

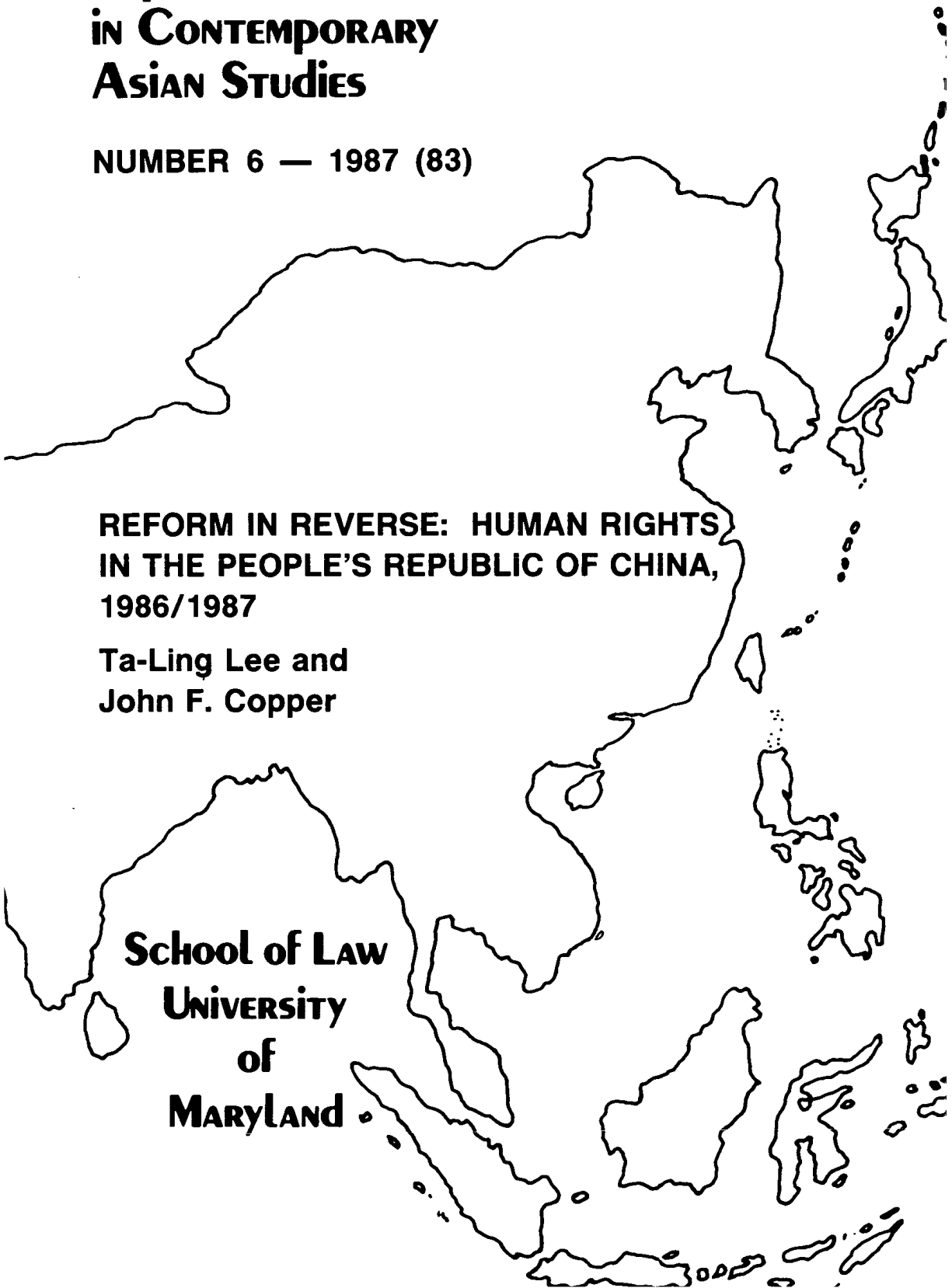
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**REFORM IN REVERSE: HUMAN RIGHTS
IN THE PEOPLE'S REPUBLIC OF CHINA,
1986/1987**

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of
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TABLE OF CONTENTS

| | <i>Page</i> |
|--|-------------|
| Preface | 1 |
| Chapter I - Introduction | 5 |
| Chapter II - Student Demonstrations and Their Suppression: A Chronology | 9 |
| Chapter III - "Double Hundred:" A New Hundred Flowers Campaign? | 19 |
| Chapter IV - Anti-Bourgeois Liberalization Campaign | 29 |
| Chapter V - Art and Literature | 37 |
| Chapter VI - The Economy and Human Rights | 43 |
| Chapter VII - Civil and Political Rights | 55 |
| Chapter VIII- The Press | 65 |
| Chapter IX - Hong Kong | 77 |
| Chapter X - Minorities | 87 |
| Chapter XI - Human Rights Cases | 95 |
| Chapter XII - Conclusion | 105 |
| Appendix 1 - Resolution of the Central Committee of the Communist Party of China on the Guiding Principles for Building a Socialist Society With an Advanced Culture and Ideology | 109 |
| Appendix 2 - "Democracy, Reform and Modernization," speech by Fang Lizhi on November 18, 1986, at Shanghai Tongji University | 113 |
| Appendix 3 - "Intellectuals' Role in Chinese Society," speech by Fang Lizhi on November 15, 1986, at Jiaotong University | 119 |

| | |
|---|-----|
| Appendix 4 - U.S. Scholars' Open Letter to Ambassador Han Xu | 123 |
| Appendix 5 - "160 Scholars in Appeal to China," <i>New York Times</i> , February 24, 1987 | 125 |
| Appendix 6 - Open Letter to Chinese Government by 1000 Chinese Students in U.S. | 129 |
| Appendix 7 - Open Appeal by Chinese-American Scholars ... | 131 |
| Appendix 8 - Open Letter to Deng Xiaoping by U.S. and Hong Kong Scholars and Writers | 133 |
| Appendix 9 - "Times Reporter Is Expelled from China," <i>New York Times</i> , July 23, 1986 | 135 |

PREFACE

This study is both a “spinoff” and an up-date of a larger work, *Human Rights in the People’s Republic of China*. The larger study is a comprehensive treatment of the subject, complete with historical background and topical analysis. In this study, we endeavor to pick up where the larger work left off, focusing on the years 1986-1987. We also plan to write future annual “watches.”

In this “annual review” of the human rights condition in the People’s Republic of China, we have used the massive student demonstrations at the end of 1986 and the beginning of 1987 as a take-off point from which to look back through the year 1986 and assess events of the first half of 1987. We shy away from the popular method of “itemization”—that is, listing reported cases of human rights violations in narrowly and arbitrarily defined categories. Instead, we have taken a “macro-systemic” approach, remembering that China is a communist country where there is an official guiding ideology and that the society is controlled from the top. Insofar as communism and centralized control are antithetical to the practice of human rights in the Western sense we assume this helps explain, though it does not excuse, human rights abuses in China.

Seen in this light, the year-end student demonstrations as well as their subsequent suppression can be viewed as symptoms of long-simmering problems. We believe that they also reflect “contradictions” between the political controls used in a communist political system and efforts to modernize China based upon free market principles. During the period under review, clearly there have been both confusing signals and bold, if at times naive initiatives on the part of the political leaders in power, to reform the polity and the economic system.

The demonstrations then can be regarded as a sudden outpouring of demands for human freedoms long suppressed in a society which had only recently attempted a measured relaxation of control. The goal was to revive a stagnant economy. The subsequent reimposition of political controls similar to those used over the past three and one-half decades provides proof that Chinese Communist Party leaders were fearful of any challenge to their power. More important, they can be expected to prevent democracy and individual freedom from becoming a reality, and, where necessary, to sacrifice economic freedoms.

The authors also see an inherent incompatibility between respect for human rights and China's brand of totalitarianism, though the latter may be in the process of evolving toward another political style or system. However, even if totalitarianism is giving way to a more traditional form of authoritarianism, as some scholars contend, human rights abuses remain very serious. They are just different.

The reader is also reminded that during the period under review reforms were promoted by the faction of the Chinese Communist Party in control. When problems associated with the reform occurred, as happened in late 1986, China's leaders cast blame on the reform. Outspoken critics of the system who were at first encouraged were then suppressed. Party Secretary-General Hu Yaobang was forced to resign. He favored reform. Deng Xiaoping changed his position on democratic reform—as he had done several times before.¹ The result was “reform in reverse” which favored leftist, orthodox communism and was designed to strengthen Party control and “socialism with Chinese characteristics.”

By mid-1987, with the student demonstrations suppressed and the Anti-Bourgeois Liberalization Campaign officially still on the agenda, reform had clearly suffered a setback, and the cause of human rights suffered. We have tried to underscore this theme in our review of the developments in the topic areas that relate most closely to the human rights condition in China. We have also examined the abuses themselves.

In the course of our research, the authors were struck by the different standards adopted by the U.S. government and the American press towards the People's Republic of China and the Soviet Union respectively on the human rights issue. United States responses in the Daniloff case and the John Burns case (reporters expelled by the USSR and the PRC respectively), for example, provide a study in contrasts. Likewise, we cannot help but observe that, although there are serious human rights abuses in China, Beijing is only infrequently criticized.

One final note: The chapter on economy and human rights was

1. By mid-1987, there were speculations that Deng Xiaoping was shifting his position again after a period of “ideological chill” brought on by orthodox ideologues opposed to reform. See, for example, Julian Baum, “Policy Shift in China?” *Christian Science Monitor*, June 26, 1987, p. 1; Howard G. Chua-Eoan, “The Old Man and the Mountains,” *Time*, July 13, 1987, p. 41.

contributed by Y. L. Wu, who declined co-authorship of this volume.
We thank him for his contribution.

Ta-ling Lee
John F. Copper
December 1987

I. INTRODUCTION

Toward the end of 1986, Deng Xiaoping's reformist policy of limited relaxation was put to a test as a result of a series of student demonstrations that raged through dozens of the nation's universities and colleges in 17 major cities. The students, the nation's privileged elite, demanded freedom and democracy. Despite official warnings, demonstrations continued into the new year, sending shock waves that reached the top echelon of the Chinese Communist Party leadership. The demonstrations not only foreshadowed drastic changes in the inner circles of power in Beijing; they also ushered in a new wave of purges and the suppression of what little intellectual freedom had been briefly permitted. The human rights implications are obvious.

In cracking down on the student unrest and in subsequently leading a charge against "bourgeois liberalization," Deng Xiaoping signaled not so much an abrupt turnaround in his attitude, but rather a tightening of the official policy which rejected the basic principles of human rights as bourgeois in nature. Deng showed that he is not a "pragmatic" liberal leader with little regard for ideology, as he is often pictured in the West; rather, he is a Marxist ruler who tolerates neither challenge to his power nor dissent in ideology.

In freedom of thought, before the latest crackdown, much of 1986 saw the continuation of measured relaxation without departure from the proclaimed Marxist line. The trend, as in the past few years, was a zigzagged one, however, punctuated by advances and setbacks, as the "reformists" and hardliners continued to engage in a high-stake struggle. As year-end approached, there were clear signals coming from the highest policy-making echelon as reflected in speeches and statements by top leaders as well as actions by the government. Taken together, these signals suggest that the orthodox communists, (whom the Deng faction referred to as "radical leftists,") often confusingly labelled as "conservatives" in the West, were gaining an upper hand and the trends toward further liberalization had suffered a setback.

One of the most significant developments was the appearance of the phrase "opposing bourgeois liberalization" in a long resolution passed by the sixth plenum of the Party Central Committee in late September 1986. Bourgeois liberalization, according to that important document, is contrary to socialism, and, therefore, must be firmly opposed. Coming from this top Party meeting, this had to be taken seriously. With the Anti-Spiritual Pollution Campaign of late 1983 still

fresh in mind, many people in China saw this as a sign that the Party planned to tighten its grip again after a period of limited relaxation. The chilling effect would be inevitable.

The year 1986 was marked by several significant events that had an impact on freedom of thought in general. These include statements on ideological freedom made by several top Party leaders, the appointment of a new Minister of Cultural Affairs, and, of course, the Party Central Committee meeting held in September at which a document on building “socialist civilization” was adopted.

The resolution reaffirmed China’s commitment to economic modernization while warning against corruption and other evils. It championed “socialist morality” and warned that it was wrong to “blindly worship bourgeois philosophies and social doctrines.” Deng Xiaoping called for political reforms, but what he meant was a renewed effort to reduce inefficiency and corruption. Important policy decisions of a specific nature had been expected from the Party meeting in September. However, Deng later conceded that it was too early to make concrete decisions on political reform, a sensitive issue that could affect the power of millions of middle-level cadres throughout the country.¹ Instead, the Party resolution stressed only ideological work.

In promoting socialist values, the resolution emphatically rejected “bourgeois liberalization” and capitalism. “Bourgeois liberalization, which means negating the socialist system in favor of capitalism, is in total contradiction to people’s interests,” it declared.

Referring to the growth of official corruption and crime that was attributed to economic reform, the resolution read: “Socialist morality rejects both the idea and the practice of pursuing personal interests at the expense of others, putting money above all else, abusing power for personal gain, cheating and extortion.” Stopping short of reviving the 1983 Anti-Spiritual Pollution Campaign to fight “Western decadence,” the resolution instead reaffirmed the newly promulgated “Double Hundred” policy—Deng Xiaoping’s latest borrowing of Mao Zedong’s 1956 slogan to “let one hundred flowers bloom and one hundred schools of thought contend”—to allow greater freedom of expression by intellectuals in order to help the troubled reform. However, the resolution was quick to set guidelines for the intellectuals in their new task of extolling the new official line with a clear and unequivocal definition of socialist ethics: “It means essentially love of the mother-

1. See Chapter VI, The Economy and Human Rights.

land, the people, labor, science and socialism.”²

On September 8, just before the Party Central Committee meeting, Hu Qili, ranking member of the Party Secretariat, made the most explicit statement to date on political reform. Receiving Ch'en Ku-ying, a native Taiwan scholar residing in the United States who was critical of the government in Taiwan, Hu answered Ch'en's query about political reforms as follows:

Our political reform mainly refers to reform of the leadership pattern, not reform of our socialist system. Our socialist system, won by our people through bloodshed and sacrifice, simply will never be changed. Our reform aims at improving and strengthening the leadership of the Party, not its abolishment. We are now carefully studying such structural reform.”³

Earlier, Wan Li, first vice premier and Deng Xiaoping's right-hand man, had urged reform of the policy-making organ and processes. In a widely publicized speech, Wan pointed out the urgency of political reform to coincide with the progress of economic reform, citing the over-concentration of power at the top and the lack of modern knowledge among top leaders as among the most serious problems hampering further efforts toward modernization. He urged bold reform to make the policy-making processes truly “scientific and democratic,” replacing the “old, backward policy-making concepts and methods” with “new, scientific policy-making concepts and methods.”⁴ It is well to remember that both Hu and Wan urged only structural and administrative reform, not reform of the system.

2. “Peking Parley Backs Economic Policies,” *New York Times*, September 29, 1986, p. A3.

3. “Hu Qili Receives Ch'en Ku-ying and Discusses Political Reform,” *Chung Pao* (Centre Daily News), eastern U.S. edition, September 10, 1986, p. 2.

4. *Renmin Ribao* (People's Daily), overseas edition, August 15, 1985, p. 1.

II. STUDENT DEMONSTRATIONS AND THEIR SUPPRESSION: A CHRONOLOGY

Student activism has been an integral part of the history of 20th century China. Despite the complex manifestations and varying motives, two types of student activism can be broadly discerned: the spontaneous and the manipulated, and they are by no means mutually exclusive. The former tends to take place during periods of decline and weakness, the latter in times of strong central authority. Student agitation around the turn of the century, before the birth of the Chinese Republic and the anti-Japanese student demonstrations during the 1930s, are prominent examples in the first category. The rampaging Red Guards unleashed by Mao Zedong to attack his opponents during the Cultural Revolution and the student activism during the period of the Democracy Wall of 1979 which was skillfully manipulated by Deng Xiaoping to topple Hua Guofeng from power, fall unmistakably under the second category. The most recent student demonstrations, first inspired by calls for political reform within the Party and later suppressed by the same powerful Party authorities, would seem to fit the second category, although there were elements of both spontaneity and manipulation. However, one should not lose sight of the fact that by suppressing the student movements, the ruling power structure, even in periods of seeming strength, was in effect demonstrating an inherent institutional weakness and lack of self-confidence.

Student demonstrations first broke out in early December 1986 at the elitist University of Science and Technology in Hefei, Anhui province, seemingly over local issues, including students' right to participate in local elections and poor living conditions on campus. The demonstrations grew more strident and quickly spread to other cities, where university students took to the streets and plastered campus buildings with posters demanding freedom and democracy.

By December 17, the demonstrations had spread to the Southwest, with over 2,000 students of Yunnan University in Kunming parading through the streets and calling for democracy and freedom. The students waved banners proclaiming "Long Live Democracy!" and put up wall posters with similar messages, according to foreign faculty members at the university and other institutions.¹

1. "Democracy Movement Takes Mainland China Like Wild Fire," *Chung Pao* (Centre Daily News), eastern U.S. edition, December 20, 1986, p. 1.

Because of Deng Xiaoping's "open" policy and lacking clear policy guidelines on student demonstrations, local authorities at first were at a loss as to how to cope with the situation. Over the course of the day on December 20, when tens of thousands of university students marched in the streets of Shanghai, Wang Minguang, an official with the foreign affairs office of the city government, for example, was quoted as saying repeatedly that the demonstrations were "completely legal."²

Small, printed manifestoes were handed out by the student protesters, explaining the reasons for the demonstrations. "To our countrymen," began one manifesto, on a 3 by 5 inch mimeographed slip of paper. "Our guiding principle is to oppose bureaucracy and authoritarianism and strive for democracy and freedom. The time has come to awaken the democratic ideas that have long been suppressed."³

By the end of 1986, student demonstrations for freedom and democracy had swept 150 campuses in at least 17 major cities. Even before that, the authorities had decided to clamp down. Party intellectuals who encouraged "bourgeois liberalization"—advocating capitalism and overthrow of the socialist system—were blamed.⁴ Demonstrators were accused of trying to "disrupt stability and unity" and "derange production and social order."⁵ The official New China News Agency (Xinhua) compared the activities of student protesters to the rampages of Red Guards during the Cultural Revolution in a thinly veiled attempt to intimidate advocates of civil and political freedoms. "We have just gained some peace after the Cultural Revolution. Is the suffering brought about by the Cultural Revolution not enough?"⁶ By evoking the nightmarish memories of the years of anarchy and institutional violence, the press agency thus began a powerful campaign to justify the coming repression in the name of order and stability.

The charges were all very familiar: violating laws, disturbing social order, anarchism and counterrevolutionary activities. To the par-

2. Edward A. Gargan, "Thousands Stage Rally in Shanghai Demanding Rights," *New York Times*, December 21, 1986, p. 1.

3. Edward A. Gargan, "China Denounces Student Protests as 'Illegal Acts,'" *New York Times*, December 22, 1986, p. A1.

4. Lawrence MacDonald, "Teacher Faces Beijing's Wrath," *South China Morning Post*, (Hong Kong) January 12, 1987, p. 17.

5. Gargan, "China Denounces Student Protests as 'Illegal Acts,'" *supra* note 3, p. A1.

6. *Ibid.*

ticipants, and keen observers of China, there was nothing new in this. The immediate precedent was the short-lived *Beijing Spring* and its subsequent suppression in 1979-1980. Both followed closely the pattern of the Hundred Flowers Campaign of 1956-57. In all three cases, students and intellectuals were encouraged to speak out, only to fall victim to the ensuing suppression when the criticism inevitably went beyond the permissible limits, Constitutional guarantees of "free speech" notwithstanding (Article 35, 1982 Constitution).

"Freedom and Democracy"

The students demanded "freedom of the press and democracy, not authoritarianism." Legally this was a legitimate complaint. Freedom of the press and other basic freedoms are guaranteed in China's Constitution. In fact, they have been included in the four different Constitutions since 1954 and before that in the Common Program promulgated just before the founding of the People's Republic of China in 1949. Since they are in the Constitution, why then did the students still demand these rights? The answer is that these rights to a large extent have existed on paper only. Constitutional provisions have been routinely ignored in practice. History has repeatedly shown that during such mass campaigns as the Suppression of Counterrevolutionaries in 1950-1952, the Hundred Flowers and the subsequent Anti-Rightist Campaign in 1957, the Great Leap Forward in 1958, the Cultural Revolution of 1966-1976, the Anti-Spiritual Pollution Campaign of 1983 and the most recent Anti-Bourgeois Liberalization Campaign, laws have not been a bulwark for the protection of people's rights; rather, they have been an instrument for totalitarian control.

In Shanghai, the ban on student demonstration was issued on the night of December 21 and posted and broadcast the next day throughout the city. But thousands continued to demonstrate. In the largest city in China, known for its recent history for radicalism, workers soon joined the students. About 2,000 of them were reported to have gathered in front of the City Hall and in the People's Park waiting for the students to arrive both on December 21 and 22. Factories banned the workers from participating. But, according to an Agence-France Presse (AFP) report from Shanghai, the ban was ignored.⁷ The involvement of workers was apparently a deciding factor in the authorities' decision to contain the spreading demonstrations in China's large cities. The demonstrators appeared to be organized. In Shanghai, for

7. "Chinese Communists, in Policy Shift, Suppress Student Demonstrations," *Chung Pao*, December 23, 1986, p. 1.

example, the demonstration was led by trucks equipped with loudspeakers broadcasting speeches calling for democracy and freedom.⁸ One poster at Tongji University mentioned the unfair imprisonment of Wei Jingsheng, China's most famous dissident who was serving a 15-year term.⁹

Shanghai police posters detailed a list of forbidden activities. People were warned about disrupting order and breaking into any government offices, radio and television stations, news offices and foreign institutions. They were also warned against insulting government cadres, policemen and other state functionaries. Finally, they were forbidden from "encroaching on people's rights, from spreading rumors and misleading the people." By the evening of December 22, loudspeakers atop the People's Congress Building on the People's Square began broadcasting the following police notice:

Fellow citizens, at present People's Square is packed with many people and it is very disorderly. It has been reported that some bad elements have been creating trouble and molesting women. If and when such bad elements are uncovered, bring them to the public security authorities immediately.¹⁰

On December 25, *Renmin Ribao* (People's Daily) published a strongly-worded editorial, proclaiming "political reform only under Party leadership." It reaffirmed the four cardinal principles of the Deng regime, featuring close adherence to socialism and the supremacy of Party leadership. The four principles had always been mentioned on appropriate occasions, in fact almost ritualistically, and in ways often thought to be little more than lip service. With the student demonstrations as a backdrop, preparing the nation for a new wave of suppression entailing, the reiteration by the Party organ of the four principles took on immediate significance.

"Shed Some Blood"

As the student demonstrations spread, emergency meetings were called in Beijing at which Deng was reported to favor suppression by force. Military takeover, reminiscent of the Cultural Revolution days,

8. "Over 10,000 Students in Shanghai Demonstrate," *Chung Pao*, December 22, 1986, p. 1.

9. See Chapter XI on Human Rights Cases.

10. Edward A. Gargan, "Police Warnings Cool China Protests," *New York Times*, December 23, 1986, p. A12.

was reportedly discussed seriously.¹¹ At one of these meetings, the records of which were later distributed as guidelines for action, Deng urged stern measures to put down the demonstrations. He said: "When necessary, we must deal severely with those who defy orders. We can afford to shed some blood." Citing Wei Jingsheng as an example, Deng said: "Just look at Wei Jingsheng. "We put him behind bars and the democracy movement died." "We haven't released him, but that did not raise much of an international uproar," Deng added contemptuously. He also told the meeting: "These few years, we have been too lax in curbing the tide of bourgeois liberalism."¹²

By December 26, the official New China News Agency reported the arrest of several workers who overturned and burned automobiles during the demonstrations in Shanghai.¹³ Earlier, on the campus of Nankai University in Tianjin, wall posters urged emulating the people of the Philippines in overthrowing the Marcos regime. "Marcos has left Manila. The Filipino people have taught us what democracy is and what the people are capable of," said one poster.¹⁴

Meanwhile, demonstrations continued despite the official ban and news blackout. On December 26, students in Nanjing, Jiangsu province and Jinan, Shandong province continued to demonstrate in support of students in Beijing and Shanghai. At Beijing University students gathered in front of wall posters. One poster compared the Chinese Communist Party with the most tyrannical rule in Chinese history in every respect, specifically pointing to its jailing people for political and religious beliefs. Another poster quoted Wan Li, a Vice Premier, as saying "Democracy is only a gift from us to certain deserving people" in an earlier debate with Fang Lizhi, then vice president of the National University of Science and Technology in Anhui province. Fang has since been dismissed and expelled from the Party, after Deng Xiaoping named him as one of the culprits behind the student unrest and criticized him for opposing socialism in China. Other posters reported student activities in Hefei, Shanghai, Nanjing and many other cities, concluding with the slogan "Long Live Democ-

11. "Chinese Communists Order Armed Police to Suppress Demonstrators," *Shih-chieh Jih-pao* (World Journal), (Taipei), December 27, 1986, p.1.

12. Edward A. Gargan, "Deng's Crushing of Protest is Described," *New York Times*, January 14, 1987, p. A3.

13. *Shih-chieh Jih-pao*, *supra* note 11.

14. "Campus Posters Urge Emulating Filipino 'People's Revolution,'" *Chung Pao*, December 27, 1986, p. 1.

racy!" and "End Tyranny!" underlined in red.¹⁵

On December 30, according to an AFP report, Beijing Normal University locked its gates to prevent students from leaving the campus. Blue-uniformed security personnel were dispatched to the scene to disperse those milling around the gates waiting to get out. One person from the crowd was arrested. Later, He Dongchang, deputy director of the State Education Commission, said the arrested individual was an "unemployed person from out-of-town."¹⁶ Meanwhile, a United Press International (UPI) report said Beijing students, defying a government ban, put up posters that described the economic and social progress in capitalist Taiwan and South Korea, adding: "The CCP (Chinese Communist Party) is supposed to do better than the Kuomintang in Taiwan."¹⁷ Not surprisingly, the New China News Agency on December 31 quoting a Beijing city official blamed "Taiwan agents" and radio broadcasts from Taiwan for instigating the protests. The allegation was immediately dismissed by Beijing University students.¹⁸

Following the ban in Shanghai, the Beijing city government also hastily drew up rules that virtually made any further public protests impossible and illegal. Under the new rules, the city required would-be demonstrators to apply to the police for a permit in advance. The applicants had to state their names, the purpose of the demonstration, the number of people involved, and the time and route of the proposed march, the police said. In addition, the new rules forbade demonstrations at the Great Hall of the People, the large conference hall in the city's center where senior leaders often meet state guests; the Beijing airport; the Zhongnanhai compound, where Communist leaders live and work; and the Diaoyutai state guesthouse, where visiting foreign dignitaries stay. The intention was clear: demonstrations, if ever to take place, are to be shielded from the view of foreigners so that information could be controlled, and top leaders are to be protected from any eventuality.¹⁹

The rules were ostensibly issued to "uphold the legal rights of citizens to demonstrate and maintain public order;" in effect they outlawed public demonstrations. If the new regulations were not enough, Beijing's mayor made clear his attitude toward the protesters. Com-

15. "Over 1,000 Students Protesting on Tian An Men Square," *Chung Pao*, January 3, 1987, p. 1.

16. *Chung-yang Jih-pao* (Central Daily News), (Taipei), December 31, 1986, p. 1.

17. *Chung-kuo Shih-pao* (China Times), (Taipei), December 31, 1986, p. 1.

18. *San Francisco Chronicle*, January 1, 1987, p. 16.

19. "Beijing Promulgates Strict Regulations," *Chung Pao*, December 29, 1986, p. 1.

paring the students to the rampaging Red Guards of the Cultural Revolution, he echoed the official line, proclaimed earlier in the *Renmin Ribao* editorial, on the necessity of preserving “unity and stability.” “Demonstrations are useless,” Mayor Chen Xitong said categorically, adding that he would oppose any further demonstrations by Beijing students. Warning against anarchy of the Cultural Revolution days in order to frighten the populace, the *Renmin Ribao* editorial stressed that “all further reforms need a stable environment.”²⁰

The official press was mobilized in an all-out attack on “bourgeois liberalism” and those who allegedly sought “complete Westernization,” a convenient catch-all way of designating the critics of the Party in the current campaign. On January 14, 1987, major newspapers reprinted a commentary from the *Hongqi* (Red Flag), the authoritative journal of the Party Central Committee. The article was blunt, saying that people who put up posters, handed out leaflets and gave speeches should be punished according to criminal law. Students had engaged in all three activities during the demonstrations.²¹

U.S. A Beacon of Hope

One of the most significant aspects of the student demonstrations, overlooked in the West and particularly in the United States, was how the U.S. figured in the unrest, or more precisely, what the demonstrators hoped Americans could do for their cause. Rather than the source of “bourgeois decadence” as the official line had it, America stood as a “beacon of hope” for most. They saw America as the inspirational source of their movement, and they anxiously looked to the United States for help. The experience of a Voice of America reporter was revealing.

When his identity became known, the U.S. reporter was mobbed by enthusiastic students who wanted him to bring the news to America and to the world. They began to chant “America, America . . .,” forcing the reporter to seek refuge behind police lines.²²

Akin to the daring youths during the “Beijing Spring” period, the demonstrating students in late 1986 and early 1987 anxiously sought out foreign correspondents. They knew matter-of-factly that without the foreign correspondents, the government would be able to totally

20. Edward A. Gargan, “Protests by Students Spread to Beijing,” *New York Times*, December 24, 1986, p. A3.

21. James R. Schiffman, “Deng’s Crackdown Raises Questions About Stability at Top,” *Wall Street Journal*, January 15, 1987, p. 28.

22. “Students March for Freedom,” *New Haven Register*, December 21, 1986, p. A29.

manage news just like in South Africa, making sure that there was no coverage of what it did not want the outside world to know.²³ Indeed, demonstrators complained to foreign correspondents about the lack of freedom of the press in China. They stated that they got much of their information about student political activities in other parts of their own country from Western radio broadcasts.

Soon after the demonstrations started, central government officials ordered a nationwide news blackout. When this happened, the presence of foreign correspondents with their television cameras was even more welcome to the students. This was the only way for the world to be informed of their movement. In Shanghai, students marched past the American consulate office, shouting that they wanted their demands to be publicized around the world.²⁴

Wave of Arrests

Following Hu Yaobang's fall as Secretary-General of the CCP in January 1987, a drastic change in the Party line was evident. Arrests and severe punishments of those who ran afoul of the new line were soon reported, notwithstanding a news blackout imposed by the authorities. Several prominent cases have since become known to the outside world, all involving young intellectuals "unduly influenced by the West."

In January, a returned student (from the United States), Yang Wei, was arrested in Shanghai for participating in student demonstrations. The arrest of Yang, who returned to China in late 1986 after receiving a master degree in molecular biology at the University of Arizona, was never reported in the press in China. It was made known by his wife, Che Shaoli, a graduate student at Baylor College of Medicine in Houston, Texas. Che said in an interview that her husband was arrested on January 11 and was denied visits by family members. Che said: "We don't even know where he is," and pointed out that "This kind of treatment of a returned student is frightening to all students now studying in the West." Ms. Che noted in particular that it was "a dangerous sign" for more than 1,000 Chinese students in American universities and colleges who had signed an open letter (see appendix) to the leadership in Beijing, expressing concern over the dis-

23. Under South Africa's state of emergency, proclaimed in June 1986 and extended in June 1987, the government has imposed tough curbs on the press and banned journalists from witnessing racial unrest and covering actions by security forces to curb black protest. See "A Gunfight in Soweto Marks an Anniversary," *New York Times*, June 12, 1987, p.A10.

24. E.A. Gargan, *supra* note 2, p. 1.

missal of Party Secretary-General Hu Yaobang and the persecution of several leading intellectuals.²⁵ After a one-day trial, Yang was sentenced to two years in prison on December 21, 1987 for conducting "demogical propaganda for counterrevolutionary ends."²⁶

In early February, another young intellectual was sentenced to seven years in jail on "counterrevolutionary" charges. The young man, Liu De, editor of *Jiannan Literature*, a literary magazine in Sichuan province, "desperately pursued and preached the so-called 'democracy' and 'freedom' of capitalist countries," according to a report detailing the charges. The official paper, *China Legal News*, said that the young editor, in a lecture before students, "uglified the socialist system," criticized China's economic reforms and called on the audience to "take immediate action and join in a common struggle."²⁷

News of the unrest soon reached across the ocean to the United States, where more than 18,000 students from the People's Republic of China were studying at different colleges and universities. Most of them came of age during the Cultural Revolution of 1966-1976 or were younger. They were a different breed from their predecessors who had not been politically very active. In an unprecedented move in January, more than 1,000 of them signed the open letter mentioned above protesting the ouster of Hu Yaobang as Party Secretary-General and the disciplining of three leading intellectuals in the wake of the student demonstrations for democracy and freedom in China. Risking possible retaliation against themselves and/or their families, nearly half of them signed the letter using their real names.

Wang Bingzhang, himself a former student who founded the Chinese Alliance for Democracy in New York in 1982, said the student movement had "awakened" Chinese students in the United States to a new activism that could help bring change in their homeland. Wang was a former medical student from China who gave up a career in medicine to devote himself to campaigning for democracy in China. His group publishes the widely popular monthly journal *China Spring* in New York which promotes "democracy, freedom, human rights and the rule of law" in China.

"In the past, Chinese students in the United States would just agree with the government. Now, overseas Chinese students and

25. Marvine Howe, "Ex-graduate Student in U.S. Is Among Detailed Chinese," *New York Times*, February 2, 1987, p.A8.

26. Edward A. Gargan, "Shanghai Court Convicts Student," *New York Times*, December 23, 1987, p. A9.

27. "China Sentences Editor As a Critic of Socialism," *New York Times*, February 7, 1987, p. A4.

scholars are awakening,” Wang said in an interview after addressing a student group at Stanford University. Referring to the large number of Chinese students who signed the letter, Wang said: “This has never happened before. They are very upset by the retrogression in China.” He called the student demonstrations in China “a beautiful page in the history of politics. They are very significant because they have created new leaders for the future.”²⁸

28. L.A. Chung, “Chinese Students Praised for Protests,” *San Francisco Chronicle*, January 22, 1987, p. 18.

III. "DOUBLE HUNDRED": A NEW HUNDRED FLOWERS CAMPAIGN?

A slogan that gained much currency during the period under study was that of the "Double Hundred." Aimed mainly at intellectuals, it was a resurrection of Mao Zedong's famous slogan in 1956-1957, designed ostensibly to promote open discussion and elicit criticisms on major issues from the nation's intellectuals.

With economic reforms bogged down by mid-1986, Beijing leaders all the more had reason to call for new ideas from the nation's professors, writers and scientists. Observers in Beijing and many outside China agreed that further economic reform would depend on the pace of political reforms which Party intellectuals, taking a cue from some Party leaders, were already beginning to urge on the authorities. "If China is to modernize and be a great power, it has got to have intellectual ferment and change," one diplomat in Beijing observed. However, his boldness was not shared by timid and victimized Chinese intellectuals, whose attitude could best be summed up in the following observation: "People are still feeling their way. They are not completely sure yet. . . . There are a lot of artists and writers out there who are still sitting on their hands."¹

Referring to the renewed "Double Hundred" slogan—"let one hundred flowers bloom and one hundred schools contend" as enunciated by Mao in 1956—intellectuals remembered well how the "Hundred Flowers" was followed by the Anti-Rightist Campaign in 1957. Hundreds were executed and hundreds of thousands were condemned to labor camps as rightists, with their families and even friends stigmatized and persecuted. The Hong Kong newspaper *Ming Pao* summed up the views of the delegates at a Shanghai seminar on cultural policy this way:

In the past decades, we experienced many storms and only saw that there were merely two 'schools' (Marxist and non-Marxist) rather than a hundred 'schools,' and only one 'flower' rather than a hundred 'flowers,' and that the 'double hundred principle' was merely a strategum for 'luring the snakes out of their caves.'²

1. Daniel Southerland, "China Solicits New Ideas," *Washington Post*, July 21, 1986, p. A12.

2. Julian Baum, "China Party Leaders Stir Debate on Freedom of Dissent," *Christian Science Monitor*, July 2, 1986, p.3.

The officially-directed drive toward limited relaxation of political control over intellectuals began in early May 1986, with a long article in the intellectual newspaper *Guangming Ribao* (*Guangming Daily*) by Lu Dingyi, retired former Party propaganda head, reviving the "Double Hundred" policy. Lu played an important role in the earlier Hundred Flowers Campaign and the subsequent Anti-Rightist Campaign in 1957 as the head of the Party propaganda department. Later, during the Cultural Revolution, Lu fell from favor and suffered persecution. A victim himself, Lu was in a good position to tell intellectuals that the slogan had been previously misused as a weapon, but this time around it was in the hands of genuine reformers.³ A prelude to Lu's weighty article was one printed in the same newspaper a week earlier, in which the director of the paper's theoretical department, Su Shuangbi, said that differences in academic views could only be resolved by "letting one hundred schools contend." He continued boldly: "Non-Marxist views are nothing reactionary, and not all non-Marxist views are wrong either."⁴

By August, *Renmin Ribao* came out even more boldly with a commentary entitled "Establishing Modern Concept of Democracy and the Rule of Law," which posed a remarkable rhetorical question by quoting a top leader: "As is pointed out by a leader of the Central Committee, if we don't talk about freedom, democracy, human rights, humanitarianism, labelling them capitalistic, what then is left of socialism? Should we only talk about dictatorship, punishment and struggle?"⁵ The passage could be interpreted by both the reformists and hardliners to their respective advantage; these views were later included in the long resolution on building a "socialist society with an advanced culture and ideology" adopted by the Party Central Committee in late September, 1986.⁶

The clamor for political reform received lukewarm encouragement from Deng Xiaoping in early July, when he referred to it during a meeting with a visiting North Korean leader. At the meeting, Deng said, without elaborating, that China's ongoing economic changes would include reforming some aspects of the country's "political

3. *Guangming Ribao* (*Guangming Daily*), May 7, 1986, cited in Robert Delfs, "Contending Thoughts," *Far Eastern Economic Review*, June 19, 1986, p.20.

4. *Guangming Ribao*, April 30, 1986, cited in *Ibid.* p.20.

5. Zhang Zhonghou, "Foster Modern Concept of Democracy and Rule of Law," *Renmin Ribao* (*People's Daily*), August 8, 1986, p.2.

6. *Beijing Review*, No. 40, October 6, 1986, centerfold.

structure.”⁷ The need for political reform was also discussed in a series of seminars, including one held early July at the Central Party School in Beijing, the highest political study institute for ranking Communist Party officials. According to the pro-Beijing *Ta Kung Pao* in Hong Kong, the seminars were organized at Deng’s suggestion. At the seminars, the participants heard Zhu Houze, the Party propaganda chief who, since himself dismissed from the post, stressed the need for political reform if long-term economic changes were to take hold. The *Ta Kung Pao* writer said the meeting addressed the “question of the Party’s present role, its relationship with the government and ways the Party organizations could be changed and how the present political system poses obstacles to the economic reform.”⁸ Indeed, Zhu at the meeting quoted Deng as saying that political change was “urgent and necessary.”⁹

Change the “Undemocratic System”

One of the boldest suggestions for sweeping political reform was made by Yan Jiaqi, the 42-year-old director of the Institute for Political Science of the Chinese Academy of Social Sciences and an idol of reform-minded young people in China. In an interview with the *Christian Science Monitor*, Yan discussed the “main features” of politics in China. He said: “Since the Chinese people have experienced the catastrophe of the Cultural Revolution, they want to change the undemocratic system.” The biggest need was to distinguish the Party’s functions from the government’s and to bring the Party’s powers in line with China’s latest Constitution, adopted in 1982.¹⁰ In another interview, Yan told the *Guangming Ribao*: “A country that lacks democracy may achieve temporary economic prosperity, but its long-term development will inevitably be hindered.”¹¹ While democracy was often referred to in vague terms, one of the concrete and widely-discussed features in democratic reforms was how to separate the Party from the government and put it under the rule of law. Feng Shengbao, deputy chief of the research section on foreign political systems at the Institute of Foreign Affairs, once offered a succinct expla-

7. Julian Baum, “China Talks Party Reform,” *Christian Science Monitor*, July 22, 1986, p.3.

8. Ibid.

9. Edward A. Gargan, “Chinese Party Dismisses Top Propaganda Official,” *New York Times*, February 5, 1987, p. A26. In this despatch from Beijing, Zhu’s dismissal as Party propaganda chief was confirmed.

10. J. Baum, *supra* note 7, p.3.

11. Ibid.

nation of what was to be achieved. Speaking before the aforementioned seminars at the Central Party School, Feng said: "Having the Party do the work of the government is like trying to run modern industry with old-fashioned handicraft technique."¹²

The United States, where many elite intellectuals have gone for advanced study or short visits under government sponsorship, in recent years, inevitably came up in the discussions on political reform. Yan Jiaqi cited the Watergate case to illustrate the limits of power under a democracy. "When Nixon proved unable to control the prosecutor and the courts, he was forced to resign. This shows that the rule of law and respect for the division of powers in government are deeply rooted in the United States," he told the *Guangming Ribao*. Yan quoted Deng Xiaoping as once severely criticizing Stalin for seriously damaging the socialist legal system and then accusing Mao of committing the same mistake. "Mao Zedong once said that this couldn't have happened in the Western countries such as France, Britain and the United States," Deng was quoted as saying, underscoring Mao's awareness of the importance of the rule of law. However, "Although Mao realized this," Deng continued, "he failed to solve the problem of leadership and this, plus other causes, led to the Cultural Revolution." Calling for the rule of law so that basic directions of the government would not swing violently with a change of leaders, Yan said "I think Deng Xiaoping shares the same view."¹³ How wrong he was!

To provide needed ideological underpinnings for Deng's economic reforms and more importantly to counter charges that Deng was following the capitalist road, Marxism had to be stretched by ideologues from the Dengist camp. The new official line was that Marxism itself, being a scientific and living truth, must be constantly brought up-to-date rather than being treated as a rigid doctrine formulated over 100 years ago. And updating Marxism in this spirit was the responsibility of those intellectuals in the field of ideological studies.

Several times during 1986, Zhu Houze, as Party propaganda chief, spearheaded liberalization in the ideological sphere. Zhu, who was closely identified with the now deposed Party Secretary-General Hu Yaobang, was generally considered to be a reformist. He replaced Deng Liqun, a hardline stalwart, who was forced out after the Anti-Spiritual Pollution Campaign went into low gear in 1984.

In an article in the *Renmin Ribao* in April 1986, Zhu said it was

12. E.A. Gargan, *supra* note 9, p. A26.

13. J. Baum, *supra* note 7, p.3.

only normal that differences of opinions would emerge in theoretical studies and inquiries. Indeed, only through comparison and contention among different viewpoints could people gradually arrive at a better understanding of objective rules and truth in all matters, Zhu stressed. "Therefore, among theoretical workers, we not only should promote independent thinking, we should also promote mutual criticism, through which we try to persuade and convince others with reason."¹⁴

In August, Zhu further pursued his views in another article titled "Some Thoughts on Ideological and Cultural Questions," in which he made five points: 1) reappraisal of CCP ideology; 2) no government intervention in ideological matters; 3) absorbing good elements from Western culture to modify Chinese ways; 4) study of non-Marxist theories; and 5) advancement and promotion of the overall educational and scientific levels of the people, moving away from over-emphasis on ideological concerns.¹⁵

Marxism Stretched

Addressing intellectuals involved in Marxist studies in particular, Zhu urged that on cultural and ideological questions, "A Marxist attitude must be adopted toward non-Marxist works." To spur intellectuals into following the new line, Zhu declared that the basic theory of Marxism was in fact "derived through studying non-Marxist materials." Therefore, "if we are to follow the authors of Marxist classics, we should not be so dogmatic. Rather, we must keep up with the changing times and absorb new nutrients through practice, thereby ensuring the vigor of this system of scientific theory."¹⁶

Helping to lead the way in calling for measured political change was another establishment ideologue, Su Shaozhi, director of the Institute on Marxism-Leninism and Mao Zedong Thought at the National Academy of Social Sciences. In an article in the *Renmin Ribao*, he said that the present "four modernizations" were far from enough. He boldly called for modernization of "political structure, social institutions and ideology." Problems existing in the political structure and issues of ideology had begun to affect economic reforms adversely, he said. Without reforms in political structure and in other areas to go

14. "Ideological Breakthrough Needed for Further Reform," *Renmin Ribao*, April 25, 1986, p. 4.

15. Zhu Houze, "Some Thoughts on Ideological and Cultural Questions," *Renmin Ribao*, August 11, 1986, p. 2.

16. *Ibid.*

with the economic reform, further advances in the economic reform would be difficult and the results already achieved would be hard to maintain. Specifically, he identified the “basic problems” as the “lack of fully guaranteed rights of political participation, free speech and involvement in the policy-making process” by the people, despite pertinent Constitutional provisions.¹⁷

It is noteworthy that on the surface, what Su urged does not seem very different from the “fifth modernization”—political modernization—demanded by Wei Jingsheng several years earlier. Wei, China’s most famous dissident, is still serving a 15-year jail term. There is no sign of his early release, despite the fact that his views have since been espoused by official spokesmen. Unfortunately, Wei spoke out too early, without the sanction of Party authorities and before the change of the official line. In a society ruled by shifting official lines for people to follow but not to challenge, Wei’s real crime was that he was the wrong person who expressed the wrong views at the wrong time.¹⁸

Apparently, the views of Zhu and Su did not please the leftist orthodox Party ideologues who began to sound warnings against attempts to weaken the role of ideology. By late September, at the Sixth Plenum of the 12th Party Central Committee, further reform suffered a serious setback. The most important statement issued at the conclusion of the Party meeting was one stressing the importance of building “socialist spiritual civilization” in China, foreshadowing the coming of the campaign against “Western bourgeois liberalization.”

A few courageous people continued to speak out, despite personal pain. Wang Ruoshui, who was fired from his post as deputy editor-in-chief of the *Renmin Ribao* a few years earlier, is a case in point. The fact that the Party continued to tolerate a few dissenting voices for a little while longer is not nearly as significant as what the dissenters had to say.

In a long essay in August on “The Double Hundred Policy and Constitutional Rights,” Wang raised the question why the Constitution was not as authoritative as the words of a leader, who could freely brag about granting or withdrawing the “Double Hundred” policy at will, leaving his audience in gratitude or in despair. Pointing to the Constitution, which was passed in 1982, Wang said:

Freedom to engage in literary and artistic creation is the right of a citizen, *not a gift from anyone* and therefore cannot

17. Su Shaozhi, “The Impact of Political Reform and Anti-feudalism,” *Renmin Ribao*, August 16, 1986, p. 2.

18. See also Chapter XI on Human Rights Cases.

be arbitrarily abolished by anyone. This right is guaranteed by the Constitution. . . . But, unfortunately, the Constitution is all too often ignored, hence the words of a national leader invariably are taken much more seriously.¹⁹

After recounting the suffering of the people in the past years as a result of the total disregard of the Constitution by the Party and its leaders, Wang reminded his readers:

Don't just remember the Party's 'Double Hundred' policy but forget or ignore your Constitutionally guaranteed citizens' rights. Only then will we be able to recognize our own *unshirkable responsibility*. In the past, we only passively waited for someone to grant us such rights. Hence we have lived with this strange situation: one day we are allowed to speak up; a few days later we are no longer allowed to do the same.²⁰

It is well to remember that Wang has been denounced as a "spokesman" for bourgeois liberalization by Hu Qiaomu, the Party's ideology czar, and that stigma has never been removed.²¹

"Democracy Must Be Fought For"

Li Honglin, another victim of the Anti-Spiritual Pollution Campaign in late 1983, was fired from his post as deputy director of the Bureau of Theoretical Studies under the Party Propaganda Department for advocating "socialist democracy" at the time. A respected scholar, he was banished to a local position in Fujian province, but was allowed to remain active. In late 1986, upon his return from a six-month stay at Princeton University as a visiting scholar, Li became even more convinced that "democracy must be fought for." He urged that "those involved in theoretical work must strive to create an atmosphere conducive to the study and promotion of democracy in China." However, Li, ever mindful of the limits of official tolerance, was quick to add that he was not "blindly optimistic" about the prospect of democracy in China, for he fully realized that "China's society today cannot withstand great shocks."²²

In early July, a scholar at the Chinese Academy of Social Sci-

19. Wang Ruoshui, "Double Hundred Policy and Citizen's Rights," *Cheng Ming*, (Hong Kong), No. 107, September, 1986, p. 60.

20. *Ibid.*

21. Tung Hu, "Is 'Relaxation and Harmony' a Sign of Spring?" *Cheng Ming*, (Hong Kong), No. 107, September, 1986, p. 13.

22. Lin Chia, "Democracy Can Be Fought For," *Chung Pao*, October 31, 1986, p. 6.

ences openly urged the government to abandon the Soviet model and turn to the West to borrow from its experience in modernization. At the seminar, the scholar, Tan Jian, said that the model of centralized government developed in the Soviet Union in the 1930s was outmoded. In his words, "The centralized power structure may be useful militarily and politically, but it is no longer suitable to the development of socialist economy in the present modernization in China." Tan was regarded as one of the most outspoken critics of the government since top leaders urged intellectuals to speak up in April.²³ Nothing has been heard of him since the onset of the Anti-Bourgeois Liberalization Campaign in September 1986.

Another aspect of the agitation for greater intellectual freedom in 1986 manifested in the academic circles was a call for the elimination of "forbidden zones" (*jinqu*), that is, areas from which scholars should voluntarily or involuntarily refrain, despite the "Double Hundred" policy proclaimed by the authorities. In May 1986, the Shanghai *Wen Hui Bao* lamented the status of "academic democracy" and mentioned many "forbidden zones." It said that there were people who would: 1) only follow the doctrines from higher levels and dare not voice differing views, 2) follow the doctrines in books and dare not put forth personal views, 3) have a superstitious belief in authority and dare not differ from it; and 4) follow the majority and dare not be unorthodox. The paper then went on to explain why scholars so behaved: "If the divisions of leftist, centrist and rightist are used as a criterion for judging academic merit," then scholars would feel intimidated and worried about their future and "they would not be able to develop freely in their scholarly work." It warned that "socialist academic democracy is an integral part of socialist democracy," which could not develop without full academic freedom.²⁴

Academic and Political Freedom "Inseparable"

The paper was later joined by the *Renmin Ribao* which in a long article pointed out that the difficulty in implementing the "Double Hundred" policy lay in the fact that academic freedom and political freedom were inseparable. "It may be a little easier with natural sciences, but in the social sciences, such as in politics, law, sociology and scientific socialism, it is very hard to draw a clear line between aca-

23. "Scholar Urges Government to Abandon Soviet Model in Favor of Western System," *Chung Pao*, July 12, 1986, p. 1.

24. *Wen Hui Bao*, May 25, 1986, cited in "Where are the Forbidden Zones?" *Inside Mainland China*, (Taipei), August, 1986, p. 5.

democratic freedom and political freedom,” the article said with rare candor, touching on the crux of the problem. It went on to give the following example:

In law, there is a theory of the presumption of innocence. But today this has been a forbidden zone. Even if our country's criminal law incorporated this principle, anyone writing an essay to expound it would be thought to argue against the current Party and government policy of cracking down hard on crime—and wouldn't that become a political problem?²⁵

In economics, it was the same. If, in the course of discussing the four modernizations, one expressed views labelled as “carrying out bourgeois liberalization” or “taking the capitalist road,” it would be hard for one to vindicate oneself,” the *Renmin Ribao* article continued. In politics, it was even more difficult. One might get in trouble even discussing Ch'in Shih-huang (the despotic First Emperor of the Ch'in Dynasty in the third century, B.C.) and Montesquieu. “Discussing the former, one may be suspected of making veiled insinuations. Discussing the latter, one may be guilty of introducing ‘high-level pollution’ via American bourgeois students of politics,” the paper said. “If a person is constantly worried when putting his pen to paper or giving a lecture, about the fact that some of his formulations might go beyond the bounds of academic problems to become a political problem,” the paper said, “then he has no choice but to keep his mouth shut.”²⁶

Stressing that academic questions and political questions were really indistinguishable, the article concluded:

If no citizen has the right to air his views on politics, then politics would remain a forbidden zone and the people will have no alternative but to warn one another that ‘disaster comes from careless talk’ and that one should avoid ‘incriminating oneself by what one has to say.’ What kind of ‘masters of the state’ will the people be? Wouldn't the ‘high-level socialist democracy’ be nothing but empty talk?²⁷

While daringly setting forth the new official line of limited liberalization, *Renmin Ribao*, as the Party's mouthpiece, was also quick to draw the line so that one did not get carried away. “The expression of counterrevolutionary views,” it warned, “is against the law and should

25. Yu Haocheng, “Double Hundred Policy and Legal Guarantee,” *Renmin Ribao*, May 30, 1986, p. 2.

26. Ibid.

27. Ibid.

be punished according to law.” It went on to include in the “expression of counterrevolutionary views” such hard-to-define crimes as “spreading inflammatory counterrevolutionary propaganda, revealing state secrets, starting false rumors or slandering others.”²⁸

While the majority of intellectuals was still wavering, many were quick to respond to the call to once again speak their minds, despite, at least for some, memories of the Anti-Rightist Campaign in 1957. At a symposium on political reform in June, political scientists urged greater citizen participation in government and more checks and balances to counter “errors in leadership,” the English-language *China Daily* said. Summarizing the views expressed by over 100 social and political scientists at the meeting, the paper specifically described how many people tried to hide behind Marx and Lenin in offering their views:

Some recalled that Marx and Lenin had both said that leaders of proletarian power might become corrupted into masters instead of servants of their class and under such circumstances, workers might often be betrayed. . . . So checks and balances were the best protection against errors in political leadership.²⁹

Hu Qili, the youngest member in the Party politburo and once regarded as a likely candidate to succeed Hu Yaobang as the Party Secretary-General, was prominently mentioned by many participants as a prime source of inspiration. He had earlier announced that China’s economic changes must be accompanied by changes in the political system, specifically including a stronger legal system. “The economic reforms would inevitably shake the political and social foundations of Chinese life,” he was quoted as saying.³⁰ However, with the fall of his mentor Hu Yaobang, Hu Qili was rumored to be slipping from power or switching his allegiance. In the shifting political winds, once again it was those who dared to speak up that would suffer.

28. Ibid.

29. *China Daily*, June 9, 1986, cited in “Chinese Political Scientists Call for Democratic Reform,” *Washington Times*, June 10, 1986, p. 8B.

30. Ibid.

IV. ANTI-BOURGEOIS LIBERALIZATION CAMPAIGN

Early in April 1986, Hu Qili travelled to Shanghai where, in a series of speeches and talks with literature and art groups, he mentioned a “relaxed and harmonious atmosphere,” which was taken to mean the Party would be kind to progressive writers and artists. Hu, who had proclaimed the new “Double Hundred” policy on art and literature before the Writers’ Congress in early 1985, had won the enthusiastic support of many writers and artists for advocating the “freedom to engage in literary and artistic creation.” However, Hu was also quick at all times to stress the “strengthening of Party leadership.”

It was Hu, people remember well, who drew the line limiting debate on political reform: the reform would only be structural, *not* systemic, and no debate should touch on the basic socialist system. It was also he, as the senior member overseeing the day-to-day operation of the Party Central Secretariat, who presumably was mainly responsible for drafting the important document on “socialist civilization” adopted at the Sixth Plenum of the Party Central Committee in September 1986—a document unmistakably aimed at curbing the growing trend toward “bourgeois liberalism” among intellectuals.

Even before the promulgation of the Party document on “socialist civilization,” there were already signs of serious factional squabbles in the Party leadership on the issue of intellectual freedom, with the “reform faction” advocating limited relaxation and the orthodox ideologues clamoring for tight control. The economic difficulties in which the reform faction was mired did not help matters as they would only give fresh ammunition to the old guards to attack the “reformists” and force concessions. Indeed, it was no less than the now deposed Party Secretary-General Hu Yaobang, the younger Hu Qili’s patron, who not long after the latter’s promise of “freedom of creativity” to writers, boasted: “They have the right to create, but we have the right not to publish.”¹

“The Right Not to Publish”

After Hu’s statement, a series of actions were taken by the authorities. Magazines that published questionable—meaning pro-de-

1. Tung Hu, “Is ‘Relaxation and Harmony’ a Sign of Spring?” *Cheng Ming*, (Hong Kong), No. 107, September, 1986, p. 13.

mocracy or human rights—works were ordered closed and their editors fired. Writers were under heavy fire; many were forced to write self-criticisms. The most celebrated case was that of Liu Binyan, whose life story about one Ni Yuxian in “Another Type of Loyalty” caused such an uproar that the magazine *Kaituo* (Pioneer), in which the story appeared, was closed down and its editor dismissed. Liu wrote a long self-criticism to defend himself. He said that of the 700,000 words he had written since he was rehabilitated from his “rightist” past after the fall of the “Gang of Four,” only 200,000 words, or about 23 percent, were exposed of the “dark side.” The bulk of his writings was hailing the “new atmosphere” and on “progressive models” since Deng Xiaoping’s reform.² Liu’s self-defense, quite apart from its revealing nature, was of no avail. After he was attacked by Deng Xiaoping by name, he lost his job at the *Renmin Ribao* and was expelled from the Communist Party on January 23, 1987.³

On the heels of this incident, a large number of legally registered magazines were banned by the Publication Bureau, over 180 in Beijing alone. The series of bans earned the National Bureau of Publications the nickname “National Bureau to Ban Publications.”⁴

Even as the spreading student protests were being reported from university campuses by the wire services to the Western press (but not in the Chinese media), *Renmin Ribao* continued to promote political reform. In a long commentary, the official newspaper said that universal suffrage, democracy and freedom were concepts reflecting human needs and, therefore, should not be considered bourgeois in nature. With an eye on the opening to the West, *Renmin Ribao* specifically quoted Deng Xiaoping as saying that scientific knowledge and management methods from Western countries “do not have class characteristics.”⁵

Freely quoting more from Deng and Lenin, the authoritative *Renmin Ribao* commentary said that not only in the area of material life, but also in the realm of politics, there were developments under the rule of the bourgeois class that cannot be considered characteristically bourgeois. “Some of the institutions and concepts formed under

2. Liu Binyan, “Self-Criticism,” *Cheng Ming*, (Hong Kong), No. 108, October 1986, pp. 70-74. This is an “internal material” of the Chinese Communist Party, obtained and published in full by this authoritative Hong Kong magazine for the first time.

3. Edward A. Gargan, “China Party Ousts a Top Journalist,” *New York Times*, January 25, 1987, p. A1.

4. Tung Hu, *supra* note 1.

5. Zhou Xiuqiang, “Correctly Handle Civilization Created Under Bourgeois Rule,” *Renmin Ribao* (People’s Daily) December 16, 1986, p. 2.

bourgeois rule were of course needed by the bourgeoisie, but they also reflected what humans at that time needed in order to handle relationships between the people.”⁶ Singling out the system of universal suffrage as one example, the commentary added: “For a long time, we considered freedom and democracy as slogans belonging solely to the bourgeois class, and this has been inappropriate.”⁷

This mid-December 1986 commentary was to be the last on the theme of political reform before the crackdown. As the backlash to the student protests gathered further momentum, the newspaper quickly changed its tone, trumpeting the new tough anti-bourgeois liberalization line. It began to condemn the student demonstrations and attack “bourgeois liberalization.” As happened during previous campaigns, CCP leaders took action to ensure that political and civil rights did not grow and become a check on Party authority. As a consequence, the chorus on political reforms came to an abrupt end.

In the wake of the clampdown, the official press quickly redefined the meaning of the “hundred flowers.” Party newspapers published articles stating that when the Party urged intellectuals in 1986 to voice their opinions with the call to “let one hundred schools of thought contend,” it meant for the debate to be conducted under the “guidance of Marxism.” Jia Lin, a Party ideologue, wrote: “Some people take letting one hundred schools contend to mean that Marxism is just one school in contention with others. This denies Marxism as providing the basic theoretical premises guiding our thought.” Jia stressed: “Marxism isn’t just another school in contention. It is the school with the function of guiding.”⁸

The renewed call for the primacy of Marxism in the wake of the new “Double Hundred” Campaign evoked memories of the first one in 1956-1957, in which intellectuals expressed the same initial skepticism which was soon borne out. Questioning whether Marxism was to be treated as one of various schools of thought or as the guiding set of principles which would obviously render any debate meaningless, Li Jianxun, vice president of Tianjin Normal College, said in 1957:

Is Marxism-Leninism to be considered the guiding ideology in the process of contending? If it is, it may stop other schools of thought from contending; if it is not, a state of

6. In the Chinese Communist usage, the term “people” is defined rather narrowly. “Enemies of the people” are not regarded as part of “the people.” Hence a counter-revolutionary is a non-person.

7. Zhou Xiuqiang, *supra* note 5.

8. “New China Party Chief’s Pledge,” *San Francisco Chronicle*, January 19, 1987, p. 1.

ideological confusion may result. . . . In my opinion, Marxism-Leninism should be taken as a weapon in contending to voice one's views, but should not be definitely laid down as the guiding standard. Since Marxism-Leninism eventually will win in the contention, it is the same as taking Marxism-Leninism as the guiding ideology."⁹

Almost 30 years separate the two campaigns, yet there has been little change, either in the ideological position of the authorities or in the techniques used in conducting the campaigns.

"China's Sakharov"

During the student demonstrations for freedom and democracy, one of the early voices in support of the students' demands was that of Fang Lizhi, vice president of the University of Science and Technology. Often referred to as "China's Andrei Sakharov," Fang was a renowned astrophysicist. But he was even better known as a critic of the Party, widely admired by the young people for his reformist views and his courage to express them. Little did Fang realize in late 1986 that he had already been marked for purge. By the time the student demonstrations spread to more than a dozen major cities, Deng Xiaoping attacked Fang by name along with two other leading intellectuals (Liu Binyan and Wang Ruowang) for "spreading Western bourgeois liberal ideas" and demanded their expulsion from the Party. Accordingly, Fang was first fired from his university post and then expelled from the Party.¹⁰

The New China News Agency said that Fang was expelled from the Party because he "attempted to incite intellectuals against the Party and students to make trouble, causing grave consequences." Among Fang's crimes were that he "denied Marxism, villified China's socialist system as 'modern feudalism' and called for independence of universities from Party leadership."¹¹

Soon after Fang's dismissal, another leading intellectual became a victim of the new campaign against bourgeois liberalization. Liu Xinwu, editor of China's largest and most influential literary journal, the *People's Literature*, was suspended from his job and forced to conduct self-criticisms for allowing his journal to become "infected with

9. *Renmin Ribao*, April 21, 1957, p. 7.

10. "Fang Lizhi Dismissed from Job and Expelled from Party," *Chung Pao* (Centre Daily News), eastern U.S. edition, January 21, 1987, p. 1; also see *supra* note 3.

11. "Party Expels Students' Hero in China," *San Francisco Chronicle*, January 20, 1987, p. 11.

bourgeois liberalization and other erroneous ideas.” The specific charge was that Liu, as editor, allowed the publication of a short story (in the journal’s January-February issue) which allegedly contained offensive and sensational language about Tibetans. The Party Central Committee attributed the “low taste and filthy content” of the journal to bourgeois influence from the West and ordered all copies of the issue withdrawn.¹² Liu, a prominent writer who did much to expose the dark side of the Cultural Revolution years and its resulting social injustices, took over the job at the *People’s Literature* in March 1986 when his predecessor, Wang Meng, another famous writer, became Minister of Cultural Affairs. Wang was condemned as a “rightist” in 1957 and spent the next 20 years in labor camps before his rehabilitation after the death of Mao.

By January 1987, Party officials were busy propagating the new line. In Shanghai, for example, municipal party secretary Rui Xingwen lashed out at the trend toward bourgeois liberalization in a meeting with students from ten local universities. Attacking the “multi-party system” which according to him was advocated “by a small number of people” in China, he said that the system was used in foreign countries to “represent different classes with the support of big financial groups.” He warned that a multi-party system in China would “split up the nation.”¹³

In his talk to the nation during Chinese New Year celebrations, Premier Zhao Ziyang said that the drive against bourgeois liberalization would not become another major campaign affecting the whole nation. He assured the nation that the drive would be directed mainly toward ideological areas and the methods used would be primarily education. The *Renmin Ribao*, expanding on Zhao’s remarks, followed up with an editorial which declared:

The anti-bourgeois liberalization struggle is to be conducted strictly within the Party . . . against the wrong tendencies against socialism and the attempts to move away from Party leadership. . . . It will not affect economic reforms, science, art and literature. This struggle will not involve “democratic parties” elements and intellectuals outside the Party.¹⁴

12. “Chinese Get Tough on ‘Filth,’ ” *New Haven Register*, February 22, 1987, p. A16.

13. Jim Mann, “No. 2 Man in China Quits as Party Chief,” *San Francisco Chronicle*, January 17, 1987, p. 1.

14. “Continue to Conduct the Anti-Bourgeois Liberalization Campaign,” *Renmin Ribao* editorial, February 2, 1987, p. 1.

Peng Invokes "Yanan Spirit"

However, despite Party assurances, Chinese intellectuals, burned so many times in the past, simply could no longer trust the authorities. What they saw was the onset of yet another round of ideological campaigns in which they and their works would once again be condemned. Indeed, their fear was borne out by Peng Zhen, the octogenarian chairman of the National People's Congress and its Standing Committee. Peng was widely regarded as one of the prime movers behind the leftist campaign against reform and democracy. Meeting writers before Chinese New Year, Peng admonished them to study Mao's famous 1942 *Talks at the Yanan Forum on Literature and Art*, which laid down the guidelines that literature and art must "serve the peasants, workers and soldiers." Peng urged a rekindling of the "Yanan spirit" in the face of what he regarded as "decadent bourgeois influence."¹⁵

The fear of a crackdown on free expression was confirmed by no less than Deng Xiaoping himself. Ordering an end to student demonstrations, Deng put the blame on intellectuals. In a meeting with Noboru Takeshita, Secretary-General of Japan's governing Liberal Democratic Party, Deng specifically attacked three leading intellectuals for ignoring the Party line. He told Takeshita that it was not the students who created the unsettled situation, but intellectuals who continually spoke in favor of capitalism and Western values.¹⁶ He singled out three people by name: the aforementioned Fang Lizhi, Liu Binyan and Wang Ruowang.¹⁷ All three were expelled from the Party and their views have come under a concerted attack in the media.

These three intellectuals along with many others were potential targets during the Anti-Spiritual Pollution Campaign in 1983, so the renewed attack on them came as no surprise. Indeed, those who wishfully believed that the 1983 campaign had ended were once again proven wrong, this time by no less than the Party Central Committee. One of the Party documents made public in early March 1987 declared categorically: "*The Central Committee believes that spiritual pollution and bourgeois liberalization are one and the same thing.*"¹⁸

15. *Ming Pao*, (Hong Kong), February 3, 1987, cited in "Serious Rift in Chinese Communist Top Echelon," *Chung-yang Jih-pao* (Central Daily News), (Taipei), February 6, 1987, p. 2.

16. Edward A. Gargan, "Deng's Crushing of Protest Is Described," *New York Times*, January 14, 1987, p. A3.

17. Also see Chapter III on the "Double Hundred" campaign.

18. Edward A. Gargan, "Beijing Party Directives Criticize Ousted Leader," *New York Times*, March 8, 1987, p. 12.

In a renewed offensive by the orthodox Maoist faction in August 1987, eight more leading intellectuals were forced to resign their Party membership, including a well-known playwright, a former deputy editor-in-chief of the *Renmin Ribao* and a widely respected Marxist theorist. They were accused of questioning the superiority of socialism and spreading bourgeois values. The eight were said to have been whittled down from a list of more than 20 only at the insistence of Premier Zhao Ziyang.¹⁹

Wu Zhuguang, the playwright, was vice chairman of China's Playwrights' Association. Wang Ruoshui, first dismissed from his post at the Party newspaper in 1984 after the Anti-Spiritual Pollution Campaign, annoyed the orthodox ideologues by continuing to write about humanism and alienation under socialism. The disgraced Marxist theorist, Su Shaozhi, was director of the Institute of Marxism, Leninism and Mao Zedong Thought under the National Academy of Social Sciences, the most prestigious research body. His fitness to remain in that position was openly questioned.²⁰

19. *Chung Pao*, August 14, 1987, p. 1; *China Daily News*, (New York), August 15, 1987, p. 2.

20. *Chung Pao*, August 26, 1987, p. 2.

V. ART AND LITERATURE

In a totalitarian society guided by a supreme and inviolable ideology, freedom of expression, in the final analysis, does not exist. Hence it is not surprising that in the People's Republic of China, freedom of expression is not regarded by political leaders as a human right, but as a gift to the people by the Party and government.

The year 1986 opened with ominous signs of a return to tight Party control in the areas of literature and art after a period of tentative relaxation resulting from Deng Xiaoping's opening to the West. Inevitably, many in high Party positions became gravely concerned about the nation's "spiritual health" as published materials and new art forms were believed to be polluting the minds of people, particularly the young. In January, a major crackdown was ordered. The publication of all books, magazines and newspapers without official government approval was outlawed. Issued by three government ministries, the ban required all publishers to register with the government and it empowered local authorities to confiscate unregistered books and magazines. In addition, the publishers and printing companies of such unauthorized material were subject to fines and confiscation of their income.¹

Hu Qili, who promised writers "freedom to engage in creative writing" at the 1985 Writers' Congress, was the one who sounded the latest policy shift. In his capacity as the leading member of the Party Central Secretariat, Hu declared, "There are still some low-level, vulgar, obscene and poisonous works being produced."²

Hu was referring to the increasingly popular "yellow press," which was in his view one of the byproducts of the market-oriented economic reforms. Opportunistic and profit-motivated merchants began to flood the market with low-budget, low quality tabloids, magazines and books on sex, violence and crime. These publications not only "contaminate people's minds," according to the New China News Agency (Xinhua), but caused a severe shortage of paper and a sizable (8.6 percent) drop of subscriptions to the official *Renmin Ribao*.³ The concern about "contamination" may well be genuine on the part of many leaders; but the policy shift, coming so soon on the

1. "China's new Curb on Publishers," *San Francisco Chronicle*, January 20, 1986, p. 13.

2. Ibid.

3. Ibid.

heels of proclaimed relaxation, only served once again as a clear reminder that freedom was granted by the powers-that-be, not guaranteed by law which in any case remained a tool for control.

Despite the appointment of a former victim of intellectual persecution as the new Minister of Cultural affairs in early 1986 and the subsequent appointment of a well-known actor, Ying Ruocheng, also a victim of the Cultural Revolution, as Vice Minister of Cultural Affairs in charge of the performing arts, no measurable relaxation was seen in artistic expression during 1986. If anything, the trend was toward tightening controls. As a matter of fact, in August, the Ministry of Cultural Affairs renewed the ban on some 26 plays going back to the early 1950s. At the same time, the Ministry also declared that an earlier press report about the lifting of a ban on another 80 plays was in error, asserting that the ban remained in effect.⁴

Plays once banned have since been revised. The revised plays must first be reviewed by local Party authorities in charge of cultural affairs where local groups intended to perform them. The local Party authorities must report their findings to their superiors up the echelon until final approval is granted by the Ministry of Cultural Affairs for public performance. The first bans dated back to between 1950 and 1953, when 26 plays were prohibited because their contents were judged to be 1) promoting "feudal superstition," 2) "lustful and obscene," and 3) "insensitive to the feelings of minority nationalities." More plays were added to the proscribed list in the ensuing years, with occasional removal from the list of certain plays which had gone through revisions in order to cater to the official lines. Two such cases were the well-known traditional Beijing operas *Wu Peng Ji* and *Tan Yin Shan*, both dealing with ghosts and the after world but also with retributions of injustices, which were revised and approved for public performance in 1956 and 1957.⁵

Control over art and culture reached an extreme during the years of the Cultural Revolution, when Mao's wife Jiang Qing was China's "cultural czar." She prescribed by decree eight now infamous "model" plays and virtually banned anything else. After the fall of the "Gang of Four," according to the Ministry of Cultural Affairs, a period of confusion set in during which proscribed plays were staged in various places. A reiteration of the old ban was issued in 1980, but it apparently failed to stem the trend. The Ministry, therefore, found it neces-

4. "Ministry of Cultural Affairs Reiterates Ban on Plays," *Chung Pao*, (Centre Daily News), eastern U.S. edition, August 4, 1986, p. 17.

5. Ibid.

sary to reaffirm the ban once again in August 1986.⁶

While he was on record as favoring “creative freedom” and opposing the kind of punishments he had suffered, both as a writer and as an intellectual, Wang Meng, the new Minister of Cultural Affairs since March 1986, nevertheless, believed firmly that the Party must retain the power to limit the dissemination of views considered inimical to its basic policies. It is precisely such judgments—on books, plays, films, paintings and virtually every conceivable aspect of the arts—that Wang was now required to make in his day-to-day work as the Minister of Cultural Affairs. Deng Youmei, a fellow novelist who worked with Wang at the Writers’ Association where both were once senior officers, said that being “a good writer and a good minister” simultaneously was impossible. Speaking of Wang’s new job, Deng said, “I am so grateful that this God-bestowed disaster did not fall on me.”⁷

Wang has called on writers to reconcile “creative freedom and social responsibility” in their works, urging them “not to go with the tide or follow the wind,” but be true to their conscience. “Neither administrative measures nor propaganda are effective in defining what is true, good and beautiful,” he once said. At the same time, he has also made it clear that writers should be aware of “proper directions” and should shun “residual feudal ideologies.”⁸ Presumably, it is the latter belief that endeared him to Deng Xiaoping despite his past.

The “cultural” crackdown was not limited to publications. It applied equally to other art forms, notably rock music. Following renewed government calls for “social responsibility” in art and literature, a controversial play was closed in Beijing and Shanghai and the tours of two Western rock groups were cancelled before the year 1985 was out, culminating in the last-minute removal from the air of a New Year’s Day broadcast of the Live Aid Famine Relief rock concert. In January 1986, the government continued the campaign with the widely publicized story of the arrest and jailing of a popular pop singer on charges of “hooliganism.”

The singer, Zhang Xing, who rose to stardom after winning a singing contest a few years earlier was allegedly involved in sexual relations with several of his female admirers. The real reason for his arrest, many believed, was that the singer, whose apolitical lyrics deal

6. Ibid.

7. John F. Burns, “Writer, Exiled by Mao, Now Gets Top Culture Post He Didn’t Want,” *New York Times*, June 26, 1986, p. A4.

8. Ibid.

with love and romance, earned official scorn because he had become too popular, had too many girl friends, made too much money and sang "spiritual rubbish" that had a bad influence on young people. His records and tapes were banned following his arrest.⁹ In photographs accompanying news reports about Zhang, he was shown in handcuffs sitting in a Shanghai jail. Meanwhile the press reported that a large number of readers had written letters demanding that Zhang be severely punished. It is probably true that Zhang's behavior would be frowned upon by most tradition-minded people; but his conviction on charges of "hooliganism" is a clear indication of the abuse of power.

We are reminded in this connection of the controversy caused here in the United States by one of pop singer Madonna's latest hits, with explicit lyrics about a pregnant unwed girl pleading with her father not to force her to give up the baby. There were debates among parents, teachers, concerned citizens and community leaders about whether the impact of the song was good or bad on the young people.¹⁰

However, the similarity between Madonna and Zhang stops here. In America, differences are aired in public, and the public debate, as a way of arriving at a decision democratically, is supposed to lead to a policy with public support. In this case, the publicity surrounding the debate may well, in addition, enhance the notoriety of the principal and consequently increase her wealth and fame. In China, however, it is the government, or more precisely the Party, that determines the right and wrong as the final arbiter; those who dare to go against the official line land in jail.

To the purists, "spiritual pollution" continued on the rise with the opening to the West, and periodical pruning has been necessary and permissible limits must be maintained. Pop singer Zhang Xing might be the idol of Chinese youths with his hits such as "Lonely Boy" and "There is More Than One Road to Success," but to Party authorities he was just another "hooligan" deserving three years in jail. One young man from a relatively wealthy family was expelled from a university for introducing dancing with lights out. "It is completely forbidden in China, even though we are all fully clothed and are just dancing," the young man said. "Now I am classified by the public security office as a trouble-maker in the neighborhood. I have

9. "Chinese Jail Pop Singer for 'Hooliganism,'" *San Francisco Chronicle*, January 10, 1986, p. 72.

10. Georgia Dullea, "Madonna's New Beat Is a Hit, But Song's Message Rankles," *New York Times*, September 18, 1986, p. B1.

this bad reputation, just because of dancing.”¹¹

11. Richard S. Ehrlich, “Pop Star Discovers Extent of China’s Victorianism,” *Washington Times*, June 27, 1986, p. 15.

VI. THE ECONOMY AND HUMAN RIGHTS

Having discussed human rights in the ideological and cultural realms, we switch to the economic field in this chapter, focusing attention on both the basic structure of the PRC economy and in particular the Dengist reforms during the period under review to see how human rights have been impacted.

In the economic sphere, the material well-being and rights and freedom of the ordinary people in the PRC, like everything else in a country under totalitarian rule, are determined by the rulers' political and personal needs and the struggle for dominance among them and their factions. Both ideology and the attempt to safeguard vested interests also play a critical role. Expediency and the changing perceptions of an unstable and developing economy on the part of the surviving leaders after Mao Zedong's death have also continually affected the attitudes and behavior of the Communist Party's principal factions. This situation prevailed in 1986 and has continued in 1987.

Under these conditions, Dengist policies of economic reform resulted initially in substantial economic improvement during the first half of the 1980's, especially in the rural economy. In terms of quantitative progress, however, the non-economist and/or non-professional "China-watcher" may find the following caveats and reminders particularly pertinent and useful in evaluating both past and future changes. A principal caveat centers around the valuation of various PRC economic indicators and the absolute values and growth rates based on them. In this respect, readers accustomed to popular Western concepts like the gross national product (GNP) or gross domestic product (GDP) who wish to compare the Chinese performance with that of other countries should be wary of the following:

A) Such concepts like "industrial production," "agricultural production," and "industrial and agricultural production," whether or not preceded by the term "gross," are gross value concepts including the value of inputs used. They are unlike the GNP and the GDP which are net values of output. The gross value concepts used in the PRC are derived from Soviet usage and would actually show higher values if more inputs are used as a result of decreasing productivity due to low labor efficiency.

B) The Chinese gross value index of "industrial and agricultural production" is, however, narrower in coverage than the Western concept of GNP as a result of its exclusion of intangible output in most

service industries like passenger transportation, personal service, etc. The same kind of exclusion applies to the Soviet-type concept of "net material product" which the PRC sometimes employs.

C) Valuation for comparison of growth rates over time, or of structural changes like proportions between industrial and agricultural outputs in different years, is plagued by price changes. Price changes during the 1980s up to this writing have been mostly a mixture of changes in administratively set prices, but, to a much lesser degree because of the smaller scope of the market sector, also of "market price" changes. Besides, where prices have remained unchanged, reported increases in output do not necessarily reflect an improvement in economic well-being because "bulging warehouses," a frequent complaint, may simply mean excessive production of unwanted goods—a topic of far-reaching implication to be discussed later in this section—or failure in distribution. Finally, the "comparable prices" in PRC usage are not the same as "constant prices" in Western terminology.

D) When Chinese currency values are converted into foreign currency units, a common practice is to use official or even market exchange rates, which, even if rates quoted on foreign markets are used, merely beg the question what such rates really mean in terms of relative purchasing power under conditions of trade and exchange control and state trading, as well as government allocation of domestic supplies at administered prices.

Superimposed upon these essentially methodological caveats are a few reminders that are specifically associated with the PRC situation.

A) Statistical reporting in the PRC has increased in the 1980s, but its inaccuracy and the persistent tendency to exaggerate have not been eliminated.

B) The initial impact of relaxing control, such as allowing private proprietors to operate some service businesses in a given area, may represent "one-time" institutional changes that cannot be repeated indefinitely in the same area.

C) Most important of all, in spite of the much vaunted beneficial effect of Dengist reform, the PRC economy remains one of the world's poorest economies, and vast discrepancies exist between "rich" and "poor."

D) Finally, even within the short period of several years since the onset of Dengist reform, there were changes in policy affecting different economic sectors unequally so that statements of economic improvement or stagnation should really be closely qualified by specifying time periods.

Given the preceding caveats and reminders, it would be helpful to point to some economic realities. First, according to the World Bank, the PRC's GNP per capita in 1985 was an estimated \$310.¹ While this puts the PRC among the very low income countries and its ranking in the world has not improved over the last three decades, the poorest segment of the population in China is even poorer. Over 100 million poor farmers, according to the Statistical Bureau, had a per capita annual income of 159 yuan, equivalent to \$55 at 2.8633 *yuan* to the dollar for 1985. This compares with a minimal official poverty line of 200 yuan (about \$70) per person per year.² (In contrast, at the other end of the spectrum, some 110 million farmers were said to have a per capita income of 1,311 yuan or \$458, which would be over a third higher than the average of \$310 given by the World Bank.)

One can hypothesize why richer countries tend to exhibit less economic inequality than their poor neighbors. Given the small size of the GNP, the struggle for a larger share is likely to be more intense. Hence a stronger and/or more privileged group of the population will end up with a larger share and the process of acquiring and maintaining its disproportionate share is bound to affect the human rights of the less fortunate. This has happened in the PRC.³ In this context, human rights have suffered in China not only because the country continues to be extremely poor and the rate of improvement has been very low, but changes under reformist policies have had undesirable consequences from the point of view of the authorities. Of the consequences, some are avoidable; others are inevitable and have been misinterpreted—either unwittingly or on purpose—and have thus become entangled in the ongoing political struggle which has led to the reversal of policy at the end of 1986.

Economic Crimes

Reports from China indicate that many people have suffered from misappropriations of their income outside the regular system of taxes and fees through extraordinary levies and forcible contributions to private and "public" causes including local tolls on goods in internal commerce. These levies are exacted by both government and Communist Party cadres by virtue of their administrative or arbitrary author-

1. This is calculated on the basis of a population of 1,029,156,000. The World Bank, *Annual Report*, Washington, D.C., 1986, p. 92.

2. *China Daily*, (Beijing,) December 18, 1985, p. 4, reprinted by Reuters on the following day.

3. See *Human Rights in the People's Republic of China* (forthcoming), Boulder, Colorado, Westview Press, 1988.

ity over the people whose activities they happen to control. The practice reminds one of similar acts in the period of warlords who controlled parts of the country during the 1920s and earlier. When such payments are demanded without even the pretense of sanction by a nominally official entity, they are virtually akin to outright demands for bribes, a practice of common knowledge in recent years.

Cases of misuse of power and position for personal gain, when reported in the Chinese press, have often been attributed to inadequate supervision and discipline within the Communist Party. These acts of corruption are sometimes perpetrated collectively by cadres working in a group. Heavy extra-legal demands on the taxpayer are more likely when individuals or groups are believed to be "rich." The impression, however, that some people are wealthy is sometimes based on unreliable reports which have exaggerated the subjects' economic accomplishments because the reporting cadres are eager to earn personal rewards by pointing to special progress under their control. Reports in the *Renmin Ribao* (People's Daily) and other official publications have pointed to exaggerations about the emergence of well-to-do peasants, some earning more than 10,000 yuan a year per household ("wan yuan hu"), to explain why demands have been made on farmers in general.⁴ The same applies to rural households specializing in non-grain production, trade, handicrafts, etc. that have become better off than other households in the same area. The "new rich," in particular, have been victimized in this manner.

Not the least of the uncertainties facing Chinese farmers and small businessmen stems from the indiscriminate use of the term "corruption." To the Chinese Communist Party, corrupt acts would include squandering of public funds (foreign exchange included), acceptance (presumably also the offer) of bribes, use of one's official position for personal gain, favoritism in personnel matters, and the sheltering of criminals. But "serious" cases of dereliction of duty and bureaucratic conduct not so easily defined also often fall under the category of "corruption." Finally, Western businessmen may be surprised by the inclusion among corrupt practices of "speculation and purchasing goods for resale," which are frequently regarded as equivalent to "robbery and theft." Thus both retail and wholesale on the basis of anticipated price differences can be treated as acts of corruption. In fact, the catalogue of corrupt acts includes everything the

4. See *Renmin Ribao* (People's Daily), August 17, p. 1, and November 1, 1985, p. 1, and *Jingji Ribao* (Economic Daily) Beijing, August 3, 1985, p. 3 (editorial and report on Wenzhou). Other cases are quoted in "July Reports," in *The Quest* No. 7, Brooklyn, N.Y., July 1986, pp. 22-25.

Party in power may at one time or another regard as reprehensible, ranging from illegality to impropriety and incompetence. Above all, such a list flies against the very concept of the market economy which Dengist economic reform is supposed to be about by treating the service trade and distribution as illegal and exploitative.

Market practices that supposedly victimize the innocent public are generally reported in the Chinese Communist press together with instances of misappropriation of public funds and malfeasance in office. They are what the official Commission on Party Discipline is supposed to eradicate and constitute an unspecifiable portion of the sporadically reported "economic crimes."

However, as long as the policy of "economic reform" as advocated by Deng, Zhao, and, until recently, Hu Yaobang, remains official policy, individual enterprises as well as individuals are allowed greater leeway in pursuing their respective economic activities. Personal gain as a result of superior economic performance was therefore permitted in many cases through 1986 and acted as the very kind of material incentive planned under the reform program. But when some of the individuals perform so much better than others and the income differential grows, orthodox Communist Party cadres began to perceive the widening income difference as contrary to Communist ideology. Envy too doubtless played its role.

Apparently opinion has differed within the Party on the permissible range of income differentials. At any rate, even in the absence of an official edict from the very top, fear on the part of local cadres that "too high" incomes above the average might be regarded, perhaps sometime in the future, as being "capitalistic" and therefore "counter-revolutionary" has been sufficient cause for them to put the "offenders" under "reform through labor." Thus quite normal behavior, legally sanctioned and encouraged by reformist policy, could well be treated as criminal. The perception of incomes being too high is of course altogether subjective and its use by local officials in policy enforcement compounds their power on individual citizens.

It is against this background that officially sanctioned economic behavior has been occasionally treated as a crime. Thus economic crime statistics must be viewed with a grain of salt. Some cadres, still steeped in the Maoist tradition, misinterpret policy. Some factions in the Party leadership fear that reform along the capitalist road might go too far even though the pursuit of material gain has really been sanctioned by official policy. To mete out punishment against these "crimes" is therefore to commit an offense against economic rights

sanctioned by the Party authorities themselves as well as a violation of human rights.

According to a *Renmin Ribao* report in mid-January 1986, courts in the PRC handled a total of 41,635 cases of graft, bribery, *speculation*, theft of public property, *profiteering*, and other economic crimes in the first 11 months of 1985 (italics added). 54,836 persons were said to be involved in these cases, which constituted 11 percent of the national total.⁵

The United Press International, quoting the *China Daily* of the same date, reported on July 31, 1986 that "economic crimes" in the PRC during the first half of 1986 had risen by 130% over the corresponding level a year earlier.⁶ The information came from the People's Supreme Court which reported in addition an increase of 480% in "serious economic crimes"—defined as involving an amount exceeding 10,000 Yuan in each case. Furthermore, there were 8,900 serious economic crimes during the first 6 months of 1986, accounting for 31.8% of all economic crimes. The increase was even greater, however, for cases involving larger amounts. There were 1,881 cases that involved amounts exceeding 20,000 to 30,000 Yuan per case during the first half of 1986.

The Right to Mobility and Choice of Residence

Relaxation of controls, whether officially sanctioned or not, have also had other effects on human rights that are subject to diverse interpretations and controversy. One of these is the reverse migration from regions where life is harder and from rural areas, to which students and others were exiled during the Cultural Revolution, back to urban centers. This development has contributed to, although it is by no means the sole cause of, an increase in apparently unemployed persons and of beggars in the latter places. This phenomenon has an adverse impact on civic appearance and pride, not the least where foreign tourism is concerned, and is sometimes blamed on reform. Critics of reform, however, neglect to mention that the same persons had been sent to, or held back in, areas where they would not have gone or remained, had they had a choice. Besides, they may have been held in either "reform" or "education through labor" settlements where they were denied the freedom of choice of residence. Is it a lesser infringement of personal and economic freedom to be forcibly sent to a place

5. Quoted in *Japan Times*, (Tokyo), January 15, 1986, p. 4.

6. Reprinted in the *Central Daily News*, (Taipei), overseas edition, August 3, 1986, p.

where one does not wish to go than to have to scrounge for a bare existence in places where one would rather reside, perhaps in the mistaken belief that one could have done better? How should the question be answered by the individuals in question? By a third party?

Economic Reform and/or Political Reform

Demand for political reform in the PRC as a *sine qua non* of genuine modernization has grown over the years since the overthrow of Mao's immediate radical successors in 1976. The demand has arisen for a number of different reasons, some more important than others, as far as the different groups of Mao's victims and opponents are concerned. Among the more educated Chinese, few came through the rampage and irrationality of the Cultural Revolution completely unscathed, at least psychologically.⁷ But of these, probably a somewhat smaller number of persons would blame the very possibility of such a national disaster not just on Mao's personal despotism, but more fundamentally on the over-concentration of power within the communist system and the absence of adequate checks and balances that made the Maoist abuse possible. To this perhaps numerically smaller minority, political reform is urgently needed regardless of what may have to be done or will happen in the economy. However, among the multitudes who were disenchanted with Maoist despotism and irrationality, but not with the communist system, there are two sub-groups holding different views on the issue of economic reform. Their opinions differ on the viability of Soviet-type economic planning and the need for introducing large doses of decentralized decision making, market pricing, and private property ownership.

Persons who consider Stalinist centralized planning already totally discredited tend to view the political and economic precepts of Marx, Lenin and Mao as no longer relevant. If so, the Chinese Communist Party's role as the vanguard of the revolution can hardly be defended. Moreover, if Party cadres at all levels are seen as either incompetent or corrupt or both, then economic and political reform must be pursued vigorously hand in hand.

To others, like Peng Zhen and Li Peng, who have not lost faith in socialism and Soviet-style governance, lower limits must be set for both political and economic decentralization and/or liberalization. It appears that Deng may be closer to the former Party Secretary-General Hu Yaobang, who was dismissed in mid-January 1987, on economic matters. On political matter, however, Deng may be closer to

7. *Human Rights in the PRC*, *supra* note 3.

the Party stalwarts like Peng Zhen and Chen Yun. One can hypothesize that the first position made him go so far in economic reform but the second position contributed to his acceptance of Hu Yaobang's opponents' demand to oust Hu in January 1987. Deng has, on purpose, maintained ambivalence for both domestic political and foreign policy reasons. That such major divisions of opinion existed in China's decision-making circles became quite clear in 1986.

Sharpening of Ideological Differences in Economic and Political Reform

As the year 1986 advanced, the ideological difference between the two sides in economics and political/cultural affairs sharpened overtly. A mid-year report in the *Jingji Ribao* (Economic Daily) brought out plainly the wide cleavage in opinion among participants in a conference on the "theory of governmental functions."⁸ One group wanted to improve the Communist Party's leadership in government, to stress enterprise and service by government, to strengthen Soviet-style law and legality,⁹ and to promote "socialist democratic principles," i.e. "democratic centralism."¹⁰ These are the ideas both Peng Zhen and Chen Yun advocate; they coincide with Deng Xiaoping's four basic principles that have been enshrined in the 1982 Constitution.

A second group of participants at the conference called upon the government to focus on four primarily economic tasks which were, however, chock full of far-reaching political consequences: formulation of principles for market regulation and government leadership; removing the government from its role in operating enterprises while enlarging the individual enterprises' independence and responsibility for themselves; opening markets for capital, labor, producer goods and information; coordination of macro- and micro-economic aspects of reform. The development of a market for information implies a freer press and greater leeway for independent publications. Marketization for labor, capital and producer goods would restrict the size of the government sector and resource use by the government. The principles outlined by these advocates of political reform are those of a mixed economy.

Problems Concerning Property Rights and Failing Enterprises

These broad differences in principle took on specific forms in sev-

8. *Jingji Ribao*, July 12, 1986, p. 3.

9. See the sources in *supra* note 4.

10. *Ibid.*

eral important developments during 1986. The debate first crystallized in a discussion on the General Principles of the Civil Code as published in April of that year. A principal issue centered on the kinds of enterprise ownership (state, collective, individual, and other) and rights to properties of the enterprises. The General Principles stated firmly that farm land, for instance, could not be mortgaged. The same principles were not at all clear about the right of collective and other forms of enterprises in disposing of property they own as means of production. The right of sale, disposal and alienation in other ways is of paramount importance for at least two principal reasons. In the first place, inter-enterprise contracts require precise definitions of property rights for purposes of contract enforcement; this is true especially where foreign businessmen are involved, in joint ventures or in contracts between a foreign and a Chinese enterprise. Secondly, when adjustments of ownership in case of liquidation or bankruptcy or merger take place, successor firms, or creditors, need to know where they stand. The lack of clarity on property rights the owners possess, a result of ideological uncertainties, thus made the problem of devolving the responsibilities of management and for profit and loss on the individual enterprise unit quite impossible.

A great deal of public fuss was made when a plant in Shenyang was allowed to go bankrupt as an experiment, but the National People's Congress (NPC) Standing Committee headed by Peng Zhen refused to accept the law in the fall of 1986, preferring to postpone the general application of the proposed law until an enterprise law could be adopted at the NPC meeting in March 1987. But when the matter came before the NPC Standing Committee in early 1987, it was rejected. Peng Zhen probably had his political reasons for postponing the adoption of the bankruptcy law. Setting aside the enterprise law effectively put an end to the bankruptcy law and thus the legal possibility of removing workers in a failing enterprise from the payroll that must then be sustained by government subsidy. This development cripples a sorely needed means of effecting structural change in the economy.

During 1986, individual enterprises in Shanghai and Shenyang exercised the right which they at least enjoyed briefly to raise capital for their own use by issuing bonds and stocks respectively. A report on the second case described how worker stockholders who alone were allowed to purchase the stocks—presumably an arrangement copied from the Yugoslavs—had occasion to sell their stock; an informal market soon developed although transfers to non-workers were presumably illegal. At any rate, it appears that this practice proved to be

privatization beyond the degree envisaged as permissible by some Party leaders. This capitalistic method of financing individual enterprise parallels the emergence of inter-enterprise credit relationships, credits between enterprises and consumers and between enterprises and banks.¹¹ These are, of course, the kind of "horizontal linkages," as against "vertical commands" in centralized planning, that follow logically in economic reform.¹² However, as orthodox communists rightly fear, giving enterprises the right *and* incentive to follow the path of their own self-interest will eventually place the enterprises in conflict with the goals of the state and Party. They will most likely upset the latter's goals.

Jobs, Privileges and Vested Interests

However, giving enterprises more power to run their own affairs by technically competent people would entail personnel changes resulting in the dilution of Party control. What would the Party cadres previously in controlling positions do? Perhaps even more important to these bureaucrats than their nominal status is the material well-being which in turn depends upon their positions of power. (This is what the punishments meted out to "liberal" intellectuals in 1987 meant to some of them.) Shorn of such power, they lose influence, control over personnel policy, and financial wherewithal and thereby the very basis of favoritism and corruption. This threat to the Party cadres' vested interest is shared by all echelons and stems from the shrinking of the size of the central and lower-level bureaucratic apparatus no less than the slogan of taking the Party and government out of enterprises or taking the Party out of government. Hence "political reform" even at the level of administrative reform can be opposed by vested interests, and this obviously has happened in the People's Republic of China. The opposition is likely to be more strenuous when the average standard of living of persons without special privilege is unbelievably low and when other opportunities of employment outside the government and Party are scarce and not expanding. Finally, while such "bread and butter" issues can be powerful incentives in any society, in a society where there is ideological opposition to change at the top, as has been the case in China, the lower-level opposition can be expected to coalesce around such leaders like Peng Zhen. The bulk

11. *Jingji Ribao*, September 16, 1986, p. 2. See also the Hong Kong *Ming Pao*, October 31, 1986, pp. 4 and 10 (reports on Wuhan and Quanzhou).

12. *Liaowang* (The Outlook), No. 28, 1986, p. 12.

of the Party cadres can be quite adept at utilizing orthodox communist doctrine to “legitimize” their self-interest in public pronouncements.

There are numerous large and middle-sized state and collective enterprises in the PRC—400,000 in the industrial sector is a figure not infrequently cited in discussion by Chinese economists. In each of these one can count on at least several party cadres whose vested interests would be threatened by “reform.” To them one should add the corresponding group in government agencies that have been and might be cut back further. Disgruntled military men and functionaries adversely affected by budget cuts in the early 1980s should be included.

In the years immediately after 1976 there may have been a widely shared common interest to sweep the Cultural Revolution elements out of positions of power. This common interest breaks down when the traditional Party cadres must now defend their own vested interests against the “younger” and “more educated” technocrats and “reformers.” A decline in the expansion of individual enterprises, itself partly caused by discouragement by cadres at lower levels, has in turn contributed to the need to defend the jobs they hold.

Economic Reform and Economic Rights: Management of Forced Labor Contingents

The stalling economic reforms in the winter of 1986-87 had several distinct implications for the individual's economic rights. First, the individual's right to set up his or her own business has been further discouraged. Second, ownership of stocks and bonds issued by state and collective enterprise has been placed under stricter control. Since both the enterprise law and the bankruptcy law have been shelved, any extension of private property rights under different kinds of ownership through revisions of the “General Principles” of the civil code is bound to be delayed. All this implies that the individual's ability to stand up against the state as the dominant, if not sole, employer has again been weakened. Given these conditions, it is well to remind ourselves that the rights of free labor have always been under the threat of the twin forced labor systems—“reform through labor” within the system of criminal justice and “education through labor” as a system of forced labor for individuals who have not been sentenced by the regular courts.

An interesting report on the new Central Academy for Cadres in Reform through Labor and Education through Labor appeared in *Zhongguo Fazhi Bao* (China Legal News) of November 1, 1986. The academy's predecessor was the Cadre School for Labor Reform which

was reorganized in 1985 to meet changing needs. According to the Party Committee overseeing the Academy's activities, management personnel currently employed in these forced labor institutions numbered more than 200,000, and the Academy has been engaged in training new recruits. A two-year course for leaders as well as short training courses for cadres are taught by ninety instructors who have a very heavy schedule to keep up with the demand.¹³ One can only speculate on the source of new supply of the forced labor contingents and whether there would be an unusual increase in their numbers. A second reminder is the employment of large labor contingents in foreign countries. According to a private European source in 1986, 70,000 Chinese workers were leased by the PRC to work in foreign countries, mainly Third World countries, during 1980-1985. No annual figures are available; information on terms and pay and the degree of "voluntariness" is also withheld. Prison and forced labor as an institution of normal practice, however, continue.

13. *Zhongguo Fazhi Bao* (China Legal News), November 1, 1986, p. 3.

VII: POLITICAL AND CIVIL RIGHTS

The practice of political and civil rights in China is influenced by a variety of factors. In the past it has depended to a large extent on the degree of centralization of political power, factionalism in the Chinese Communist Party, power struggles, and campaigns and movements. The PRC's human rights record in the realm of political and civil liberties has generally been better during times of less centralization of political power and when ideology has been de-emphasized, especially radical leftist communism.¹ Factional struggles have generally worsened the human rights condition. Mao's campaigns and movements, generally launched to increase the control of the Party over human activity, diminished the practice of political and civil liberties.

The year 1986 witnessed some improvements in the practice of political and civil rights in China as a result of weaker Party control and greater political freedom which the regime seemed to perceive were necessary to keep economic growth on track. Specific examples include the "reversal of verdicts" concerning a number of people labeled "counterrevolutionaries" during the Great Proletarian Cultural Revolution, the launching of a nationwide legal education program, the passage of China's first postal service law guaranteeing the privacy of the mails and the reinvigoration of the "democratic" parliament or the National People's Congress. There were even moves to have more than one candidate in some elections.

In many cases, however, changes were simply announced; there was no framework provided for their implementation. In addition, side effects or negative impacts of the reform movement tended to offset what might otherwise have been considerable progress overall. Finally, the human rights condition in China was affected adversely by the anti-reform movement in late 1986 and early 1987.

The reason for the decline in political and civil rights toward the end of the period was that the reforms carried out during 1986 were opposed by the Party left or orthodox communists—who saw them as dangerous and threatening to their power and authority. The progressives in the Party pushed changes in most cases beyond what was politically feasible in order to force the orthodox communists to accept

1. Practices regarding political and civil rights improved considerably, for example, during the Hundred Flowers Campaign in the mid-1950s and the period of Democracy Wall in 1979.

reform—often presented as a *fait accompli*.² Deng Xiaoping also had to prevent any threat to the Party's authority and as a consequence had to check any spontaneous, and in some senses any real, exercise of civil and political rights in order to avoid criticism from the left.

The effect of the reform on China's human rights record has also been exaggerated. For example, while there was a "reversal of verdicts" regarding victims of the Cultural Revolution, large numbers of young people who ten or more years earlier had helped to launch the movement and carried it out, remained "undesirables" and were not allowed to return to urban areas. They continued to languish in China's hinterland separated from families and friends. Meanwhile, Deng tried to purge still more members from the Party who joined during the Cultural Revolution. Similarly the law protecting the privacy of the mail must be viewed in the context of more sophisticated domestic spying and the enforcement of a national identity card system passed into law in late 1985.

Many of the "reforms" which might have evoked more civil and political freedoms were cancelled as a result of events in late 1986 and early 1987: the student demonstrations, the fall of Hu Yaobang, the rise of the Party diehards and Deng's retreat or retrenchment. These events created a leftist backlash.

Clearly there was a setback for Deng's reforms—particularly democratic reform. However, Deng himself seemed behind the move to scrap the reformers; at least it appeared that he had changed his position on reform—whether or not voluntarily. Symbolizing this, three Party statements issued in February 1987 were especially revealing in terms of Deng's changes in attitude about the Chinese political system: Deng praised the Communist Party of Poland for its "cool head" and the way it used martial law in dealing with Solidarity and the Roman Catholic Church. He condemned the student demonstrations and spoke critically of intellectuals, accusing both of undermining social order. He said that the protest should be ended "severely." He went on to rescind his earlier appeals for more decentralization of political power, noting that the separation of powers in the U.S. political system results "in three governments," and that the U.S. tries to export its system in order to "weaken" other countries.³

2. See "Tightening the Screws," *Asiaweek*, February 1, 1987, pp. 8-10.

3. Daniel Southerland, "Chinese Documents Reveal Deng's Hard Line on Protest," *Washington Post*, February 26, 1987, p. A4.

Recentralization of Power

During late 1986 and early 1987 the Chinese polity experienced a recentralization of political power. Decisions were also made that re-established the importance of ideology. Finally, there was a resuscitation of the Party's power to control the government. All of this spread a pall over the country, dampening confidence that the individual had rights, that the government was not oppressive and that conformity was not the first rule of order in terms of the citizen's relationship to the state. The effect was clear: few people regarded the recently granted freedoms, as limited as they were, as permanent. Most perceived that the "line" advocating more freedoms had changed again.

Following the reversal of Deng's reforms it was still uncertain where the PRC was going politically, particularly in terms of civil and political rights. Though few expected China to suffer another Cultural Revolution, it was generally perceived that democratic reforms were dead at least for months, possibly for some years.

During the period when the reformists were on the ascendancy, human rights abuses occurred, ironically because of the reforms or in order to protect the reforms. There was, for example, a massive Party purge or "rectification" in progress during most of 1986. This began in 1983 and continued up to the end of 1986. It was originally to include 20 million of the 43 plus million members of the Chinese Communist Party. Marked for purge were three categories: those with "Gang" tendencies (meaning the radical left "Gang of Four" associated with Mao), "factionalists," and those who were once involved in "beating, smashing and looting" (referring to leftists committing violence during the Cultural Revolution period as well as those taking advantage of the free market system.)⁴

It is uncertain to what extent this rectification movement resulted in human rights violations. In most individual cases the result was a loss of Party membership. Some purged Party members were put in "reform through labor" and "education through labor" camps. However, the campaign was not carried to fruition, and it is estimated that only 3 million of the 20 million targeted were affected.

Neither did reform, in the sense of democratizing the Party, go very far. Some elections were held with more than one candidate—giving the voter a choice for the first time. But this was not widespread, and it was reported that of the "alternative" democratic parties (with a total membership of only 83,000) all were "patriotic united

4. See *Renmin Ribao* (People's Daily), November 25, 1985, pp. 1, 4.

front organizations” led by the Communist Party.⁵

So too with legal reform. Several months into 1986, there appeared to be positive reform in the legal system that might foster improvements in political and civil liberties. Establishing a system of law, however, did not go very far; some, in fact, called it tokenism. The Chinese government announced an increase of 4,000 lawyers in the 1986 budget, but at the same time it stated that “legal work” was not a “free profession” and that lawyers were to be regarded as “tools of the people’s dictatorship.” Meanwhile, again according to an official Chinese source, only 20 percent of criminal defendants were represented by counsel and 6.7 percent of defendants in civil cases.⁶

During 1986 the legal system continued to be used against “counterrevolutionaries,” noted political and civil rights advocates, students, and women opposing abortion. In August the government announced that it was planning to establish laws requiring foreigners to take blood tests for AIDS and other diseases.⁷ On January 1, 1987 this law was put in effect, and all foreign students and teachers had to undergo AIDS tests. Official government spokesmen said it was because of the prevalence of AIDS in the West, resulting from a society rampant with homosexuality, drug addiction and social deviance.⁸ Foreigners who became AIDS victims in China were not allowed to leave the country on commercial planes and were forced to pay large sums for private transportation.⁹

In the implementation of a legal system, due process was much more noticeable in China’s cities, and especially in areas that were open to foreign tourists and the Western media. Due process was generally ignored in the countryside and the remote places. In the late summer, a blatant though somewhat humorous case came to light in rural Hubei province—when a judge had a lawyer chained to a tree to prevent him from getting into the courtroom to speak on behalf of his client.¹⁰

The arrest and punishment of criminals in China during the period in question also seemed very much to reflect party factionalism based on support or opposition to Deng’s reforms. Deng and his sup-

5. Mary Lee, “Outlet for the Important Ninth,” *Far Eastern Economic Review*, June 20, 1985, p. 83.

6. See *Zhongguo Fazhi Bao* (China Legal News), July 7, 1986, cited in *Inside Mainland China*, October, 1986, p. 8.

7. *San Francisco Chronicle*, April 7, 1987, p. 42.

8. *Ibid.*

9. “China Holds Tourist With AIDS,” *San Francisco Chronicle*, July 13, 1987, p. 13.

10. “Lawyer Chained to Tree,” *Washington Times*, August 29, 1986, p. 6A.

porters maintained tough policies in dealing with criminals—especially economic criminals (to satisfy the left or to prevent the left from winning support for a campaign against crime). However, it became obvious that they preferred to punish and make an example of only certain crimes—particularly violent crimes and theft. It also appeared that the reformists often arrested and punished criminals while flouting criminal procedures.

Mass Executions

In January 1986 mass executions were held in several cities in China—reportedly as a New Year’s “resolution.” The mayor of Beijing told a crowd of 13,000 at the time that “wrongdoers would face stern punishment in the year of the tiger.” At the time 18 murderers, rapists and thieves were convicted, sentenced and executed on the spot.¹¹

Other executions in several of China’s major cities early in 1986 were said to have been ordered to “set the stage” for a Party meeting. A Qinghai (province) official said that this “destroyed the arrogance of criminals” and helped the atmosphere of the “meeting of 8,000” called by the Secretary-General of the Party. Few doubted that this was the reason for the executions. (The September 1985 Party meeting was preceded by similar executions accompanied by mass rallies to attract attention to the tough policies of the government and underscore the Party’s authority at a time when policy decisions were to be announced).¹²

In June 1986, it was reported that 31 “criminals” had been executed in Beijing; this was said to be the highest number on a single day in recent memory.¹³ The *Christian Science Monitor* reported that most of those executed were not convicted of violent crimes.¹⁴ Executions in violation of Constitutional guidelines and generally in disregard of due process continued throughout China during the rest of the year.

Chinese officials gave no exact figures on the number of criminals executed in China during 1986 or 1987. Western reporters continued to speak of ten to fifteen thousand since 1983 when the wave of execu-

11. “China Holds Mass Executions as a New Year’s Reolution,” *San Francisco Chronicle*, January 22, 1986, p. 11.

12. See Mary Lee, “Happy Holidays and Burying Killing Fields,” *Far Eastern Economic Review*, February 20, 1986, p. 47.

13. “Chinese Ministry Position Filled by Former Rightist,” *Washington Times*, June 26, 1986, p. 9A.

14. George Jochnowitz, “Punishment Chinese-style: Beware of Red Check Mark,” *Christian Science Monitor*, June 25, 1986, p. 14.

tions began.¹⁵ Clearly 1986-87 saw no letup in death sentences. Official sources, however, did reveal that China had only 20,000 attorneys (including part-time ones) and it was not possible for all defendants to have an attorney. They also revealed that attorneys are not usually involved in a case until the investigation is complete. They averred that criminals involved in crimes that carry death sentences always have the right to appeal—yet given the shortness of time from conviction to the carrying out of the sentence, appeals were not often granted and often executions were completed within a matter of minutes or hours of conviction.¹⁶

In reply to questions about executions, several Chinese officials asserted that “reform through labor is not enough.” They also said openly that hooligans, those practicing “feudal superstitions,” and “reactionaries” should be executed. (Hooliganism, according to the Chinese definition, includes wearing outlandish clothing or giving vulgar finger signs.) Liu Yunfeng, President of Beijing’s Superior People’s Court, noted in this connection that “by killing one we educate 100.” The Vice President of the same court said that “executing Party members during the 1952 Five-Antis Campaign didn’t hurt the Party’s image; it helped.”¹⁷

Criminal justice was also carried out without consistency during 1986-87. Inordinately larger numbers of executions were recorded in certain parts of the country than others. The crimes for which the death penalty was used also varied. Most of the crimes were not considered capital crimes in most Western countries. And public executions remained popular notwithstanding the fact that they violate the Constitution.

The inconsistent use of the death penalty was most blatant in the case of Party officials and their sons and daughters. It was widely known that the children of high officials could avoid going to court for graft, blackmarketing and a host of other crimes and even rape and assault (which are generally a capital crime), if they had connections with China’s security organs or police.¹⁸ Thus many were involved in shady business deals, making huge amounts of money through illegal

15. For details see Liu Fong Da with John Creger, “Execution Day in Zhengzhou,” *American Spectator*, December, 1986, pp. 19-20.

16. *Supra* note 12.

17. *Ibid.*

18. See David Bonavia, “Commissars Eat Quishe,” *Far Eastern Economic Review*, September 18, 1986, p. 57.

channels without any fear of punishment.¹⁹

On the other hand, some relatives of high officials were punished with unusual or extraordinary severity. Yu Zemin, Deputy Director of the Shanghai Municipal Committee of the Chinese Communist Party, was expelled from the Party and given a life sentence in prison for receiving \$8,100 in bribes.²⁰ Three sons of Party members were executed for rape. And one official was given a long jail sentence for visiting a red light district while in Japan.²¹

In the case of two Shanghai Party officials whose sons were executed for "sex crimes," the convicted were publicly displayed, including a showing on television, before they were executed (with the T.V. audience pre-warned that they would be shot). This was the first "tiger cub" (son of a high Party official) execution publicly announced in advance since the execution of Marshal Zhu De's grandson and President Li Xiannian's nephew in 1983. Some said that the executions were carried out with fanfare in order "to weaken the position and authority of someone at the top of the Party." Others said that it was because the fathers of those put to death were no longer in power and could not prevent it; or it was revenge taken against them.²²

It was obvious that the law was not being applied evenly and that death sentences were often carried out to scare would-be criminals rather than because it was deserving. Law enforcement was in large part based on the whims of officials and the perception of a need to crack down on crime at a given time. Clearly due process was not followed as an established legal principle.

Arrests and punishments were also used to warn the populace against certain activities which the Party, or certain segments of the Party, did not like. In August 1986 a European teacher was arrested for association with a Children of God cult based in Switzerland.²³ A singer was reportedly arrested in Shanghai "because he was too popular, had too many girlfriends and sang spiritual rubbish."²⁴ The Shanghai *Liberation Daily* also reported the arrests of 9,000 beggars

19. Linda Jarvin, "Dragon to Dragon, Phoenix to Phoenix," *Far Eastern Economic Review*, September 18, 1986, pp. 58-59.

20. "Chinese Communists Hit 'Open Door' Policy," *Washington Times*, August 18, 1986, p. 7A.

21. Liang Heng and Judith Shapiro, "In China, the Year. . .and Claws of the Tiger," *New York Times*, March 8, 1986, p. 27.

22. See Mary Lee, "Death of the Tigers," *Far Eastern Economic Review*, March 6, 1986, p. 34.

23. "Intelligence Report," *Washington Times*, August 18, 1986, p. 3A.

24. "Chinese Jail Pop Singer for Hooliganism," *San Francisco Chronicle*, January 10, 1986, p. 72.

and vagrants who were picked up on the streets of the city because they were not "really in distress" (meaning they were not skinny).²⁵

Factionalism and infighting in the top leadership in the PRC also gave rise to increased use of intelligence gathering (both domestic and foreign) and tighter security precautions. This was promoted primarily by the reformists in order to preclude problems that might give ammunition to their opponents. It was also, however, pushed by the anti-reformist left because it controlled China's intelligence and security agencies.

Contention between orthodox communists and reformers in the leadership was also reflected in the arrest of *New York Times* correspondent John Burns. The Ministry of Public Security expelled him. The two national intelligence/police organizations did not cooperate in the matter and may have vied to get control of the case.²⁶ In fact, his arrest may have occurred in order to cause embarrassment to certain political leaders. Alternatively it was a case of one government agency trying to be aggressive to upstage another. Further demonstrating factionalism in the Chinese leadership, in June the Minister of State Security Ruan Congwu told foreign news reporters that there was "not one person imprisoned in China because of political views."²⁷ Subsequently other Chinese leaders, including provincial leaders, divulged information on political prisoners—including in some cases locations of camps and numbers of inmates.

In January Yu Zhensan, who headed the foreign affairs office of the Ministry of State Security, defected, apparently passing information to U.S. intelligence organizations about espionage in the United States and spying on foreigners residing in China. The Ministry of State Security, established in 1983 after the model of the Soviet KGB, to coordinate foreign intelligence with domestic security functions, has had to try to cope with problems resulting from the PRC's "open door" policy and has increasingly linked internal political control to spying on foreigners and intelligence efforts abroad. This became a more serious problem in 1986, and more stress on internal spying was the result.

In August the Ministry for the first time arrested an American citizen, Roland Lao, for spying, and sentenced him to 12 years in prison. Several Chinese citizens were also arrested in the case. Little

25. See "Beggars Can Be Choosers," *Washington Times*, November 5, 1986, p. 9A.

26. William Rusher, "Arrest of *New York Times* Man in Peking Might Indicate High Level Party Revolt," *New York City Tribune*, August 11, 1986, p. 5.

27. "China's Security Chief Meets Foreign Press," *Washington Post*, June 21, 1986, p. A19.

evidence against the accused was made public. The official stated reason was that it involved classified issues. Some observers concluded that the Yu defection had led to the arrest of PRC spy Larry Chin in Washington and that Lao was arrested in retaliation.²⁸ Meanwhile the FBI reported that the PRC was giving top priority to obtaining intelligence information in the U.S.—using money, favors, coercion or favored treatment of relatives in China (in the case of Chinese-Americans). Two different interpretations of increased Chinese intelligence efforts in the U.S. are possible: One, China needed more technology than the U.S. was willing to provide. Two, leftists in the Chinese Communist Party that controlled the Ministry of State Security sought to damage relations with the U.S.

Foreigners living in the PRC became increasingly aware of being followed, finding their telephones and buildings bugged and in general being the object of official spying. This included persons supposedly enjoying diplomatic immunity. When asked about this, the defection of Yu, and other issues by foreign reporters, the Minister of State Security replied: "If you ask again, it will not be good."²⁹

In short, the political system in China seemed to be in a state of flux during the period in question. Totalitarian rule seemed to be loosening up somewhat in order to promote economic development and improve China's relations with Western countries. But this had little favorable impact on human rights. Meanwhile the need to maintain control and factional struggles in the Party engendered new and different kinds of human rights abuses.

28. See "Chinese Official Said Exposer of CIA Turncoat," *Washington Post*, September 5, 1986, p. A18.

29. Daniel Southerland, "China Silent on Reported Defection of Intelligence Official," *Washington Post*, September 4, 1986, p. A30.

VIII. THE PRESS: PARTY'S MOUTHPIECE

Freedom of the press in the Western sense is alien to Leninist-Stalinist thinking, which regards the media as essentially a tool for propaganda to mobilize the masses in support of set Party lines and policies. To the leaders of the People's Republic of China, the press is a powerful weapon in the hands of the Party to serve political and ideological ends. In fact, the mass media have been called the mouthpiece (*hou she*, literally "throat and tongue") of the Party, responsible for propagating the Party line and educating the public. This position was emphasized by Hu Yaobang as late as February 1985, when the now deposed Party Secretary-General carefully outlined the permissible limits of reforms in a long talk "On the Mass Media Work of Our Party."¹

Hu, in this authoritative talk, reiterated that the mass media were the "*hou she* of the Party, government and people," and those working in mass media must abide by the "ideological line and policies of the Party Central" without deviation. "Only in accordance with the line and policies with the Party Central," Hu declared, could journalists have the "freedom" to "correctly understand" objective realities according to their individual perception. They should then "report the news and express their views this way," Hu continued, urging journalists to further develop their "enthusiasm, initiative and creativity" within the ideological and policy perimeters of the Party.

"What is the primary goal behind the tasks our Party expects the mass media to perform?" Hu asked rhetorically in his talk and then furnished the answer. "That goal is to arouse the broadest masses to struggle with one heart for the realization of the objectives of the Party." Based on this fundamental goal, Hu set the specific guidelines for newspapers: "In general, newspapers should devote 80 percent of their space to achievements, the positive side of affairs and praise, and 20 percent to shortcomings, the gloomy aspects and criticism."²

No Absolute "Right to Know"

Referring to the discussion on the limits of freedom of literary and artistic creation to be granted to writers and artists then in pro-

1. Hu Yaobang, "On the Mass Media Work of the Party," *Hongqi* (Red Flag), No. 8, April 16, 1985, pp. 2-12. Hu's speech can also be found in *Renmin Ribao* (People's Daily), April 14, 1985, p. 1.

2. *Ibid.*

gress, Hu made it plain that the slogan of “freedom to pursue literary and artistic creation” should not apply to mass media work. “Mass media have different characters and functions from literature and art,” Hu declared. “The Party’s mass media speak on behalf of the Party and government. Mass media workers must follow the line and policies of the Party in their work.” To advocate the freedom to pursue creative work, Hu stressed, “does not mean that newspapers and journals and editors of publishing houses must publish everything.”³

Hu’s directive that media workers must follow the Party line was explained in August 1966 by Teng Teng, then deputy director of the Party’s Propaganda Department, at a national conference of editors of all provincial newspapers. At the conference held in Harbin in north-eastern China, ostensibly on reforms in the mass media, Teng declared that reform in mass media work “does not mean change in the basic nature of the mass media as the *hou she* of the Party.” On the contrary, Teng said, “it means trying to do a better job to serve as the *hou she* of the Party, to better educate the public, to make the masses like to read your papers.”

Teng told the editors that reforms in the media should be carried out “on the premises that newspapers retain their character as the Party’s newspaper and that they do not go against the four cardinal principles.” The key to reform in the mass media, Teng concluded, “lies in Party secretaries strengthening and improving their leadership over Party newspapers.”⁴

With the recent intensifying of the Anti-Bourgeois Liberalization Campaign, not only were the mass media once again mobilized as a political tool to “educate the public” on Party lines and policies, but control over the media was further tightened. What little hope seen earlier in 1986 about reforms in substance evaporated, and the passage of a press law, mentioned off and on since 1984, was put off indefinitely.⁵

In one of the Party Central Committee documents issued following the fall of Hu Yaobang, the role of the press as the mouthpiece was once again reiterated. The press, said the document, “should unconditionally propagate the Party line and policy and should perform the role of the Party’s mouthpiece. *It should strengthen the system of censorship.*” (Italics added.) Those publications that have committed

3. Ibid.

4. Ting Cheng, “The Dismissal of Zhu Houze and Chinese Communist Ideological Trends,” *Chung-yang Jih-pao* (Central Daily News), (Taipei), February 7, 1986, p. 2.

5. “Chinese Communists Relax Control of Mass Media,” *Chung Pao* (Centre Daily News), eastern U.S. edition, September 11, 1986, p. 2.

political mistakes as well as those that are of low quality should all be closed.⁶ To strengthen the system of censorship, a Media and Publications Office was set up in late January 1987, under the State Council. The office will have responsibility for approving all newspapers, magazines and publishing houses in China. It will also control the sale of books, magazines and newspapers, supervise the distribution of paper and newsprint and "oversee the publication of news."⁷

Expulsion of Foreign Newsmen and Control of Information

The tightened control over the press inevitably affected foreign correspondents in China. During 1986, two Western correspondents were expelled from China: John Burns of the *New York Times* and Lawrence MacDonald of the Agence-France Presse. In both cases, their Chinese contacts or friends were arrested. The Burns case is particularly noteworthy, because it occurred even before the Anti-Bourgeois Liberalization Campaign of late 1986.

Burns was expelled from China on July 23 after six days of detention. He was accused of violating a travel ban applied to foreigners and gathering military intelligence in a restricted area. A government statement issued upon his expulsion said that Burns had engaged in activities incompatible with his status as a journalist and had deliberately trespassed upon Chinese areas closed to aliens.

On a trip in June with two companions, Burns traveled into areas in southern Shaanxi province off-limits to foreigners. After a week of travel on motorcycle, the group—including Edward McNally, a U.S. Justice Department lawyer on leave teaching at Beijing University, and Zhang Daxing, a Chinese student who recently returned to China from graduate studies in the United States—arrived in a small town in the backward countryside in the early morning hours. In trying to get the attention of a drowsy innkeeper, Burns sounded the horn of his motorcycle. This alerted the police who then detained the group for two days for entering the area without a permit.⁸ Burns was released after signing a confession, but was arrested ten days later at the Beijing airport as he tried to leave the country with his family for vacation. He was held incommunicado and his apartment was searched before the expulsion.

6. Edward A. Gargan, "Beijing Party Directives Criticize Ousted Leader," *New York Times*, March 8, 1987, p. 12.

7. Jim Mann, "China Sets Up an Office to Make Sure the Press Kowtows," *San Francisco Chronicle*, January 22, 1987, p. 19.

8. Julian Baum, "China Expels U.S. Journalist After Six Days Detention," *Christian Science Monitor*, July 24, 1986, p. 10.

Many believed that Burns ran afoul of the State Security Ministry, the new cabinet-level ministry created in 1983 modeled on the KGB in the Soviet Union to handle espionage cases. (See Chapter VII.) The Ministry was unwilling to free him—despite lack of evidence of anything more serious than violating travel regulations. Others believed that the case indicated opposition within the security bureaucracy to the presence of foreign journalists and general dissatisfaction with the large numbers of foreigners travelling widely in areas that had been closed for more than three decades.⁹ Interestingly, the official statement issued upon Burns' expulsion came from the State Security Ministry, and the charge of gathering intelligence information was not supported by evidence in the statement.

In an editorial, the *Christian Science Monitor* reminded its readers that the Burns incident illustrated “what is often easily forgotten in dealing with authoritarian nations such as China.” Quite apart from the issue of freedom of the press, the case showed how “day-to-day relationships between outsiders and the host government can be tenuous, and subject to unexpected changes in national policy as well as infighting by competing forces within the central government.” Casting a prophetic look into the future, the paper asked: “Has China's tolerance in recent years for foreigners gone just about as far as it will go? What about the drive for economic modernization? Are influences within China building for *its* arrestment, as well as those foreigners who symbolize that modernization effort?”¹⁰

The statement issued by the State Security Bureau in Beijing upon Burns' expulsion said that Burns and McNally “broke into a restricted military zone of our country and took numerous photographs of classified objects.” “Such demeanor obviously constitutes an act of spying and intelligence gathering which will not be tolerated by any sovereign state,” the statement read. It continued that “needless to say (this) is also a regrettable incident” and added almost in an apologetic tone: “We attach great importance to friendly relations between China and the United States and are loath to see such a relationship impaired.”¹¹

The statement reveals, in a rather glaring way, how laws in the PRC are manipulated by the Party and the government for political purposes, and how a private citizen is powerless and at the mercy of the selective application of the law. After accusing Burns and his travelling companions of violating travel regulations and engaging in

9. Ibid.

10. “Mr. Burns and China,” *Christian Science Monitor* editorial, July 29, 1986, p. 17.

11. “Times Reporter Is Expelled from China,” *New York Times*, July 24, 1986, p. A3. Full text of the statement on Burns' expulsion is found in the appendix.

espionage, the authorities chose not to “investigate and affix criminal responsibility through judicial procedures,” but to conclude the case by merely expelling Burns, as a friendly gesture to the United States. Lest this point was not clear, the statement pointedly added that “we hope this is taken notice of by the United States side.”¹²

Six months after his expulsion, John Burns himself provided some details of the case in a long-awaited article in the *New York Times Magazine*.¹³ After recounting his unauthorized motorcycle journey through what he called “unrehearsed China,” and his subsequent arrest and jailing, Burns cited the written statement read to him by an officer on the morning of his release from jail:

John Fisher Burns, correspondent of the *New York Times*, born 1944, citizen of Great Britain, male, resident of Beijing, the State Security Bureau has investigated your activities. You have broken into restricted military areas and committed espionage. The facts are clear and proven. You have endangered the security of the People’s Republic of China. You are ordered deported.

The only “espionage” that Burns committed came out in the following passage, with almost comical exchanges with the interrogator while in jail:

Under Chinese travel law, the three of us could have been punished with a warning or a fine. But because the State Security Bureau insisted throughout that the issue was not unauthorized travel but espionage, we had to wonder whether we had inadvertently approached a sensitive military installation. If so, it was in innocence.

I challenged General Zhang (the interrogator) to tell me what he meant by the “classified military objects” we were supposed to have photographed.

“Think hard,” he said. “Did you not photograph a bridge?”

I remembered that we had—a 1,000-year-old marble structure in a village in south Shaanxi. I snapped Mr. McNally on the bridge, seated on the motorcycle and surrounded by local children.

“Ah ha,” the general said. “So you admit photograph-

12. Ibid.

13. John F. Burns, “A Reporter’s Odyssey in Unseen China,” *New York Times Magazine*, February 8, 1987, p. 29.

ing strategic installations.”¹⁴

Burns' expulsion turned out to be a much lighter punishment when compared with that received by his Chinese travel companion, the U.S.-returned student Zhang Daxing. According to Burns, Zhang was arrested 16 hours before him, briefly released and then re-arrested, and was kept in jail for two months. When he was finally released, it was on the face-saving basis that his four years as a student in the United States had “disoriented him and made him susceptible to the wiles of foreigners,” Burns wrote.¹⁵

Burns and Daniloff: Double-Standard

After the arrest of Burns, the subdued reaction from the United States was very strange. When compared with the violent reaction against the arrest of *U.S. News and World Report* reporter Nick Daniloff in the Soviet Union, the indifference in the Burns arrest was almost incomprehensible.

Within hours of Daniloff's arrest on trumped-up charges of spying, the U.S. Embassy in Moscow protested to the Soviet Foreign Ministry, calling the detention of Daniloff “an obvious provocation.”¹⁶ Senior officials of the Reagan administration openly threatened retaliation, including “a whole range of political, economic and cultural moves that could be taken to put pressure on the Kremlin.” Even arms talks and the future relations between the two countries were put on the line. Senator Daniel Patrick Moynihan put it most bluntly. “No summit. No grain sales. None but minimal relations for as long as is necessary.”¹⁷ It was the relentless pressure from the United States and the intense behind-the-scenes negotiations that finally brought about Daniloff's quick release in September 12 in the form of an exchange with a Soviet spy caught earlier in the United States, Gennadi F. Zakharov.¹⁸

In sharp contrast to the Daniloff case, a day after Burns' arrest, a State Department spokesman in Washington said merely that the United States government was “taking this case very seriously,” and that the Department had “registered its concern” with the Chinese

14. Ibid.

15. Ibid.

16. Philip Taubman, “A U.S. Journalist Is Held in Moscow,” *New York Times*, August 31, 1986, p. A1.

17. Bernard Gwertzman, “U.S. Plans Anti-Soviet Measures If American Reporter Is Not Freed,” *New York Times*, September 1, 1986, p. A1.

18. Bernard Gwertzman, “Russian Physicist and U.S. Newsman Freed from Jail,” *New York Times*, September 13, 1986, p. A1.

Embassy in Washington.¹⁹ In Beijing, meanwhile, the U.S. Embassy said that the United States had not filed a protest because it did not have all the facts but that it had asked for full information. Winston Lord, the United States Ambassador to the PRC, who interrupted a trip to return to Beijing upon being informed of the case, "conveyed his personal concern about the matter to the Chinese Foreign Ministry," but was otherwise conspicuously silent.²⁰ Nor did Sir Richard Evans, the British Ambassador, have much to say. Indeed, three days into Burns' imprisonment and after a 15-hour interrogation session at the airport which the press knew about, Sir Richard said that he had no information on Mr. Burns' condition or the status of the investigation, despite a 1984 British-Chinese consular agreement which grants British officials access to imprisoned Britons in China.²¹

A.M. Rosenthal, executive editor of the *New York Times* and the paper's foreign editor, Warren Hoge, rushed to Beijing, but got only as far as meeting with a deputy director of the Foreign Ministry's Information Department three days after their arrival. "I think there is a misunderstanding. God willing, it will be cleared up soon," Rosenthal said in Beijing.²² After Burns' expulsion, the State Department continued its conspicuous silence, while in New York, the publisher of the *Times*, Arthur Ochs Sulzberger, issued a one-line statement: "We are grateful for the prompt resolution of the problem."²³

What brought about the Chinese decision to drop the espionage charges and to release Burns will probably never be known. Speculation ranges from an embarrassing disclosure of inter-ministerial squabbles, to the approaching visit of Queen Elizabeth to China. But one thing is clear: Unlike the Daniloff case, Washington adopted a different standard by refraining from applying any pressure, presumably for fear of damaging the developing strategic as well as trade relations. The double-standard is unmistakable; its rationale and premises remain obscure.

United States' attitudes toward the Soviet Union and the People's Republic of China present a study in contrast. Vigorous pressure is always put on Moscow as a result of human rights abuses, often bringing tangible results. Human rights issues are routinely raised with the

19. "Times Reporter Being Held in Peking," *New York Times*, July 18, 1986, p. A3.

20. "China Offers Correspondent No Sign of Quick Release," *New York Times*, July 22, 1986, p. A3.

21. "China Allows Visits to Reporter," *New York Times*, July 21, 1986, p. A3.

22. "Envoys Ask to See Detained Peking Reporter," *New York Times*, July 20, 1986, p. A6.

23. See *supra* note 11.

Kremlin, as an integral part of U.S. foreign policy; and the treatments of Soviet dissidents and Jewish emigration are areas where the United States has consistently used leverage to force concessions from the Soviet Union, even putting formal relations between the two countries on the line. Not so with China.

Arriving in the United States to join her husband in January 1987, after more than eight years of tireless campaigns with the help of many in the United States, Sonia Melnikova-Eichenvald presented herself as a "living proof" that the Soviet Union responded to pressure to free its Jewish dissidents. At the same time, the Senate overwhelmingly passed a resolution condemning the Soviet Union for "continued human rights repression" by a 99-0 vote.²⁴

With respect to the People's Republic of China, however, it has been far different. The United States often has gone out of its way not to "offend the Chinese," preferring not to raise human rights issues with Beijing. U.S. policy, it seems, is to disregard what happens inside China. Fully aware that when it comes to human rights, the United States has a moral responsibility to speak out and that pressure helps as shown in the Soviet case, the United States has nevertheless chosen to adopt a double-standard in this regard in its different attitudes toward Moscow and Beijing.

In late January 1987, another foreign correspondent in Beijing was expelled and a Chinese student was arrested for secretly "furnishing intelligence" to him. Lin Jie, a student at Tianjin University, was accused of "secret collusion" with Lawrence MacDonald, Agence-France Presse correspondent in Beijing. The National Security Bureau of Tianjin "has obtained indisputable evidence," according to an official New China News Agency release on January 25. Without substantiating the charges, MacDonald was later expelled from China, despite protests from his home office.²⁵ MacDonald, who speaks fluent Chinese, was active in reporting on the student demonstrations in China. His expulsion was viewed by other foreign journalists as an attempt to intimidate them and their Chinese sources. Before the action was taken, there had been rumors in Beijing that a Western correspondent would be expelled for "unfriendly reporting."²⁶ The rumors were confirmed on May 8, when another foreign correspondent with

24. Larry Liebert, "Soviet Dissident Says Pressure Helps," *San Francisco Chronicle*, January 22, 1987, p. 13.

25. "China Denies Plea, Ousts Reporter," *New Haven Register*, January 28, 1987, p. 13.

26. "American Journalist Being Ousted by China," *San Francisco Chronicle*, January 27, 1987, p. 10.

extensive contracts, Shuitsu Henmi of Japan's Kyodo News Service, was ordered to leave for "stealing information related to national security."²⁷

As a part of the crackdown on "bourgeois liberalization" following the suppression of student demonstrations, the arrest of a university student on charges of furnishing intelligence to a Western reporter and the expulsions were seen as unmistakable signs of the authorities' intention to further tighten up their control over foreign correspondents in China. Indeed, two weeks after the expulsion of MacDonald, the PRC Foreign Ministry outlined what amounted to a set of loosely defined rules for foreign correspondents in China.

Rules of Reporting and Surveillance

At a press conference, a spokesman of the Foreign Ministry, in answer to questions by foreign correspondents, said that entering areas not yet opened to foreigners, or entering military areas to take pictures, would be regarded as "improper activities." Among other improper activities cited by the spokesman were correspondents trying to "buy classified information," or obtaining such information through "other illegitimate means" and "masquerading as students or visiting scholars to enter university campuses without permission."²⁸ The last point was particularly important: Beijing clearly wanted to keep foreign correspondents as far away from Chinese students as possible following the suppression of the month-long student demonstrations for democratic reforms that swept 150 university campuses in at least 17 cities.²⁹

Government surveillance is a way of life to foreign newsmen working in China. Even during periods of seeming relaxation, various forms of surveillance continued in effect and were freely acknowledged by correspondents. Summing up Western newsmen's frustrations in Beijing, James P. Sterba of the *Wall Street Journal* wrote in July 1986:

A China assignment may look nice on a resume, but the correspondents claim this is a frustrating place to work and depressing place to live. The new, open-to-the-outside-world China may flaunt heretofore confidential coal production

27. Edward A. Gargan, "Chinese Order a Japanese Reporter to Leave," *New York Times*, May 9, 1987, p. 32.

28. "'Code of Conduct' for Foreign Correspondents in China," *Chung Pao*, February 13, 1987, p. 1.

29. Lawrence MacDonald, "Teacher Faces Beijing's Wrath," *South China Morning Post*, (Hong Kong), January 12, 1987, p. 1.

figures, but it remains a secretive, hard-to-crack Communist society laced with informers and wary of snoop scribes from the West.³⁰

Sterba quoted Charles Taylor, former Beijing correspondent of the *Toronto Globe and Mail*, who once described the Chinese government as “determined to engulf the correspondent with vacuous propaganda while denying him hard information and spontaneous contacts with ordinary Chinese.” Describing the close surveillance, Sterba wrote:

Foreign correspondents and their families live among diplomats in apartment blocks in three Peking compounds. The gates are manned 24 hours a day, seven days a week, by uniformed guards with pistols strapped to their belts.

Inside, the foreigners are watched by specially trained Chinese workers ranging from elevator operators to baby sitters. They assume that their offices are bugged and their telephones are tapped. They can come and go freely, but they are sometimes followed. They visit Chinese friends, but they never know when the visits are reported by informants or their friends are questioned by agents of the Ministry of Public Security, China’s national police.³¹

Befriending an ordinary Chinese can be dangerous to both parties, as AFP’s Lawrence MacDonald and his friend from Tianjin University have found out. Despite the seeming openness before the onset of the Anti-Bourgeois Liberalization Campaign reflecting a police state mentality, mutual distrust prevailed among many Chinese. Although it was possible to invite some Chinese officials, academicians and others to lunch or dinner at a restaurant, Sterba said that he was once told by a young social scientist recently back from study in the United States: “If you want me to speak frankly, don’t invite any other Chinese.”³²

Much of what Sterba had to say was confirmed by John Burns, who was among the few Western correspondents with two tours of duty in China, the first for the *Toronto Globe and Mail* in the early 1970s. Comparing his two assignments a decade apart, he wrote:

The working environment was more relaxed than a decade

30. James P. Sterba, “Foreign Journalists No Longer See China as Plum Assignment,” *Wall Street Journal*, July 24, 1986, p. 1.

31. *Ibid.*

32. *Ibid.*

earlier, but few of my requests for assistance in obtaining interviews or trips were answered, much less granted. There were other unpalatable reminders of the suspicions that attach to Westerners. Staff members assigned to us by the government rifled through our personal papers and reported regularly to their superiors on our private lives as well as on work-related matters.³³

During his long visit to Sichuan province, Sinologist Ross Terrill reported in May 1986 that although people were "less afraid to speak up," "state manipulation of all news remain unchanged." He witnessed a student demonstration involving 300 to 400 chemistry students at Chongqing University protesting the school's indifference toward the release of cobalt into the air following an explosion at the chemistry laboratories at the university. He predicted correctly: "The protest will never be seen about in the Chinese press."³⁴

The tight control of news in China put foreign correspondents and indeed touring and resident foreigners in a special position in the eyes of the Chinese people. In the midst of the student demonstrations, for example, Westerners were sought out and asked all sorts of questions. "Were the demonstrations shown on American television? Did President Reagan know about the unrest?" A *Wall Street Journal* correspondent reported from Shanghai: "Our domestic newspapers are controlled very tightly," he quoted one from a group huddled around a short-wave radio listening to Voice of America broadcast in Chinese. "We get all our information about the domestic situation from the Voice of America."³⁵

33. See *supra* note 13.

34. Ross Terrill, "China Awaits its Students' Verdict," *Chicago Tribune*, May 13, 1986, Section 1, p. 15.

35. James R. Schiffman, "Letter from Shanghai," *Wall Street Journal*, January 6, 1987, p. 32.

IX: HONG KONG

Since the Sino-U.K. Joint Declaration on Hong Kong was signed in 1984, there has been growing concern about the future civil and political rights of the people of Hong Kong. Hong Kong, according to the Sino-British Agreement, will become a part of the People's Republic of China in 1997. There is apprehension—both in Hong Kong and elsewhere—about respect for human rights as a result.

The most salient issues during 1986-87 were: the declining prospects for self-rule in Hong Kong, diminishing press freedoms, and events in the PRC surrounding the year-end student demonstrations followed by the fall of Hu Yaobang as Secretary-General of the Chinese Communist Party (which Hong Kong residents took as a portentous event). A special issue of concern to the population of Hong Kong during the period was the building of a nuclear power plant near Hong Kong by the PRC and the danger it posed to Hong Kong.

Blocking the Development of a Democratic System

Events of late 1985 seemed already to be steering Hong Kong in the wrong direction in terms of democracy and self government developing in the colony. In the Sino-U.K. Agreement the U.K. did not try to guarantee the establishment of democratic institutions before departing. In the eyes of many observers London sacrificed the population of Hong Kong for better relations with Beijing. The British government's stance was a passive, almost fatalist one.

Late in the year in 1985 the British Foreign Office, in an apparent effort to give Hong Kong some hope of democracy and self-rule, declared that it would not interfere with the process of constitutional reform in Hong Kong. In response Xu Jiatun, head of the Hong Kong office of the New China News Agency (Xinhua) and the PRC's top official representative in Hong Kong, said that the U.K. was deviating from the agreement and that London was to administer Hong Kong, but not let it develop a democratic government.¹ Following a November 1985 election of Hong Kong's Legislative Council, Xu spoke of "unfortunate consequences" if these "deviations" (meaning efforts to

1. *Asia 1987 Yearbook*, Hong Kong: Far Eastern Economic Review, Ltd., 1986, p. 137.

build a democratic framework) continued.² London did not respond.

Shortly after this, Xu pressured the Executive Committee of the Basic Law Consultative Committee (a group established in Hong Kong to reflect public opinion regarding Hong Kong's Basic Law) to accept seven of his hand picked members so that he could control the Committee. Xu argued that "consultation" was a form of election—though most saw his move as a violation of the Basic Law Consultative Committee constitution.³ Again no British response. Not even a protest that this violated the Sino-U.K. Declaration.

Subsequently Ji Pengfei, State Council Member and Director of the Office of Hong Kong and Macao Affairs under the State Council in the PRC, declared publicly that Hong Kong could "make only small changes" in how it would be run politically.⁴ He also said that the Basic Law would be interpreted by the National People's Congress (NPC) in the PRC—meaning it would be altered to suit the leaders of the Chinese Communist Party, the NPC being a rubber stamping organ of the government controlled by the Party. Clearly the PRC's aim was to prevent self-government, or anything approaching it, in Hong Kong.

In March 1986, local council elections were held in Hong Kong, after which the PRC charged that democratic institutions are a "plot against China's future sovereignty." In fact, PRC officials called for "no more democracy" and put more pressure on Hong Kong and British officials not to go any further with either democratic reform or self-government.⁵

Meanwhile the Basic Law being written to serve as Hong Kong's constitution was, in fact, being drafted in Beijing. Regarding the interpretation of the "law," Beijing said at the time that the PRC's and Hong Kong's interests "must converge."⁶ Hong Kong leaders interpreted the Basic Law (which came out of the Basic Law Drafting Committee in April and whose legal charge was provided for in the Sino-U.K. Joint Declaration of 1984) to mean that powers and prerogatives not taken away would be given to the local government of Hong Kong. The interpretation in Beijing was different: "What is not writ-

2. Adam Platt, "Capitalistic Hong Kong Faces Future Under Communists," *Washington Times*, June 10, 1986, p. 40.

3. *Asia 1987 Yearbook*, p. 137.

4. *Ibid.*, p. 138.

5. See "Hong Kong's Hopes for Years of Freedom Fading Fast," *Gazette* (Montreal), May 7, 1986, p. 3.

6. Gwynne Dyer, "Muscling In: British Offer Poor Defense of Hong Kong Against China's Early Moves," *Orange County Register*, May 13, 1986, p. 6.

ten in is written out.”⁷

In June the Basic Law Drafting Committee in discussions with PRC officials reached an impasse regarding the issue of the relationship between the Basic Law and the PRC Constitution. Hong Kong officials saw PRC obstructionist efforts as an attempt to weaken the authority and credibility of Hong Kong’s representatives by delaying tactics.⁸ The PRC’s position, which was hardly veiled, was that Beijing should have the right to interpret the Basic Law—thereby making the document virtually useless in serving as a “constitution” or in protecting the rights of Hong Kong residents.⁹ Chinese leaders wanted to give no such guarantees through the Basic Law.

Political Parties and Other Democratic Institutions Banned

Meanwhile, Li Hou of the PRC State Council and deputy to Ji Pengfei, asserted that Hong Kong should not have political parties. In that context he said that Hong Kong would be under the control of the National People’s Congress, the State Council and the Military Commission.¹⁰ This smothered efforts by several groups in Hong Kong to form political parties. Allen Lee, a member of both the Executive and Legislative Councils of the Hong Kong government, subsequently dropped his plan to form a party. So did Maria Tam, who had already formed the Progressive Hong Kong Society Party in mid-1985.¹¹

In July 1986, Beijing again warned Hong Kong against forming political parties; in fact, an official said that there “would be no political parties in Hong Kong.” The same official later publicly declared that political parties “may be banned in 1997.”¹² Lu Ping, Secretary-General of the Hong Kong and Macao Affairs Office in the State Council, also went on record saying that a ministerial system (referring to any parliamentary style-system) of government in Hong Kong was “unacceptable.” He said that it “violated the Sino-U.K. Joint Agreement” and that high officials would be picked by the Executive Council and the Central People’s Government (of the PRC).¹³

By late 1986, these events and the previous chain of events seemed to Hong Kong leaders as orchestrated to undermine even a

7. *Asia 1987 Yearbook*, p. 141.

8. See “No Party Politics Envisioned For,” *Asia Bulletin*, August 1986, pp. 41-46.

9. *Ibid.*

10. *Ibid.*

11. *Asia 1987 Yearbook*, p. 138.

12. “Dissent in BLCC,” *Asia Bulletin*, September 1986, p. 47.

13. *Ibid.*

modicum of democracy and self-rule in Hong Kong, and provoked discussions regarding the powers of the Executive and Legislative branches of government in Hong Kong. It was the PRC's position that the Executive would be supreme and dominant. Since the Executive (in whatever form) would be appointed by Beijing (though ostensibly after an election or "consultations"), Hong Kong would, it was perceived, have no legislative branch of government of any significance. In other words, Beijing would have a veto over all important decisions made by the Hong Kong government by appointing the executive branch of government and by creating a system based on executive supremacy.¹⁴

One writer summarized Beijing's attitude toward the political system in Hong Kong as follows: The PRC will not consider changing its constitution out of deference to Hong Kong, nor will it stipulate in the Basic Law that any item in the PRC constitution might not apply to Hong Kong; Beijing interprets elections to mean the "election of nominated candidates," not direct or indirect elections; there will be no checks and balances in Hong Kong's political system; there will be no collective bargaining; the executives will be appointed by Beijing and will not be responsible to a legislative body.¹⁵

All of Beijing's actions toward these ends violated the spirit, if not the letter, of the Sino-U.K. Joint Declaration, which states among other things that the "legislature of the Hong Kong Special Administrative Region shall be constituted by elections. . . and the executive authorities. . . shall be accountable to the legislature." Given the disregard of these provisions, it seemed clear to most in Hong Kong that basic freedoms and human rights in general would not be respected after 1997 and unveiled attempts were being made in this context to prevent democratization and to eliminate any obstacles to total control over Hong Kong by Beijing.¹⁶

Reflecting the widespread lack of confidence regarding the future, a poll in 1986 revealed that 31 percent of the population wanted to leave if possible.¹⁷ Meanwhile the Hong Kong and Shanghai Bank (in Hong Kong) reported that it was maintaining only 2 percent of its assets at home. Capital investment growth in Hong Kong fell from the normal level of 10 to 12 percent to 5 percent in 1986.¹⁸ Of 1,469

14. "Dissent in BLCC," *Asia Bulletin*, October 1986, p. 47.

15. See "No Party Politics Envisioned For," *Asian Bulletin*, August 1988, pp. 41-46.

16. See Patrick L. Smith, "Peking Moves to Curb Development of Democracy in Hong Kong," *Christian Science Monitor*, July 14, 1986, p. 12.

17. See *supra* note 2.

18. *Ibid.*

officers of the Hong Kong government working on a contractual basis, only 5 percent said that they planned to stay beyond 1997.¹⁹ In July, the Catholic clergy stated that it did not have confidence about various freedoms in Hong Kong in the future and was dropping plans for a Catholic political party.²⁰

In addition to the general dismay stemming from the dashing of hopes for democracy and self-rule in Hong Kong by its population, there were specific events or problems during 1986-1987 that could be regarded as either human rights abuses or bad omens regarding human rights in the future.

In June 1986, the Hong Kong government announced (apparently at the behest of Beijing) that new identity cards would be issued to the residents of Hong Kong, and they would not state specifically whether the holder has the right to reside in Hong Kong. In fact, these new papers—to be issued in July 1987—were not to be given to Hong Kong residents that do not possess British Dependent Territory Citizen passports or some other equivalent document.²¹

In other words, if an individual does not possess these documents or cannot prove that he or she has resided in Hong Kong for seven years, the individual will have to seek citizenship elsewhere. This means that recent escapees from the PRC will have to return home against their will. (This rule will ostensibly be enforced whether or not the individual concerned has a family or business in Hong Kong). In addition, approximately 11,000 people of non-Chinese ethnic background will become stateless. In fact, several countries had received inquiries and petitions from these people for special immigration privileges. Meanwhile many Hong Kong Chinese have either found new nationality, or are looking because those holding "Hong Kong-British" passports cannot ask for residence in the U.K. and their children cannot inherit their passports.

According to these policies which were put into effect in mid-1987, a Hong Kong resident of Filipino, Indian or Portuguese descent (Hong Kong's principal non-British minorities) without a Chinese parent cannot be regarded as having "lived in Hong Kong" even if he or she was born in Hong Kong and has never resided anywhere else. Such a policy is clearly racist. Moreover, it clearly violates China's nationality law.

19. "Dissension in BLCC," *Asia Bulletin*, September 1986, p. 48.

20. *Hong Kong Standard*, July 18, 1986, cited in *ibid*.

21. Phillip Browning, "Dogs and Chinese," *Far Eastern Economic Review*, July 9, 1987, p. 11.

Some observers say that the policy violates the International Covenant of Human Rights provisions against racial discrimination. In fact, the PRC was so accused. The official reply from Beijing was that non-Chinese are not deprived of any specific right spelled out in the covenant and that granting rights of entry based on race is "legal."²²

A human rights-related issue is the PRC's plan to build a large nuclear power plant only 30 miles from Hong Kong. Opposition to the plant had been voiced in Hong Kong since the idea was first broached in 1979. It increased many fold after the Chernobyl accident. A campaign by Friends of the Earth and other groups in Hong Kong began in the fall of 1986 against the building of the plant so close to Hong Kong as it would be impossible to relocate Hong Kong's 5 plus million residents in the event of an accident. The protesters won support from the Legislative Council and obtained over a million signatures on a petition.²³ The petition was then delivered to PRC officials—who refused to reply. In the meantime Hong Kong legislators and other officials were treated rudely by PRC officials when they asked questions about the safety of the plant (in view of the PRC's lack of experience with nuclear power plants).²⁴

Some interpreted the PRC's plan to build the plant so close to Hong Kong as a deliberate attempt to intimidate Hong Kong and to divert attention from other issues. The PRC in the future could frighten the population by talking about a nuclear accident or the possibility of one after the plant is built.²⁵ In any event Hong Kong's Legislative Council, under blatant pressure from Beijing, voted down a proposal for a special session to discuss these and other problems related to the plant; at nearly the same time the same body guaranteed \$38 million in loans for building the plant and promised to purchase 70 percent of the electricity produced by the plant.²⁶

Curbing Press Freedom and Student Demonstrations

A third human rights concern to arise in 1986-87 was a press law passed by the Hong Kong government early in 1987—clearly pursuant to pressure from the PRC. Under the new law Hong Kong residents can be arrested and punished for publishing "false news likely to alarm public opinion or disturb public order." And the government would

22. "No Party Politics Envisioned For," *Asia Bulletin*, August 1986, p. 43.

23. *Keesings Contemporary Archives* June 1987, p. 35201.

24. Jasper Becker & P.T. Banskberg, "China Contracts for Nuclear Unit," *Journal of Commerce*, September 24, 1986, p. 12A.

25. "Daya Bay Contract Set," *Asia Bulletin*, November 1986, p. 38.

26. *Ibid.*

not have to prove malice. The defendant in such a case would have to prove his innocence; he would not be assumed innocent until proven guilty. This, naturally, intimidated the media and to some extent ended, or at least damaged, Hong Kong's free press.²⁷

Four journalist organizations and forty civic, religious, legal and student groups protested the new law. They tried to block the bill in the Legislative Council, but failed (because of what many alleged to be either PRC intimidation or a British concession to Beijing to guarantee a smooth transition of power—which some said was the same thing).²⁸

Coinciding with the new press control law, local textbook publishers—obviously getting the “word”—began altering (in reality censoring) textbooks. In deference to Beijing, for example, Hong Kong is now no longer referred to as a colony. Films have likewise been banned or censored—particularly those depicting the Nationalist Chinese government as heroic during the war against Japan and/or showing economic and social conditions better in Taiwan than in China.²⁹

Another series of events that shook hard and deep the confidence of the people of Hong Kong was the suppression of the student demonstrations in the PRC and the forced resignation of Party Secretary-General Hu Yaobang. Hong Kong leaders had seen the “open door” policy in China as well as reform and democratization as signs that the “one country, two systems” formula for ruling Hong Kong might work and the rights of the people in Hong Kong might not be abused. This “bubble of idealism” (in the eyes of many observers) was broken in December and January.

Visitors to Hong Kong at the time reported a “down mood” and a sudden drop in hope and optimism about the future. Many Hong Kong residents began to perceive that efforts to build a democratically based government were futile; in other words, respect for political freedom and rights depended entirely on the PRC's sincerity and good will. Optimism about the latter changed with Beijing's handling of the student problems.

There was a reaction in Hong Kong. But the protests accomplished little. In January 1987, the head of the Hong Kong Federation of Students read a statement at the office of the official PRC news agency (Xinhua) protesting the PRC's treatment of intellectuals as

27. See June Kronholz, “Few in Hong Kong Still Trust Promises of Britain and China,” *Wall Street Journal*, April 13, 1987, pp. 1 and 13.

28. “Furor Over a ‘False News’ Bill,” *Asiaweek*, March 22, 1987, p. 30.

29. *Ibid.*

“not only unjustified but threatening.”³⁰ A few days later more than seven thousand students and faculty from the Chinese University of Hong Kong signed a manifesto opposing Beijing’s moves to “persecute students and restrict intellectual freedom.”³¹ Hong Kong journalists at the time expressed the fear that this would lead to a crackdown on press freedom in China. This, of course, was true.

There was further cause for disillusionment and pessimism following statements by Deng Xiaoping reflecting his turning away from reforms and adopting a more leftist position (or accommodating to pressure from the left). In April 1987, speaking to the Basic Law Drafting Committee, Deng averred that universal suffrage was not desirable for Hong Kong and that the concept of separation of powers and elections to a representative assembly were unsuitable for Hong Kong “because it was not a country.” Deng went on to say that the Basic Law should not be too detailed and definitely not borrowed from the West.³² Deng also suggested that any Hong Kong government would not be allowed to become critical of the PRC and reiterated that the (PRC’s) People’s Liberation Army would intervene in the event of major disturbances in Hong Kong.³³

Deng’s statements were interpreted to mean that reform was being scrapped in the PRC and this applied to Hong Kong as well. Others said the comments were intended to be a warning to the new British governor of Hong Kong, David Wilson, who was installed only a month before. Still others felt that Deng was “setting in concrete” earlier warnings to Hong Kong and was exerting additional pressure to stop efforts aimed at holding an election in Hong Kong in 1988.³⁴

In early 1987 the concern for democracy and human rights issues in Hong Kong were matched by concern over Macao’s future. In March a Sino-Portuguese agreement was signed between Lisbon and Beijing on the return of Macao to the PRC, reflecting Beijing’s desire not to see democracy develop or allow political and civil rights to residents of either area.

In the agreement Beijing refused to grant dual citizenship to residents of Macao—suggesting that they would have to leave or apply for Chinese citizenship (which some have never had). This refusal im-

30. “Alarmed by Mainland China’s Political Purges,” *Asia Bulletin*, March 1987, p. 28.

31. *Ibid.*

32. Emily Lau, “Now, Down to Basics,” *Far Eastern Economic Review*, April 30, 1987, p. 12.

33. *Ibid.*

34. *Ibid.*

plied that some Macao residents would become stateless and that, in particular, the fate of those of Chinese-Portuguese parentage was in question.³⁵ PRC officials took no notice of these special problems or the human elements involved in the transfer of sovereignty over Macao. Meanwhile, a law similar to the "Basic Law" being altered to suit PRC designs on Hong Kong, was being written for Macao, but with greater candor. It had the effect of dampening any hope for democracy before such hope got started. The "Basic Law" for Macao envisioned a political system with an executive chosen "by elections *or* consultations" and a legislative branch of government with a large portion of its membership appointed.³⁶ Clearly it would not be democratic in its operation.

The only thing good that could be said about the situation in Macao was that it was no worse than what had happened or was in the process of happening to Hong Kong.

35. "1999: A Date With Destiny," *Asiaweek*, April 5, 1987, p. 10.

36. *Ibid.*, p. 11.

X: MINORITIES

While the backlash against Deng's reforms in late 1986 and early 1987 and the return to power of leftist, orthodox communists had no immediate visible impact on China's various minority groups and reform in the legal system had ostensibly extended somewhat greater protections to minority groups and allowed for a measure of individualism and nonconformism, minority rights during this period suffered in several respects. Women, particularly because of another crackdown on violators of population control policies, suffered. A thaw in draconian birth control policies was associated, in early 1987, with bourgeois liberalization and was criticized; and actions against pregnant women violating official birth control guidelines got even harsher.

Minorities didn't fare well in human rights terms in general during the early part of the period in question in spite of official efforts to make a good impression for several reasons: First, the reformists generally ignored ethnic minority rights, especially their economic rights, in order to further economic development. Some costly social programs were scrapped and guaranteed employment ceased to be the norm. This affected minority groups more than Han Chinese.

Second, Deng and his faction of the Party had to satisfy their opponents that they had not shifted too far in the direction of Westernization. For this reason, religious groups were generally not permitted foreign contacts and in some cases church and religious organizations and even individual practitioners were dealt with harshly by the government. Foreign students studying in China experienced increasing problems for the same reason.

Third, for some time the Party and government continued to enjoy a good image abroad generally and there were few instances of the Western press criticizing either for discriminatory politics against minority groups, with the possible exception regarding Tibet. In short, there was little pressure either internal or external to improve the human rights condition of minority groups in China during the period under study.

Ethnic minority groups continued to enjoy special status in the Chinese constitution, and the Chinese Communist Party continued the practice of recruiting members from minority groups according to what might be called affirmative action guidelines. Laws allowing minority nationalities to practice their own customs, religions and lan-

guages remained in the books and were frequently flaunted to foreigners visiting China.

On the other hand, there was no evidence of the government allowing meaningful autonomy or doing anything to stop the trend toward de facto extinction of various minority groups through assimilation policies involving the resettlement of Han Chinese in minority areas—a policy that has been in effect since the establishment of the People's Republic of China. In fact, resettlement was stepped up in 1986-1987 in many minority areas of China.

During 1986-87 there were some special problems involving human rights abuses of minority groups. These deserve special attention.

Difficulties of Racial and Ethnic Minorities

In May, Uighurs and other minority groups in Western China complained about nuclear experiments in Xinjiang Autonomous Region and staged protest demonstrations in Beijing, Shanghai and some other cities of China. Beijing Radio at the time admitted that some radioactive materials "had been mislaid," causing some operators to be "radiated unusually." Government authorities also admitted that accident victims had not been dealt with properly and this had "caused some disturbances." Beyond providing this information the PRC government refused to discuss the issue.¹ It was unclear if the accident had involved a nuclear weapon or an experiment.

Whatever accident that occurred was probably contained immediately inasmuch as nuclear contamination did not spread sufficiently to be detected elsewhere. The complaints made by local minority groups probably reflected some injuries and likely some deaths, together with the view that the nuclear facilities are there because the Chinese government chose not to put them in areas populated by Chinese. Moreover, two of China's nuclear reactors in Xinjiang were Soviet models and were assumed to be similar to the one at Chernobyl.²

There were also complaints in that part of China as well as Tibet and South China that the PRC's atmospheric nuclear tests that had been conducted in large numbers up to 1983 had caused health problems of serious proportions in the areas where the tests were conducted and to the south where the wind had blown nuclear fallout. Since all of these areas are populated by minorities, again the charge

1. Colina Macdougall, "Concern Grows in China over Safety of Nuclear Program," *Financial Times*, May 27, 1986, p. 5.

2. *Ibid.*

arose that the government conducted the tests where it did because it did not care about the ethnic minorities living there. Others saw the tests as a deliberate policy of causing them problems and making them susceptible to forced relocation, or even to reduce their population.³

Though the government continued to try to put a good face on problems experienced by ethnic minorities, especially for the foreign press, it was not possible to disguise all human rights issues involving minority groups. In mid-year it was reported in the foreign press that only 30 to 40 percent of children in Tibet and Qinghai Province were in school, that 20 percent of the population was illiterate and that 70 percent of the illiterates were female. Three million (or more than a third) of elementary and middle school teachers in minority areas were found by the government to be unqualified.⁴

Widespread mistreatment of Tibetans also occurred because of the Party's efforts to wipe out "leftism" (meaning remnants of the Cultural Revolution) there. "Reform" policies disallowed the use of the Tibetan language in schools and workplaces and referred to Tibetan art and literature as "spiritual pollution." In addition, those who followed Tibetan religious practice were frequently punished (under laws banning the practice of superstition) or made difficult. In one incident, ancient Buddhist scriptures were burned.⁵

Problems were also reported in Tibet because of efforts by the Dalai Lama to place deputized "Living Buddhas" sent from abroad in monasteries in Tibetan-populated areas. This violated a 27-year-old government ban on efforts to find successors to Tibetan religious leaders. Chinese officials reported that the Buddhas had been expelled for advocating Tibetan independence and stirring up ethnic tensions between Tibetans and Chinese. The deputy director of the PRC's Religious Affairs Bureau said that "the Lamas can't hide behind religion to carry out illegal activities."⁶

Religious Freedom

The condition of religious freedom in the PRC remained little changed legally during the period 1986-87. Constitutional provisions

3. Ibid.

4. "China Takes Another Step Forward," *Journal of Commerce*, July 25, 1986, p. 4. The government, however, did report that 3.5 million school age girls, mostly in minority areas, were not in school. See *Beijing Review*, March 24, 1986, p. 35.

5. Mary Lee, "Lhasa's Lingering Left," *Far Eastern Economic Review*, January 30, 1986, p. 22.

6. "Espionage and Human Rights Issues," *Asian Bulletin*, November 1986, pp. 146-47.

guaranteeing freedom of religious beliefs remained intact; but so did laws preventing foreign control of religious organizations. Proselytizing, except in places of worship and homes, remained against the law; and religious organizations still have to associate with eight national bodies representing the four major religions (Buddhism, Christianity, Daoism and Islam).

The number of churches and people practicing various religions increased as a result of the reforms in China, and this was given considerable play in the press. The government, however, acted to prevent the growth of a clergy in the case of all religions and made sure that the practices of religious beliefs did not conflict with loyalty toward the Party and the government. In short, religious freedom was increased mainly for publicity reasons.

During 1986 Chinese authorities took actions against a Catholic seminary, which government spokesman said was loyal to the Vatican and was set up illegally. Amnesty International complained later that nuns had been raped, priests beaten and a number of Catholics arrested. According to other reports the seminary had been raided by the police and was closed.⁷ Elsewhere many Catholics were not allowed to practice their religion because the government claimed the Catholic priesthood in China still maintained its loyalty to the Vatican. Meanwhile the Vatican continued to withhold diplomatic recognition of the PRC.

Foreign Students Charge Racism

During the period under study there were a number of incidents involving foreigners studying in China and protests against racial and other forms of discrimination. In May 1986, 400 or more Chinese students besieged 40 African students and guests at a party in a dormitory at Tianjin University. Five hours lapsed before the police acted. In the meantime three African students were hurt.⁸

It was reported that the incident started over the African students playing noisy music. Chinese students also complained that they received favorable treatment, including much larger stipends than the Chinese students received. Brick and bottle throwing followed arguments about the music, with authorities refusing to take any action to

7. Ibid., p. 148; Walter Cheung, "Rape of Nuns in China Claimed," *South China Morning Post*, (Hong Kong), October 8, 1986, p. 1.

8. John F. Burns, "Africans Accuse Chinese of Racism," *New York Times*, June 10, 1986, p. 5.

stop the Chinese students.⁹ According to later reports the students in the dormitory “feared for their lives for several hours.”

Eighteen foreign students were arrested—“for their safety” according to PRC officials.¹⁰ Subsequently African students formed a protest march to Beijing to complain about being discriminated against in examinations because of their race and the maltreatment they received during the Tianjin University dormitory incident.

In January 1987, over 200 Arab and African students staged an illegal protest march in Beijing. They marched from the Foreign Languages Institute to the area where most African diplomatic missions were located. They said that they had received a letter from the Chinese Students Association threatening to “teach them a lesson” for having insulted Chinese girls and displaying manners “acquired by life in tropical forests.”¹¹

Later 550 African students (more than a third of the African students studying in China) boycotted examinations as a protest against racism. After the demonstrations the President of the African Students Committee at Qinghua University met with Education Commission officials to express their grievances. In response the Education Ministry subsequently wrote a letter promising to protect the students.¹²

Birth Control Policies Tighten

As in the case of the rights of minorities and religious practice, women’s rights, meaning equality for women, received considerable publicity. Constitutional and other legal guarantees also remained unchanged on paper.

Women, however, remained very underrepresented in the government and the Party. There was no woman full member of the Politburo, the Secretariat or the Military Commission. Women were recruited into the Party and the government, but still faced strict barriers to attaining top positions. This, in fact, worsened during the last several years coincident with the continued criticism of Mao’s wife, Jiang Qing, and the association of her name with the horrors and excesses of the Cultural Revolution. When asked about her, Chinese

9. Ibid.; Donald Southerland, “Frictions between Chinese, Africans Surface,” *Washington Post*, June 5, 1986, p. A33.

10. “Fights between Chinese and African Students,” *Financial Times*, August 20, 1986, p. 7.

11. “African Students March Against Racial Discrimination,” *Asian Bulletin*, March 1987, p. 89.

12. Ibid.

officials stated that she was in prison near Beijing and that she was healthy and was being treated well. No mention, however, was made of her release or pardon. Also there were contradictory reports about her health.

In August 1986 the U.S. House of Representatives Committee on Foreign Affairs passed a resolution calling on the People's Republic of China to guarantee freedom of the press, religion and movement, while criticizing China's one-child policy. The full House of Representatives subsequently voted not to automatically allocate funds to the United Nations Fund for Population Activities because funds under the U.N. programs were used to support forced sterilizations and abortions in the PRC. The PRC responded that the U.S. move and criticisms of China's population control policies constituted an "extremely unfriendly act."¹³

The U.S. House of Representatives had gone on record two years earlier in opposition to forced sterilizations and abortions in China. The House action in this case, according to observers, and judging from the House debate, was precipitated by continued draconian policies including forced abortions in later months of pregnancy and the widespread infanticide of girls and the resultant altering of the sex ratio among the young in many parts of China.

Subsequently the decision to cut U.N. funds was tested in the U.S. Court of Appeals in Washington, D.C. and upheld. Inasmuch as the decision was supported by the Reagan Administration, the move represented action by all three branches of government. The U.S. then cut \$25 million from its contribution to the UNFPA—which had given the PRC \$100 million.¹⁴

While the move initially seemed to have a positive effect on the PRC's population control policies and the forced abortions seemed to decrease in number, it subsequently became apparent that the actual situation was otherwise. In May 1986 the Communist Party Central Committee set forth new guidelines that were more strict than rules previously set for implementing population control. The Central Committee "Document 13" was secret at the time, but its contents were subsequently quoted and it became evident that it was more repressive and contradictory to the practice of human rights than previous policies. Party proclamations subsequently referred to a "population birth peak" and ordered that population growth must be

13. *Washington Post*, August 5, 1986, p. 3.

14. See *New Register*, (West Virginia), September 10, 1986, p. 6.

strictly controlled.¹⁵

This was translated into a one-child policy, the use of IUDs for women with one child, forced sterilization for couples with two or more children and mandatory abortions for unauthorized pregnancies. The Party stated specifically that its policy was “universally one child per couple, late marriage, late birth and to strictly prohibit unplanned second births, excessive births and the opening of ‘crooked gaps.’”¹⁶

In January 1987, family planning officials linked tougher enforcement of the PRC’s birth control program to efforts to “combat and repudiate bourgeois liberalization.”¹⁷ Hence recent relaxation in sticking to the one child policy and forced abortions, whether or not it had been a response to Western influence, was now over.

15. See John S. Aird, “Recent Trends in China’s Family Planning Program.” (unpublished paper, 1987).

16. See Lu Qiang, “Guangxi Notifies All Areas to Check Consciously the Family Planning Regulations Formulated Locally,” *Health Gazette Family Planning Edition*, cited in *Ibid.*, p. 70.

17. Nanjing Radio, January 17, 1987 cited in Lu Qiang, *Ibid.*

XI. HUMAN RIGHTS CASES

During 1986-1987 The People's Republic of China had no human rights organization in the country or even an equivalent. Similarly the PRC has still not signed any of the major United Nations human rights documents. The PRC's longstanding policy remains: human rights matters are a domestic or internal issue and neither other nations nor international organizations have the right to question Chinese practices.

Because of bad press and to facilitate contacts upon which trade and foreign investment are based, Chinese leaders did modify this attitude somewhat and provided some data on priests arrested during 1986 and numbers of political prisoners. Information provided on political prisoners was no doubt inaccurate or fabricated—since official Chinese statements were contradicted by other official statements. Statements were nevertheless given to the foreign press, mostly by anti-reform leaders, ostensibly for the purpose of embarrassing Deng Xiaoping (whose head of the Ministry of State Security publicly stated that there were no political prisoners in the PRC). Previous estimates of 20 to 30 million political prisoners—if education and reform of persons through labor are included—probably remains close to reality.

It continued to be a fact that for those who run afoul of the Party line, the penalty is years in prison or a labor camp in a remote corner of the country. According to a recent report in *Newsweek*, most political prisoners in the PRC live in the so-called “reform through labor” facilities in the northwestern province of Qinghai—a sparsely populated region the size of Texas. Bitter winters, isolation and identification with prison camps have earned for the province the epithet “China's Siberia.” In other words, little or nothing has changed regarding the numbers or status of political prisoners in the People's Republic of China. Prisoners of conscience still work side by side with common criminals in mines, limestone quarries, factories, or on farms and ranches. China's “concentration camps” are only infrequently mentioned and remained generally unknown to the outside world since the area where they are located is closed to foreign visitors and off-limits to Chinese travellers as well.¹

1. See a dispatch filed from Qinghai by the *Newsweek* correspondent who was barred from the camps. “The camps are built where we can't see them, but we know they are there,” one worker was quoted as saying in a Qinghai factory. (“The Threat of the Gulag,” *Newsweek*, January 19, 1987, p. 33.)

The most well documented of China's human rights abuses relates to its population control policies. During 1986-87 there were numerous official replies to Western, especially U.S. criticism, of China's birth control programs. But only in a few cases were they willing to discuss specific individuals. There were literally millions of cases of the use of force to enforce China's birth control policies.

The most famous, or infamous, human rights case in the Peoples' Republic of China during the period was Wei Jingsheng, even though Wei's case may be considered past history. Wei was imprisoned in October 1979—given a 15-year sentence for spreading “counterrevolutionary propaganda” and “revealing state secrets” (to foreigners). Inasmuch as Wei did not have access to classified information and one of the “secrets” he was charged with giving to a foreigner was the name of the Chinese commander in the Sino-Vietnam War (which anyone living in a Western country could have easily found out), the case against Wei was considered bogus at the time and still is. He was, in fact, incarcerated for his political beliefs, his advocacy of democracy, his criticism of the Communist Party and the government, and his constant association with foreigners (which the government strongly discourages). Another of Wei's “crimes” was to discuss the treatment—including torture—of political prisoners in China with foreign reporters.²

Wei remained in prison, incommunicado, during 1986 and into 1987. When inquiry was made about him, PRC officials confirmed that he was in prison, but said that he was “healthy and happy.” Chinese spokesmen would say little more. The government refused to provide any details about Wei's health and refused to allow visits or communications with him (though they did say that he was seen by friends and relatives).

While the government had little to say about Wei Jingsheng's condition, other reports indicated that Wei, imprisoned in a labor camp in Qinghai, was in failing health. In 1986, word on Wei's poor health was brought to the West by a Chinese student in France whose father was a ranking cadre in the Ministry of Public Security. Returning from a home visit in early 1986, the student, Fei Ming, reported Wei's poor condition, quoting unspecified sources apparently through his father's connections. He said that “Wei Jingsheng was through and he wouldn't amount to anything even if he is released.” Wei's poor health was confirmed by a visiting French Sinologist

2. For further details, see John F. Copper, Franz Michael and Yuan-li Wu, *Human Rights in Post Mao China* (Boulder, Co.: Westview Press, 1985).

known by the pseudonym Mu Ren, who was acquainted with Wei's former girl friend.³

According to Fei's report, Wei was defiant during the first two years of imprisonment, frequently criticizing communist authorities both verbally and in writing. He then sank into a deep depression and turned quiet and withdrawn; often he would stare at the sky for long periods in total silence. When Wei's condition worsened, his "dumbness" finally caught the attention of the prison authorities and a thorough physical checkup was ordered by the Public Security Ministry. However, details of the physical checkup were never revealed. Wei was described by a labor camp cadre who commented to a foreign reporter as "thin and dumb-looking, totally broken in spirits."⁴

Wei was not the only one to suffer. Wei's father, a ranking Party official, lost his job despite repeated confessions that he did not share his son's views. One of Wei's sisters, Wei Shanshan, a graduate of the National Academy of Fine Arts in Beijing, was banished to the desolate northwest (to work as a primary school teacher).⁵

More was heard of Wei Jingsheng during the summer of 1987. According to Wei Lingling, Wei's other sister who managed to visit him once a year, Wei's health continued to deteriorate. She said that Wei, though he had not suffered a nervous breakdown as had been rumored, had a serious heart condition, kidney infection and had lost almost all his teeth. When friends, trying to comfort her, assured her that Wei would certainly be released after Deng Xiaoping's death, she said in tears: "My brother will not outlive Deng Xiaoping. He has been through too much torture and suffering and he is not given medical attention and nutrition."⁶

On June 19, 1987, at its annual meeting in San Francisco, the U.S. Chapter of Amnesty International expressed concern for Wei Jingsheng and appealed to the government of the PRC for his early release. Wei's case was discussed at the meeting along with five other political prisoners or jailed civic rights activists in the Soviet Union, Czechoslovakia, Chile, South Africa and South Korea.⁷

Though Wei was designated a "prisoner of conscience" by Amnesty International, little attention was given to his case in the West

3. Lu Ming, "Wei Jingsheng: His Sister and Former Girl Friend," *China Spring*, No. 31, January, 1986, p. 42.

4. *Ibid.*

5. *Ibid.*

6. Meng Xiao, "My knowledge of Wei Jingsheng's Recent Condition," *China Spring*, No. 49, July 1987, p. 59.

7. *Chung Pao* (Centre Daily News), eastern U.S. edition, June 22, 1987, p. 2.

during the year and there was little if anything done to win his release. In mid-1986 a U.S. reporter noted, using a computer search, that the past year Wei had been mentioned only five times by major newspapers or news services throughout the world.⁸

Following the resignation of Deng's heir apparent, Secretary-General of the Party Hu Yaobang, Deng mentioned Wei in early 1987, saying that "no one in the international community cared anything about Wei Jingsheng." Deng's statement may also be taken as a warning to others who might want to press for better human rights conditions in the PRC.⁹ Clearly the statement, as well as the absence of any strong reaction from abroad, suggests that Wei and cases like his are not of concern to the Chinese government. Neither are Chinese officials much bothered by foreign criticism on human rights abuses in the PRC.

A similar case to Wei's, but different in several respects, was Xu Wenli. Xu Wenli had not advocated radical political beliefs and was generally regarded as a political moderate. He was the editor of the popular journal *April Fifth Forum*, which, during the period of "democracy wall" and the increase in free expression in 1979, gained considerable attention and acclaim. Xu did not, however, betray his beliefs, and when political freedom became objectionable he failed to make the proper adjustment. In 1981 Xu was sentenced to 15 years in prison for "organizing counterrevolutionary groups and propaganda and agitation."

Xu wrote his memoirs while he was in prison and they were smuggled out and published abroad—to the embarrassment of the Chinese government and the Chinese Communist Party. Xu's memoirs, banned by the PRC, describe in detail his arrest at midnight on April 10, 1981, his more than 200 sessions of interrogation before his trial, his year-and-half pre-trial detention in black-curtained cells, and his solitary confinement after sentencing in a 18-square-foot cell where he heard "screams of people beaten or receiving electric shock."¹⁰

Xu said that, in China, it was easy to be falsely accused for political reasons. "Some of those in jail have been staying here for many

8. Ron Dorfman, "Ask What Happened to Chinese Dissident," *Tribune*, (South Dakota), July 22, 1986, p. 4.

9. Edward A. Gargan, "Deng's Crushing of Protest Is Described," *New York Times*, January 14, 1987, p. A3.

10. For full text of Xu's memoirs, see Xu Wenli, "My Self Defense," *China Spring*, No. 30, December, 1985, pp. 29-57. For a condensed English translation by Amnesty International, see *China Spring Digest*, (New York), Vol. 1, No. 2, March/April, 1987, pp. 42-49.

years and still haven't been charged," he said. "They can keep you as long as they want." Xu criticized Deng Xiaoping for repeating Mao Zedong's mistake in suppressing free speech. In urging reform, Xu insisted that he did not "advocate a change in the system, only a change in policy." He wrote about a two-party system, but he insisted that he "never tried to found a political party."¹¹

When inquiry was made about him, the Ministry of Justice would only say that Xu was in good health.¹² Amnesty International had been denied any reply to questions about him in 1984 and this policy was continued through 1986 and 1987.

A still different human rights case involves Chen Mingyuan. In 1966 Chen discovered 12 of his poems published in a work entitled "Collection of Unpublished Poems by Chairman Mao Zedong." Chen was subsequently sentenced to 12 years in prison and 4 years of labor for saying that he, in fact, authored Mao's poems. He was reportedly rehabilitated in 1978.

However, there was no public acknowledgment of his authorship of the poems even though the evidence seemed to have been clear that this was the case. Chen's case ostensibly polarized the Party too much (Maoists versus Dengists) and for that reason it was suppressed.¹³

Nevertheless the weekly news magazine *Beijing Review* mentioned Chen in March 1986. The magazine said that Chen was allowed to live a "normal life" but gave no details. It also criticized Western reports on the issue.¹⁴

Another interesting case during the period under study was Wang Bingzhang. Wang defected to the U.S. in 1982 and founded the magazine *China Spring*. This magazine has since published articles about politics in the PRC and frequently cites human rights cases while gauging political dissent, democracy and other trends in China. For his efforts, the authoritative *Renmin Ribao* (People's Daily) in 1984 called Wang a "political prostitute." Since the *Renmin Ribao* publishes an overseas edition in the United States, Wang sued the paper for libel in a U.S. court—the first suit of its kind.

Renmin Ribao had also described Wang and his associates as "swindlers who used patriotism as a pretext to racketeer overseas

11. Ibid.

12. See Daniel Southerland, "Chinese Dissident Said to be Healthy," *Washington Post*, June 23, 1986, p. A4.

13. See, "Mao Tse-tung: From Bad to Verse," *Newsweek*, March 17, 1986, p. 14.

14. Wang Xingwu, "A Disservice to Readers," *Beijing Review*, March 31, 1986, p. 4.

Chinese so as to feather their own nests” and as “hypocrites who deserted their mainland wives and children to look for new lovers.” In refuting Wang’s libel case *Renmin Ribao* claimed that it was quoting from a Chinese American and that it is an organ of the Central Committee of the Chinese Communist Party and thus comes under the immunity provided in the 1976 Foreign Sovereign Immunities Act.¹⁵ Wang contended that Deng and the reformers in the PRC, who were running the government and the Party, said that the government and the Chinese Communist Party are separate. That being the case, the paper—being controlled by the Party and not the government—should not be afforded protection under the above-mentioned law.¹⁶

At the time of this writing the case is still pending. However, clearly the Wang case is an embarrassment to the PRC. It reflects Chinese leaders’ efforts to improve the PRC’s human rights image abroad while refusing to make changes in the system that would further the cause of human rights. It gives evidence of the problems Chinese leaders face in trying to open the country for economic reasons, yet not allow civil and political rights.

The case of Fang Lizhi is reflective of Chinese attitude toward human rights at the end of 1986 and 1987. In early 1987 Fang was a well known astrophysicist and vice president of the University of Science and Technology in Hefei in Anhui province in south central China—where the December 1986 student demonstrations began. As a high official in the Chinese Communist Party, Fang’s criticism of local elections (not being democratic) and of doctrinaire Marxism caused ripples in the Party and elsewhere. For his openness, China’s strongman Deng Xiaopang subsequently (when the strength of his critics on the left became apparent) called for his expulsion from the Party for advocating “bourgeois liberalism.” Fang was stripped of his Party membership.¹⁷

However, because Fang had become a hero to China’s students and his case was so widely publicized abroad, the Party toned down its actions and arranged for him to appear in public at a scholarly meeting, apparently to demonstrate that he had not been imprisoned or sent to a desolate area of China for “reform through education” or “reform through labor.” In June 1987, he was even allowed to travel to Rome briefly to attend a scientific conference. Upon his return to Beijing, Fang told the press at the airport that “I have not changed my

15. See *Washington Post*, September 28, 1986, p. A23.

16. Ibid.

17. See also Chapters on “Double Hundred” and “Anti-Bourgeois Liberalization” Campaigns.

views” about a need for democracy in China.¹⁸ However, his requests to go to England and the United States to attend conferences and to give lectures were turned down by the government.¹⁹

Following the massive student demonstrations in late 1986 and early 1987, little was known about the extent and severity of the punishments meted out to many leaders and participants. Several months after the demonstrations were suppressed, however, there was a curious wave of reports about the punishments of dozens of unruly students in many of the nation’s leading universities. These students were accused of leading decadent lifestyles due to Western influence—drinking, dancing, gambling, and fighting on campus. Many were expelled from school for such alleged disciplinary infractions.²⁰

With the arrival of summer vacation, over a million students from colleges and universities throughout the country were sent down to the countryside to undergo ideological indoctrination through physical labor by learning from the peasants and factory workers.²¹ That this is reverting to the old practices during the Maoist days seems unmistakable. Increasingly, observers compared Deng Xiaoping (because of his old age and his shift to the left) with Mao. Given this, the disciplinary actions against “wayward” students and the sending of over a billion of them to the countryside to do hard labor may well be considered a form of mass punishment after the student demonstrations.

Because of the tight control of information in the PRC, news about individual cases of persecution in response to the student demonstrations was scarce. So far, only two cases were known to the outside world. However, in view of the arbitrary arrests and detention as disclosed in Xu Wenli’s memoirs, these two known cases may well represent many more that have gone unreported.

One of the cases was that of Lu Di, a 25-year-old student at the Wuhan Conservatory in Wuhan in central China. According to an Agence-France Presse dispatch from Beijing, Lu was sentenced in June 1987 to four years in prison for taking part in the demonstrations. The report said that Lu was the first known student so sentenced, although many workers and unemployed youths have been sent to jail for taking part in the demonstrations. Lu’s crime included

18. Daniel Southerland, “China’s ‘Sakharov’ Speaks Out,” *Washington Post*, June 28, 1987, p. A32.

19. *China Daily News*, (New York), June 29, 1987, p. 2.

20. *Chung Pao*, June 24, 1987, p. 2, June 26, 1987, p. 1; *China Daily News*, June 24, 1987, p. 7, June 25, 198, p. 4.

21. Edward A. Gargan, “Students in China Turn Cynical and Apathetic,” *New York Times*, Week in Review Section, July 5, 1987, p. 3.

“violating school regulations and threatening public order.” He was also expelled from the conservatory.²²

While the sentencing of Lu became the first officially reported case of the punishment of a student for participation in the demonstrations, another case, never reported inside China, became better known in the United States due to unique circumstances. The case was the arrest of Yang Wei, a former graduate student at the University of Arizona who returned to China in 1986 after receiving a master’s degree in molecular biology.²³ While Yang was waiting for a scholarship to come back to the United States to continue work for his Ph.D., student demonstrations broke out in Shanghai, his hometown. Emboldened by democratic ideas he acquired while in the U.S., Yang threw himself into the movement with enthusiasm. He was arrested on January 11, 1987. But this was never reported in the PRC press. Had it not been for Yang’s wife Che Shaoli, a graduate student at the Baylor College of Medicine in Houston, Texas, the arrest of Yang would probably never have become known.

According to Che, she was told by an official at the Chinese Consulate office in Houston that her husband was arrested for “counter-revolutionary activities” including “putting up reactionary posters in public places” and “disseminating reactionary propaganda materials” to incite students to stage demonstrations. However, no formal charges were filed and Yang was held incommunicado and denied visits by his family.²⁴

Worried about the fate of her husband, Che went to the press, the U.S. Congress and the State Department with the help of her relatives and human rights groups. Senators Jesse Helms of North Carolina and Richard Lugar of Indiana, both members of the Senate Foreign Relations Committee, lodged separate inquiries about Yang’s case with the State Department and the Chinese Embassy in Washington.²⁵ Che also made available to the press the text of “An Eye-witness Account of Student Movement in Shanghai,” written by her husband, to show that it was not “reactionary propaganda materials” as alleged by the PRC authorities.²⁶ Meanwhile, Che prepared personal appeals to Deng Xiaoping and Premier Zhao Ziyang, which were carried to Beijing and handed over to the Chinese government by Secretary of State

22. *China Daily News*, June 23, 1987, p. 4.

23. See also the Chapter on Student Demonstrations.

24. *Chung Pao*, February 21, 1987, p. 1.

25. Ann Scott, “Made Bold by Life in West, Chinese Students Speak Out,” *Christian Science Monitor*, February 27, 1987, p. 1.

26. *Chung Pao*, February 24, 1987, p. 2.

George Shultz during his visit on March 2, 1987.²⁷

Han Xu, the Ambassador of PRC in Washington, has reiterated the Chinese government's position that Yang was arrested for "putting up reactionary slogans and propaganda leaflets." In a letter to Congressman Gus Yatron, Chairman of the Subcommittee on Human Rights and International Relations of the House of Representatives on February 16, 1987, Ambassador Han dismissed as "irrelevant" the issue of "academic freedom and free expression." He insisted that "in present-day China, people enjoy all basic freedoms and liberties as embodied in the Constitution."²⁸

As of mid-1987, Yang's case was still pending. However, there were signs that the PRC was responding to U.S. pressure. There were reports that the Shanghai Public Security Bureau was taken aback by the publicity of the case in the United States, and that the State Security Ministry was embarrassed.²⁹

However, in early June, 1987, a visiting high official from the PRC disclosed that Yang would be tried for "criminal activities" soon. The official, Hê Dongchang, vice chairman of State Education Commission, said in New York that Yang would be prosecuted for an offense "totally unrelated" to the student protests.³⁰ On December 21, 1987, Yang was sentenced to two years in prison on "counterrevolutionary" charges.³¹

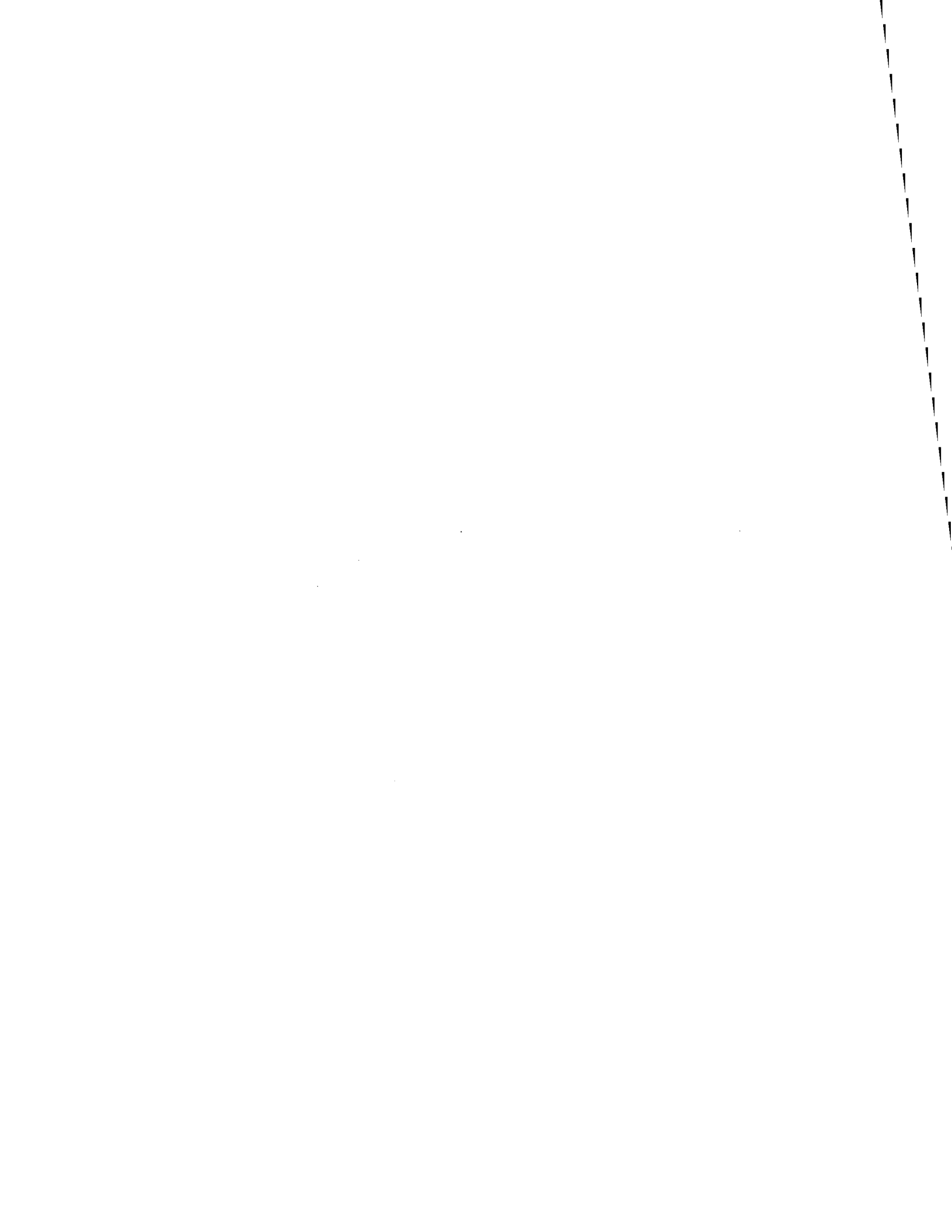
27. *China Spring*, No. 47, May 1987, p. 39.

28. Letter from Ambassador Han Xu to Congressman Gus Yatron dated February 16, 1987.

29. *China Spring*, No. 47, 1987, p. 40.

30. "China to Try Student," *New York Times*, June 9, 1987, p. A11.

31. See *supra* note 26.



XII. CONCLUSION

Looking back, events in the political, intellectual and economic realms in the PRC during the past year represented “one step forward, two steps backward” in the cause of human rights. However, the campaign against “bourgeois liberalization” was nothing new, or at least should not be considered simply a temporary setback to the reform movement and the cause of human rights. In many respects, it was the continuation and intensification of the earlier Anti-Spiritual Pollution Campaign which had never really ended. In the 1983 campaign, Deng Xiaoping defined “spiritual pollution,” or “cultural contamination,” as the “corrosive influence of the decadent ideas of the bourgeoisie and other exploiting classes and the dissemination of non-confidence in socialism, communism and the leadership of the Party.”¹ This definition was reiterated in Premier Zhao Ziyang’s report to the National People’s Congress in May, 1984 and by Hu Yaobang, then the Party Secretary-General, in his now famous talk on the Party’s mass media work in February, 1985.²

Hu stressed that the Anti-Spiritual Pollution Campaign was a “correct policy” which was never abandoned by the Party, despite certain excesses committed at lower levels because the Party “failed to set the limits clearly at the beginning.” Hu made clear that the campaign to “oppose and overcome the corrosive influence of the decadent ideas of capitalism” never ceased, and that it is the Party that defines the scale of the campaign at a given time. It is also the Party that holds the ultimate power to tighten up or to loosen up as it sees fit.

The efforts at measured relaxation before the latest crackdown can also be described as a kind of “crisis management.” Over 30 years of totalitarian rule, capped by the disastrous Cultural Revolution, have produced a deep crisis, both economically and ideologically. The system was shaken to its very foundation. The crisis was so deep, after the Cultural Revolution, that the post-Mao leadership was forced to make concessions economically, borrowing from capitalism, in an attempt to save socialism, so to speak.

But economic reforms are now in trouble. The tug of war between further relaxation and tightening control continued as it became

1. “Stand on Cultural Pollution Clarified,” *Beijing Review*, April 29, 1985, p. 8.

2. Hu Yaobang, “On the Mass Media Work of the Party,” *Hongqi* (Red Flag), No. 8 April 16, 1985, pp. 2-22. Hu’s speech can also be found in *Renmin Ribao* (People’s Daily), April 14, 1985, p. 1.

increasingly clear that the reform was designed to save Communist Party dictatorship and the *socialist* economy. Would further reform measures, in an economy already suffering from difficulties sparked by the reform, ultimately lead to the demise of the system? If and when the system collapses, where would the present power-holders be?

The economic impasse has its parallel in the political arena, where the crisis reflected the bankruptcy of an ideology. The bureaucracy had become so inhuman, special privileges so rampant, powers so abused and human rights violations so commonplace that even the present powerholders, themselves victims of the Cultural Revolution produced by the system, could no longer defend it. They had to criticize it, to make some superficial modifications, in the hope of maintaining its continued survival, without changing its basic character and premises. Left unchanged, they perceived, the system would self-destruct; such could have been the case with the economy if nothing had been done to rescue it by the Deng regime. Going too far in the direction of reform, however, would likewise lead to the ultimate demise of the system, for enough "quantitative" change, in due course, would inevitably produce "qualitative" change.

Hence the current reform must be carefully managed. The authorities have allowed critics limited opportunities to air their views, giving a semblance of the sincerity of the leadership about reform, while at the same time making sure that the critics stay within bounds. But the bottom line or the limits to reform had to be reaffirmed over and over again, as a constant warning to the critics and a reminder to the Chinese people and the rest of the world that the PRC will remain a Communist country.

In other words, the basic ideological tenets of Marxism-Leninism-Maoism may be tampered with for tactical reasons, but they will not be abandoned. Reforms, economic and political, are aimed to make the system more efficient, more powerful; they do not represent a basic change in the direction of Western democracy and the rule of law.

In this context, one can see that human rights violations in the PRC, as in the Soviet Union, are not simply a matter of individual cases; they are institutional and often intentional. Basic tenets of human rights, of Western origin, are either irrelevant to the state system in the People's Republic, or they threaten its existence.

Thus the "reversal of verdict" in an individual case at a particular time—the correction of a case of miscarriage of justice, that is—is typically a decision made at the top. It is not the inevitable result of due process of law based on an affirmation of the fundamental human worth, with a multitude of institutional checks and guarantees. Such

decisions are made by Party leaders, nearly always on grounds of political expediency, rather than genuine concern for human rights. Decisions can be made one day, and withdrawn anytime, with little knowledge on the part of the public, much less participation.

Rights are granted to the people by the political leaders at the top; they are not inherent in the law and do not belong to the people as natural rights, nor are they earned by the people as political rights. Following this line of thinking, a human being is not born with any "inalienable rights"; nor is he entitled to earn or fight for his rights. Whatever rights one has are a gift from those who are in a position to grant them when they so please, and of course to withdraw them when deemed necessary.

Two further observations can be made in connection with the human rights condition in China. First, the human rights condition in the People's Republic is characterized not by superficial progress, but by a rather remarkable constancy. One need only realize that totalitarian systems institutionalize change but not necessarily progress. Looking at intellectual freedom, one cannot help but be amazed by not how much, but how little change that has taken place over the years.

Little of the just-silenced debate on Marxism and democratic reform in China is new. Indeed, if one is to compare the utterances of the 1957 Hundred Flowers Campaign and those of the most recent "liberalization" days, one sees a full cycle, a 30-year waste of time. Is Marxism-Leninism to be considered the guiding ideology in the process of contending? If it is, it may stop other schools of thought from contending.³ The words of a skeptical university professor who, in 1957, asked this same question ring no less true today, in the wake of the recent emphasis on the primacy of ideology by Party leaders from Deng Xiaoping on down.

Indeed, one forgets at one's own peril that it was Deng who was put in charge (by Mao) of the Anti-Rightist Campaign in 1957 and who 16 years later also kicked off the Anti-Spiritual Pollution Campaign in 1983. It was again Deng who in March 1987 presided over the Party Central Committee meeting which declared that "spiritual pollution and bourgeois liberalization are one and the same thing."⁴ Deng has not changed; however, it is the perception of some in the West that he has.

This conclusion leads to a second, related observation, in particu-

3. *Renmin Ribao*, April 21, 1957, p. 7.

4. Edward A. Gargan, "Beijing Party Directives Criticize Ousted Leader," *New York Times*, March 8, 1987, p. 2.

lar reference to the United States. As we have seen in the different U.S. reactions to the Burns and Daniloff cases and in other matters, the United States government and some private persons, including business, some press and academic circles, tend to adopt a double-standard in attitudes toward the PRC and the Soviet Union. Leaving aside the wisdom of regarding Beijing as a potential quasi-ally in some policy-makers' global strategic thinking, the implications of Washington's soft-peddling toward the PRC's human rights conduct must not be overlooked.

Despite Deng Xiaoping's boasts that the Wei Jingsheng case did not hurt the PRC's international image, it is up to Washington not to forget that, as with the Soviet Union, the United States does have a strong leverage and should use it to promote both national interests *and* the larger cause of humanity and human rights. Many Chinese, particularly the educated youth, look to the United States as the champion of human rights. The United States owes it to itself and what it stands for not to shy away from this universal moral responsibility.

APPENDIX 1

Excerpts from
“RESOLUTION OF THE CENTRAL COMMITTEE OF THE
COMMUNIST PARTY OF CHINA ON THE GUIDING PRIN-
CIPLES FOR BUILDING A SOCIALIST SOCIETY WITHIN
AN ADVANCED CULTURE AND IDEOLOGY”*

(Adopted at the Sixth Plenary Session of the 12th Central
Committee of the Communist Party of China on September 28,
1986. *Beijing Review*, October 6, 1986, Centerfold.)

The overall scheme of China’s socialist modernization is as follows: Taking economic development as the key link, we are to continue to reform our economic and political structures and at the same time speed up the country’s cultural and ideological progress, making sure that these aspects of our work are coordinated and promote each other. From this perspective all our Party comrades should understand the strategic importance of promoting socialist culture and ideology.

Socialist culture and ideology guided by Marxism are important characteristics of a socialist society. During the socialist period, material progress lays the groundwork and furnishes practical experience for cultural and ideological progress, which, in turn, gives intellectual impetus and support to the former and provides a powerful guarantee for its correct orientation. Our success in building socialism depends on our effort to build a society with a socialist culture and ideology.

Thanks to our success in restoring order in all fields, launching all-round reform and achieving material progress since the Third Plenary Session of the Party’s 11th Central Committee in December 1978, we have accomplished much in building such a society. Encouraging the emancipation of people’s minds, adhering to the ideological line of seeking truth from facts and bringing into full play the scientific spirit and creative vigour of Marxism, our Party has abandoned a series of ossified concepts and raised its understanding of socialism to a new height. Political stability and unity have prevailed throughout the country, democracy and the legal system are being gradually perfected and the initiative of the cadres and masses has increased. Mass activities for promoting cultural and ideological progress are becoming more and more widespread and are yielding much fresh experience. A

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social climate of respect for knowledge and talents is being fostered, and our educational, scientific and cultural endeavors are thriving. The Party's fine tradition is developed and the work style of its members and general standard of social conduct is improving. These are the main trends. We must recognize, however, that in many ways our work to promote socialist culture and ideology has not been adapted to the needs of socialist modernization, reform and the opening of the country to the outside world. We must acknowledge that we lack adequate understanding of the importance of our work in this area, that we still have some problems to solve regarding the principles guiding it and that both in the Party and in society at large there remain some grievously negative phenomena that will take redoubled effort on our part to eliminate. Unless we have an overall view of how things stand in our work to promote socialist culture and ideology, and unless we fully understand that it is urgent and will be of long duration, we shall not be able to keep up our efforts, and the general interest will suffer.

Reform means the development and perfection of the socialist system. The progress of the reform in all areas reflects the tremendous changes that have taken place in China in the past few years. Our policies of launching all-round reform and opening to the rest of the world have infused our socialist cause with great vitality and have significantly promoted socialist culture and ideology. Development of the socialist commodity economy and improvement of socialist democracy have led to profound changes in people's ideology and outlook. At the same time they have placed higher demands on us in our effort to foster socialist culture and ideology. This is a great historic test for us: Will we be able to meet these demands by shaping public opinion, values and the cultural and social environment so as to facilitate socialist modernization and reform? Will we be able to resist the decadent bourgeois and feudal ideologies and avoid the danger of deviating from the right direction? Will we be able to arouse the boundless enthusiasm and initiative of the people of all our nationalities, so that through the efforts of several generations we can build a modern, powerful socialist country? We should be confident that with the Party's correct leadership, with the guidance of Marxism, with our basic socialist economic system and policies, with the people's democratic state power and socialist legality and, in particular, with the people's firm support for socialist construction and reform, we shall achieve socialist modernization, so long as we do our best to promote the cultural and ideological progress of our socialist society along with its material progress.

In short because our work in promoting socialist culture and ide-

ology is of strategic importance, *we must ensure that it is capable of promoting the all-round reform and the opening to the outside world and embodying the four cardinal principles.** That is a basic guiding principle for our work in this area.

A high degree of democracy is one of the great goals of socialism and also an essential manifestation of socialist culture and ideology in the life of the state and of society as a whole. Historically, the concepts of democracy, liberty, equality and brotherhood took shape in the struggle of the rising bourgeoisie and the working people against feudal autocracy, marking a great mental emancipation of mankind. Although Marxism incorporated what was best in these bourgeois concepts, it is different from them in principle. In essence, bourgeois democracy serves to protect the capitalist system. By eliminating class oppression and exploitation, socialism has paved the way for the people to become masters of their own destiny and for democracy to advance to a new level in history. The major historical lessons to be drawn from China's socialist development are, first, that we should have mustered all our resources to develop the economy and, second, that we should have substantially extended democracy. Since the Third Plenary Session of its 11th Central Committee, the Party has stressed that there can be no socialist modernization without democracy, that democracy must be institutionalized and codified in law and that the Party must conduct its activities within the limits permitted by the Constitution and the laws of the state. The Party has taken effective measures to further democratize its political life, the political life of the state, economic management and the life of the entire society. In urging reform of the political structure, as it has done of late, the Central committee aims—always while upholding the leadership of the Party and the people's democratic dictatorship—to reform and perfect the Party and state leadership systems and to take a step further in extending socialist democracy and improving the socialist legal system, all for the purpose of facilitating socialist modernization. This will be a very complex task. After exhaustive investigation and study, the Central Committee will work out plans for accomplishing it, so that political reform may proceed step by step and with proper guidance.

Democracy cannot be separated from legality and discipline. Socialist legality, embodying the will of the people, safeguards their legit-

* Keeping to the socialist road, upholding the people's democratic dictatorship, upholding the leadership of the Communist Party, and upholding Marxism-Leninism and Mao Zedong Thought.

imate rights and interests, regulates their relations and sets norms to keep their activities within proper bounds, at the same time punishing all unlawful activities that endanger society. Legality dissociated from socialist democracy can in no sense be socialist legality, nor can democracy dissociated from socialist legality be socialist democracy. Unless we strengthen our socialist legal system based on the Constitution and strengthen work discipline while combating all practices that repress and undermine democracy, we shall not be able to ensure smooth economic development and the unimpeded progress of all-round reform: furthermore, we shall not be able to maintain long-term political stability in our country. *Bourgeois liberalization, which means negating the socialist system in favour of capitalism, is in total contradiction to the people's interests and to the historical trend, and it is therefore firmly opposed by the masses.*

APPENDIX 2
DEMOCRACY, REFORM & MODERNIZATION*

Excerpts from speech by Fang Lizhi on November 18, 1986
at Shanghai Tongji University
China Spring Digest, March/April, 1987, p. 12.

Socialism is at a low ebb. There is no getting around the fact that no socialist state in the post-World War II era has been successful, and neither has our own thirty-odd year long socialist experiment. There are those who claim that China is too large, too poor, and too overpopulated for socialism to succeed here. Some say that we have accomplished quite a bit in getting as far as we have. These excuses can be refuted on theoretical and practical grounds. China's population density is not overwhelming. According to my research on the subject, each square kilometer of arable land in China support 750 people, but the same amount of land in Japan supports twice that number, up to 1500 people per square kilometer. Why can't China achieve Japan's level of production!? Both countries once were in a similar economic state. Just after the war, Japan's economy was as backward as ours, so China's present situation cannot be explained as a result of population pressure. Claims that China is too poor may be disproved on the same grounds.

From Marx to Mao, Communism has Failed

I will illustrate my point with examples drawn from socialist countries. I find the case of East and West Berlin particularly striking. Though they are separated by a tall wall, West Berliners who want to go to East Berlin do so freely. They need only buy a vacation pass. West Berlin is materially rich, but in East Berlin there are few consumer goods in the markets and the people look like they lead severe lives, despite the impressive architecture that abounds in that part of the city. (laughter, applause) The difference between East Berlin and West Berlin is clearest at the border. There is a brief customs check on the West Berlin side, but going back the vehicle itself is thoroughly examined, for fear the East Berliners might escape to West Berlin. If their society is so fine, why do they worry about people escaping? (long, enthusiastic applause) My point is not to criticize East Germany

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but simply to say that mistakes must be admitted. Socialism has failed. (enthusiastic applause) I am here to tell you that the socialist movement, from Marx and Lenin to Stalin and Mao Zedong, has been a failure. (enthusiastic applause)

Of course, socialism has some positive aspects. What deserves our attention, however, is the fact that the practice of socialism has not produced them. We should face this problem squarely and not allow ourselves to be blinkered by narrow orthodoxy. Clearing our minds of all Marxist dogma is the first step. Last year I advocated the same idea at Beijing University; my statements were passed on and some people upstairs took issue with it. Now I learn that the same ideas are to be found in the documents of the Party Central Committee, acknowledging, in effect, the narrowness of Marxism-Leninism. Let me clarify what I mean. Marxism contains some insights into the nature of civilization, but in practice it leads us to accept only the truths of Marxism and dispense with all the other lessons of history. It rejects all positive elements to be found in other peoples, cultures, and history up to Liberation. But no aspect of humanity may be rejected, for all contribute to civilization.

Sweden's Successful Socialism

Thus we must commit ourselves to complete and thorough liberalization. We must remold our society by absorbing influences from all cultures. What we must not do is isolate ourselves and allow our conceit to convince us that we alone are correct. World civilization is the composite product of every culture. Socialism is one facet of this vital world civilization. Although it stands at low ebb today, there are several different types of socialist societies, each trying to achieve the goals of socialism in its own way. Not all have failed utterly. During a conference I attended in Sweden last July, a Swedish acquaintance informed me that Swedish socialism was true socialism. Over half of their industries, he said, are nationally owned and there are no great disparities of wealth. Their standard of living is very high; their per capita gross national product equals \$19,000, far beyond ours. He asked about our social welfare system, so I was forced to admit that the one we have is nothing compared to Sweden's, which genuinely provides social welfare. Their government promotes Marxism, too. I saw a mural in an exhibition hall depicting their Socialist Democrat Party inciting rebellion among workers. (laughter) Another showed how the people came to enjoy a better life after the Party secured power during struggle in the state legislative body. Furthermore, the Swedes consider television to be an instrument of education, so com-

mercials are banned. (applause) Considered as a whole, from ideology to a level of social development far beyond our own, Sweden is more socialist than China. The Swedes call their socialist experiment a success.

Absorb the Proletariat Into Bourgeoisie

Lenin labeled the Social Democrat Party traitorous—an accusation he also flung at the Second International. But whether or not they betrayed the Revolution, they did solve some real problems, and if practice is the standard for evaluating theory, we must consider Swedish socialism to be more progressive and rational than Chinese socialism. China emphasizes class struggle and dictatorship of the proletariat, destroying the capitalist class in the process. The Swedes, on the other hand, promote social harmony as the means to resolve class and other social contradictions. During the 1950's, Sweden, like China, took radical steps to adjust social relations, even obliterating a social class in the process. However, the victim was the proletariat rather than the capitalist class. (enthusiastic applause) They obliterated the proletariat by transforming the bulk of the Swedish population into bourgeoisie. I feel their experience merits serious consideration.

We are hobbled by many old ideas which we have grown to accept as natural. Going abroad leads one to realize that those old habits of thought are flawed. There are many reasons for China's failure to keep up with the rest of the world. We still have too many feudal tendencies.

Loosening the Bonds Does Not Constitute Democratization

My topics are democracy, reform and modernization. I have already touched upon reform and modernization. Now I will discuss the necessity of democracy.

Not long ago we asked for democracy which is not quite different from relaxation of restrictions. However, it is important to note that democracy is quite different from relaxation of restrictions. *The critical component to the democratic agenda is human rights, a touchy issue in our country.* Human rights are fundamental privileges that people have from birth, such as the right to think and be educated, the right to marry, and so on. But we Chinese consider these rights dangerous. Human rights are universal and concrete, but at present we lump freedom, equality and brotherhood together with capitalism and criticize them all in the same terms. If we are the democratic country we say

we are, these rights should be stronger here than elsewhere, but at present they are nothing more than an abstract idea. (enthusiastic applause)

I feel that the first step toward democratization should be recognition of human rights. Everybody has different views and methods, but if they are integrated according to democratic principles people can become united societies and nations. However, the whole issue changes the moment we come to consider democracy as something that is maintained by collective effort, for already democratization has come to mean something performed by superiors upon inferiors—a serious misunderstanding of democracy. (enthusiastic applause) Our government does not give us democracy by loosening our bonds a little. It gives us only enough freedom to writhe. (enthusiastic applause) Freedom by decree is not fit to be called democracy, for, unlike Western democracy, it fails to prove the most basic human rights. Our newspapers often report the inspection tours of the people's representatives. Representatives of the people make inspections? Think about it. Does such a thing take place in a democracy? Representatives are selected by the people. They should represent their constituency, not inspect it. (applause) An institution that inspects the people is not democratic.

Democracy Starts with the Individual

Representatives should spend some time listening to their constituencies before sessions of the National Assembly, then use the Assembly as a forum for presenting the views of the people. But far be it from our representatives to represent our opinions. Actually, I once considered it perfectly natural to put up with inspection tours. (laughter) Then, early this year, I spent several months at a research institution in New Jersey. One day I received in the mail some information from a state congressman describing what he had recently accomplished in the state legislature, his voting record, what issues were being discussed—in short, giving an account of his politics. It was his report to the people, demonstrating the congressman's respect and offered to represent at the next session of the state legislature those who did not agree with his stand on issues. He cared even for the views of a Chinese man who had been accustomed to calling American society a false democracy. In our genuine democracy, on the other hand, I have never received a report of my representative's activities or his voting record. (applause) My representative will be only too happy to cast my vote without having the vaguest idea of what I think. That is

why our 'genuine democracy' will never be a match for the false democracy. (laughter)

In democratic nations, democracy flows from the individual and government has responsibilities toward him. Objectively speaking, government depends for its continued operation upon the taxes he pays. Taxes return to the individual as services coordinated by the government, such as schools, hospitals, public welfare and municipal government. Subjectively, the citizens of a democratic society expect their taxes to return as government services and protection of individual rights. The situation in China is quite different; we praise our government whenever it finally gets around to doing something for us, when in fact the government has done nothing more than fulfill its obligation. Our schools always remind students to study hard to make the best of the opportunity that the government and Party have given them. (laughter) There certainly is nothing wrong with telling students to study hard, but it is incorrect to suggest that educational opportunity is the government's to give, for each individual has a fundamental right to receive it. The constitution guarantees it. (applause) We pay taxes (you students may not, but the head of each family pays taxes), so the government must provide you with educational institutions in return. We must make the government recognize that it is economically dependent upon its citizens. Such is the basis of democracy. But feudal traditions are still strong in China. Social relations are initiated by superiors and accepted by inferiors, contrary to what they should be in a democratic society. What Chinese intellectual life lacks utterly is democratic social conscience. Our political institutions need many reforms, but development of democratic social conscience is absolutely vital.

APPENDIX 3
INTELLECTUALS' ROLE IN CHINESE SOCIETY*

Excerpts of Fang Lizhi's Speech at Jiaotong University
on November 15, 1986,
China Spring Digest, March/April 1987, p. 26

I have always been opposed to the view that Marxist philosophy should become the sole theoretical guidance of everything. Now let us use this method of research to study the document on spiritual civilization. In the paragraph of "Marxism as Guidance," the document says that Marxism should guide morality, the rule of law, etc., but it does not spell out that Marxism guides scientific research.

Society cannot remain static but will continuously develop. Of course the pace of development could be quick at one time and slow at another. Since we have said intellectuals are the leading force in society, the responsibility of developing China should be ours, not others. It is said that reforms in China depend on the resolve of the top leadership. If the leadership has the resolve they would push the society forward, since they are in the dominant position.

But does this mean that if the top leadership lacks resolve, Chinese society would stop moving forward? Of course, the nature of the Chinese system and the traditional morals and value determine that the top leadership plays an extremely important role. No wonder someone made a joke that China not only should import new technology, but what is more important, China should import a prime minister.

This joke represents a view that no imports will be of any use unless China imports persons occupying key positions. It must be recognized that this represents the reality based on the present Chinese system. But the problem is that by relying only on the resolve of the top leadership, China cannot hope to become a developed country. Relying on the top leadership itself is not progressive thinking. What I mean is that if the democracy we are striving for remains one that is granted only from the top, then the democracy that is practiced in our society is not the true democracy. To go further, democracy itself embodies the recognition of individual rights.

The society is then composed of these individuals. This means

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this right is not granted from above. Rather, men are born with rights. Human rights as a term is a taboo in China. In fact this is a very popular term. It simply means that men are born with rights to live, to marry, to think, to receive an education, etc. For an individual, this right comes with his birth. And these rights are human rights. Therefore, we should not read human rights as a horrible term. Instead, we should think of human rights, liberty, equality and love as a positive historical legacy and then strive for democracy. Until then there is no true democracy. We should not place our hope on grants from the top leadership. Democracy granted from above is not democracy in a real sense. It is relaxation of control.

Of course, relatively radical forms are also included in the struggle for democracy. Only by striving can we get what we really need. Because of the extremely long history of feudal society in China, plus the wide spread of feudal ideas as a result of the Cultural Revolution, there have emerged many erroneous ideas and opinions. For instance, there have been distorted interpretations of the exact meaning of democracy and liberty. Take for instance the relationship between us and government. It is not so much what the government has given us, as it is we that have maintained the government. Government can be looked upon only as a representative of practicing democracy. Therefore, the first issue that needs to be clarified is who provides whom? I have spent a relatively longer time at the university. There has been a typical and popular method used in the teaching of students. Students are told that they should study hard and value the opportunity that the Party has granted them.

Of course as a citizen one should study hard even out of consideration of personal development. But to conclude that the opportunity is granted by the Party and state is completely erroneous. Why is this wrong? Because it is incorrect conceptually. Since the opportunity is granted by the state, we must ask where the state comes from? How are opportunities granted to you?

It is known that to be able to receive an education is a right for everyone of us as citizens. Individuals have the right to education. The opportunity is not granted by anyone. Therefore, to say that the right to education is granted by the leadership reflects a feudalistic viewpoint. In appearance everything seems to have been granted by the government; in reality, it is not the case. From an economic point of view, every citizen pays taxes. And these taxes include the expenses for education. Therefore, the opportunity for education is not granted.

In the developed countries, the concept is that citizens are taxpay-

ers to maintain the government. In return, the government uses the taxes to manage things in the interest of citizens. Out of this relationship, the psychological feelings of the taxpayers are that it is the citizens who maintain the government. The government can survive only by levying taxes. As a result the government must serve the citizens. From this logic, it is not so much whether citizens are permitted to be educated as it is the government that has the responsibility to run schools for citizens.

So, too, the case in China. Everyone of us has paid our taxes. Although you students have not yet paid your taxes, your parents have paid on your behalf.

One must have a clear understanding of this issue. But this issue should not make the relationships among people so tense. One must have a clear sense of what belongs to you, and what belongs to me. It is a relationship within the concept of the contradictions among the people, not one based on antagonism.

One must have a correct concept that we are born with the rights of democracy.

Relying only on the determination of the government is partially correct. The decisive factor in determining the stability of peoples' lives and the development of the society lies in whether the intellectuals as a group have the awareness of democracy and of themselves to conscientiously strive for their rights. It would be tragic if we don't have this awareness and simply wait for the leadership for their determination.

When I was abroad, I often explained to foreign friends the tragic experience of Chinese intellectuals during the Cultural Revolution: The doors of universities were closed and intellectuals were deprived of rights. These friends, on the one hand expressed their sympathy, while on the other hand, they were a little contemptuous of Chinese intellectuals, asking me why you failed to express your will? Where was your will? Why didn't you demonstrate that you were against, not for the Cultural Revolution? During the 1950s, idealism prevailed among Chinese intellectuals. This was valuable. But this generation was strongly influenced by the doctrine of obedience. No matter how they were treated, they would continuously work hard without protest. These people seem to have a lot of self restraint and have nothing to compete with the world.

In fact, this attitude is not conducive to our society. One should strive for what is one's due. It is time that we changed the characteristics of the intellectuals of the 1950s. I believe that the modern-day intellectuals have surpassed the intellectuals of the 50s in this respect,

although the undergraduates have been criticized or pointed at one way or another.

I also hope that we can have our independent thinking, independent personality, independent feelings and consciousness. Only by having possessed these qualifications can we achieve something. Otherwise, the old outlook could not be transformed by simply relying on grants from the government, such as the conditions of learning and democratic rights.

Should China have another Cultural Revolution, I hope that we would not become the object of sympathy and be told why you have put yourself in this dilemma again. It would be tragic if China is to repeat this cycle. The intellectuals should demonstrate the strength they possess. Such strengths on the one hand, have not become fully understood and, on the other, have not been demonstrated. As long as one has the awareness and speaks out in criticism, the effects will be greatly felt. People have been deeply impressed by this awareness since the latter half of 1985. Wasn't it true that a small action would lead to strong reaction nationwide? This proves that we have strength. But the question remains whether you dare to use it. As long as everyone of us realizes that the government should give us democracy, not grant us democracy, China will be able to transform the feudalistic ideas and gradually approach modern standards in thinking. According to the translation of the *Washington Post*, January 25, 1987.

APPENDIX 4

February 20, 1987

To His Excellency Ambassador Han Xu*
Embassy of the People's Republic of China
2300 Connecticut Avenue, N.W.
Washington, D.C. 20008

STATEMENT

We the undersigned scholars and researchers of Chinese studies in American universities are deeply concerned by the punitive measures adopted against some of China's leading intellectuals in the sciences, the social sciences and humanities. We believe they are patriotic intellectuals of integrity and international standing who are dedicated to the national task of reform and modernization. As American scholars of China we are extremely concerned that the severe criticism against them will adversely affect China's intellectual vitality. Not only will it jeopardize the expression of views and opinions but it may dampen scholarly exchange between China and the outside world. Ultimately, it may even undermine China's efforts toward modernization. We are also concerned on humanitarian grounds about the personal safety and wellbeing of the people involved with whom we have had a variety of fruitful contacts in recent years.

This statement is signed by the following scholars whose institutional affiliations are mentioned only for purposes of identification and should not be construed as expressing the views of the institutions. *Complete list of Names as of February 20, 1987 (by alphabetical order: original signatures on file)* (148 signers from 40 institutions)

* Reprinted with permission from co-organizers of the appeal, Professor Leo Ou-fan Lee of the University of Chicago and Professor Merle Goldman of Boston University.

APPENDIX 5
160 U.S. SCHOLARS IN APPEAL TO CHINA*
Letter to Envoy Asks Beijing to End Punitive Measures
Against Intellectuals

By Fox Butterfield
The New York Times, February 24, 1987, p. A7.

BOSTON, Feb. 23 — In an unusual move, a group of 160 senior American scholars have appealed to the Chinese Government to stop its crackdown on liberal intellectuals.

The scholars, in a letter sent today to the Chinese Ambassador in Washington, Han Xu, said they were “deeply concerned by the punitive measures adopted against some of China’s leading intellectuals in the sciences, social sciences and humanities.”

The authors of the letter, experts on China from 40 American colleges and universities, said they feared the campaign “will adversely effect China’s intellectual vitality” and might ultimately “undermine China’s effort toward modernization.”

The letter marks the first time American scholars have spoken out as a group about domestic politics in China. By contrast with American experts on the Soviet Union, who have often been critical of Moscow for human-rights abuses, China specialists have remained silent and sought to maintain good relations with Beijing.

‘We Tried to Be Neutral’

“In the past we tried to be neutral, objective scholars not passing judgment, even during the Cultural Revolution,” said Merle Goldman, a professor of Chinese history at Boston University who was one of the two organizers of the petition.

“But that was like the Holocaust,” she said. “We can’t remain silent again.” In the Cultural Revolution, from 1966 to roughly 1976, millions of Chinese, especially writers, artists and scholars, were attacked, beaten, shipped off to exile in the countryside or killed.

Mrs. Goldman said the signers of the letter might risk angering the Chinese government and lose their chance to do research in China,

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a highly coveted privilege after years in which China was closed to the outside world.

Among the prominent American scholars signing the letter was John K. Fairbank, professor emeritus of history at Harvard University, who is widely regarded as the father of modern Chinese studies in the United States. Others included Frederic Wakeman, professor of history at the University of California at Berkeley; Lucian Pye, professor of political science at the Massachusetts Institute of Technology, and Wm. Theodore DeBary, professor of East Asian civilization at Columbia University.

The letter was also signed by Chinese-American scholars, including Tu Wei-ming, a professor of history at Harvard; Victor Nee, a sociologist at Cornell University, and Leo Lee, a professor of Chinese language and East Asian civilization at the University of Chicago. Professor Lee was the other organizer of the petition.

In a separate effort, 21 China specialists at the University of Michigan, which was one of the largest China studies centers in the country, signed a statement that was read in Congressional testimony earlier this month expressing "concern" about the campaign in China.

Another open letter to Mr. Deng, expressing shock at "the severe criticism and punishment" of intellectuals, has been signed by mostly ethnic Chinese authors and scholars in the United States and Hong Kong, including Chen Ruoxi, who is perhaps the most important Chinese writer outside China.

The statement from Michigan, read by Kenneth Lieberthal, a professor of political science, said events since the ouster in January of Hu Yaobang, the General Secretary of the Communist Party, were "sadly reminiscent" of the beginning of the anti-rightist campaign of 1957 and the Cultural Revolution in 1966.

Mr. Lieberthal testified before the House Foreign Affairs Subcommittee on Asian and Pacific Affairs.

In a telephone interview, Mr. Lieberthal said, "People here felt it was not productive for American scholars to write directly to China telling them what policies to have."

But at the same time, he said, the scholars at Michigan, who have been heavily involved in intellectual exchanges with China, felt "it was not too early to voice our anxieties."

Opinions Vary on Crackdown

Among those who signed the Michigan statement was Michel Oksenberg, a professor of political science who was the China special-

ist on the National Security Council under President Carter and helped work out the normalization of relations between Washington and Beijing in 1978.

APPENDIX 6
CHINESE STUDENTS RESPOND*

The Wall Street Journal, Friday, January 23, 1987

[The following letter has been signed by 1,000 Chinese citizens who are studying in the U.S. More than 480 have allowed their names to be published in the U.S. Chinese-language press; the rest have requested anonymity. A copy of the document has been delivered to the Chinese government.]

We, the Chinese studying abroad (including government-sponsored and self-supporting students) are extremely concerned about the recent change of the political situation in China. We fail to understand why, after the calming down of the student demonstrations, the Party Central Committee took a series of severe measures to remove Hu Yaobang, the Party's secretary general, from his post and to adopt penalizing decisions against intellectuals such as Fang Lizhi, Liu Binyan, and Wang Ruowang. All these sudden changes cannot but cause our deep anxiety.

1. Hu Yaobang has made remarkable contributions in many areas since the downfall of the Gang of Four. He has supported the movement to liberalize people's ideas and thinking, helped redress the falsely and unjustly convicted cases left over during the past 30 years, played an important role in initiating the economic and political reforms, and contributed remarkably to the creation of the relaxed atmosphere in the fields of culture and ideology. We are shocked and deeply upset by his departure, which will greatly harm people's confidence in reforms and the four modernizations.

2. The punishment and criticism of Fang Lizhi, Liu Binyan and Wang Ruowang gives people, both at home and abroad, an impression that the historic tragedy is repeated in which intellectuals are attacked and liberal ideas are suppressed. It will destroy the confidence of the people, injure the reputation of the party and government in the minds of the people and interrupt the stability and consistency of China's policies. It will seriously tarnish the image of China in the world. In sum, it is neither conducive to unity and stability nor to the building of the system of democracy and the rule of law, even less so to the devel-

* Reprinted by permission of the organizer of the appeal.

opment of international economic cooperation and to the cause of the unification of China.

3. We see once again in the Party's newspaper the old practice of criticizing people in an unreasonable manner by quoting people's opinions and views out of context. We feel the "ultra-leftist" practice of labeling people arbitrarily and finding faults with others has redominated the areas of communication, culture and ideology. We are deeply concerned about the prospect of the economic and political reforms of China.

We fear the recurrence of the political situation of the Cultural Revolution in which ruthless struggle and merciless criticism were rampant. The recent development is diametrically opposed to the basic principles adopted by the Third Plenary of the Eleventh Party Congress and seriously violates the spirit of the constitutional rights such as the freedom of speech. If this continues, the economic and political reforms of China will be ruined.

On the nation's rise and fall, everyone shoulders a responsibility. We sincerely hope that the party and the government will persist in reforms, oppose retrogression, preserve the principle of the rule of law and avoid punishing people for voicing their opinions. A deep sense of mission for the future of our motherland has prompted us to write this letter to openly express our views to the party's Central Committee and State Council.

APPENDIX 7 OPEN APPEAL TO CHINESE LEADERS*

(Signed by 36 leading Chinese-American scholars and writers. English translation based on Chinese text published in *Chung Pao* (Centre Daily News), Feb. 3, 1987, p. 2; *The Nineties*, March, 1987, p. 96.)

We the undersigned scholars and writers of Chinese descent living abroad, are very concerned about the situation and developments on both sides of the Taiwan Straits. We have all been to the Chinese mainland. We have witnessed progress made by the Chinese Communists in economic and political reforms and we understand the inevitable difficulties and hindrances along the path of reform. We have endeavored, and will continue to endeavor, to promote exchanges between China and the outside world, especially between China and the United States.

However, after putting down the student demonstrations with reason and forbearance, the Chinese Communist leadership has taken severe measures against Liu Binyan and several others. These actions cannot but cause a great shock and deep anxiety among us. We have had wide contacts with intellectuals of mainland China, and we are deeply impressed with Liu Binyan's social conscience and sense of justice born of his strong love for his country and nation. We feel that the punishment of Liu Binyan and others will have the following serious consequences:

- 1) Dampen many overseas intellectuals' concern for and confidence in mainland China's future.
- 2) Damage the enlightened image of Chinese Communists on the international scene as a result of economic and political reforms in recent years.
- 3) Produce a strong negative effect on the future of Hong Kong after its return to China in 1997.
- 4) The Chinese Communist press has, in a sudden reversal of its liberal trends in recent years, once again begun to resort to provocative, ultra-leftist views reminiscent of the Cultural Revolution years, creating a frightening atmosphere for the intellectuals and threatening China's "stability and unity." Such an atmosphere can potentially provide the leftists at various levels with a pretext to punish the students who demonstrated in support of reform on trumped-up charges

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without the knowledge of the highest authorities, thus replaying the tragedy of the suppression of intellectuals.

We feel compelled to appeal to the Chinese Communist leadership: the punishment of Liu Binyan by the Chinese Communist authorities is harmful to China and unfair to Liu himself. In the eyes of the Chinese both at home and abroad, in the international literary circles, in the academic world as well as in journalism, Liu Binyan has become a symbol of China's enlightened policy and the voice for the people. We sincerely hope that in the interest of the future of the Chinese nation, the Chinese Communist authorities never do any harm to such a patriotic intellectual as Liu Binyan, risking further alienation of the people. We recognize that the expulsion of Liu Binyan and others from the Chinese Communist Party is an internal decision, a decision with which we as outsiders have no desire to interfere. But we do hope that the Chinese Communist Party authorities see fit to give Liu Binyan and others the opportunity to appeal the decision. We also hope that following their expulsion from the Party, they continue to enjoy full protection of their constitutionally-guaranteed rights as citizens of the People's Republic of China, such as the rights to personal freedom, work, and a decent livelihood.

APPENDIX 8 OPEN LETTER TO DENG XIAOPING*

(Singed by 32 writers and scholars in the United States and Hong Kong. English translation based on Chinese text published in *Chung Pao* (Centre Daily News), February 4, 1987, p. 2; *The Nineties*, March, 1987, p. 97.)

Dear Mr. Deng Xiaoping:

The undersigned writers and scholars are greatly shocked by and deeply concerned about the unfolding campaign in China to criticize such intellectuals as Liu Binyan, Fang Lizhi and Wang Ruowang.

In the time-honored intellectual tradition of love for one's nation and selfless devotion to the cause of humanity, Liu Binyan and others have through their powerful voice on behalf of the people earned wide respect and support both at home and abroad. Liu's work in particular has helped to enhance the hope for social progress in China and confidence in the current Chinese reforms in the international community.

The spirit in which Liu Binyan and others spoke out on issues is in complete accord with the "Double Hundred" policy reiterated by the Chinese Communist leadership and with the fundamental policy of "freedom to pursue creative writing" guaranteed at the Fourth Congress of Writers.

In view of the repeated Chinese Communist assurances to the world that "China will never again launch political campaigns," the recent "Anti-Bourgeois Liberalization" Campaign has caused deep concern in the intellectual circles around the world.

Based on our sympathy for fellow intellectuals, we strongly urge the Chinese Communist leadership to clearly guarantee Liu Binyan and others their fundamental human rights, personal freedoms and all the rights of a citizen under the law, particularly their right to write, to publish, to lecture outside the country, and to defend themselves before any forum.

The present political backslide of the Chinese Communists cannot but result in a loss of confidence of the people. We hope the Chinese Communist leadership will carefully weigh its action against its responsibility to history and to the Chinese nation. We ask it to conduct a self-scrutiny by heeding well-meaning advice, to immediately

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abandon the practice of scapegoating the intellectuals in political struggles, and to continue the policy of opening and reform.

We look forward to your positive reply to our letter.

APPENDIX 9
CHINA EXPELS TIMES REPORTER FOR ENTERING
RESTRICTED AREA*

The New York Times, July 23, 1986, pp. A1, A3.

The Peking bureau chief of The New York Times was expelled from China yesterday after being detained for nearly six days on suspicion of espionage.

The correspondent, John F. Burns, was placed aboard a plane of the Chinese state airline and flown to Hong Kong.

The official New China News Agency said he had been ousted from the country for "activities incompatible with his status as a journalist." It said he had been involved in "deliberately breaking into Chinese areas closed to aliens, thereby violating the law governing aliens' entry into and exit from the People's Republic of China."

In a statement issued in New York, Arthur Ochs Sulzberger, publisher of The Times, said, "We are grateful for the prompt resolution of the problem facing John Burns, though we regret his expulsion from China after so many years of distinguished reporting for The New York Times."

Accused of 'Act of Spying'

The Chinese authorities told A.M. Rosenthal, executive editor of The Times, that they considered Mr. Burns guilty of an "act of spying and intelligence gathering which will not be tolerated by any sovereign state."

Mr. Rosenthal, who arrived in Peking on Saturday with the newspaper's foreign editor, Warren Hoge, said of Mr. Burns: "I believe in his innocence of any espionage and intelligence gathering."

The Times editors were told by the Chinese authorities yesterday that Mr. Burns and an American traveling companion had broken into "a military restricted zone of our country" and had taken "numerous photographs of classified objects."

Mr. Burns's wife, Jane Scott-Long, and their two children, Jamie, 5, and Emily, 2, were allowed to remain behind in Peking to complete the family's preparations to leave China.

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Mr. Burns said the trip out of which the charges grew had been "a legitimate journalistic venture."

"This is not the kind of thing spies do," he told reporters after his arrival in Hong Kong. "I'm not a spy. I'm a journalist. If I had been a spy, I certainly would not have chosen to do anything as clumsy as this way to go about gathering information."

Until yesterday, Mr. Burns, who spent most of his incarceration incommunicado in a small cell, had not been accused of any offense. On Monday he was allowed to see his family, British and American Embassy officials and his editors.

Mr. Rosenthal voiced regret over Mr. Burns's expulsion, adding, "We'll soon be asking the Foreign Ministry to accredit another New York Times correspondent to China." He said he had been assured by the authorities that the newspaper would be allowed to replace Mr. Burns.

The case against Mr. Burns arose from a motorcycle tour of central China that began late last month. He was accompanied by Edward McNally, a lawyer on leave from the United States Justice Department to teach constitutional law at Peking University, and Zhang Daxing, who had recently returned to China after studying in the United States.

During their trip, the three were stopped by the police near the border of Shaanxi and Sichuan provinces and told they were in a restricted area. They were held for two days but were allowed to return to Peking after writing long "self-criticisms."

Mr. Burns, who said he had thought the matter had been resolved, was taken into custody for a second time on Thursday at the Peking airport as he and his family prepared to leave China on vacation. He was questioned at the airport for 15 hours, his home was searched and he was taken to a detention center early Friday morning.

Film from the trip was confiscated and Chinese officials told the Times editors yesterday that the materials would not be returned.

Mr. McNally had left China to attend to business in Hong Kong before Mr. Burns was detained. Mr. Zhang was reported to have been questioned for a day and ordered to write a second self-criticism. His whereabouts were not known.

Mr. Burns, who is 41 years old, was born in Britain and travels on a British passport. He became The Times's Peking bureau chief in 1984. He reported from China for The Globe and Mail of Toronto from 1971 to 1975, when he joined The Times. He has also served as The Times's bureau chief in Johannesburg and Moscow.

TEXT OF CHINA'S STATEMENT

The New York Times, July 24, 1986, p. A3.

Following is the text of a Chinese statement on the case of John F. Burns, the Peking bureau chief of The New York Times, who was expelled yesterday. The statement was read in Peking by Xu Hui, an official of the State Security Bureau, to A.M. Rosenthal, executive editor of The Times, and Warren Hoge, the newspapers foreign editor.

The Burns-McNally case is a grave one. They disregarded the laws of China, deliberately violating the law governing aliens entering into and exiting from the People's Republic of China. They broke into a military restricted zone of our country and took numerous photographs of classified objects.

Such demeanor obviously constitutes an act of spying and intelligence gathering which will not be tolerated by any sovereign state and needless to say is also a regrettable incident.

We attach great importance to friendly relations between China and the United States and are loath to see such a relationship impaired.

Since the beginning of the Burns and McNally case, while upholding the sovereignty of the law of China, we have acted with the utmost restraint and have sought earnestly to deal with the matter satisfactorily within the limits permitted by law and restricted to the least possible publicity.

It is out of such considerations that we did not investigate and affix criminal responsibility of the two persons through judicial procedures, which we could have done according to the nature of their offense.

Thus the penalization has been greatly mitigated. We hope this is taken notice of by the U.S. side.

We have made a decision to expel Burns from the territory of the People's Republic of China today.

We will only release a brief news item, without making public the details of the case.

We will adhere to this attitude unless we are faced with a difficult situation, in which case we will have to act against our will.

INDEX

A

- African Students Committee (Qinghua University), 91
- Agence-France Presse (AFP), 11, 14, 67, 72, 74, 101
- Agriculture production, 43
- AIDS, 58
- Amnesty International, 90, 97, 99 (see also "U.S. Chapter")
- Anhui province, 9, 13, 100
- Anti-Bourgeois Liberalization Campaign, 2, 5, 6, 11, 24, 26, 31, 33, 66, 74, 105, 112, 113; and the mass media, 66 (see also "Economic Crimes")
- Anti-Rightist Campaign, 11, 20, 28, 107
- Anti-Spiritual Pollution Campaign, 5, 11, 22, 25, 35, 105, 107 (see also "Economic Crimes")
- April Fifth Forum*, 98

B

- Bankruptcy, 51
- Basic Law (Hong Kong), 78, 79, 80, 84; Consultative Committee, 78; Drafting Committee, 78, 84
- Baylor College of Medicine, 16, 102
- Beijing, 2, 5, 88, 97, 108, 125; and African students 90, 91; and John Burns case, 67, 72; and Cultural Crackdown, 39; and foreign correspondents, 73, 75; and intellectuals, 19-21; and mass executions, 59-60; and political reform, 21; and self-rule in Hong Kong, 77-80, 82-85; and student demonstrations, 13-16, 101-103 (see also "People's Republic of China")
- Beijing Normal University, 14
- Beijing Radio, 88
- Beijing Review*, 99, 109
- Beijing Spring*, 11, 15
- Beijing University, 13, 14, 114, 136
- Bond Issue, 51
- Boston University, 125
- Bourgeois Liberalism, 15, 29, 100
- Britain, 22, 69 (see also "England" or "U.K.")
- British Dependent Territory Citizen, 81
- British Foreign Office, 77

Buddhism, 90
 Bureau of Theoretical Studies, 25
 Burns, John, 2, 62, 67, 69, 70, 74, 108, 135

C

Cadre School for Labor Reform, 52
 Carter, President Jimmy, 127
 Catholics, 90
 Central Academy for Cadres in Reform Through Labor and Education Through Labor, 53
 Central Party School, 21, 22
 Central People's Government (of the People's Republic of China), 79
 Che Shaoli, 16, 102
 Chen Ku-ying, 7
 Chen Mingyuan, 99
 Chen Ruoxi, 126
 Chen Xitong, 15
 Chen Yun, 50
 Chernobyl, 82, 88
 Children of God cult, 61
 Chile, 97
 Ch'in Dynasty, 27
 Ch'in Shih-huang, 27
 Chin, Larry, 63
China Daily, 28, 48
China Legal News (Zhongguo Fazhibao), 17, 53
China Spring, 17, 99
China Spring Digest, 113, 119
 "China's Siberia," 95
 Chinese Alliance for Democracy, 17
 Chinese Communist Party, 1, 14, 16, 30, 31, 43, 46, 49, 55, 57, 61, 63, 77, 96, 98, 100, 106, 132; purge of, 57; recruiting minorities, 87
 Chinese Consulate (Houston), 102
 Chinese Embassy (Washington), 102, 123
 Chinese National Academy of Social Sciences, 21, 23, 25, 35
 Chinese Students Association, 91
 Chinese University of Hong Kong, 84
 Chongqing University, 75
Christian Science Monitor, 21, 59, 68
 Christianity, 90
Chung Pao (Centre Daily News), 131, 133
 Civil Code, 51

Columbia University, 126
 Commission on Party Discipline, 47
 Committee for State Security see "KGB"
 Common Program, 11
 Congress of Writers, see "Writers' Congress"
 Constitution (Chinese), 11, 25, 60, 79, 87, 111
 Cornell University, 126
 Corruption, 46-47, 49, 52-53
 Counterrevolutionary, 10, 27-28, 47, 55, 96, 98, 102
 Cultural Revolution, 9, 20, 21, 22, 38, 48, 49, 53, 57, 89, 91, 105, 106, 120; and intellectuals, 121, 122, 125, 130, 131; "reversal of verdicts" on victims of 55-56; and student demonstrations, 10-15
 Czechoslovakia, 97

D

Dalai Lama, 89
 Daniloff, Nick, 2, 70-72, 108
 Daoism, 90
 De Bary, Wm. Theodore, 126
 "Democracy Wall," 9, 98
 Deng Liqun, 22
 Deng Xiaoping, 5, 7, 9, 10, 12, 20-22, 30, 37, 39, 49, 56, 87, 95, 97, 99, 105, 107, 133; change of position on reform, 2, 84; on class characteristics, 30; comparison with Mao, 101; and economic reform, 43; and intellectuals, 6, 32, 34, 100, 126; and policies against crime, 59; on political reform, 6, 50; and student demonstrations, 5, 13, 102; on Wei Jingsheng, 98, 108
 Deng Youmei, 39
 Diaoyutai (guesthouse), 14
 "Double Hundred," 6, 19, 24, 26, 29, 31, 133

E

East Berlin, 113
 East Germany, 113
 Economic and Political Reform, 28, 49-53
 Economic Crimes, 45-47
 Economic Indicators, 43
 Economic Planning, 49, 52
 Economic Reform, 43, 51
 Education Commission, see "State Education Commission"
 Education Ministry, 91
 Education Through Labor, 48, 53 (see also "Reform Through Labor")

Elizabeth, Queen, 71
England, 101 (see also "Britain" and "U.K.")
Evans, Sir Richard, 71
Exchange Rate, 44
Executive Council (Hong Kong), 79

F

Fairbank, John King, 126
Fang Lizhi, 13, 32, 34, 100-101, 113, 119, 129, 133
Farmers Income, 45-46
FBI (Federal Bureau of Investigation), 63
Fei Ming, 96
Feng Shengbao, 21
Filipino, 13, 81
Five Antis Campaign, 60
"forbidden zones," (*jingu*), 26
Foreign Language Institute (Beijing), 91
Four Cardinal Principles, 12
France, 22, 96
Freedom of Press, see "Press Freedom"
Friends of the Earth, 82
Fujian province, 25

G-H

"Gang of Four," 38, 57, 129
GDP (gross domestic product), 43
GNP (gross national product), 43
Goldman, Merle, 125
Guangming Ribao (Guangming Daily), 20, 21
Han Chinese, 87, 88
Han Xu, 103, 123, 125
Harvard University, 126
He Dongchang, 14, 103
Hefei, 9, 13, 100
Helms, Senator Jesse, 102
Henmi, Shuitsu, 73
Hoge, Warren, 71, 135
Hong Kong, 19, 21, 77, 78, 79, 80, 81, 82, 83, 84, 85
Hong Kong Federation of Students, 83
Hong Kong Shanghai Bank, 80
Hong Kong Special Administrative Region, 80
Hongqi (Red Flag), 15

“*Hou she*” (throat and tongue), 65, 66
 Houston, 16, 102
 Hu Qiaomu, 25
 Hu Qili, 7, 28, 29, 37
 Hu Yaobang, 2, 16, 17, 22, 28, 29, 47, 50, 56, 65, 66, 77, 83, 98, 105,
 126, 129
 Hua Guofeng, 9
 Hubei province, 58
 Hundred Flowers Campaign, 11, 20, 31, 107

I-K

Income Differentials, see “Income Distribution”
 Income Distribution, 45, 46, 47
 Indian, 81
 Indiana, 102
 Industrial and Agricultural Production, 43
 Industrial Production, 43
 Institute of Marxism, Leninism and Mao Zedong Thought, 23, 35
 Institute of Political Science, 21
 International Covenant of Human Rights, 82
 Islam, 90
 Japan, 73, 83, 113
 Ji Pengfei, 78, 79
 Jia Lin, 31
 Jiang Qing, 38, 91
 Jiangsu province, 13
Jiannan Literature, 17
 Jiaotong University, 119
 Jinan, 13
Jingji Ribao (Economic Daily), 50
 Johannesburg, 136
 Joint Ventures, 51
Kaituo (Pioneer), 30
 KGB, 62, 68
 Kremlin, 70, 72
 Kunming, 9
 Kuomintang, 14
 Kyodo News Service, 73

L

Labor Mobility, 48-49
 Lao, Roland, 62

Lee, Allen, 79
Lee, Leo Ou-fan, 126
Legislative Council (Hong Kong), 77, 79, 82, 83
Lenin, 28, 30, 49, 114
Li Honglin, 25
Li Hou, 79
Li Jianxun, 31
Li Peng, 49
Li Xiannian, 61
Liberation Daily, 61
Lieberthal, Kenneth, 126
Lin Jie, 72
Liu Binyan, 30, 32, 34, 129, 131, 132, 133
Liu De, 17
Liu Xinwu, 32
Liu Yunfeng, 60
“Live Aid Famine Relief” rock concert, 39
London, 77
Lord, Ambassador Winston, 71
Lu Di, 101-102
Lu Dingyi, 20
Lu Ping, 79
Lugar, Senator Richard, 102

M

Macao, 84, 85
MacDonald, Lawrence, 67, 72, 74
Mao Zedong, 6, 9, 19, 22, 34, 43, 49, 55, 99, 101, 114
Marcos, Ferdinand, 13
Marx, Karl, 28, 49, 113
Marxism, 22, 23, 31, 32, 100, 109, 110, 114, 119
Marxism-Leninism, 31, 107, 114
Marxism-Leninism-Maoism, 106
Massachusetts Institute of Technology, 126
McNally, Edward, 67, 136
Media and Publication Office, 67
Melnikova-Eichenvold, Sonia, 72
Military Commission (of Chinese Communist Party), 79, 91
Ming Pao (Citizen’s Journal), 19
Ministry of Cultural Affairs, 38
Ministry of Justice, 99
Ministry of Public Security, 62, 74, 97

Ministry of State Security, 62, 68, 95, 102
Montesquieu, 27
Moscow, 70, 71, 72, 125, 136
Moynihan, Senator Daniel, 70
Mu Ren, 97

N

Nanjing, 13
Nankai University, 13
National Academy of Fine Arts, 97
National Bureau of Publication, 30
National People's Congress, 51, 55, 78, 79, 105
National Security Bureau, see "State Security Bureau"
Nationalist Chinese Government, 83
Nee, Victor, 126
Net National Product, 43
New China News Agency (Xinhua), 10, 13, 14, 32, 37, 72, 77, 83, 135
New York, 17, 71, 135
New York Times, 62, 67, 69, 71, 135
New York Times Magazine, 69
Newsweek, 95
Ni Yuxian, 30
Nineties, 131, 133
Nixon, President Richard, 22
North Carolina, 102
North Korea, 20

O-P-Q

Office of Hong Kong and Macao Affairs, 78, 79
Oksenberg, Michel, 126
Ownership, 51, 53
Party Central, 65
Party Central Committee: (11th), Third Plenum, 109, 111, 130;
(12th), 20, 34, 66, 92, 100, 107, 109, 111, 129, 130; Sixth Plenum
of, 5, 6, 24, 29, 109
Party Propaganda Department, 25, 66
Party Secretariat, 7, 29, 37, 91
Peking, see "Beijing"
Peking University, see "Beijing University"
Peng Zhen, 34, 49, 50, 51, 52
People's Daily, see "*Renmin Ribao*:"
People's Liberation Army (PLA), 84

- People's Literature*, 32, 33
 People's Republic of China, 1, 2, 17, 37, 52, 54, 57, 65, 91, 98, 105, 108, 132, 135; arrests of students, 101, 103; birth control policies, 91-93; comparison of Burns and Daniloff cases, 70-72; different economic concepts, 43-45; human rights of the poor, 45; increased intelligence efforts, 62-63; no basic reform, 106-107; political prisoners in, 95
 People's Supreme Court, 48
 Philippines, 13
 Playwrights' Association, 35
 Poland, 56
 Politburo (of Chinese Communist Party), 91
 Portuguese, 81
 Poverty Line, 45
 Press Freedom, 11, 16, 29-30, 37, 50, 65-67, 68, 72, 73-75, 82-83
 Princeton University, 25
 Progressive Hong Kong Society Party, 79
 Property Rights, see "Ownership"
 Pye, Lucian, 126
 Qinghai province, 59, 89, 95

R-S

- "Radical Leftists", 2
 Reagan, President Ronald, 75
 Reagan Administration, 70
 Red Guards, 9, 10
 Reform Through Labor, 19, 47, 48, 53-54, 57
 Religious Affairs Bureau, 89
Renmin Ribao (People's Daily), 12, 15, 20, 22, 23, 24, 26, 27, 30, 33, 35, 37, 46, 48, 99, 100
 Residence, 48
 Rosenthal, A. M., 71, 135
 Ruan Congwu, 62
 Rui Xingwen, 33
 San Francisco, 97
 Second International, 115
 Service Trade, 43, 44, 46
 Shanxi province, 67, 69
 Shangdong province, 13
 Shanghai, 9, 11, 13, 14, 16, 19, 33, 39, 40, 51, 61, 75, 88, 102, 113; Municipal (Party) Committee, 61; Public Security Bureau, 103
 Shenyang, 51

Shultz, George, 103
Sichuan province, 75
Sino-British Agreement, see "Sino-U.K. Joint Declaration on Hong Kong"
Sino-Portuguese Agreement, 84
Sino-U.K. Joint Declaration on Hong Kong, 77, 78, 80
Sino-Vietnam War, 96
Socialist Democrat Party (Sweden), 114
South Africa, 16, 97
South Korea, 14, 97
Soviet Union, 2, 68, 71, 72, 97, 106, 108, 125
Stalin, Joseph, 22, 114
Stanford University, 17
State Council, 67, 79, 130
State Education Commission, 14, 91, 103
State Security Bureau, 68, 69, 72, 137
State Security Ministry, see "Ministry of State Security"
Statistical Bureau, 45
Sterba, James P., 73-74
Stocks, see "Bond Issue"
Su, Shaozhi, 23, 35
Su, Shuangbi, 20
Sulzberger, Arthur Ochs, 71, 135
Superior People's Court (Beijing), 60
Suppression of Counterrevolutionaries, 11
Sweden, 114, 115
Switzerland, 61

T

Ta Kung Pao (Dagong Daily), 21
Taiwan, 7, 14, 83
Taiwan Strait, 131
Takeshita, Noboru, 34
Tam, Maria, 79
Tan Jian, 26
Tan Yin Shan ("Visit to Ghost Mountain," Chinese opera), 38
Taylor, Charles, 74
Teng Teng, 66
Terrill, Ross, 75
Texas, 16, 95, 102
Tianjin, 13
Tianjin Normal College, 31

Tianjin University, 72, 74, 90
Tibet, 87, 88, 89
Tibetans, 89
Tongji University, 12, 113
Toronto Globe and Mail, 74, 136
Tu Wei-Ming, 126

U-V

Uighurs, 88
U.K., 77 (see also "England" or "Britain")
Unemployment, 48
Union of Soviet Socialist Republic, see "Soviet Union," "Kremlin"
United Nations, 92, 95
United Nations Fund for Populations Activities, 92
United Press International (UPI), 14, 48
United States, 4, 15, 16, 17, 22, 62, 69, 70, 71, 72, 74, 99, 101, 102, 103, 108, 126, 131
University of Science and Technology (People's Republic of China), 9, 13, 32, 100
U.S. Chapter, Amnesty International, 97
U.S. Congress, 102
U.S. Court of Appeals (Washington, D.C.), 92
U.S. House of Representatives, 92, 103; Committee on Foreign Affairs, 92; Subcommittee on Human Rights and International Relations, 103
U.S. Justice Department, 67, 136
U.S. News and World Report, 70
U.S. Senate Foreign Relations Committee, 102
U.S. State Department, 70, 102
U.S. University: Arizona, 16, 102; California at Berkeley, 126; Chicago, 126; Massachusetts Institute of Technology, 126; Michigan, 126
University of Science and Technology (People's Republic of China), 9, 13, 32., 100
Vatican, 90
Voice of America, 15, 75

W

Wakeman, Frederic, 126
Wall Street Journal, 73, 75, 129
Wan Li, 7, 13
"Wan Yuan Hu", 46

Wang Bingzhang, 17, 99, 100
Wang Meng, 33, 39
Wang Minguang, 10
Wang Ruoshui, 24-25, 35
Wang Ruowang, 32, 34, 129, 133
Washington, 70, 71, 108, 123
Washington Post, 122
Watergate, 22
Wei Jingsheng, 12, 24, 96-98, 108
Wei Lingling, 97
Wei Shanshan, 97
Wen Hui Bao (Wenhui Daily), 26
West Berlin, 113
Wilson, David, 84
World Bank, 45
Writers' Association, 39
Writers' Congress, 29, 37, 133
Wu Peng Ji ("The Story of Black Pot," Chinese Opera), 38
Wu Zhuguang, 35
Wuhan, 101
Wuhan Conservatory, 101

X-Z

Xinhua, see "New China News Agency"
Xinjiang, 88
Xinjiang Autonomous Region, 88
Xu Hui, 137
Xu Jiatun, 77
Xu Wenli, 98-99
Yan Jiaqi, 21-22
Yanan, 34
Yang Wei, 16, 102-103
Yatron, Congressman Gus, 103
Ying Ruocheng, 38
Yu Zemin, 61
Yu Zhensan, 62
Yunnan University, 9
Zakharov, Gennadi F., 70
Zhang Daxing, 67, 70, 136
Zhang Xing, 39-40
Zhao Ziyang, 33,, 35, 102, 105
Zhongnanhai, 14

Zhu De, 61

Zhu Houze, 21, 23

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