

Weiquan: the Chinese Civil Disobedience in a New Perspective

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Abstract

This paper traces the development of the Chinese weiquan movement in the context of political and social changes in the late 20th and later 21st century China. I argue that thus far weiquan commentators have overemphasized it as a novel social phenomenon. I demonstrate that it is part of the political legacy of China's past.

Keywords: China, Rights Protection

The Chinese word *weiquan* (literally “rights protection” in Chinese) was coined two decades ago; however, it has drawn media and scholarly attention in the West only recently. Kevin O'Brien and Lianjiang Li (2006 and 2008) have painstakingly analyzed rights defense cases in rural China, while Jonathan Benney attempts a holistic explanation of the *weiquan* movement, to name just two most noteworthy examples. Yet the former focuses only on *weiquan* in Chinese villages (important as it is) and ignores the vibrant *weiquan* activities in cities; the latter stops short of making convincing connections between the government *weiquan*, citizen-initiated *weiquan*, and legal *weiquan* that he carefully describes and discusses. My approach, on the other hand, is similar to that of Fu Huanglin (2008) and Feng Chongyi (2009). That is, I strive to accomplish an objective and scholarly sound analysis without forgetting that this is not simply a curious social phenomenon or a fashionable rhetoric, but rather it is an issue that impacts real people's wellbeing and safety. I believe that I have accomplished two things in this paper. On the one hand, I have shown the root cause of a variety of activities categorized as *weiquan*, on the other hand, I have clarified certain misrepresentations of *weiquan* in particular and Chinese society in general during my discussion.

Prelude: Consumer Weiquan in the 1980's

Currently, the *weiquan* movement consists of a non-centralized group of lawyers, legal experts, and intellectuals in the People's Republic of China who seek to protect and defend the civil rights of the citizenry through litigation and legal activism. Yet this term started with a related but different meaning. *Weiquan* as a specifically minted word first appeared in mid-1900's and was in the beginning mostly associated with a new awareness of consumer's rights in mainland China. During Mao's years from 1949 to 1976, the "bourgeois" concept of consumer had disappeared in China. According to the Maoist ideology, a member in the socialist society should be someone who produces rather than consumes. Citizens' desires for personal and material needs, however "natural" as they seem to be, need to be delayed and best be eliminated for the sake of the great revolutionary cause. An example, from my personal memory, is that in many cases of the Mao years' urban planning, factory and government compounds popped up in cities with no plans for residential housing. As a result, factory and government workers had to live in makeshift dorms that had been constructed as offices. Those dorms were, mind you, small office space without kitchens or individual bathrooms. Somehow the creative residents managed to convert lobbies and corridors in office buildings into cooking places. I still remember the curious scenes in the provincial government building where my parents worked as clerks. At meal times, all office workers put down their work on hand and rushed out to the next office building where they lived, aka their dorm. There gas burners were set up in corridors. Vegetables and a little bit of meat, if they were lucky enough to have some left from the measly monthly ration, were chopped up on the cutting boards placed on office chairs. Minutes later, the smell of Chinese cooking permeated the entire space beneath the smoke-darkened walls and ceilings. It might sound surreal to the readers of this paper, but it was a typical experience for the common Chinese people back then. In addition to reasons of suppressing personal needs, the word "consumer" was banned because it carried the negative connotation of an "unequal" relation between a service provider and a service receiver. Indeed, in many restaurants during the Cultural Revolution (1966-1976) when the gigantic experiment to build an egalitarian society reached a head, there were no waiters to take orders. Clients were supposed to get their food from cooks' hands and wash their own dishes after finished eating. For other restaurants that did provide a minimum level of service, their waiters were notoriously rude to customers. The waiters considered themselves as favor givers instead of helpers because at this time restaurants (all were state-run since private businesses were outlawed) were scarce and always crowded, to be able to find a table and sit down to eat was a privilege. Anyone who had lived in pre 1980's China, when the economic reform was launched, would remember an unavoidable scene in a restaurant: as long as one sat down, he was surrounded by an army of hungry beggars and a forest of hands extended toward him for spared food. In comparison to these unlucky fellows,

one should indeed have no complaints when he could at least afford his food. The attitude of waiters or any other service providers was no real concern. The situation continued to the early 1980's when China finally opened herself up to the outside world. So much so that the first visitors to the newly opened KFCs in Beijing were totally shocked when the waiters trained by American managers tried to smile to customers⁽¹⁾.

The twisted idea of being “better” than their customers continued to dominate the Chinese service sectors for many years and was aggravated by another issue, namely, the poor quality of consumer products. In the pre-reform years, goods were scarce and people were happy to get their hands on whatever they could possibly do. The government bragged that there was no inflation in China and mocked price fluctuation in foreign countries. Yet the reality was Chinese shops were filled with empty racks hanging “fair and stable” price tags. Thanks to the Five Year Plans that were based on the Soviet economic development model and were first implemented on 1953, most national resources were devoted to large heavy industrial projects at the expense of agriculture and light industry. As a result, there had been a constant scarcity of everyday necessities for people's life such as food and clothing despite of the impressive numbers of growth that the ruling Party's Propaganda Department loved to announce. Allow me to use another piece of personal memory to illustrate the material scarcity in people's life in China's past. In his 1973 trip to China, the then French president Georges Pompidou was scheduled to visit an important Buddhist site located in my hometown, the city of Taiyuan in northern China. Not to lose face by showing dire poverty in this area to an international VIP, the local officials in my city temporarily stacked goods in the city center stores just in case the foreign visitors would make a stop in any of them. It turned out that the French never entered the setup shops. However, a few reckless locals who attempted to cash in on this golden opportunity and really made purchases were summarily arrested by police (I heard one of them bought five blankets, perhaps with the intention to stock up or share with family and relatives, but of course he would regret this for the rest of his life).

Back to my main point, the pre-1980's buyers had not had the luxury to be picky about what they bought. After the death of Mao in 1976, and the ensuing arrest (1976) and trial (1980) of Mao's wife and her allies (“the Gang of Four”) by the moderate wing of the Chinese Communist Party, reformed-minded Chinese leaders decided to be open to a market economy and foreign investments. With choices created by markets, buyers grew impatient with bad goods and services they had tolerated in the past. For instance, the famous Chinese novelist Liu Xinwu vividly depicted the unpredictable schedules and super rude bus drivers in China's urban public transportation system in his 1985 novel *Public Bus Sonata*. Thus sporadic customer complaints gradually morphed into a consumer consensus that demands improvements in the service sector.

Early examples of consumer advocacy include Wang Hai who made his name around 1995 by warning consumers about bad goods and service providers in Beijing. As a pioneer in consumer rights advocacy, Wang received wide media coverage both in China and abroad. The term *weiquan* was brought in public discourses by the likes and Wang at this time.

The Background of Current Weiquan Activism

In the 2000's, the term *weiquan* began to leave the area of consumer rights protection and took on a political meaning. In order to fully understand the *weiquan* movement, we have to go back to the year of 1989. Indeed, many now well-known *weiquan* activists see the 1989 incident as the beginning of the wakening of their political consciousness (Béja 2011). In 1989, the sudden death of the Chinese politician Hu Yaobang, the former General Secretary of the Chinese Communist Party who had been ousted earlier by hardliners in the Party because he was considered being "soft" on people's demand for political freedom, ignited massive protests on Beijing streets. What began as spontaneous mourning for a popular ex-leader turned quickly into a mass movement that was strongly critical of government corruption and appealed to liberal democratic ideas modeled on Western democracies. These protests soon spread nationwide and hundreds of thousands people participated all over China. There was division of opinion within the Party regarding how to respond to the biggest popular challenge it had faced since 1949. The then Party General Secretary Zhao Ziyang advocated a dialogue between the Party and protestors. However, the Party elders who held power behind the scene decided that they were unwilling to entertain any possibility of political freedoms due to ideological reasons. After all, according to Karl Marx, the Communist rule should be a "Proletarian Dictatorship" that monopolizes all political power and crushes the resistance of the opposing class with violence. (Following Marx, Mao coined his own oxymoronic term "People's Democratic Dictatorship") In the end, the government declared martial law in Beijing and the People's Liberation Army shot their way into the Tiananmen Square on the night of June 4, 1989. In late August, Zhao Ziyang already was purged from the leadership because of his sympathy with the demonstrators. For Zhao's unrepentance, he was put under house arrest until his death in 2005.

International opinion condemned the crackdown with the exception of only four countries including North Korea, East Germany, Cuba, and Pakistan who supported Chinese government's action. In contrast to the moral clarity that the international community has shown regarding the Tiananmen Incident itself, the quest for the root cause of this tragedy has been a tug of war of words ever since. Some Western scholars, perhaps out of caution not to appear haughty and self-righteous as missionaries of Western values, tend to shy away from the political appeal of the movement and focus a sociological analysis. For instance, Jonathan Spence lists

government corruption and low wages for university faculty and other citizens as reasons for their participation in the movement. On the other hand, an initially somehow idiosyncratic theory that what happened in 1989 was an “anti-globalization movement” has got some currency, as shown by the likes of the British political writer Mark Leonard. While there are anti-globalization voices present in China just as in other countries, little evidence can be found that the 1989 movement was self-consciously opposing global capitalism. When we look at the social ills of China the protesters put their fingers on: lack of freedom of speech, government corruption, and inflation, none of them necessarily has to do with the greed of markets. I believe that we have enough blame to lay at the door of unchecked rabid capitalism both in China and in other places, but to enlist an unrelated event only for the sake of bashing neoliberalism leads to far-fetched conclusions. More importantly, it is also being insensitive to the victims in the Tiananmen Incident. I also believe that an entirely sociological approach that exclusively depends on the economic interests of different social groups to interpret their actions is limiting. It was a factor but not the whole picture that college students, young faculty and other Beijingers joined the movement because they were economically disgruntled. It is true that human beings act often according to their self-interest, however, it is their ideas telling them what their interest is. This is precisely the reason authoritarian regimes are afraid of free flow of information. When people get accurate information and see the world as it is, their ideas will eventually be translated into action in accord with their true interest. More importantly, many important things in human life such as human dignity, the need to express oneself, and the desire to be master of one’s own life, to name just a few, cannot be reduced to economic factors. I believe Liu Xiaobo, the 2010 Nobel Peace Prize laureate and a leader in Tiananmen Square in 1989, has it right when he says that democratic ideals, however unclarified as they might have been for those young college students as well as for the older people, was the driving force that mobilized the hundreds of thousands participants of the movement (Spence 2013; Leonard 2013).

After the tragic 1989 Tiananmen Incident, things became clear to the Chinese political dissidents. Political protests were obviously dangerous and ensured immediate crackdowns. The Chinese government had zero tolerance for Western liberal democratic discourses, so much so that peaceful expression of such ideas could meet violent response from the authorities. Another thing that was imprinted on Chinese human rights activists’ minds after the tragic incident is that important changes have to come from inside of China itself. Although the Chinese authorities never miss a chance to accuse the activists of being agents of foreign powers. They went so far in 1989 to blame Zhao Ziyang and his close advisors for acting in the interest of Western countries (Liang 2002). These accusations, needless to say, cannot be substantiated. The National Endowment for Democracy (NED), for instance, has often been singled out as showing American government’s intention to subvert Chinese sovereignty and their communist political system. According to Wikipedia, however, the total NED funding for China related projects is currently

about six million US dollars. In comparison, the money the Chinese government spends annually on public opinion control and prevention of potential protests is close to 900 billion US dollars (Yu 2012). So much money has been spent on keeping the regime “stable” that the Party’s own mouthpiece the “People’s Daily” is alarmed that such stability is too expensive. Even if the NED has the intention, as the Chinese government alleges, to compromise the communist rule in China, it has been hopelessly outstripped by the latter in terms of resources. When the Chinese government expresses an anxiety about “harmful foreign influences,” oftentimes it is an excuse for them to fan up nationalist feeling in the Chinese public and to paint the activists as traitors. In fact, the international community’s support for Chinese human rights has unfortunately been rather limited. The most successful aspect of international support for human rights in China has been the release of well know political prisoners including Wei Jingshen, one of earliest advocate for democracy in the post-Mao years, and Wang Dan, a student leader in the 1989 movement. These successes are achieved through the pressure of international opinion, despite the myth that the Chinese government is intransigent to such pressures. (Kent 1999) Other than that, international organizations and foreign countries have mostly stopped at verbal condemnations in response to human rights violation in China. To be sure, there are many Western activists, reporters and scholars who are sincerely concerned about the human rights situations in China. In fact, their names are too many to list here. An example is the Chinese broadcasting of radio stations including Voice of America, Radio France International, and Deutsche Welle. In old days before the internet, shortwave was the only way for Chinese people to receive information from outside. For exactly this reason, listening to “illegal foreign radio stations” was considered a crime. (When I was in junior high school, my teacher warned us about the consequence of such behavior, quoting a case of a young person our age who had been caught listening to an unnamed foreign radio program and had been arrested.) To this day, these radio programs are still the sources of the most up-to-date and reliable information about human rights in China for people within and outside of the Chinese borders. Indeed these helps are much needed and appreciated by activists in China. Support from all people and in all forms not only directly contribute to the causes, but also help keep the in-trench activists’ spirit up.

What is disquieting is the unfortunate fact that some Western “China observers,” for reasons that I have not truly understood, tend to sabotage Chinese human rights activists. These Western observers gratuitously label the reform-minded officials and scholars in the current Chinese regime as “right wingers” (a misplaced analogy to rightwing anticommunists in other countries) and falsely accuse the latter of being hypocritical because these Chinese advocates of political reform oppose the government’s policies yet are paid by the same political institution they are critical of. (Leonard 2013) In reality, I do not think there would any difficulty for reasonable people to understand the situation of political reformers on all levels with the Party, Zhao Ziyang being the most famous one. With joining in the Chinese Communist Party being the only possible

access to political power and opportunities for making changes in the society, some people attempt to be agents of change from the inside. Others begin working for the regime because of their initial belief in communism and are simply disillusioned by what they see from within. A parallel can be drawn between this group of Chinese people and the whistle blowers in Western countries: when the latter think their governments do inappropriate things that need to be stopped, they act against the states that pay them. Getting paid by the Chinese government and being critical of it on moral grounds is no stranger than getting funded by, say, the Ford Foundation and being critical of capitalism. On the other hand, grassroots Chinese human rights activists are sneered at by the same Western observers as Don Quixotes living in a parallel universe who do not understand the reality of China and struggle for an unachievable end⁽⁶⁾. One of the reasons for foreigners' indifference and even hostility to Chinese human rights activists is perhaps the latter's unintentional entanglement in American politics. For instance, the blind activist Cheng Guangcheng was famous for offering legal help to victims of Chinese government officials' violent enforcement of the one-child policy, which has been law since 1980. The validity of such a policy is highly debatable and overzealous government officials in rural areas often make it worse. Cheng Guangcheng was sentenced to four years in prison in 2005 for his actions and subsequently put under house arrest after his release in 2010. In April 2012, Cheng escaped his house arrest and managed to enter the American Embassy in Beijing. Eventually he received political asylum from the United States and successfully came to America. Unfortunately, soon after his arrival, his effort stopping forced abortion back in his hometown in China became an issue in the prolife/prochoice debate in his host country. Cheng found himself in the whirlpool of American politics in the election time. The New York University, Cheng's initial sponsor for his stay in the US, decided not to continue their sponsorship because they were displeased with Cheng's association with Evangelical Christian groups who are strongly anti-abortion (Yu 2013).

Furthermore, I suspect another reason for these China watchers' suspicion of Chinese human rights activists' intention and effectiveness of actions is that the former still wallow in their idealistic imagination of the Mao China from their youth. Thus there is a knee-jerk reaction to any criticism of Chinese communism and Mao's political legacy from the China observers and they do not hide their spite towards the Chinese activists who have done just that. For instance, a Western scholar was puzzled by the 1979 Sino-Vietnamese war because of her doctrine that capitalism is the root cause of all conflicts, and socialist/communist countries should not and cannot battle each other (Karl 2002). While she concludes that the Chinese Communists have been corrupted by nationalism, for people who have seen enough domestic and intramural infighting within the communist bloc, violence is imbedded in Chinese Communism's ideology and political structure.

A well-known metaphor in the study of cultural communications and exchanges is the so called pizza effect, also known as re-enculturation. The term refers to the process by which cultural exports are transformed in alien environments and later re-imported back to their home. It is named after the idea that modern pizza was developed among Italian immigrants in the United States (rather than in native Italy where in its simpler form it was originally looked down upon), and was later exported back to Italy to be interpreted as a delicacy in Italian cuisine. This hermeneutical loop finds an almost textbook example in the interpretation and reinterpretation of communism in China. As a European political ideology, communism first came to China in early 20th century when Li Dazhao published articles on the Soviet revolution in 1918. At this time, an important appeal of communism to the economically backward China was that communism was the “newest political thought” from the developed Europe. This turns out to be only the first round of idea exportation. Four decades later in 1949, the communist revolution came to fruition in China when Mao Zedong overthrew the Nationalist government headed by Chiang Kai-shek and came to power. The social experiment on a population of close to a billion people in the most populous country in the world certainly impressed people who were dissatisfied with capitalism for various reasons. Ironically, Chinese communism reached the peak of its glory on the global stage after the head of Soviet Union Nikita Khrushchev permanently ruined the reputation of Stalin with his 1956 secret speech in which Khrushchev detailed all the atrocities committed by his predecessor. Now that the Soviet Union lost the halo it had once had, communist aspirants worldwide turned to China as an alternative for inspiration and guidance. China became the communist holy land that drew pilgrims ranging from big name politicians and intellectuals to average idealistic youth. In addition, Mao’s Cultural Revolution, whose aim was to create chaos and cripple the Party apparatus occupied by Mao’s political rivals and Party cadres with questionable loyalty, was read by certain circles in the West as a grassroots movement against state power and bureaucracy. Indeed, there was no shortage of idealistic young people educated in elite European and American schools who openly styled themselves Maoists. Some of them later ended up in academia and put their dreams of youth in writing decorated with all necessary academic trappings. In their words, the blood shedding and violence directly caused by Mao and his followers is either purposefully overlooked or seen as a small price to pay for history to move forward.⁽⁷⁾ Of course the pilgrims to China did not always get what they wanted. A curious example of the former is the French writer André Malraux who had made his fame writing about China in his early career. When he returned to China in 1965 to have an audience with his hero Mao, his Chinese hosts mistook him for an admirer of their time-enduring culture and tortured him with a long performance of Peking opera. At a later time, Malraux compared the shrilling coloratura soprano of Peking opera to the sound letting out by a cat being slowly killed. Malraux was finally granted a brief meeting with Mao, and was very proud of the honor for the rest of his life.(Malraux 2000) Heavy weight intellectuals such as Jean Paul Sartre and Julia Kristeva also made no secret that they were fans

of Mao. In fact, the list of European intellectuals who came to pay respects to Mao is almost a Who's Who of the 1960's and 1970's European intellectual history. A well-known fact is that Mao's little "red book" (a collection of Mao's political remarks) was one of the driving forces behind the 1960s European leftwing student movement. The three Ms guiding the European students were Marx, Mao and Herbert Marcuse. We can say that this was the second round of exportation, with idea power flowing from China to Europe. After the death of Mao in 1976 and the ensuing economic reform in China, the table has been turned again. The abstruse theories of Derrida, Foucault, and Gramsci come to China in gusto and are introduced as the "latest development" of Western scholarship. Anyone who expresses slightest doubt about these fancy theories is considered "rustic" and "uneducated." Ironically, the Chinese are so eager to learn these "newest achievements" of the West this time precisely because Mao's failed policies brought China to the brink of economic collapse and after the disaster, desperate Chinese society looks up to all things Western – from technology to humanities theories -- as somehow authoritative. The import of trendy Western theories has artificially created a so-called New Left group who has little if any sincere political commitment and only shows off their familiarity with the jaw breaking European postmodern jargon. Indeed, many of the people belonging to this group are trained in academia in Europe and North America and they bring back to China Western ideas with Mao's imprints. For instance, the former MIT professor Cui Zhiyuan served as an advisor to the now disgraced politician Bo Xilia, who launched a political movement to revive Mao's economic and political ruling styles and is hailed by surviving Maoists as a hero. This above-mentioned group is generally hostile to human rights because their ideology dictates that human rights are a Western imperialist discourse. According to them, "caving in" to international human rights demands would play in the hands of a new Western imperialist conspiracy that plans to conquer the world by disseminating Western values instead of using naked military force. Moreover, the New Left attempts to define a Chinese model of economic development with strict political control and relative economic freedom as an alternative to the Western way and the future for all developing countries. In this, the New Left is certainly in accord with the official propaganda line of the Chinese government who has organized seminars for African leaders to study this "Chinese model."

A litmus test was put out by Cui Weiping, a professor of film studies in Beijing, after Liu Xiaobo was imprisoned in 2009. Professor Cui contacted some of the best known Chinese intellectuals with different political stands and asked for their opinion regarding Liu's sentence. One of the New Left intellectuals Liu Xiaofeng exhibited indifference to the question on record. According to talks in intellectual circles, the same person commented in private that Liu Xiaobo deserved his sentence and China would be better off if more people like Liu were thrown in jail. Some in the New Left group took it upon themselves to undermine the public reputation of human rights activists. Two recent examples are what happened to He Weifang,

a Beijing University law professor and Liu Yu, a Hsinghua University political scientist. He Weifang is an important voice in advocating independence for the Chinese judicial system that is currently nothing more than a legal arm of the Party. Because of his public support for and signing of Charter 8, a prodemocracy document drafted by Liu Xiaobo, He Weifang was removed from his position at Peking University and was exiled to remote Shihezi city in Xinjiang. Reporter Richard McGregor comments that this was "a deliberately humiliating transfer, akin to a Harvard Law School professor being reassigned to a small community college in rural Texas" (McGregor 2010). Liu Yu, a Harvard and Columbia educated political scientist, has also been an outspoken promoter of democratic values in China. Recently, both He and Liu are involved in a public fundraising campaign for the purpose of raising money to support families of political prisoners. What they have been doing, based on a typical charity fundraising model, is to auction opportunities to have lunch with the two scholars on Taobao (the Chinese equivalent of EBay) and all the money goes to families of people in prison for their political beliefs. Not surprisingly, the authorities are not pleased about this campaign. The auction has been suspended a few times by Taobao because of government pressure. There has been report that the organizer has been harassed by the police. However, there seem to be people other than the government who dislike this fundraising campaign. There has recently been a concerted effort in public media by some people known to be associated with the Chinese "New Left" to question the academic credentials (especially the publishing records) of He and Liu, who have devoted much of their time in activism writing instead of strictly academic writing. The implication of such questioning is clearly that He and Liu are disqualified scholars and should be fired by their universities, which is exactly the same thing the government has been wanting to do but lacked an excuse.

To sum up, first, in the post-1989 time, public advocacy of Western liberal democracy has become dangerous and politically unviable. Secondly, Chinese activists have given up naïve hope for ready help from outside. In 1989, student protesters on Tiananmen Square erected a statue of the goddess of democracy in the image of the American Statue of Liberty. If back then the students did harbor some blind faith in the will of the international community to act on their behalf, afterwards they most certainly realized that changes have to come from inside and by their own hands. And finally, if we see a wide consensus in Chinese people immediately after the Tiananmen Incident, namely, China should adopt a liberal democratic system, now the intellectual landscape has become muddier due to the New Left challenge to the universal applicability of human rights. Perhaps not coincidentally, the Chinese authorities have never stopped their attack on "universal value" in their newspapers and on their television. Hence following their approaches has also morphed into a new form.

Landmark Weiquan Cases and the Future of Weiquan

As a result of the changes in political environment, human rights activists, beginning in the early 2000s, have changed their strategies. Most visible is the fact the activists seek to operate within the current political structure and avoid open challenges to it. Since current Chinese law does promise protection of certain rights such as freedom of expression and religious freedom, the activists have tried to hold the government to its words and demanded the delivery of these promises. Instead of an all-out war for democracy, the activists fight battle by battle for rights protection and look for long term incremental social changes. For this purpose, they have organized demonstrations, sought reform via the legal system and media, defended victims of human rights abuses, and written appeal letters. Among the issues adopted by *weiquan* lawyers are property and housing rights, protection for AIDS victims, environmental damages, religious freedom, freedom of speech and the press, and defending the rights of other lawyers facing disbarment or imprisonment.

Below I shall revisit a few prominent *weiquan* cases (since they have been repeatedly covered by Chinese and Western media), my purpose is to uncover the bigger issues associated with the said cases that have been overlooked by news reporters and scholars.

First, I shall touch upon the Sun Zhigang case that is a major victory and hallmark event in the *weiquan* movement. On March 20, 2003, Sun Zhigang died of alleged physical abuse in a detention center in Guangzhou, an international metropolis in southern China. Sun was a college graduate from a prestigious university and had come to this commercial hub looking for a job as a fashion designer. He had been put into the detention center because the police found that he did not have legal documents on him when they questioned him at an internet bar. This case happened in the middle of debate on the legality of China's custody and repatriation system which authorized the police to detain people if they did not have a residence permit. This administrative procedure led to police abuses including beatings and prolonged detentions without trial which made the conditions at the detention centers worse than regular prisons. The public was infuriated after the exposure of Sun's case in media. Verbal protests and legal actions followed. Among other activists, the Open Constitution Initiative, an organization consisting of lawyers and academics, appealed to the National People's Congress for abolishment of the custody and repatriation system. On 20 June 2003, Premier Wen Jiabao announced that the custody and repatriation regulations were abolished and the detention centers would be closed. Many see this case as demonstrating the power of individual citizens against government abuses and a victory for the human rights legal struggle (Guihong 2003).

The root cause of the rigid, inhuman residence permit system may not be obvious for a casual observer. But we can reasonably trace it further back to the debate between Stalin and Leon Trotsky in the early years of the Soviet Union. Both Stalin and Trotsky agreed that in order to demonstrate the new communist regime's political and economic viability, it was necessary for the Soviet economy to grow at an exceedingly high speed. However, they disagreed with each other how to achieve this goal to convince their followers and impress the international observers. Long story short, Trotsky believed that it was imperative for the Soviet Russia to prioritize heavy industry at the expense of agriculture and other economic sectors. In particular, farmers should be squeezed out of their last grain and last penny by the Soviet state for the sake of providing cheap materials and labor for rapid industrialization. According to Trotsky, that might not be fair to farmers, but it was a necessary price to pay for the communist cause. Initially, Stalin was against Trotsky's radical approach and advocated a more balanced economic plan. After his successful purge of Trotsky in fierce infighting, however, Stalin stole his rival's idea and implemented it enthusiastically. For the interest of space, I shall not elaborate this part of Soviet history. If history books with dauntingly long bibliographies are too dull for readers of a paper on *weiquan*, the same story is sarcastically portrayed in *Animal Farm* with considerable accuracy. Fast forwarding to the post 1949 China, Mao shared Stalin's and Trotsky's urge to exhibit the superiority of their newly built political system, hence he copycatted the latter's "sacrificing agriculture for industrialization" strategy. The result was that Chinese farmers who had mostly supported Mao and his Party throughout the twentieth century revolution, because of the latter's "land for all" promise, were completely betrayed. Farmers did not get their land – land belonged to the state -- and they became laborers and second class citizens in the country. In the Great Leap Forward, a campaign to build a Chinese communist utopia in 1950s, farmers were told all they needed were a bowl, a pair of chopsticks, and a shirt on one's back. Anything beyond that was kept by the state for them. In contrast, urban areas and industrial centers were favored and residents there got better treatment, for instance, they were guaranteed a monthly food ration, which was the envy of rural dwellers. The rigid residence permit system was a necessary measure for the government to stop farmers from escaping their underprivileged status and illegally moving to cities. When people show up in places they are not supposed to be, they get punished. Sun's case in 2003 was part of the vicissitude of the old time.

A second case that I touch on is Qian Yunhui, a 53-year-old elected and popular eastern Zhejiang province village head who had a long history of petitioning against alleged abuses by local government. Again, I argue that this and similar cases are associated with political characters of the current regime and part of the past haunting us. The background for Qian's case is the economic growth model that heavily relies on urban construction and realty development. Under Chinese law, the state owns most land, including all of the land in cities. Faming land ownership is legally ambiguous as land in rural areas is defined as collectively owned by farmers.

While farmers have the right to use their land for farming and residence, in the final analysis they do not own the land they work and live on and have to surrender it to the government when needed. And needed land is as China is in the process of nationwide urbanization. To be sure, farmers get compensated when they surrender their land to the government, but the amounts are often not to the satisfaction of the farmers. Hence dispute ensues. Qian's village was in negotiation with a state electricity factory about the factory's plan to take over their land. Because the price offered by the factory was absurdly low, Qian resisted the land transfer and for this reason became a targeted man. On December 25, 2010, Qian was found having been crushed by a heavy duty truck. Within hours of Qian's death, images of his dead body were circulating on web media such as Sina Weibo, the Chinese equivalent of twitter, while many people suspected a murder. People were angry because the forceful takeover of land by the government had become so prevalent, and the government routinely covers-up of their wrongdoing. Almost all well-known Chinese online activists were involved in grassroots investigation of Qian's death. Eventually, the local court decided that there was no foul play involved. Yet, the campaign for justice for Qian drew much domestic and international attention and added more fuel to the debate on land ownership in China (Yuan 2011; Yang and Wong 2010).

Finally I want to discuss the case of Zhao Lianhai who became an activist for parents of children harmed by melamine tainted milk. In 2009 he was arrested for "disturbing social order," a trope charge often used by the authorities when dealing with *weiquan* cases. Zhao's son was among many children who developed kidney stones as a result of drinking tainted infant formula produced by the state owned Sanlu Inc. in Hebei province. The local government knowingly covered up the truth on behalf of Sanlu in early 2008 because of two reasons. First, they believed that they needed protect a major player in the local economy; and second, they did not want to spoil the joyful spirit of the time when China was hosting the 2008 Olympic Games, a source of national pride. Zhao became a leader in the movement of parents to get restitution and treatment for their children and was eventually sentenced to two and half years in prison. The silver lining to this case, however, is that after international reporting of the scandal, the central Chinese government took action to close down Sanlu in December 2008.

Zhao's case has hitherto gotten sufficient exposure in global media. My purpose to revisit it is to show that the *weiquan* movement has almost gone full circle since it started three decades ago. It began as a consumer rights protection movement, and has revived in recent time as a fight regarding social issues that have direct bearings on ordinary people's lives, so much so that even an authoritarian regime could not deny their legitimacy. As I have repeatedly attempted to point out, all aforementioned rights infringements are part and parcel of the ruling logic of the existing political regime. *Weiquan* incidents keep bringing these political defects to the fore. Yet calling for changes of the latter seems to be impractical at this moment. The dynamics between efforts

at incremental improvements and the prospect of larger social and political transformation in China remains very interesting to watch.

Endnotes

- (1) For KFC service standards, see http://champscastr.com/customer_standard.pdf by Human Touch Consulting
- (2) For further details, see Marx-Engels Correspondence (1852) "Marx to Joseph Weydemeyer In New York" Available at http://www.marxists.org/archive/marx/works/1852/letters/52_03_05.htm; and Maoist Documentation Project (2004) "Selected Works of Mao Tse-tung " Available at https://www.marxists.org/reference/archive/mao/selected-works/volume-4/mswv4_65.htm
- (3) See for instance Sheldon, M. (1971). *The Yanan Way in Revolutionary China*. Cambridge: Harvard University Press.

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