

Big Character Posters in China: A Historical Survey

HUA SHENG*

During the past fifty years, the writing of big character posters (*dazibao*)¹ has emerged as a principle form of political expression in the People's Republic of China (PRC). *Dazibao* have accompanied nearly every major political movement in the PRC. In China, where the state exercises a complete monopoly over the means of communication, *dazibao* have proven particularly significant because of their impact on the PRC's political leadership. In a society that prizes reputations, outward appearances, and conformance with social norms, *dazibao* create a public spectacle, the very existence of which implies that the leadership has failed and that the community is disaffected.² Moreover, *dazibao* reach a relatively wide audience at minimum cost and provide some anonymity for the writer. Because of these unique characteristics *dazibao* represent one of the few effective vestiges of free speech that may be used to voice political dissent in China.

This historical survey explores the development and significance

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1. *Dazibao*, literally "big character posters," are a form of speech unique to China. They are created by writing large characters on pieces of paper or old newspaper and then pasting the paper up in public areas. No special skill or equipment is required. *Dazibao* are used to communicate a broad range of ideas in a variety of forms including essays, news reports, poems, cartoons, slogans, and even novels.

2. As one commentator wrote:

The force of social approval or disapproval as a means of securing conformity to social norms, which is strong in any small community, was greatly strengthened in China by the universal preoccupation with consideration of "face." This may be thought of as a constant concern to stand well in the opinions of others and in one's own opinion of oneself by giving in all one's social roles the best performance of which one was capable (best, that is, according to social norms and values). It was as if the individual were acting on a stage and being awarded marks for his performance which would depend both on the performance itself and its reception by the spectators, always with reference to what the role allowed and demanded and to the player's resources . . . This desire to think of oneself, and to be thought of by others, as behaving well was a powerful factor in enforcing social norms.

S. VAN DER SPRENKEL, *LEGAL INSTITUTIONS IN MANCHU CHINA: A SOCIOLOGICAL ANALYSIS* 99 (1966).

of dazibao in modern China. Part I traces the history of dazibao from their pre-1949 beginnings to 1976, at which time the right to post dazibao was explicitly enshrined in the PRC Constitution. Dazibao had first appeared as spontaneous expressions of political dissent. During this period, however, Mao Zedong and other leaders of the Chinese Communist Party (Party) co-opted the use of dazibao, transforming them into a means for both promoting the official Party line and attacking the Party's political rivals. Thus, while dazibao offered ordinary Chinese an avenue to express political views, through the actions of Mao and others in the Party leadership, dazibao also facilitated many of the destructive political movements that plagued China at the time. Part II describes the history of dazibao from the Cultural Revolution to the present, with particular focus on the 1978-79 Democracy Wall Movement. During this period, Deng Xiaoping and the Party leadership initially tolerated the writing of dazibao but later outlawed them when messages critical of the government became widespread and when Deng no longer needed dazibao to attack his rivals. Part III analyzes the Chinese leadership's justifications for repressing dazibao writing and free speech generally.

Though dazibao represent a highly complex socio-political phenomenon, several overall themes emerge from this historical survey. First and most important, the story of dazibao symbolizes the struggle of the Chinese people for free speech. Dazibao also reflect the Party's continuing effort to suppress dissent using outwardly legitimate means such as the PRC Constitution and laws promulgated by the National People's Congress (NPC). Last, the endurance of dazibao reveals the contradiction inherent in the leadership's repressive policies; that which attempts to quiet dissenting voices serves only to legitimize and empower them.

I. THE HISTORY OF DAZIBAO TO 1976

A. *The First Dazibao: Beginnings of Dissent*

On March 23, 1942, young Chinese Communist revolutionaries gathered excitedly at the wall of a building in Yan'an, China, the base of the Red Army during most of the Anti-Japanese War and the Chinese Civil War. The cause for their excitement was an essay written in large characters and pasted there by Wang Shiwei, a 36-year-old pro-Communist scholar. Wang's dazibao, entitled "Two Reflections," criticized Party leaders for their arbitrary and repressive treatment of political dissent.³ The following week, others put up similar

3. Dai Qing, *Wang Shiwei He Ye Baihe Hua*, WENHUI YUEKAN, May 1988, at 22.

dazibao criticizing the Party. These events sparked intense debate among the Party leadership, who ultimately decided to punish Wang and his supporters for their actions. Most were forced to write "self-criticisms," and some were imprisoned. Party authorities arrested Wang as a spy and a "Trotskyist" and later beheaded him in the spring of 1947.⁴

Despite Wang's unfortunate fate, the appearance of his essay in dazibao form proved to be a watershed event. Traditionally, posters written with large-size characters had been used for business advertising or public notices (*haibao*) or for publicizing good news (*jiebao*), but rarely had they been used to publicize political opinions.⁵ Wang's dazibao marked the birth of a form of political dissent that was to become ubiquitous in China. Even Chairman Mao recognized the power of Wang's action, stating years later: "We were defeated by him. We acknowledged our defeat and worked hard at rectification."⁶ In fact, Mao appeared to regret not having used dazibao for the Party's own advantage in Yan'an: "We did not advocate the use of [dazibao]. Why? Perhaps we were a bit foolish then."⁷

The Party's reaction to Wang's dazibao was also significant for other reasons. For one thing, the brutal reprisal Wang and the others suffered foretold the Party's unwillingness to tolerate political dissent. At the same time, the appeal of Wang and others to the Yan'an community reflected their view that the Party remained accountable to the people and subject to their scrutiny and judgment. This perhaps naive assumption arose from the Party's own claim that it represented the interests of average people in the struggle against the ruling class.

B. Dazibao and the Hundred Flowers Movement: Beginnings of Official Manipulation

The first large-scale use of dazibao occurred in 1957 during the "Hundred Flowers Movement."⁸ Promising to "let one hundred flowers bloom and one hundred schools of thought contend," Mao invited intellectuals to express their views freely to help expose "bureaucratism, sectarianism and subjectivism."⁹ Relying on Mao's

4. *Id.*

5. See LIU SHENGCHI, BEIJING ZHI CHUN 10 (1985).

6. 7 SUPPLEMENTS TO COLLECTED WRITINGS OF MAO TSE-TUNG 287 (T. Minoru ed. 1983).

7. Address by Mao Zedong, Supreme State Conference (Oct. 13, 1957), *reprinted in* 1 MAO TSE-TUNG SSU-HSIANG WAN SUI 127 (Chung-hua Min-kuo Kuo-chi Kuan-hsi Yen-chiu-so ed. 1974) [hereinafter WAN SUI].

8. This movement subsequently became known as the "Anti-Rightist Movement."

9. See Guangming Ribao, Apr. 27, 1957, at 1. See also ASSOCIATED PRESS, CHINA: FROM THE LONG MARCH TO TIAN'ANMEN SQUARE 79 (1990).

apparent liberalism, university students and professors began to write dazibao critical of the government. The *Wenhui Ribao* reported that the first "critical dazibao" appeared on May 19, 1957, and was followed by five hundred more during the next three days.¹⁰ According to another report:

The dazibao written by Beijing University students were in diverse forms. They were a real feast for the eyes. They included lengthy formal theses, sarcastic essays, poems, cartoons, and traditional Chinese novels. After some posters were put up, many more followed to support or oppose views expressed in previous ones, resulting in lively debates among the students. Students even wrote invitations on some posters challenging the author to a face-to-face debate.¹¹

Mao's call for frank expression encouraged people to air long-held grievances, such as those relating to the post-1949 land expropriation program. An estimated 1.5 million people had been executed during that time, while many others had been ordered to undergo "re-education."¹²

Whether or not Mao's invitation to speak out was genuine, the ferocity of criticism expressed in the posters apparently went beyond what he had expected. In June, 1957, Mao retracted his call for free expression and began to speak out against "rightist" elements whom he claimed had tried to sabotage the socialist revolution. At first, it was not clear who these rightists were, but they were soon identified as the intellectuals who had expressed dissent during the Hundred Flowers Movement. Thousands were subsequently removed from their work units and banished to the countryside for re-education.¹³ Following the crackdown, dazibao critical of Mao and the Party vanished.

Having "lured the snakes out of the hole" and "exposed the demons and monsters," Mao began to encourage the writing of dazibao to show support for his regime and to attack his critics. According to Mao:

Dazibao are something wonderful. In my opinion, they should become part of our heritage . . . The more dazibao,

10. Liu Guanghua, *Beijing Daxue "Minzhu Qiang"*, *Wenhui Ribao*, May 26, 1957, at 2.

11. *Beijing Daxue Xuesheng Kaipi "Minzhu Qiang"*, *Guangming Ribao*, May 26, 1957, at 2.

12. W.S. MORTON, CHINA: ITS HISTORY AND CULTURE 207-08 (1982).

13. ASSOCIATED PRESS, *supra* note 9, at 80.

the better . . . Like language, dazibao are "classless" . . . They can be used by either the proletariat or the bourgeoisie. Because most of them are on the side of the proletariat, dazibao are instruments favorable to the proletariat and not the bourgeoisie.¹⁴

Mao later reiterated this view, stating: "We have found new forms of rectification: speaking out fully, airing views freely, writing dazibao and holding great debates."¹⁵ These new forms of expression later became known as the "Four Great Freedoms" (*daming*, *dafang*, *dazibao*, and *dabianlun*).¹⁶

With Mao's encouragement, dazibao writing soon flourished in every major city. In Shanghai, for example, one work unit with 32,000 employees wrote some 40,000 dazibao in August 1957;¹⁷ six middle schools together produced 318,617 dazibao the following month.¹⁸ In Tianjin, residents wrote 300,000 dazibao in a period of twenty days.¹⁹ On September 26, 1957, 72 leading members of the Party's Central Committee, including Zhou Enlai and Liu Shaoqi, visited factories in Beijing to view dazibao the workers had written.²⁰

Mao and the Party leadership promoted dazibao for several apparent reasons. First, dazibao held symbolic value as a form of free expression. By encouraging citizens to write dazibao, Mao and the leadership could be seen as granting the people a freedom they desired, thereby earning popular support for the Party. At the same time, by prohibiting dazibao which voiced dissent, the leadership acted to contain the power of dazibao. Such censorship resulted in a homogeneity in the opinions expressed in dazibao, creating the appearance of unanimous support for Mao and the Party. What was for Wang Shiwei a spontaneous expression of dissent had now become a form of propaganda. Yet the leadership's victory remained incomplete. By attempting to manipulate the use of dazibao, the leadership had acknowledged the value of dazibao as a means to influence popular opinion—a tool that could be used as easily by the opposition. A precedent had therefore been set: in the future, dazibao would be read

14. Address by Mao Zedong, Shanghai Conference (July 8, 1957), *reprinted in* 1 WAN SUI, *supra* note 7, at 124.

15. Address by Mao Zedong, Supreme State Conference (Oct. 13, 1957), *supra* note 7.

16. *Id.*

17. Wenhui Ribao, Sept. 1, 1957, at 2.

18. Wenhui Ribao, Sept. 28, 1957, at 1.

19. Guangming Ribao, Sept. 24, 1957, at 1.

20. AMERICAN CONSULATE GENERAL HONG KONG, SURVEY OF CHINA MAINLAND PRESS 1621 (Oct. 1957).

not only for understanding the official Party line but also for evidence of subversive threats and power insurgencies.

C. *Dazibao and the Cultural Revolution: The Defense of Mao*

In 1966, Mao turned to dazibao to help initiate the infamous Great Proletarian Cultural Revolution (Cultural Revolution).²¹ Although Mao's precise motivations for starting the Cultural Revolution remain unclear, he appeared to seek both to regain people's confidence in the Party and its leadership following the failure of the 1958 Great Leap Forward as well as to attack political rivals such as Liu Shaoqi.²² Among other things, Mao promoted what he called the "spirit of revolt" (*zaofan jingshen*), meaning that the masses should expose and revolt against the "capitalist roaders" within the Party.²³

Suspicious of the mass media, which he believed to be under Liu's control, Mao viewed dazibao as a channel of direct communication to the masses. Dazibao were also a convenient means to arouse antagonism between Liu and the Red Guards. When Liu attempted to halt the writing of dazibao on university campuses, Mao attacked him in a famous dazibao posted at Zhongnanhai, the Party headquarters. In the dazibao entitled "Bomb the Headquarters—My First Dazibao," Mao alluded to Liu and his supporters by sharply condemning "leading comrades" for their "ruthless crackdown on the masses."²⁴ He further warned: "Whoever cracks down on the student movement will meet an unfortunate end."²⁵ The dazibao also praised Nie Yuanzi, a radical at Beijing University who had written a controversial dazibao attacking the university president for suppressing student activities.²⁶ According to Mao's Zhongnanhai dazibao, Nie's was the nation's "first Marxist-Leninist dazibao."²⁷

Under Mao's direction, the Party then officially sanctioned the writing of dazibao. The "Decision of the Eleventh Plenum on the

21. For general accounts of the Cultural Revolution, see J. GRAY, *REBELLIONS AND REVOLUTIONS: CHINA FROM THE 1800S TO THE 1980S* (1990); E. HOYT, *THE RISE OF THE CHINESE REPUBLIC: FROM THE LAST EMPEROR TO DENG XIAOPING* (1989); O. SCHELL, *DISCOS AND DEMOCRACY: CHINA IN THE THROES OF REFORM* (1988); TANG TSOU, *THE CULTURAL REVOLUTION AND POST-MAO REFORMS: A HISTORICAL PERSPECTIVE* (1986); C. DIETRICH, *PEOPLE'S CHINA: A BRIEF HISTORY* (1986); D. BLOODWORTH, *THE MESSIAH AND THE MANDARINS: THE PARADOX OF MAO'S CHINA* (1982); W.S. MORTON, *supra* note 12.

22. Liu Shaoqi was the president of the PRC at the time. See J. GRAY, *supra* note 21, at 335.

23. See ASSOCIATED PRESS, *supra* note 9, at 106-13.

24. 2 WAN SUI, *supra* note 7, at 36.

25. *Id.*

26. ASSOCIATED PRESS, *supra* note 9, at 105.

27. *Id.*

Cultural Revolution," passed by the Party's Central Committee on August 8, 1966, stated:

Large numbers of revolutionary youth, hitherto unknown, have become brave vanguards. They have energy and wisdom. Using *dazibao* and debates, they are airing their views and opinions in a big way, [and] exposing and criticizing in a big way, launching attacks against those open and covert members of the bourgeoisie . . . Full use must be made of means such as *dazibao* and large-scale debates to air views and opinions, help elucidate correct viewpoints from the masses, criticize erroneous opinions and uncover all demons and monsters.²⁸

Within weeks of the Party's call, the proliferation of *dazibao* had reached its climax. In Beijing, 300,000 large pieces of paper, more than thirty times the normal monthly consumption, were being sold each month, just to meet the demand for *dazibao* writing.²⁹ More than 1,000 *jin* (approximately 1,100 pounds) of flour was used each day to make glue for pasting up *dazibao*.³⁰ People began using old newspapers as paper shortages developed and mud as a substitute for glue.³¹ Mao thus gained what he appeared to desire from *dazibao*—not the free expression of ideas different from his own, but the echo of his own voice reverberating across the country.

During the 1970s, Mao again used *dazibao* to attack his political opponents. For a time, the writing of *dazibao* had decreased due to the fear of some Party leaders that *dazibao* would mark a return to the "anarchy" of 1966. In 1974, however, Mao officially revived the use of *dazibao* to launch the campaign to "Criticize Confucius, Criticize Lin Biao." This campaign was in reality Mao's attempt to destroy his critics within the Party and the military. In April of that year, he said: "the masses should be allowed to write *dazibao* . . . It is not permissible to restrain the masses from writing them."³² One month later, he reiterated this view, stating:

I do not find anything wrong with putting up *dazibao* on the streets. Foreigners want to read them, and the Chinese people want to read them even more. When the masses have complaints, they should be allowed to take them out. The

28. 3 THE PEOPLE'S REPUBLIC OF CHINA 1949-1979: A DOCUMENTARY SURVEY 1565-66 (H. Hinton ed. 1980) [hereinafter PRC SURVEY].

29. LIU SHENGCHI, *supra* note 5, at 11-12.

30. *Id.*

31. *Id.*

32. H. MARTIN, MAO ZEDONG TEXTE 744 (1982).

walls can simply be washed afterward.³³

Mao's endorsement of dazibao was officially adopted as Document No. 18 of the Party's Central Committee.

Encouraged by Mao's statement, three young men, under the pen name "Li Yizhe," wrote one of China's longest and most famous dazibao. The dazibao, entitled "On Socialist Democracy and the Legal System," contained some twenty thousand words and was written out on sixty four large sheets of paper. In some respects, the dazibao sounded supportive of Mao and the Cultural Revolution. Placing blame on Lin Biao, the writers argued that the Cultural Revolution had tried but failed to eradicate from the Party those who wished to seize power and to secure special privileges. Capitalism and class oppression, the writers continued, had been reconstructed under the guise of socialism. At the same time, the Li Yizhe poster asserted that democracy and human rights were necessary to rescue China: "The people are not simpletons . . . [They attack] those who have developed a vested interest in the system. What they are demanding is democracy, a socialist legal system, revolutionary rights and human rights."³⁴ Commenting on governmental control of dazibao, it stated:

After eight years of Cultural Revolution, we are pleased to see that Document No. 18 recognizes the people's absolute and unconditional right to post dazibao. But if Chairman Mao did not grant his approval, no one would recognize this right. Does this not indicate something more complex?³⁵

Ironically, Document No. 18 did not insulate the authors of the Li Yizhe dazibao from punishment, as they were later imprisoned along with a number of other dazibao writers.³⁶ Yet the appearance

33. *Id.*

34. J. GRAY, *supra* note 21, at 372.

35. Li, *Guanyu Shehui Zhuyi De Minzhu Yu Fazhi*, CHAN WANG (Hong Kong), Dec. 1, 1975, at 12.

36. *Id.* at 15. Punishment was meted out according to the content of an individual's dazibao. Article 2 of "On Police Measures Against Counter-Revolutionaries," January 13, 1967, provided: "It is an active counter-revolutionary deed to send counter-revolutionary anonymous letters, to post or distribute secretly or openly counter-revolutionary handbills, to write or shout reactionary slogans, or attack or vilify the great leader Chairman Mao and his close comrade-in-arms Lin Biao. Such deeds should be punished according to law." 3 PRC SURVEY, *supra* note 28, at 1778.

Pursuant to article 2, thousands of dazibao writers were persecuted for "blasphemy," which included writing dazibao on newspapers on which were printed portraits or citing Mao's words incorrectly. Ironically, the authorities punished dazibao writers both critical as well as supportive of Mao. Pro-Mao Nie Yuanzi was imprisoned. So was one Yu Luohe, one of the few anti-Mao dazibao writers. Yu's dazibao, entitled "On Family Background," criticized the theory that people's political beliefs were the product of their blood relationships—that is, the

of the Li Yizhe dazibao remained a significant event for it signaled that the days of young people blindly worshipping Mao were coming to an end. And unlike the fanatical, accusatory dazibao prevalent during the Cultural Revolution, the Li Yizhe poster rationally assessed the government's failure to deliver on its promises of a political system embodying the interests of the people. The Li Yizhe dazibao thus demonstrated that dazibao were more than a form of propaganda that could be easily exploited by the government. Rather, dazibao were shown to be effective as a vehicle for the coherent communication of political ideas and the free expression by the masses of what they considered to be in their best interest. This aspect of dazibao later made an even more dramatic appearance during the Democracy Wall Movement.

D. Mao's Triumph: Constitutional Recognition of Dazibao

Despite the appearance of the Li Yizhe dazibao, Mao retained nearly full control over the use of dazibao by the mid-1970s. His confidence was reflected in his approval of the 1975 Constitution, which explicitly recognized the right to put up dazibao as one of the "Four Great Freedoms."³⁷ Article 13 of the Constitution reads:

Speaking out freely, airing views fully, holding great debates and writing dazibao are new forms of carrying on socialist revolution created by the masses. The State shall ensure to the masses the right to use these forms to create a political situation in which there is both centralism and democracy, both discipline and freedom, both unity of will and personal ease of mind and liveliness, and so help consolidate the leadership of the Communist Party of China over the state and consolidate the dictatorship of the proletariat.³⁸

The constitutional sanction of dazibao contained in Article 13 was clearly not meant to create or guarantee individual rights of free expression. To the contrary, given the language that dazibao were to "help consolidate the leadership of the Communist Party," the Party could always prohibit dazibao that it deemed to be critical of its leadership. Moreover, China lacked any legitimate institution to review the constitutionality of government action, leaving the Party able to interfere with civil rights whenever it desired. Article 13 could not,

children of revolutionaries were also revolutionaries and the children of "the six black classes" (landlords, rich peasants, counter-revolutionaries, bad elements, rightists and capitalists) could never be more than reactionaries. Yu was executed in 1970 at age 27.

37. See *supra* note 15-16 and accompanying text.

38. THE CONSTITUTION OF THE PEOPLE'S REPUBLIC OF CHINA (1975).

therefore, have been intended as a serious restraint on government action. At best, the constitutional “right” to post dazibao was but a symbolic gesture meant to reinforce the Party’s claim that its rule rested upon the people’s free and open support. Yet whatever the motivations behind Article 13, its enactment acknowledged the formidable new power of dazibao. That is, by making dazibao a “right” subject to official—and arbitrary—interpretation, Mao and his regime attempted to control this explosive form of political expression.

Indeed, despite the leadership’s control and censorship efforts over three decades, dazibao had contributed significantly toward a more mature political mentality in China. In a practical sense, they provided a means of expressing dissent publicly that facilitated open criticism of the government as well as criticism disguised as endorsement of Party policy, a tactic known as “wielding the red banner to oppose the red banner.” More important, as Mao employed dazibao to attack his political rivals, he inadvertently encouraged criticism of those in power generally. Thus Mao’s “spirit of revolt” undermined the idea of an infallible government not subject to scrutiny and the corresponding notion that people must remain absolutely obedient to the government. The possibility that those in power could make mistakes or act against the people’s interests implied that even Mao or other leaders could fail to live up to their purported virtues. In this way, dazibao opened the way toward rational assessments of those in power and helped the Chinese people progress beyond the irrational accusatory crusades of the Cultural Revolution era.

II. THE HISTORY OF DAZIBAO SINCE 1976: THE END OF THE CULTURAL REVOLUTION AND BEYOND

A. *Dazibao in a Period of Renewed Hopes*

With Mao’s death in 1976 came the end of the Cultural Revolution and the onset of a period of great hope in China. It also marked the beginning of Deng Xiaoping’s gradual ascendancy to power. Part of the new optimism centered on the prospect of democracy and legitimate legal institutions which people hoped would protect rights, including the freedom to write dazibao. In 1978, the PRC Constitution was amended to include Article 45 under the chapter “Citizen’s Fundamental Rights and Duties.” Article 45 provided:

Citizens enjoy freedom of speech, correspondence, the press, association, procession, demonstration, and the freedom to strike, and have the right to speak out freely, air their views

fully, hold great debates, and write dazibao.³⁹

This amendment reincorporated the "Four Great Freedoms" of Article 13 of the 1975 Constitution,⁴⁰ which was then deleted from the Constitution, yet excluded references to "the socialist revolution," "the leadership of the Communist Party," and "the dictatorship of the proletariat." This change suggested for the first time that the Party would recognize rights, including the freedom to write dazibao, as fundamental and not simply as a means for furthering its own objectives. As Jerome Cohen remarked at the time:

The present constitutional institutions, norms, and values may give rise to practices and expectations that will develop authentic roots in China's political culture. It is conceivable, for example, that the right to strike and put up big-character posters may turn out to be more than tools to be manipulated in the intra-party struggle; such actions have sometimes been vehicles of genuine, spontaneous protest.⁴¹

Viewed in retrospect, the amended constitutional language appears to have been more the result of political compromise than a genuine effort to guarantee civil rights. On the one hand, Deng sought to remove words and phrases from the Constitution that evoked the fervor and chaos of the Cultural Revolution. On the other hand, he wished to avoid offending Mao's followers who were still in power and supported the Four Great Freedoms of the Cultural Revolution. Furthermore, if Deng held a liberal attitude toward freedom of expression during this period, his sentiment did not gain universal currency within the Party. Soon after the amendment of the Constitution, Marshal Ye Jianying, Chairman of the National People's Congress, made it clear that the exercise of rights under Article 45 must be consistent with the "socialist system" and the "leadership of the Communist Party."⁴² Yet despite Ye's hard-line rhetoric, his

39. THE CONSTITUTION OF THE PEOPLE'S REPUBLIC OF CHINA art. 45 (1978).

40. See *supra* note 38 and accompanying text.

41. Cohen, *China's Changing Constitution*, 76 CHINA Q. 794, 840 (1978).

42. In his Report on the Revision of the Constitution, Marshall Ye said:

Our party has always urged giving broad play to democracy among the masses, including the use of great democracy when necessary. Chairman Mao teaches us, "Democracy is a method, and it all depends on to whom it is applied and for what purpose. We are in favor of great democracy. And what we favor is great democracy under the leadership of the proletariat." It is precisely for the purpose of ensuring great democracy under the leadership of the proletariat that the draft of the revised Constitution provides that citizens "have the right to 'speak out freely, air their views fully, hold great debates and write big-character posters.'" . . . Chairman Mao long ago said, "If anyone resorts to what he calls great democracy to oppose the

warning had little or no impact in 1978, a time when popular expectations for change continued to run high.

B. Democracy Wall: Test of the New Liberalism

In the liberalized atmosphere of the late 1970s, victims of the Cultural Revolution's excesses began to demand official reparation for their injuries. The government's failure to redress such grievances in part resulted in China's most famous display of *dazibao* and the first test of Deng's perceived liberalism—the Democracy Wall Movement.

The Movement began in 1978 when people flooded into Beijing to petition for official redress of their grievances. Meeting with little success, they eventually resorted to writing *dazibao* to publicize their personal tragedies. They were later joined by discontented intellectuals. As Orville Schell observed: "After ten years of political suppression and terror, the sense of freedom and excitement in the air was palpable. Chinese intellectuals who had lived in a state of almost perpetual fear once again became emboldened to speak out."⁴³

The focus of the movement became a brick wall, later known as the Democracy Wall, near the intersection of Changan Avenue and Xidan, one of Beijing's main shopping streets. During the fall of 1978, *dazibao* suddenly began to appear there and their content becoming increasingly bold as the weeks passed. By the middle of November, young activists had covered and re-covered Democracy Wall with savage attacks on the Cultural Revolution, the Gang of Four and even Mao himself.⁴⁴ Sometimes as many as 40,000 people gathered there in the cold wind to put up *dazibao*, read those of others or listen to political speeches.⁴⁵

At first, Deng tolerated and even encouraged the activities at Democracy Wall. On November 27, 1978, Deng commented:

This is a normal phenomenon and an indication of stability in our country. Writing *dazibao* is permitted by our constitution. We have no right to deny [the masses] this right or criticize them for promoting democracy by putting up *dazibao*. If the masses feel some anger we must let them

socialist system and try to overthrow the leadership of the Communist Party, we shall exercise the dictatorship of the proletariat over him."

DOCUMENTS OF THE FIRST SESSION OF THE FIFTH NATIONAL PEOPLE'S CONGRESS OF THE PEOPLE'S REPUBLIC OF CHINA 188-90 (Foreign Language Press Peking 1978).

43. O. SCHELL, *supra* note 21, at 202.

44. *Id.* at 202-03.

45. 1 INSTITUTE FOR THE STUDY OF CHINESE COMMUNIST PROBLEMS (Taipei), A COLLECTION OF MAINLAND UNDERGROUND PUBLICATIONS 287 (1980).

express it.⁴⁶

On the same day, Deng told an American writer: "the Democracy Wall is good."⁴⁷

Emboldened by Deng's apparent approval, the "taboo subject of democracy" was soon brought up for discussion at Democracy Wall.⁴⁸ One dazibao protested: "Citizens of China do not want just a paper Constitution. We don't want hunger. We don't want to suffer anymore. We want human rights and democracy."⁴⁹

As time passed, it also became evident that not all dazibao supported Deng. Some warned of Deng becoming "a new dictator," while others appealed to the outside world to pay more attention to human rights abuses in China. The most notable dazibao critical of Deng was entitled "The Fifth Modernization." The author, Wei Jingsheng, was a 28-year-old electrician at the Beijing Zoo. Wei argued that to realize Deng's "Four Modernizations," there must also be a "Fifth Modernization"—that of the political system.⁵⁰ He wrote:

To accomplish modernization, Chinese people should first practice democracy and modernize China's social system. Democracy is by no means the result of social development as claimed by Lenin . . . [It is] the condition for the existence of productive forces . . . Without this condition, society will become stagnant and economic growth will encounter insurmountable obstacles. Therefore, judging from past history, a democratic social system is the major premise or prerequisite for all developments—or modernization.⁵¹

In a more blunt assessment, Wei wrote that when people demand democracy, "they are only asking for something they rightfully own. Anyone refusing to give them democracy is a shameless bandit no better than a capitalist who robs workers of their money earned with their sweat and blood . . . Are the people not justified in seizing power from those overlords?"⁵²

46. HONG QI, Dec. 1978, at 2.

47. J. FRASER, *THE CHINESE PORTRAIT OF A PEOPLE* 245 (1980).

48. O. SCHELL, *supra* note 21, at 203.

49. *Id.*

50. Wei Jingsheng, *trans. in The Fifth Modernization*, in *THE FIFTH MODERNIZATION: CHINA'S HUMAN RIGHTS MOVEMENT, 1978-1979*, at 47, 51 (J. Seymour ed. 1980) [hereinafter *FIFTH MODERNIZATION*].

51. *Id.* at 53-54.

52. *Id.* at 49.

C. *Using the Law to Silence Dazibao*

Alarmed by the sharp criticism of Wei and others at Democracy Wall, Deng's tolerance of dazibao began to change. Following the Third Plenum of the Eleventh Central Committee of the Communist Party in late 1978 (Third Plenum), Deng began to complain that the unbridled attacks on the Party must be checked. Two factors could explain his change in attitude.⁵³ First, prior to the Third Plenum, Deng was engaged in a fierce political struggle for control of the Party with Hua Guofeng, Mao's handpicked successor. As long as dazibao criticized Hua and the legacy of Mao, Deng could point to them as evidence of the Mao faction's past failures. Once Deng wrested control of the Party at the Third Plenum, dazibao critical of the government became a liability and an embarrassment. Second, Deng became alarmed by the proliferation of the dazibao calling for democracy. In Deng's mind, it signaled that liberalization was progressing too quickly and raised the specter of a return to the chaos of the Cultural Revolution. More importantly, Deng started to feel his own regime was becoming the target of criticism by many of the dazibao during this period.

On March 16, 1979, Deng announced the "Four Cardinal Principles" (Four Principles) which were meant to slow China's liberalization.⁵⁴ The Four Principles were socialism, the dictatorship of the proletariat, the leadership of the Communist Party and Marxism-Leninism-Mao Zedong Thought.⁵⁵ Implicit in the declaration of the Four Principles was the message that the people could no longer openly criticize the government. Just nine days after Deng's announcement, however, Wei Jingsheng put up another dazibao sharply attacking Deng's new policy. It stated:

In his March 16 talk to leading cadres of central ministries and commissions, Vice-Chairman Deng Xiaoping attempted to use the people's previous confidence in him to oppose the democratic movement. [He] tried once again to make the people the scapegoats for the failure of the leadership . . . Does Deng Xiaoping want democracy? No, he does not . . . He says that the spontaneous struggle for democratic rights is just an excuse to make trouble, that it destroys the normal order and must be suppressed.

53. See ASSOCIATED PRESS, *supra* note 9, at 161-62. See also HAO MENG-PI & TUAN HAO-JAN, CHUNG-KUO KUNG-CH'AN-TANG LIU-SHIH NIEN (The Sixty Years of the Communist Party of China) (1984).

54. ASSOCIATED PRESS, *supra* note 9, at 161-62.

55. *Id.*

The people are powerless. No wonder they are mistreated and lack even the most basic protections! Can this be called "the normal order?" If this "normal order" is one that protects the right of ambitious despots to act as they please and undermine the people's interests, then to whose advantage is it to protect this normal order, the careerists or the people? Is it not obvious? . . . The people must maintain vigilance against Deng Xiaoping's metamorphosis into a dictator.⁵⁶

This time, the authorities did not tolerate Wei's bold criticism of Deng and the Party. On March 29, 1979, he was arrested and taken into custody by the Beijing Public Security Bureau. Wei was later convicted of being a "counter-revolutionary" and selling "state secrets to foreigners," and was sentenced to 15 years imprisonment. Human rights organizations such as Amnesty International petitioned the Chinese government in vain for Wei's release.⁵⁷

Following Wei's arrest, a crackdown on the writing of dazibao began. Unlike past efforts to suppress dazibao, however, the Party this time sought to use restrictive statutes and ordinances to carry out its goal. The first action was taken by the Beijing Municipal Revolutionary Committee, which promulgated an ordinance prohibiting dazibao in all public areas except those it designated.⁵⁸ By the end of April 1979, all of China's provincial capitals had passed similar ordinances. On July 1, 1979, the NPC passed the Criminal Law, two provisions of which regulate freedom of expression, one of them explicitly targeting dazibao:

Whoever, by violence or other methods, including the use of dazibao . . . publicly insults another person or fabricates facts to defame him, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or deprivation of political rights.⁵⁹

56. Wei Jingsheng, *trans. in Deng Xiaoping-II*, in *FIFTH MODERNIZATION*, *supra* note 50, at 196.

57. ASSOCIATED PRESS, *supra* note 9, at 160-65. It should be noted that in April 1989, when confronted with another student demonstration, Deng specifically mentioned Wei as a warning: "We put Wei behind bars, did we not? Did that damage China's reputation? We did not release him, but China's image remained untarnished; our reputation improves day by day." Kristof, *Democracy's Martyr, Unsung by the Democracies*, N.Y. Times, Mar. 29, 1989, at 7.

58. The ordinance stated: "Except in places designed for such a purpose, it is forbidden to post big character posters and small character posters on streets, public forums and buildings." BEIJING REV., Apr. 6, 1979, at 6.

59. *Zhonghua Renmin Gongheguo Xingfa* (Criminal Law of the People's Republic of

The generality of these provisions gave the authorities the power to punish the author of any *dazibao* whose message contravened government policy. Such laws thus evidenced an attempt to systematically restrict or eliminate almost the only available means of free speech in China.

Despite the stern message in the new laws, people continued to cover Democracy Wall with *dazibao* as late as November 1979. Apparently frustrated by this result, on November 29, 1979, the NPC Standing Committee passed a resolution restricting *dazibao*. It was aimed specifically at the Democracy Wall activities:

[Democracy Wall] is manipulated by persons with the ulterior motive to violate the law, disrupt social order, and obstruct the smooth implementation of the Four Modernizations. The Beijing Municipal Revolutionary Committee should take appropriate measures to solve the . . . problem.⁶⁰

One week later, on December 6, 1979, the Beijing Revolutionary Committee⁶¹ passed an ordinance banning *dazibao* activities at Democracy Wall and restricting the writing of *dazibao* throughout the rest of the city.⁶² The Beijing authorities attempted to justify the new restrictions by claiming that they were necessary to improve the city's aesthetics and that alternative means of expression were available.⁶³ The Beijing Revolutionary Committee claimed: "In our

China) (adopted July 1, 1979, promulgated July 6, 1979) art. 145. The second relevant provision of the 1979 law is article 102, which provides:

Whoever, for the purpose of counter-revolution, commits any of the following acts shall be sentenced to a mandatory prison term of not more than five years criminal detention, public surveillance or deprivation of political rights . . .

* * *

(2) propagandizing for and inciting the overthrow of the political power of the dictatorship of the proletariat and the socialist system, through counter-revolutionary slogans, leaflets or by other means.

60. *Tongguo Jianguo Yilai Falü Faling Xiaoli de Jueyi*, Renmin Ribao, Nov. 30, 1979, at 1.

61. During and shortly after the Cultural Revolution, revolutionary committees were the de facto local government bodies throughout China.

62. The ordinance stated:

In the future, all big character posters and small character posters, if posted other than at one's own unit, shall be put up only at the designated posting site in Yuetan Park. The posting of big character posters at Xidan Wall and other places is forbidden . . . A big character poster registration center shall be set up near the site where the big character posters are to be put up. Before putting up big character posters, individuals must register their real name, address and the unit to which they belong.

BEIJING REV., Dec. 14, 1979, at 6.

63. Arguments of aesthetics and alternative means of communication have been made by U.S. municipal authorities to justify restrictions on political posters. See *City Council v. Taxpayer*, 466 U.S. 104 (1984). However, one cannot apply the same reasoning in the PRC. First,

country, our people enjoy extensive democracy and have all kinds of channels and measures to exercise their various rights to run the country and express their views . . . There are blackboards, newspapers and wall newspapers in factories, offices, schools, shops and all units."⁶⁴

The following year, Deng and the leadership continued to attack the writing of dazibao at Democracy Wall. On January 16, 1980, in a speech given to top government leaders, Deng once again criticized the activities at Democracy Wall, reminding his comrades to be vigilant against "bourgeoisie liberalization."⁶⁵ The final blow was delivered on September 10, 1980, by the NPC's passage of a resolution stating:

In order to give full scope to socialist democracy, to improve the socialist legal system, to maintain political stability and unity, and to ensure the smooth progress of the socialist modernization program, it is resolved that Article 45 of the PRC Constitution . . . will be revised . . . by deleting "to speak out fully, to air views freely, to hold great debates, and to write big-character posters."⁶⁶

Arguably, deleting the explicit reference to dazibao from the PRC Constitution did no more than remove a textual redundancy, since dazibao could be deemed constitutionally protected under the various freedom of expression provisions.⁶⁷ Yet even if Deng and the leadership appeared to lack legal justification, they eventually pre-

the Chinese government's control on political expression has remained so strict and the opportunity for free expression so rare that the importance of aesthetics certainly pales in comparison. As noted above, even Mao Zedong admitted that the only inconvenience was "washing walls afterward." See *supra* note 32-33 and accompanying text. Second, it is simply untrue that citizens could use means other than dazibao to publicize political dissent to a wide audience. The state controls the mass media and restricts most other means of communication, such as leaflets and public lectures. Finally, the fate of dazibao writers following the Hundred Flowers Movement, the Cultural Revolution and the Democracy Wall Movement demonstrates the need for anonymity. Dazibao are one of the only means to express dissent in a way that is both public and anonymous. By restricting dazibao to designated areas, the authorities put their writers at risk of identification. Beijing's regulations thus effectively destroyed dazibao as a channel of political dissent.

64. *Beijing Ribao Editorial on Notice on Wall-posters*, Foreign Broadcast Information Service—Daily Report, China, Dec. 18, 1979, at R1-R2.

65. 1 PRC SURVEY, *supra* note 28, at 8.

66. *Id.*

67. Because the freedom of speech encompasses the choice of means of communication, a flat prohibition on dazibao—the most widely available means of expression—is unconstitutional because it prohibits the right of free speech guaranteed by article 45 of the PRC Constitution of 1978.

Article 45 provides:

Citizens enjoy freedom of speech, correspondence, the press, assembly, association,

ailed in suppressing dazibao writing at Democracy Wall. Manipulating constitutional language in an effort to suppress dazibao merely pointed to their cynical view toward legal institutions and the right to freedom of speech.

D. Irrepressible Voices: Dazibao Return

In the 1980s, despite the government efforts to outlaw dazibao—or perhaps because of them—students and dissidents repeatedly turned to dazibao as high-profile means of criticizing government officials and policies. On December 19, 1986, for example, dazibao appeared at Shanghai's Jiaotong University after the head of the Shanghai Communist Party, Jiang Zemin,⁶⁸ attempted to persuade students not to hold a demonstration. In one of their dazibao, students responded with a question: "Jiang Zemin, who elected you to office?"⁶⁹ Another dazibao read: "If you want to know what freedom is, just go ask Wei Jingsheng."⁷⁰

Echoing the past, the government swiftly and harshly condemned the reappearance of dazibao. On December 29, 1986, after students posted dazibao on university campuses around Beijing, a People's Daily editorial declared: "Dazibao, which wrought such havoc during the 'Great Cultural Revolution,' are loathed and opposed by the overwhelming majority of Chinese. Not a single dignified government in the world allows dazibao to run amok in its country."⁷¹ On the same day, an editorial in the Beijing Daily read: "No citizen should ever again use dazibao, which are illegal instruments, to express their ideas, and any citizen has the right to remove them on sight."⁷² Defiant, students responded to these editorials by burning copies of the Beijing Daily and marching to Tian'anmen Square on January 1, 1987.⁷³

During the fateful spring of 1989, dazibao again spread from uni-

procession, demonstration and the freedom of strike, and have the right to speak out freely, air their views fully, hold great debates and write big-character posters.

One problem with this, however, is the lack of a politically neutral institution to interpret the Constitution. Under the PRC Constitution, power to interpret its provisions is vested exclusively in the Standing Committee of the NPC rather than in the Supreme People's Court. The NPC would not likely interpret article 35 broadly enough to encompass the right to post dazibao.

68. Jiang Zemin was made Secretary General of the Chinese Communist Party after the military crackdown of the democracy movement in the summer of 1989.

69. O. SCHELL, *supra* note 21, at 225-26.

70. *Id.*

71. *Jiang Minzhu Buneng Likai Sixiang Jiben Yuanze*, Renmin Ribao, Dec. 29, 1986, at 1.

72. *Dazibao Bushou Falü Baohu*, Beijing Ribao, Dec. 29, 1986, at 1.

73. *More Wintry Days of Discontent*, TIME, Jan. 7, 1987, at 38.

versity campuses to Tian'anmen Square, reaching even the walls of the Party headquarters at Zhongnanhai. In response, a People's Daily editorial wrote that dazibao were being used to "libel, insult, and attack the leaders of the Party and the State."⁷⁴ On January 20, 1990, more than six months after the violent Tian'anmen Square crackdown, the State Education Commission promulgated a regulation banning dazibao on university campuses.⁷⁵ Still undaunted, students have continued to write and put up anti-government dazibao.⁷⁶

At the very least, these events demonstrate the ongoing mystique and power that dazibao hold in Chinese society and political life. For the leadership, dazibao continue to present a source of fear and embarrassment that must be vigorously repressed. For students and dissidents, dazibao remain the most effective means, if not the only means, to guarantee that their political views are heard by both the leadership and the public. Yet in this conflict lies the paradox of dazibao: the more the leadership works to smother them, the more potent and influential they seem to become.

III. DAZIBAO AND FREEDOM OF SPEECH IN CHINA: THOUGHTS AND REFLECTIONS

A Western scholar once argued: "If human rights conceptions vary so profoundly from culture to culture, then the members of one society have no basis to comment on the conceptions or practice of rights in another; what Chinese do is their own business."⁷⁷ Such cultural relativism creates a peculiar double standard toward human rights, that what is necessary for Westerners is but a luxury for Chinese. Put another way, since Chinese do not care much for their own rights, why should Westerners be concerned about them? Yet many Western scholars disagree with this view. Owen Fiss, for example, suggests that political factors play a far more significant role than cultural ones in explaining China's lack of human rights.⁷⁸

The Chinese government has firmly insisted upon such cultural

74. *Qizhi Xianming de Fandui Dongluan*, Renmin Ribao, Apr. 26, 1989, at 1.

75. Renmin Ribao, Jan. 20, 1990, at 1.

76. Erlanger, *On the Stifled Campuses, Faint Echoes of Dissent*, N.Y. Times, Jan. 2, 1990 at A —, col. 2.

77. Nathan, *Sources of Chinese Rights Thinking*, in HUMAN RIGHTS IN CONTEMPORARY CHINA 125, 163 (R. EDWARDS, L. HENKIN & A. NATHAN EDS. 1986) [hereinafter HUMAN RIGHTS].

78. To explain differing views toward human rights, Fiss argues "some might resort to China's feudal past and the cultural differences with the United States, but I am inclined, perhaps because I found so little truth to the old and familiar stereotypes, to political rather than cultural factors, or more specifically, the conception of democracy that informs each system." Fiss, *Two Constitutions*, 11 YALE J. INT'L L. 492 (1986).

and political relativism in justifying its policy toward freedom of expression in general and the use of dazibao in particular. In October 1979, the government brought Wei Jingsheng to trial on charges of leaking secret information to foreign journalists and publishing counter-revolutionary statements. At the trial, the prosecutor said to Wei: "Our Constitution stipulates that you have freedom of belief, and that you may believe or disbelieve Marxism-Leninism-Mao Zedong Thought, but it also states that you are strictly forbidden to oppose it—for opposition is a violation of the Constitution."⁷⁹ In the prosecutor's view, Chinese enjoy freedom of conscience as long as they do not express their thoughts. Yet such "freedom" is in reality not freedom at all, since freedom of conscience is meaningless in the absence of the right to express one's thoughts. Furthermore, granting freedom of conscience is to give people something they already possess; no power could prevent one from thinking his own thoughts to begin with.

A main theory the Party has used to restrict free speech is Mao's idea of "the people's democratic dictatorship." Under this theory, now enshrined in China's Constitution and its criminal code, freedom of speech is enjoyed only by "the people" and denied to "reactionaries" and "counter-revolutionaries."⁸⁰ As explained by Mao:

79. AMNESTY INT'L, UNOFFICIAL TRANSCRIPT OF THE TRIAL OF WEI JINGSHENG, Amnesty Int'l Doc. ASA Jan. 17, 1980. The prosecutor cited article 45 of the Constitution: "The freedom of expression granted to every citizen by the Constitution should be based on the four cardinal principles: Socialism, the Dictatorship of the Proletariat, the Leadership of the Party and Marxism-Leninism-Mao Zedong Thought; the citizens' freedom is the freedom to uphold them, not the freedom to destroy them."

80. The government has legal authority under the 1979 Criminal Law to deprive "reactionaries" of their "political rights." Included in the Criminal Law's definition of "political rights" are "the rights provided for in article 45 of the Constitution" (this refers to article 45 of the 1978 Constitution, which was replaced by article 35 of the 1982 Constitution)—that is, the right of freedom of speech.

The Criminal Law provides that political rights may be deprived even after death or execution. According to one Chinese legal authority:

"Political rights are solemn rights granted by the Constitution. When the state deprives the criminal of his life, it must deprive those solemn rights to show its disapproval and inflict political punishment. In addition, the political life is different from the natural life. . . . If we do not deprive the criminal sentenced to death of his political life, he would enjoy some rights after death; e.g., the right to publish his diary."

GAO MINGSHUAN, XINZHONGGUO XINGFA YANJIU DE HUIGU (A Survey of Criminal Law in New China) 437 (1987).

It should be noted that the authorities have also deprived convicted criminals of their free speech rights by physically destroying their vocal cords, lest they attempt to call out "reactionary slogans" before their execution. On April 4, 1975, Zhang Zhixing had her throat cut out 24 hours before her execution for having criticized Mao and the Cultural Revolution. Authorities at Shengyan prison viewed the action as routine. See Nathan, *supra* note 77, at 142.

The experience of the Chinese people accumulated over the last several decades teaches us to enforce the people's democratic dictatorship; that is, to deprive the reactionaries of the right to speak and [to let] the people alone have the right . . . If [the reactionaries] speak or act in an unruly way, they will be promptly stopped and punished. Democracy is practiced within the ranks of the people, who enjoy the rights of freedom of speech, assembly, association and so on . . . The combination of these two elements—democracy for the people and dictatorship for the reactionaries—is the people's dictatorship.⁸¹

The notion of "the people's democratic dictatorship" clearly leaves no room for individual freedom of speech. A person labelled a "reactionary" automatically loses his right to freedom of speech. For the person considered a member of "the people," the Party will speak for him.

The Party's claim to speak for "the people" is based on a presumption that the people have surrendered their individual rights to the state. Yet if the people ever surrendered their rights, the continuous demonstrations and writing of dazibao indicate that they now seek to reclaim them. Moreover, the leadership's attempt to merge individual rights into state powers has violated the contract between the state and its people. As a dazibao posted at Beijing University on May 17, 1989, proclaimed: "If a citizen is deprived of the right to express his opinion, he is exempt from the duty to obey the government."⁸²

Similarly, the Chinese leadership's repeated mistakes over four decades call into question any self-proclaimed monopoly on the truth and on knowing right from wrong. Ironically, however, even mistakes are treated as the truth, becoming a taboo subject until those in power have fallen. In January 1980, Deng admitted that the Party had made "serious mistakes," but declared: "These were always corrected by the Party itself, not by any other source."⁸³ What the leadership forgets is that the Chinese people bear the costs of its mistakes. For the people, such costs demonstrate that freedom of speech is indispensable for discovering and spreading the truth to avoid future disasters caused by the leadership.

81. 4 SELECTED WORKS OF MAO TSE-TUNG 418 (1969).

82. 1 SHIYUE PINGLUN (OCTOBER REVIEW), ZHONGGUO MINYUN YUANZILIAO XUANBIAN (Selected Materials of China's Pro-Democracy Movement) 46 (1990).

83. Henkin, *The Human Rights Idea in Contemporary China: A Comparative Perspective*, in HUMAN RIGHTS, *supra* note 77, at 7, 37.

Despite flaws in its theoretical rationale for controlling free speech, the leadership continues to create practical impediments to such expression. First, in China, there exists no reasonable standard for judging what speech is legally permissible. By prohibiting any speech that fails to comply with the broadly-worded Four Principles,⁸⁴ the leadership retains the right to attack nearly any statement it dislikes. The Four Principles thus become a device to cut off all available channels of dissent rather than a standard by which to regulate speech. Second, official interpretations of the Four Principles change according to the mood and balance of power among the ruling elite. The only sure rule is that an interpretation will never be wrong as long as its issuer remains in the dominant position of power.

In the end, if the right of free speech is indeed a human right, then it cannot be legally deprived—partly or completely—without insulting the dignity of human beings. As Louis Henkin argues: “If these rights are implied in one’s humanity they are inalienable; they cannot be transferred or waived. They are ‘imprescriptible,’ that is, they cannot be lost by having been usurped or by failure to exercise or assert them, no matter for how long.”⁸⁵ The Chinese people clearly agree. In the spring of 1989, a *dazibao* in Tian’anmen Square expressed the deep disgust of many at the leadership’s continuing suppression of ideas:

What are you lacking?
 The newspapers are in your hands
 The radio and TV are in your hands
 The guns are in your hands
 The prisons are in your hands
 So, what are you lacking, oh Emperor?
 You lack only the hearts of the people
 You lack only the truth.⁸⁶

CONCLUSION

An old Chinese saying states: “The people’s mouths are like a river; a river will overflow and cause a terrible disaster if it is blocked up. Therefore, the best way to regulate a river is to dredge and widen watercourses; the best way to rule people is to let them speak out.”⁸⁷ The simple and wise message is that a government must keep an out-

84. See *supra* notes 54-55 and accompanying text.

85. Henkin, *supra* note 83, at 8.

86. The author personally observed this *dazibao* in Beijing.

87. *Shaogong Jian Liwang Mibang*, GUOYU reprinted in 1 QIAN BOCHENG, GUWEN GUANZHI XINBIAN 28 (1988).

let open for the people's discontent. Otherwise, the accumulation of discontent will ultimately emerge as a destructive force, a fact that has been demonstrated over and over again in the course of China's recent history.

The story of *dazibao* shows that the desire of the Chinese people for free speech is no less intense than any other people. If there is now a difference between Chinese and Westerners in the area of freedom of speech, it is not in theory but in experience—Westerners have not in recent times paid as great a price for such freedom as the Chinese people have. The agony of the PRC is that although most of its people now realize the value of free speech, they cannot escape the force that keeps them quiet. But one thing is clear: no matter how repressive the government is in suppressing freedom of speech, the Chinese people have come too far to allow the government to silence them forever. The pains the Chinese people have been made to suffer in their enforced silence will not go unanswered.