized. Thus, while the internet has broken the Chinese Communist Party's (CCP's) monopoly on public information, the CCP still closely regulates and monitors internet content and usage. The article concludes that, while the state goes to great lengths to control internet use, the internet enables economic growth, expands freedom of speech and transforms information exchange. As time passes, the authors argue that suppressing information will become increasingly difficult.

Polumbaum, Judy. 2001. "China's Media: Between Politics and the Market." *Current History* 100 (647): 269-277.

Annotation: The author claims that the persistent images of the severe restriction on freedom of expression in China are faulty and, in reality, a steady erosion of limits on the production and dissemination of news, entertainment, and information has been occurring for more than two decades. The author concludes that only a facade of state control exists, since the Chinese people are actively interpreting content, the media is expanding and diversifying, new technologies are being developed, the media is being reformed, new organizational structures are forming, and new money is being added. As the expansion of communications continues, the repercussions are not likely to be seen in ideological spheres, but rather in the ways the Chinese live, learn, and work. Although the article advocates that censorship is not as big of an issue as it is often portrayed, the author gives the reader a good idea of both sides of the argument, as well as the evolution of censorship in China.

Shyu, Jennifer. 2008. "Speak No Evil: Circumventing Chinese Censorship." *San Diego Law Review* 45 (1): 211-249.

Annotation: The author claims that the increased freedom of speech granted by the internet has been curtailed by state-sponsored censorship that requires complicity by American corporations if they wish to do business in China. Although the internet is considered uncontrollable by many professionals and academics, the author argues that, as China's firewall has grown in complexity and sophistication through the aid of American

corporations, China has succeeded in creating a censored internet. The author concludes that the complicity of American corporations has made it necessary for the international community to create and implement a solution to reintroduce freedom of speech in China. However, the author determines that the correct solution is not the Global Online Freedom Act, but rather a combination of proxy-blocking services and international economic pressure.

Sun, Xupei C. 2001. *Orchestra of Voices: Making the Argument for Greater Speech and Press Freedom in the People's Republic of China*. E. C. Michel and Eric B. Easton (eds.). Westport, CT: Praeger Publishers.

Annotation: The author argues that, if China's people hope to be successful in constructing and developing a socialist democracy, journalism theory must be perfected and the operation of the media reformed. The author admits that his discussion of socialist press freedom may not be adequate, but that every press system has its strengths and weaknesses and that China should find its own way to reform. The author concludes that the ultimate goal should be to develop a scientific and rational model for media communications. This book is a useful source for anyone interested in the issue of free press in China. Not only is the book excellently written, but the author is Chinese, and it is difficult to get an "insider's" viewpoint very often, as the topic is a forbidden subject in China.

Wacker, Gudrun. 2003. "The Internet and Censorship in China." In Huges, Christopher R. and Gudrun Wacker (eds.), *China and the Internet: Politics of the Digital Leap Forward*. New York: RoutledgeCurzon.

Annotation: This chapter addresses the Chinese government's censorship of the internet. The authors discuss the paradox of a government that encourages the spread of the internet, while at the same time using its resources and collaborators to monitor and censor those aspects of the internet that it sees as destabilizing, dangerous, or unhealthy to the people and the government. The chapter first discusses the possibility of regulation of the internet by governments, stating that, even if complete control cannot be obtained, there are many effective controls that can be put in place. While this section has some useful information, it could be a bit less abstract. Second, the authors discuss the national regulations put in place by the Chinese government. Third, the authors discuss the influence over norms of behavior, which includes the history of punishment for violators. Fourth, the chapter addresses the role that the market plays in censorship. And lastly, the chapter discusses counter-strategies and whether or not resistance is futile.

Winfield, Betty H., Takeya Mizuno, and Christopher E. Beaudoin. 2000. "Confucianism, Collectivism and Constitutions: Press Systems in China and Japan." *Communication Law & Policy* 5 (3): 323-347.

Annotation: The authors argue that political events and ideologies in the twentieth century shaped the features of the controlled press system in China and the libertarian press system

in Japan. Characteristics of a country's media depend on the culture in which they operate, and thus the authors claim that the Asian philosophical emphases on collectivism, hierarchy, and social harmony have influenced the overt information constraints in China. Because the West looks at the world from a differing perspective, Westerners disregard the cultures, philosophies, and traditions that distinguish Asian mass media. The authors conclude that there is a need for an increased understanding of Asian philosophies that relate to press systems in China and Japan, as these philosophies help explain how and why the press systems of these two nations are different from their Western counterparts. This study presents a viewpoint on Chinese censorship that has not been widely addressed by existing scholars: that the West merely sees censorship in China as bad because it is looking at it through the wrong lens.

Xuecan, Wu. 2001. "Turning Everyone into a Censor: The Chinese Communist Party's All-Directional Control over the Media." US-China Economic and Security Review Commission: Commission Contracted Research Papers. Available online: http://www.uscc.gov/researchpapers/2000_2003/pdfs/censorship_ym.pdf.

Annotation: Although the Chinese Communist Party (CCP) has loosened its grip on controlling the various aspects of the lives of its citizens, it has adamantly maintained control of one thing: the media. The CCP has used schemes to enforce an all-directional control over the media, meaning that every person involved in the media has, in one way or another, become an effective and voluntary self-censor. The author concludes that all journalists should become careful and cautious media censors since, to control ideology and to achieve the most effective control without setting up laws, the CCP must make every media professional a careful and conscientious self-censor. This article is written by a Chinese journalist who worked for the Communist Party, so the piece is a rarely seen inside view of the inner-workings of the CCP's media censorship.

Yuezhi, Zhao. 1998. *Media, Market, and Democracy in China: Between Party Line and the Bottom Line*. Urbana and Chicago: University of Illinois Press.

Annotation: In this book, the author focuses on the current interlocking of party control and market forces in the Chinese news media by addressing the dominant and emerging forms and practices in the journalistic aspects of the news media operations. The author completes an overview and critique of the Chinese Communist Party's (CCP's) model of political communication and of its journalism theories and practices by describing the general structure and characteristics of the media under party domination. The author then goes on to address: the different ways in which market forces influence existing media institutions and practices; the newly established commercialized media institutions, formats, and content in broadcast and newspaper sectors; and the implications of the intertwining of party control and market forces in the Chinese news media. The author concludes by presenting a speculative and hypothetical discussion regarding those who advocate further

commercialization of the news media in China, outlining a theoretical framework for the democratization of news media and alternative possibilities.

Zhu, Jianlan. 2009. "Roadblock and Roadmap: Circumventing Press Censorship in China in the New Media Dimension." *University of La Verne Law Review* 30 (2): 404-466.

Annotation: A general consensus exists worldwide that free press is a fundamental prerequisite for societies to resolve their conflicts, promote their own well-being, and protect their liberty by creating a "check" on the government. This paper examines the impact of the new media on the freedom of the press in China, a nation which historically has been closed to press freedom. The author concludes that the new media has influenced the way information is gathered and distributed, beginning to defeat the dominant monopoly of state-owned traditional media, and making Chinese authorities realize that sometimes isolation is not a viable option. Thus, the new media has made Chinese media more accessible, participatory, and conducive to social dialogue, meaning that it provides a great opportunity for the government to improve its fundamental political relationship with the citizens of China by opening the door to the freedom of press.