Issues & Studies© 42, no. 4 (December 2006): 137-173.

The Politics of Cyber Participation in the PRC: The Implications of Contingency for the Awareness of Citizens' Rights

CHIN-FU HUNG

This article addresses the issue of cyber participation in China, with particular emphasis on the implications of contingency for the awareness of citizens' rights. Two basic research questions are posed. First, is the Chinese government as much in control of public debate on the Internet as it is of debate in the traditional media? Second, does the Chinese government still control and manipulate public opinion as much as it has conventionally done? Authoritarian states like China are usually characterized as controlling and/or manipulating public opinion and as impeding or limiting forms of democratic participation. To answer the two questions above, this article incorporates two case studies—the severe acute respiratory syndrome (SARS) outbreak of April 2003 and the BMW incident of October 2003—that reflect the theme of the Internet and its implications

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CHIN-FU HUNG (洪敬富) (Ph.D., University of Warwick, United Kingdom, 2006) is currently an Assistant Professor in the Department of Political Science and Graduate Institute of Political Economy, National Cheng Kung University, Tainan, Taiwan. He can be reached at <bcfhung@mail.ncku.edu.tw>.

*An earlier version of this article was presented at the Annual Meeting of the Chinese Association of Political Science, Taipei, Taiwan, in October 2005. The author would like to thank Dr. Szu-Chin Hsu from National Taiwan University for his helpful comments during the conference presentation. The author is also grateful to two anonymous reviewers for their keen insights and suggestions; and to Dr. Peter Ferdinand and Mr. Søren Peterson, who read the manuscript and offered constructive feedback and English editing assistance.

for enhancing citizens' rights in China. It is expected that the exploration of these two contingencies will contribute to wider themes, such as the political impact of information and communication technologies (ICTs) upon "virtual" public participation and political transformation both in China and other like-minded authoritarian states.

KEYWORDS: cyber participation; public opinion; severe acute respiratory syndrome (SARS); the BMW incident; Internet; China.

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The Chinese Communist Party (CCP) has traditionally handled public opinion and expressions of discontent by controlling—or at least limiting—what ordinary people hear, read, see, and speak. David Shambaugh boldly claims that "without control over the media, the [Chinese Communist] Party can no longer control people's minds."[1] His judgment provides an insight into how the CCP might rein in public use of the electronic media, especially peer-to-peer (P2P) technologies such as MSN or QQ[2] in the future. According to Tony Saich, information management in China has conventionally used "a system of information control and censure with an intricate grading process for who at what level is allowed to see which kinds of information."[3] Saich illustrates this with the example of the Rectification Movement in Yan'an (**延安整風運動**) in

[1]David Shambaugh, "The Chinese State in the Post-Mao Era," in *The Modern Chinese State*, ed. David Shambugh (Cambridge: Cambridge University Press, 2000), 179. See also Guoguang Wu, "Command Communication: The Politics of Editorial Formulation in the *People's Daily*," *The China Quarterly*, no. 137 (March 1994): 194-211; and Daniel C. Lynch, *After the Propaganda State: Media, Politics, and "Thought Work" in Reformed China* (Stanford, Calif.: Stanford University Press, 1999).

[2]Microsoft's MSN Web Messenger (http://www.msn.com/), an Internet messaging service, enables Net users to text online, transfer files, and send voice messages in real-time using just a web browser. MSN Web Messenger can also be used on any shared computer—at school, at work, at a cyber café, or anywhere MSN software can be installed. Tencent QQ, generally referred to as QQ (http://www.qq.com/), was initially developed by Tencent Inc. in February 1999 under the original name of QICQ. It was renamed mainly because of a possible trademark infringement with another worldwide instant messenger, ICQ ("I seek you," http://www.icq.com/), and partly because neither the program nor the protocol is considered "open" to outside Internet users. QQ has been one of the most popular instant messengers among the Chinese peer-to-peer virtual community since its establishment.

[3]Tony Saich, *Governance and Politics of China* (New York: Palgrave, 2001), 306.

the 1940s which emphasized the provision of an authoritative and correct interpretation of Party history. This was particularly important to Mao Zedong (**毛澤東**), because "accurate" presentations of Party history are associated with regime stability, (central) leadership consolidation, and policy implementation.[4]

The Party has tried to control the flow and use of information, ensuring that the central leaders can always govern the world's most populous country effectively according to CCP principles and policies. To achieve this, they attempt to prevent the emergence of any significant alternative channels of information among the general public. Their fear of the destabilizing and subverting effect of the popular mobilization that might result is based on numerous precedents in Chinese and Western history.[5]

China is usually deemed to be an authoritarian state. For example, Freedom House, a non-governmental organization that purports to measure the degree of democracy and freedom in every country around the world, categorizes China as "not free" in its 2006 annual report, noting that the Chinese government is conducting heavy-handed control and repression of political dissent.[6] In this survey, democracy and freedom are measured by scoring levels of political rights and civil liberties in the states/territories under study on a scale of one (most free) to seven (least free). These nations are then classified as "free," "partly free," or "not free."

In practice, the CCP uses two distinct communication systems. The "bottom-up" system accumulates information and data at grass-roots level that is then sent upwards into the bureaucratic hierarchy;[7] the other "top-

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[4]Tony Saich, "Writing or Rewriting History? The Construction of the Maoist Resolution of Party History," in *New Perspectives on the Chinese Communist Revolution*, ed. Tony Saich and Hans van de Ven (Armonk, N.Y.: M.E. Sharpe, 1995), 299-338.

[5]For more discussions see, for example, Zhou He, *Mass Media and Tiananmen Square Massacre* (Commack, N.Y.: Nova Science, 1996).

[6]Freedom House, *Freedom in the World—China* (2006), http://www.freedomhouse.org/template.cfm? page= 22&year=2006&country=6941 (accessed March 16, 2006).

[7]This kind of information is usually called "*neibu cankao*" (**內部參考**) or "*neican*" (**內參**, internal reference). For more information, see He Qinglian, *Zhongguo zhengfu ruhe kongzhi meiti* (How the Chinese government controls the media) (Report by Human Rights in China, 2004), 44-48. http://www.hrichina.org/fs/downloadables/pdf/downloadable-resources/Media Control ALL.pdf? revision_id=20206 (accessed February 24, 2005).

down" mode of communication disseminates officially sanctioned information from the leadership to the general public.[8] Dissemination is done on the basis of a "grading system," in which the higher a person's official position, the greater the quantity and quality of information s/he receives.

The mass media in China have thus never been a significant forum for serious free policy discussion and debate. The rationale for this is concern for overall social and political stability. In other words, the media's political role has long been that of an agent of stability, charged with the political tasks of helping preserve the sociopolitical order, particularly at times of crisis. The nature of the "traditional" media and the government-controlled news outlets has hindered the creation of a freer media space outside of the Chinese state apparatus. However, with the advent and proliferation of websites, cyber chat-rooms, and individual blogs on the Internet, the "new" media are arguably acquiring the potential to have a much greater impact on the political system in general, and on the government-controlled media in particular, as different information and opinions are made more available online than they were in the traditional or mainstream media outlets.

Scholars in the West, especially in the United States, are producing a growing quantity of comprehensively researched and sophisticated work on the effects of information and communication technologies (ICTs) on societies and political systems both in the industrial democracies and the developing countries. These studies focus on the political application and implementation of ICTs, which are seen as primary tools in the working of a democratic political system or the evolution of democratization. Yet little work has been done on the impact of cyber public participation on the political system in Communist China. Scholars have either overlooked or

[8]This kind of information is usually made available by the government- and Party-operated or controlled news outlets, which are administered by the propaganda organs of the central, provincial, and local governments, and are popularly known as the mouthpieces (*houshe*, **喉舌**) of the CCP and the government. These mass media outlets traditionally include China's Central Television (CCTV, **中國中央電視台**), *People's Daily* (**人民日報**), Xinhua News Agency (**新華社**), *China Daily* (**中國日報**), and China Radio International (**國際在線**).

undervalued the role that ICTs may play in an authoritarian regime such as that of China.

In an attempt to redress this deficiency, this article looks at the ways in which ICTs influence cyber public political participation and poses two basic research questions. First, is the Chinese government as much in control of public opinion on the Internet as it is of debate in the traditional media? Second, does the Chinese government still control and manipulate public opinion as much as it has conventionally done? In seeking to answer these questions, and to ascertain the implications of the Internet for citizens' rights in China, this article incorporates two case studies—the outbreak of severe acute respiratory syndrome (SARS) in April 2003 and the BMW incident (**寶馬事件**, *Baoma shijian*) of October 2003. The awakening of civil rights in the wake of the wider application of ICTs may further suggest that modern technology is playing a leading role in the development of a freer sociopolitical environment in China, although this is still at the incipient stage. It is expected that the exploration of these two contingencies will throw some light on the wider themes of the impact of the Internet on "virtual" public participation and political transformation in China and other authoritarian states. These states are, on the one hand, embracing ICTs in the hope that they will enhance national development and economic prosperity, and on the other hand, trying to rein in these technologies in order to safeguard their one-party or authoritarian rule. The case of China is therefore worthy of detailed research from a comparative angle.

This article begins with a review of the literature on the Internet, politics, and democracy, with particular reference to the Chinese case. Since the theme of this article is closely related to the political system and popular participation, some discussion about the nature of China's political system is presented, with references to the broader comparative literature on authoritarian systems. This will be followed by empirical evidence from two prominent cases—the 2003 SARS outbreak and the BMW incident. This evidence also contributes to the discussion in the next section about the politics of virtual civic engagement and public involvement in public issues, including the implications of contingency for the awareness of citizens' rights in the age of the Internet. The conclusion

is that the Internet has indeed had an impact on the PRC, and that it has helped spur the development of a more accountable and transparent governing system, although it is too early to make a final evaluation of the Internet's sociopolitical impact at the current stage of its development and use in China.

The Nature of China's Political System and Its Official Media

Prior to the inception of the reform and opening-up (**改革開放**) policy in the late 1970s, Chinese society was based on public ownership of the means of production, including the media sector. Information and data were categorically not subject to common ownership. As Frank Ellis has argued, "Lenin, not Marx, was the architect of communist theories and models of information control. Marx laid the foundation, encapsulated in the public ownership of the means of production, but Lenin gave it form and substance, transforming it into a tool for subversion, revolution, and one-party control."[9] In its very essence, this tool was thus avowedly hostile to a free flow of information and ideas. According to the Leninist conception, the first and foremost function of the mass media was to transmit the party's or state's programs and instructions to the masses. The media are adjuncts of the party apparatus and must be controlled completely by it. Underlying this important function of the mass media was the communists' organizational approach to social mobilization.[10]

The classic totalitarian regimes are said to be Hitler's Germany, Stalin's Soviet Union, and Mao's China. According to Hannah Arendt, the purpose of totalitarian indoctrination is to ensure absolute control by authoritarian leaders. To this end, political discourse, often in the form of slogans, helps establish ideological frameworks which allow such leaders

[9]Frank Ellis, *From Glasnost to the Internet: Russia's New Infosphere* (London: Macmillan, 1999), 8.

[10]Alan P. L. Liu, *Communications and National Integration in Communist China* (Berkeley: University of California Press, 1971), 6-7.

to abuse their political power by stifling freedom of thought.[11] This was how the individuality of the Chinese people prior to the reforms was suppressed and subordinated to the larger and loftier cause of the party-state. The value orientation trumpeted by the official media and various ideological indoctrination activities was one of frugality and a standardized, simple lifestyle.[12] In Mao's China, the communist media, whether mass or interpersonal, had to propagate the ideals of the Party, advance its ideological line, and implement its policy. As the champion of the proletariat's interests, the CCP used communication as an instrument of struggle against the bourgeoisie.[13] To put it bluntly, the mass media had to be run by the Party and become the Party's loyal eyes, ears, and mouthpiece.[14] Propaganda, as such, was a project well grounded in the experience and assumptions of Chinese statecraft, as well as based on a system of methods and media outlets borrowed from the Soviet Union and refined during the war years.[15]

Since the policy of reform and opening-up was initiated in the late 1970s, China has experienced an unprecedented boom and liberalization of the media, although they have still to a large extent been constrained ideologically by the "four cardinal principles" (**四項基本原則**) laid down by Deng Xiaoping (**鄧小平**). For Deng, the role of the mass media was to convincingly propagate the "four cardinal principles."[16] Because the management of China's traditional media is regulated, the CCP has in theory

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[11]Cited in Xing Lu, "An Ideological/Cultural Analysis of Political Slogans in Communist China," *Discourse & Society* 10, no. 4 (1999): 489.

[12]Ran Wei and Zhongdan Pan, "Mass Media and Consumerist Values in the People's Republic of China," *International Journal of Public Opinion* 11, no. 1 (Spring 1999): 75-96.

[13]Leonard L. Chu, "The Political Economy of the Communication System in China," in *Telecommunications and Development in China*, ed. Paul S. N. Lee (New York: Hampton Press, 1997), 90.

[14]Junhao Hong, *The Internationalization of Television in China: The Evolution of Ideology, Society, and Media Since the Reform* (Westport, Conn.: Praeger, 1998), 43.

[15]Timothy Cheek, *Propaganda and Culture in Mao's China: Deng Tuo and the Intelligentsia* (Oxford: Oxford University Press, 1997), 18.

[16]Deng Xiaoping, "Implement the Policy of Readjustment and Ensure Stability and Unity" (December 25, 1980), in *Selected Works of Deng Xiaoping* (Beijing: The Chinese Press Almanac, 1984), 6-7. The "four cardinal principles" are: (1) following the socialist road; (2) the practice of democratic centralism; (3) acceptance of the leadership of the Communist Party; and (4) adherence to Marxism-Leninism-Mao Zedong thought.

used the media to guide and shape public opinion (**正確輿論導向**, *zhengque yulun daoxiang*).[17] In practice, however, it has been recognized that the most distinct characteristic of the Chinese media in the 1990s was tension between rapid commercialization and continued ideological control.[18] Although it is claimed that the primary task of the Beijing authorities is to make sure that China has only one "mouth," i.e., Communist authority,[19] Wu Guoguang (**吳國光**) has vividly depicted the Chinese mass media as having "one head, many mouths," borrowing a metaphor that characterizes the media as the "mouths and tongues" (**喉舌**, *houshe*) of the party-state in the Communist political system. Despite periodic bouts of political repression, socioeconomic structural pluralization in China has allowed many "mouths" to open up even though they are still within that single head and often restricted by it.[20]

As a consequence, the commercialization of the Chinese media has allowed not only journalists but also ordinary people to carve out new spaces for expression. Since they can now access other sources of news/information, the audience/readers are no longer willing to accept propaganda from a single source. Tight media controls have given way to policies that seek to stimulate competition, cut down subsidies, and streamline organizational structures. However, it should also be acknowledged that the government's recent relaxation of controls over the mass media was in-

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[17]"Regulating Internet News Transmission, Promoting Internet's Sound Development," *Renmin ribao* (People's Daily), November 9, 2000, 5.

[18]Joseph M. Chan, "Commercialization without Independence: Trends and Tensions of Media Development in China," in *China Review 1993*, ed. Joseph Y. S. Cheng and Maurice Brosseau (Hong Kong: Chinese University Press, 1993), 25.1-21; Yuezhi Zhao, "From Commercialization to Conglomeration: The Transformation of the Chinese Press within the Orbit of the Party-State," *Journal of Communication* 34, no. 1 (Spring 2000): 3-26; and Chen Huailin and Joseph M. Chan, "Bird-Caged Press Freedom in China," in *China in the Post-Deng Era*, ed. Joseph Y. S. Cheng (Hong Kong: Chinese University Press, 1998), 650.

[19]Gu Zhibin, *China Beyond Deng: Reform in the PRC* (Jefferson, N.C.: McFarland, 1991), 138.

[20]Wu Guoguang, "One Head, Many Mouths: Diversifying Press Structures in Reform China," in *Power, Money, and Media: Communication Patters and Bureaucratic Control in Cultural China*, ed. Chin-Chuan Lee (Evanston, Ill.: Northwestern University Press, 2001), 61.

spired mainly by economic rather than political concerns. Unlike *glasnost* in the Soviet Union in and after 1986, the opening-up of the mass media in China in the early 1980s was aimed at reducing financial losses and not at freeing public discourse.[21]

It remains to be seen whether the emergence of a more commercialized media sector, particularly the Internet, will make China more democratic, in that it is closer to ordinary people, addresses at least some of their concerns, speaks their language, treats them as protagonists, and provides them with some means to participate through getting online. More specifically, whether the Internet is enhancing civil discourse, thereby allowing public opinion on national/foreign policies to be expressed, and whether it is even facilitating the emergence of civil society in China are topics that deserve to be investigated. The two cases presented in this article are of significance in this regard.

The Internet, Politics, and Democracy

Since the publication of the provocative and influential 1975 work, *The Crisis of Democracy*, concern has been growing about the health and fragility of modern democracy in the "trilateral areas"—North America, Europe, and Japan. Existing democracies were at that time puzzled by a crisis of governability. Specifically, the crisis in the state's capacity to respond effectively to surging public demands was compounded by slower economic growth and the decline of state authority.[22] This somber view of the prospects for existing democracies was shared by a number of other works from the same era, and American observers were still expressing their political cynicism in the 1990s after the end of the Cold War.[23] In

[21]Minxin Pei, *From Reform to Revolution: The Demise of Communism in China and the Soviet Union* (Cambridge, Mass.: Harvard University Press, 1994), 155.

[22]Michel Crozier, Samuel P. Huntington, and Joji Watanuki, *The Crisis of Democracy: Report on the Governability of Democracies to the Trilateral Commission* (New York: New York University Press, 1975).

[23]See, for example, Richard Rose, *Challenge to Governance: Studies in Overload Polities*

particular, Robert Putnam, in his book, *Bowling Alone*, called attention to the general anxiety about participatory democracy and the erosion of the sense of community.[24] In fact, according to Manuel Castells, we are now living in a network society that is fundamentally different from those of the past. A number of processes have converged in the information age, including the restructuring of capitalism and the introduction of ICTs. These processes have effectively facilitated and also reacted to globalization.[25] In general, Western sources from the 1990s onwards deal with the question whether the new media—and the Internet in particular—will increase political participation and reinvigorate the industrial democracies.

Accordingly, a school of thought has developed in the West which suggests that ICTs may fundamentally transform democracy by enabling citizens to consult better with each other and to disseminate their views more effectively in real time without governments being able to guide or even stop them. Research on the political impact of ICTs has turned up ample evidence, mostly with regard to the established wealthy democracies and to a lesser extent to authoritarian states. This research focuses chiefly on the political application and implementation of ICTs, and sees them as primary tools in the working of an established democratic political system or in the evolution of democratization in authoritarian political systems.[26]

(Beverly Hills and London: Sage, 1980); Pippa Norris, ed., *Critical Citizens: Global Support for Democratic Government* (Oxford: Oxford University Press, 1999); Pippa Norris, *Digital Divide: Civic Engagement, Information Poverty, and the Internet Worldwide* (Cambridge: Cambridge University Press, 2001); Susan J. Pharr and Robert D. Putnam, eds., *Disaffected Democracies: What's Troubling the Trilateral Countries* (Princeton, N.J.: Princeton University Press, 2000); and Peter Ferdinand, ed., *The Internet, Democracy and Democratization* (London: Frank Cass, 2000).

[24]Robert D. Putnam, *Bowling Alone: The Collapse and Revival of American Community* (New York: Simon & Schuster, 2000).

[25]See the following works by Manuel Castells: *The Rise of the Network Society* (Cambridge, Mass. and Oxford: Blackwell, 1996); *The Power of Identity* (Cambridge, Mass. and Oxford: Blackwell, 1997); *End of Millennium* (Cambridge, Mass. and Oxford: Blackwell, 1998); and *The Internet Galaxy: Reflections on Internet, Business, and Society* (Oxford: Oxford University Press, 2001).

[26]See, for example, Krishna Sen and David Hill, *Internet and Democracy in Indonesia* (London: Routledge, 2003); Diana Saco, *Cybering Democracy: Public Space and the Internet* (Minneapolis: University of Minnesota Press, 2002); and Christopher Marsh and Laura Whalen, "The Internet, *e*-Social Capital, and Democratization in China," *American Journal of Chinese Studies* 7, no. 1 (April 2000): 61-81.

In other words, ICTs could and should be exploited to improve existing democratic participation and facilitate more direct, lower-cost, interactive, and immediate participatory processes. This should enhance civil engagement in the political sphere, ensure a greater degree of civic deliberation over public issues, and build social capital and a workable mechanism of horizontal communication networks. It might even lay the foundations for the kind of "strong democracy" popularly advocated by Benjamin Barber.[27]

Assumptions about the Internet's democratic potential were a common theme in the earlier literature, but from the late 1990s, we have seen the rise of revisionist arguments against "technological determinism." An increasingly robust body of literature has criticized romantic thinking about technological freedom and empowerment. Shanthi Kalathil and Nina Hachigian, for instance, have argued that the impact of ICTs on the political system in authoritarian regimes such as the PRC was likely to be less than that envisaged or hoped for by the pro-democracy activists.[28] Christopher R. Hughes and Gudrun Wacker have also contended that there is not necessarily a linear correlation between spreading Internet use and Internet-derived or empowered political transformations and democratization.[29] Ironically, ICTs could be co-opted by authoritarian states to further strengthen their (political) domination over their virtually nonexistent or weak civil societies, and thus serve to shore up the dominance and authority of the incumbent (authoritarian) leadership.[30] In a similar vein, some scholars have held that ICTs are increasingly being utilized for national

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[27]Benjamin R. Barber, *Strong Democracy: Participatory Politics for a New Age* (Berkeley: University of California Press, 1984).

[28]See Shanthi Kalathil and Taylor C. Boas, *Open Networks, Closed Regimes: The Impact of the Internet on Authoritarian Rule* (Washington, D.C.: Carnegie Endowment for International Peace, 2003); and Nina Hachigian, "The Internet and Power in One-Party East Asian States," *The Washington Quarterly* 25, no. 3 (Summer 2002): 41-58.

[29]See, for example, Christopher R. Hughes and Gudrun Wacker, eds., *China and the Internet: Politics and the Digital Leap Forward* (London and New York: Routledge/Curzon, 2003).

[30]See, for example, Garry Rodan, "Embracing Electronic Media But Suppressing Civil Society: Authoritarian Consolidation in Singapore," *The Pacific Review* 16, no. 4 (December 2003): 503-24; and Randy Kluver, "The Architecture of Control: A Chinese Strategy for e-Governance," *Journal of Public Policy* 25, no. 1 (May 2005): 75-97.

security purposes and for the manipulation of public opinion by commercial interest groups, and this ultimately serves the incumbent political powers and elite groups.[31] Concern has also been articulated about a tendency toward a "digital divide" between technological haves and have-nots, and how it might lead to undesirable economic and sociopolitical tensions.[32] In this respect, the Internet and ICTs are regarded as reinforcing the dominant position of existing interests, rather than radically reversing preexisting power relations.

Indeed, the Internet's effect on democratic and authoritarian countries is still under debate among social and political scientists. Studies on whether ICTs serve as a catalyst for sustainable democracy by advancing liberalization and pluralism, or whether they contribute to the centralization and consolidation of the dominant social and political class—i.e., those in power and those who are financially better-off—are worthy of re-examination. At any rate, an examination of the expression of Internet-enabled public opinion in China will help us understand both the changing nature of the Chinese political system and also the efficacy of the predominant discourses themselves in the context of China.

This article hypothesizes that the Internet will have both short- and long-term impacts on society and the political system, although the two are usually linked. The rationale for this is that ICTs are still in the early stages of development and we can only guess at their future implications and impacts. This article will investigate the short-term impact of ICTs through two case studies—the SARS outbreak of April 2003 and the BMW incident of October 2003—which reflect the implications of the Internet for enhancing citizens' rights, and this investigation will form the basis for an assessment of the mid- and long-term political impact of ICTs in authoritarian countries such as China.

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[31]See, for example, Linda Main, "The Global Information Infrastructure: Empowerment or Imperialism," *Third World Quarterly* 22, no. 1 (February 2001): 83-97; and Philip E. Agre and Marc Rotenberg, *Technology and Privacy: The New Landscape* (Cambridge, Mass.: MIT Press, 1997).

[32]See, for example, Mark Warschauer, *Technology and Social Inclusion: Rethinking the Digital Divide* (Cambridge, Mass.: MIT Press, 2003).

This article tackles two basic research questions. First, does the Chinese government have as much control over public debate on the Internet as it does over debate in the traditional media? Second, does the Chinese government still control and manipulate public opinion as much as it has conventionally done? During the SARS outbreak, the Chinese authorities found it increasingly difficult to control Internet communications, including mobile phone text messaging, which offered a more efficient conduit for the horizontal exchange/dissemination of information and therefore ameliorated sociopolitical unrest. This was particularly important as the government was thought to be incapable of handling a public health emergency of this kind. In the case of the BMW incident, online public opinion formed a new force that Chinese leaders were forced to reckon with. It was clear that they simply could not control and manipulate public opinion and debate as effortlessly as they had done in the past. The explorations of the two cases also reveal the implications of contingency for the awareness of citizens' rights in the information age.

The SARS Outbreak

One striking case of contingency that took place in China in recent years was the outbreak of SARS in early 2003. Demand from the public in China and from the international community for the truth about the threat posed by the SARS epidemic put enormous pressure on the Beijing government to abandon its cover-up policy and adopt a more transparent and accountable way of handling the outbreak. This case shows that the Chinese government is increasingly obliged to respond to ICT-facilitated public opinion.

The true scale of the SARS outbreak might not have been exposed if it had not been for ICTs and the foreign media. It is now confirmed that the first SARS case was reported in Foshan (**佛山市**) in the southern province of Guangdong (**廣東省**) on November 16, 2002, nearly five months before the first official acknowledgment of the outbreak on April 20, 2003. The first report of SARS in the Chinese media appeared in a local newspaper in

Heyuan (**河源鎮**), Guangdong, on January 3, 2003, its source being the local health bureau. This report did not take the epidemic seriously, simply noting, "No epidemic disease is being spread in Heyuan," and continuing, "symptoms like cough and fever appear due to relatively colder weather."[33] Scattered news reports subsequently appeared in seriously affected cities like Zhongshan (**中山市**), Shenzhen (**深圳市**), and Guangzhou (**廣州市**), but all of them played down the gravity of the epidemic, quoting provincial authorities to the effect that there was no need for people to panic since the health department had effectively controlled the virus. In the meantime, the propaganda department banned journalists from reporting on the outbreak.

The attempt to suppress media coverage of the epidemic was partly motivated by concerns that the perplexing disease might breed "unnecessary" social unrest and possibly lead to political instability at a time when the authorities were preparing for the annual meetings of the National People's Congress (NPC, **全國人大**) and the Chinese People's Political Consultative Conference (CPPCC, **政協**) and anticipating a change in the top leadership in March 2003. While there was no official statement about the illness, rumors spread swiftly. Some speculated that the disease had been created by bioterrorists, while others believed that the virus could be killed by fish-curing vinegar. More people took traditional Chinese medicine, mainly *ban-lan-gen* (**板藍根**, *isatis root*), which allegedly could ward off the disease. People used the digital media, including email and mobile phones, to inform their relatives and friends about the lethal virus and how to cure it. Much of the information available to people in mainland China had actually been transmitted by friends and relatives living abroad.[34] The situation further deteriorated as people started moving around the country on a massive scale to visit their relatives during the Chinese Lunar New Year.

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[33]Jan Wong (**黃明珍**), "How China Failed the World," *The Globe and Mail*, April 5, 2003, F6.

[34]Ciping Huang, "No Press Freedom in China after SARS: Statement to CECC," *New Century Net*, September 8, 2003. http://www.ncn.org/asp/english/da-en.asp? ID=54412 (accessed March 2, 2004).

It was not until February 10 that the Guangzhou municipal government held a press conference in response to extensive rumors among the public. The message conveyed by the officials was simple but confident: "Public panic is unwarranted; there is nothing to worry about."[35] In fact, the Guangdong provincial authorities had reported the outbreak to the central government three days earlier, according to *Nanfang ribao* (**南方日報**, Southern Daily).[36] The official statements—one on March 18 by Zhang Wenkang (**張文康**), minister of health, and one on March 26 by Kong Quan (**孔泉**), the spokesman of the Ministry of Foreign Affairs—stressed that effective measures had been adopted and the government had the epidemic under firm control.[37] It was clear that the Chinese authorities had not previously reckoned on the seriousness of the epidemic. They thought they could cover it up, as they had other incidents in the past, by preventing coverage of the virus by the traditional media and containing the widespread rumors circulating both online and offline.

During the early stages of the SARS crisis, the hyper-cautious propaganda department issued warnings to the press not to cross the official line and report subjects that might be politically significant but unacceptable. For instance, the *Ershiyi shiji huanqiu baodao* (**二十一世紀環球報導**, The Twenty-first Century World Herald), which is part of the *Nanfang ribao* group, was ordered to close its operations for more than a month by the Guangdong propaganda authorities due to its extensive coverage (up to eight pages) of the outbreak.[38] This move ensured that citizens could only access information and news from government-censored sources. This implied a policy of "stability above all else" (**穩定壓倒一切**, *wending*

[35]Baopu Liu, "Containing SARS: A Case Study of China's Bureaucracies," *China Brief* 3, no. 11 (June 3, 2003). http://www.jamestown.org/print_friendly.php? volume_id=19&issue_id=676&article_id =4739 (accessed October 20, 2003).

[36]Quoted in Xupei Sun, "Freedom of the Chinese Press vs. Keeping State Secret in Light of the SARS Crisis: An Analysis" (Paper presented at the 2004 annual meeting of the Association of American Law Schools, Atlanta, Georgia, January 2-6, 2004). http://www.aals.org/am2004/Xupei2004.pdf (accessed June 2, 2004).

[37]See http://www.pkusimba.com/sars/dsj2.htm (accessed May 2, 2003).

[38]See http://www2.epochtimes.com/gb/3/6/9/c13301.htm (accessed September 18, 2003).

yadao yiqie). The closing of newspapers and arrests of journalists and editors acted as a punitive deterrent against crossing the official line.

Yet grapevine gossip prevailed. People used informal channels to discuss and learn about SARS. Particularly when people were quarantined, the Internet and SMS (short messaging systems/services) allowed people to share and disseminate alternative information behind the government's back.[39] The turning point came on April 4, when Jiang Yanyong (**蔣彥永**), a retired physician at Beijing's Chinese People's Liberation Army General Hospital (No. 301), wrote a letter to media outlets revealing that there were in fact more cases in Beijing than had been officially announced. He later passed a signed statement to *Time* magazine and it was broadcast to the outside world.[40] The report created a global storm, leading to the arrival in China of an investigation team from the World Health Organization (WHO). China finally acknowledged that it had a major outbreak of SARS on April 20. One immediate consequence was the dramatic sacking of Zhang Wenkang and the mayor of Beijing, Meng Xuenong (**孟學農**), for covering up the truth and mishandling the SARS outbreak. Thus the electronic media in China played a part in alerting the foreign media to the crisis, and they in turn exerted direct pressure on the Chinese authorities. It seems that cyberspace can, in a sense, serve as a potential catalyst or agent of change.

Despite Dr. Jiang's disclosure of the seriousness of the epidemic, it was still downplayed by the government, and the Supreme People's Court even threatened to fine or imprison for up to five years people who spread

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[39]See, for example, Holly Williams, "Chinese Txt for Virus Information," BBC News, April 8, 2003, http://news.bbc.co.uk/2/hi/asia-pacific/2928969.stm (accessed April 20, 2003); and Irene Wang, "Text Messages Boost SARS Fight," *South China Morning Post*, November 4, 2003, 3.

[40]Dr. Jiang first sent his letter to Hong Kong's Phoenix Television (**鳳凰衛視**) on April 4, 2003, and then to China Central Television (CCTV-4) the following day. He sent a statement to *Time* on April 9. See Susan Jakes, "Beijing's SARS Attack," *Time*, April 8, 2003, http://www.time.com/time/asia/news/daily/0,9754,441615,00.html (accessed April 10, 2003); Lou Yi, "SARS xiqin: Jiang Yanyong—chengshi de yisheng," *Caijing zazhi* (Financial Magazine), May 8, 2003, http://finance.sina.com.cn/g/20030508/1230338214.shtml (accessed June 19, 2003); and John Pomfret, "China's Crisis Has a Political Edge," *Washington Post*, April 27, 2003, 33A.

"false" information that had not been released by the central government. This move was designed to silence the speculation that was still rampant on the Internet and SMS. Eventually Dr. Jiang was not only criticized and gagged but also incarcerated by the authorities.[41] He was subsequently prohibited from giving interviews to the foreign media without prior official sanction. Ironically, the local media quoted him as saying that he "did not come under any pressure or restrictions and life was as usual."[42] In addition, Zhang Wenkang, who had been stripped of his position as health minister, reappeared at the end of 2003 as a vice-chair of the Song Qingling (**宋慶齡**) Foundation, and he was made a deputy head of the CPPCC Committee on Education, Science, Culture, Health, and Sports in March 2005. Considering the government's history of crisis management, ordinary people tended to be suspicious of official interpretations and were alienated by official mishandling of the SARS epidemic.

A few illustrations manifest the degree to which people, especially those who lived in the most affected areas, were desperate for SARS-related information. For example, before the Radio Free Asia (RFA, http://www.rfa.org) website was banned or jammed on May 4, 2003, its online direct traffic from China reached record levels in April 2003, double that of the preceding year.[43] Beijing Netcom reported that Internet use increased by up to 40 percent during the SARS outbreak. Sina.com (**新浪網**) also experienced a 20 percent rise in its Internet traffic.[44] According to a report

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[41]Jiang's incarceration was in part due to his outspoken letter to Party and government leaders in Beijing, urging reconsideration of the 1989 Tiananmen massacre. He and his wife were allegedly detained and held incommunicado for a couple of weeks in June 2004. See Susan Jakes, "The Perils of Candor," *Time*, July 19, 2004. http://www.time.com/time/magazine/article/0,9171,994699,00.html (accessed December 27, 2006)

[42]Benjamin Kang Lim, "Chinese Doctor Gagged for Revealing SARS Cover-up," Reuters, May 22, 2003.

[43]See "SARS in China: Implications for Information Control, Internet Censorship, and the Economy" (Hearing conducted by the U.S.-China Economic and Security Review Commission on June 5, 2003), 32. http://www.uscc.gov/hearings/2001_02hearings/transcripts/02_06_05tran.pdf (accessed February 3, 2004).

[44]Quoted in a market research report from BDA, a China-based telecom and technology consulting services corporation. See Ted Dean, "SARS Drives Internet Boom," *BDA Analysis*, May 15, 2003, http://www.bdachina.com/content/en/features/analyses/B1056331768 (accessed January 12, 2004).

on telecoms and SARS in greater China (the PRC, Hong Kong, and Taiwan), published by the Telecommunications Research Project under the auspices of the University of Hong Kong, fear of rumor-mongering caused Shanghai Mobile (**上海移動**) to monitor any mobile user who was sending more than one hundred SMS messages per hour. The report noted that SARS-related information inquiries topped all others on Chinese Internet portals, and Baidu (**百度**), one of China's most popular search engines, saw a 9 percent increase in traffic every day in April 2003. The number of mobile subscribers to Shanghai Telecom's broadband services increased three-fold (up to 25,000) in two weeks in late April and mid-May 2003, compared with an increase of 7,000 each week in March that year.[45]

There were two distinct views regarding the impact of the SARS crisis on China's political system: one argued that SARS would be "China's Chernobyl,"[46] in that it would bring in sweeping political reforms, while the other view was more pessimistic, holding that the political system would absorb the impact and no change would result.[47] Both views capture some but not all dimensions of the political impact of SARS. If one were to assess the impact from a governance perspective, one would see that it has caused the government to become more transparent and accountable on major public issues like SARS and bird flu, although China still has

[45]Telecoms InfoTechnology Forum, "Telecoms and SARS: Two Brief Papers from TIF and Telecomasia.net" (July 2003), http://www.trp.hku.hk/tif/papers/2003/jul/telecoms-sars.pdf (accessed June 5, 2004).

[46]Mikhail Gorbachev, for example, has argued that "the accident at the Chernobyl nuclear power station was graphic evidence not only of how obsolete our technology was, but also of the failure of the old system." See Mikhail Gorbachev, "Diagnosing SARS in China," *New York Times*, May 19, 2003, A20. http://www.nytimes.com/2003/05/19/opinion/19MON1.html (accessed May 21, 2003).

[47]"China and SARS: The Crisis and Its Effects on Politics and the Economy" (Roundtable discussion co-sponsored by the Atlantic Council of the United States, the Brookings Institution, the Carnegie Endowment for International Peace, and the U.S.-China Business Council, July 2, 2003), http://www.brookings.edu/comm/events/cnaps20030702.pdf (accessed December 2, 2003); Joan Kaufman, "Can China Cure Its Severe Acute Reluctance to Speak?" *Washington Post*, April 27, 2003, B01, http://www.washingtonpost.com/wp-dyn/articles/A39950-2003Apr25.html (accessed May 1, 2003); and Gordon G. Chang, "SARS Crisis: New Disease, New Leaders, Same Old Regime," *China Brief* 3, no. 8 (April 22, 2003), http://www.jamestown.org/publications_details.php? volume _id=19&&issue_id=673 (accessed May 7, 2003).

a long way to go before it becomes a completely open and responsible system.[48] As Joseph Fewsmith puts it, "The government cares about public opinion because it is concerned with political stability."[49] Similarly, Minxin Pei argues,

> Whereas past policies were largely determined by the ruling ideology, its erosion [the declining appeal of communism] means that the struggle over policy has become a more spirited debate in which many political factors, including public opinion, carry weight. Without any ideological reason to command loyalty, too, the regime must be far more sensitive to its standing among ordinary people.[50]

Moreover, the authorities have found that their attempts to keep a lid on the epidemic only served to worsen its impact and damage the more favorable international image which the regime had carefully cultivated since the Tiananmen Square (**天安門廣場**) massacre of June 1989. While the state-controlled media were covering up the seriousness of the epidemic and spreading propaganda, online communities like *Qiangguo luntan* (**強國論壇**), administered by the *People's Daily*, were inundated by postings condemning officials for failing to tell the truth, and demanding practical protective measures and up-to-date information about SARS.

It should be noted that after the Chinese authorities gave the green light to the mainstream media to cover the SARS story, Internet chat-rooms still encountered stringent censorship of their discussions on the subject. Both press reports and messages posted online were strictly required to toe the government line and to cite officially sanctioned statements and data, or they could not appear.

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[48]When commenting on the new suspected human cases of bird flu in China, Dr. Henk Bekedam, the WHO representative for China, said, "It's very conceivable that there are more cases [than officially announced in the PRC]. However, we do not have the impression, at least from the central ministry, that they are hiding information from the outside world." See http://www.cidrap.umn.edu/cidrap/content/influenza/panflu/news/mar0606avictims.html (accessed July 25, 2006).

[49]See Joseph Fewsmith, *China Since Tiananmen: The Politics of Transition* (Cambridge: Cambridge University Press, 2001), 16; and Joseph Fewsmith and Stanley Rosen, "The Domestic Context of Chinese Foreign Policy: Does 'Public Opinion' Matter?" in *The Making of Chinese Foreign and Security Policy, 1978-2000*, ed. David M. Lampton (Stanford, Calif.: Stanford University Press, 2001), 151-87.

[50]Minxin Pei, "Hearing the Voice of the People at Last," *Newsweek*, May 7, 2001, 21.

A news report released by Agence France-Presse revealed this heightened cyber-censorship among Chinese Internet operators who feared harsh penalties for "negative" postings. In this report, a webmaster working for the *People's Daily* website was quoted as saying, "If the postings have something to do with pneumonia, we will post the ones we think should be posted and not post those that shouldn't be." Commercial Internet operators were similarly required to follow suit, as a manager of Sohu.com noted, "The main point is that positive postings can be posted, but those that are negative cannot be posted.... There are regulations; if the posting [will] have a bad influence on social stability then we can't post these kinds of things."[51] A more recent classic example in another context is the case of the journalist Shi Tao (**師濤**). Yahoo China has been accused of assisting the conviction of Shi Tao in June 2005—for allegedly leaking state secrets to a New York-based website—by revealing details of Shi's email communications to the authorities.[52]

At times of national crisis or major political events, such as CCP congresses or NPC sessions, Internet usage is more closely monitored, for fear of it fomenting social unrest or spreading rumors. As a result, the SARS crisis was not "China's Chernobyl." In the end, on- and offline coverage of the SARS crisis largely converged, but at a point of greater openness than if there had only been traditional offline coverage. Although the Chinese government still managed to limit the flow of information, it nevertheless discovered that global issues such as SARS could have a far-reaching influence on its domestic agenda. The government's attitude is changing, and this is partly reflected in a set of public health regulations,[53] enacted in response to the public's lack of trust in the authorities

[51]Quoted in Robert J. Saiget, "China Gags SARS Talk in Internet Chatrooms," *Newsobserver .com*, April 5, 2003, http://newsobserver.com/24hour/technology/story/842454p-5919649c.html (accessed April 16, 2003).

[52]Joseph Kahn, "Yahoo Helped Chinese to Prosecute Journalist," *International Herald Tribune*, September 8, 2005, http://www.iht.com/articles/2005/09/07/business/yahoo.php (accessed September 10, 2005).

[53]The administrative regulation, entitled *Tufa gonggong weisheng shijian yingji tiaoli* (**突發公共衛生事件應急條例**, Regulations on preparedness for and response to emergency

during the crisis. The Chinese government could find that its legitimacy is undermined if it continues to ignore life-threatening issues like SARS.

Whether or not public opinion and debate will be guided in the "right" direction can only be evaluated in the long run. At the very least, the authorities are now giving more weight to public opinion that is facilitated and mediated by ICTs.[54] This has profound implications. Quite apart from the government's own web presence—that will most likely be used for propaganda purposes—individual and interactive websites and blogs could encourage the development of "virtual" civic participation in problem-solving for the public good.

The Chinese leadership is widely perceived as striving to foster an image of effective governance and, most importantly, a willingness to work closely with ordinary people, and this is particularly evident since it was severely criticized for its mishandling of the SARS situation. Knowing that it is difficult, if not impossible, to completely stifle news and information and dissenting opinions made possible by ICTs, the Chinese authorities attempted to minimize the negative impacts of this traffic by acting in a more responsible, transparent, and accountable way during the later stages of the epidemic.

The BMW Incident

The reason why the BMW incident is relevant to this study is that it shows how ICTs have facilitated the better functioning of the rule of law, contributing to a more legally just society in China. This has in part been done through pressuring the authorities to alter the balance of interests that shapes political dynamics, which in turn determine the content of

public health hazards), was enacted and promulgated by the State Council in mid-May 2003. Full text is available at http://unpan1.un.org/intradoc/groups/public/documents/APCITY/UNPAN009620.pdf (accessed April 26, 2004).

[54]Chin-fu Hung, "Public Discourse and 'Virtual' Political Participation in the PRC: The Impact of the Internet," *Issues & Studies* 39, no. 4 (December 2003): 1-38.

law. This case is unique in China's legal politics, in that the vocal court of "virtual" public opinion prompted traditional media outlets to cover its developments. It showed that as use of the Internet and other digital media increases,[55] incidents like this will no longer go away quietly.

The BMW incident would have been just another traffic accident in China, and would have been by and large ignored or at best mentioned in passing by the traditional news outlets, if it had not been for the Internet.[56] On October 16, 2003, in the northeastern rustbelt city of Harbin (**哈爾濱市**), a wealthy woman, Su Xiuwen (**蘇秀文**), drove her BMW into a crowd, killing a peasant woman, Liu Zhongxia (**劉忠霞**), on a rickety tractor and injuring twelve onlookers. Liu's cart, loaded with market-bound spring onions, had just scraped Su's car. The Daoli District People's Court (**道裏區人民法院**) in Harbin ruled on December 20 that this was merely an "accidental traffic disturbance" caused by Su's negligence. Su was thus sentenced to two years' imprisonment suspended for three years.

News of the incident first broke in a local newspaper, *Shenyang jinbao* (**瀋陽今報**, Shenyang Today), on January 4, 2004, and a series of reports on the subject appeared over the next ten days. The inside story of the case was revealed and the paper suggested the case should be retried.[57] These reports attracted little attention until they were picked up by the popular commercial Internet portal, Sina.com, whose news sources are usually the national and local press. The news was reprinted[58] on Sina.com

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[55]According to a recent semi-annual report on the development of China's Internet, released by the quasi-official China Internet Network Information Center (CINIC), in January 2007, China had an estimated 137 million Internet users, making it the world's second largest Internet market after the United States. See http://www.cnnic.net.cn/uploadfiles/doc/2007/1/22/212245.doc (accessed January 30, 2007).

[56]According to official figures, there were more than 66,000 road accidents in China in 2003, which cost some 100,000 lives, reinforcing the country's notorious reputation as one of the world's most dangerous places to drive. See "Gong'anbu tongbao 2003-nian quanguo daolu jiaotong shigu qingkuang" (**公安部通報** 2003 **年全國道路交通事故情況**, The Ministry of Public Security issues notice on the situation of the nationwide road traffic accidents in 2003), Xinhua, January 18, 2004, http://news.xinhuanet.com/zhengfu/2004-01/18/content 1282400.htm (accessed April 15, 2004).

[57]See the first news item, for example, http://bf3.syd.com.cn/gb/syjb/2004-01/04/content 888791.htm (*Shenyang jinbao*, January 4, 2004; accessed March 12, 2004).

[58]According to China's Internet regulations, commercial Internet portals cannot generate

on the same day and its appearance on the Internet soon whipped up public outrage. Contributions by "netizens" reached a record high in several cyber chat-rooms. Chen Tong (**陳彤**), editor-in-chief of Sina.com, noted, "We have received more than 200,000 postings within ten days. That's the biggest response we have ever got for a single story."[59]

After news of the controversial verdict was posted on Sina.com, the mainstream press and other Internet portals reported it and many of them set up feature websites to cater for the surge in public demand for the latest developments. In addition to Sina.com (www.sina.com), Sohu (**搜狐**, www.sohu.com), Netease (**網易**, www.163.com), People's Daily Online (**人民網**, www.people.com.cn), Yahoo (**雅虎**, cn.yahoo.com), Xinhua News Agency (**新華網**, www.xinhuanet.com), Qianlong Wang (**千龍網**, www.qianlong.com), and Dayoo Wang (**大洋網**, www.dayoo.com) all created websites dedicated to the story. A Sina.com staff member revealed that their very first item on the case had elicited more than 10,000 contributions within a single day (11 a.m.-8 p.m.), far exceeding the responses to other major incidents like the outbreak of SARS, the arrest of Saddam Hussein, or the launch of China's Shenzhou-V (**神州五號**) space flight.[60] Visitors to Sina.com and Sohu.com seeking news of the BMW incident outnumbered those visiting the sites for any other reason.[61]

The large-scale coverage of the BMW incident both in the press and on the Internet demonstrated that such incidents were attracting greater

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their own news but can only "reprint" news from officially approved national or local media outlets. See *Hulian wangzhan congshi dengzai xinwen yewu guanli zhanxing guiding* (**互聯網站從事登載新聞業務管理暫行規定**, Provisional regulations on governance of Internet-based news providers registration of news websites), jointly issued by the Information Office of the State Council and the Ministry of Information Industry (MII, **信息產業部**) on November 7, 2000. http://www.isc.org.cn/20020417/ca42718.htm (accessed February 21, 2004).

[59]Ching-Ching Ni (**倪青青**), "Incensed Chinese Wield Internet Clout to Press for Justice," *Los Angeles Times*, January 17, 2004, http://www.latimes.com/news/printedition/asection/la-fg-bmw17jan 17,1,1672021.story? coll=la-news-a_section (accessed April 4, 2004).

[60]http://medianet.qianlong.com/7692/2004/01/06/33@1806521.htm (*Qianlong Wang*, January 6, 2004; accessed February 8, 2004).

[61]http://www.bjd.com.cn/BJWB/20040108/GB/BJWB^11576^3^08W312.htm (*Beijing wanbao*, **北京晚報** [Beijing Evening News], January 8, 2004; accessed March 20, 2004).

public attention both on- and offline. The Internet served to accelerate the speed and scale of communications in this case. Collective online fury has indeed had an impact on public discourse, as people have been enabled to express their long-concealed feelings about rampant social injustice and official corruption. The Internet also provided a prompt, anonymous, and, most importantly, interactive platform for the expression of public opinion on this case, and like the SARS epidemic, it led to a convergence of on- and offline opinion. Political leaders at both central and provincial levels not only gave heed to the incident, but also promised to step in to correct an injustice.

The official response to public opinion in the BMW case had important implications for the Internet's impact on legal politics. Xinhua published its initial comments on January 6. On January 5, Han Guizhi (**韓桂芝**), chairwoman of the Heilongjiang Provincial People's Political Consultative Conference (**黑龍江省政協主席**), had met with journalists to deny the rumors widespread on the Internet and in the press that she was the defendant's mother-in-law. She promised that the government would deal with the allegations through due process.[62] A few days later, the Party-controlled *People's Daily Online* quoted a spokesman from the Harbin municipal government information office as saying that "the judicial and public security organs are now re-investigating the BMW case, and they will soon deliver a 'responsible' response to the general public and the press."[63] China Central Television (CCTV) also broadcast a TV special on January 9, in response to the public outcry against the court's verdict.

These responses demonstrate that the Party and the government were well aware of the incident. In one sense, the high degree of public attention put them under heavy pressure to review or even intervene in similar legal cases. The Internet served as an effective medium for whipping up collective public resentment against the verdict in the BMW case and for voicing

[62]http://news.xinhuanet.com/newscenter/2004-01/06/content_1261829.htm (Xinhua, January 6, 2004; accessed April 27, 2004).

[63]http://www.people.com.cn/GB/paper39/11093/1004523.html (*Renmin ribao*, January 12, 2004; accessed April 27, 2004).

demands for further investigation or even a retrial. Many people perceived the rather light sentence handed down by the court as proof that the "judicial system is far too easily manipulated by the rich and powerful."[64] The panel charged with reinvestigating the case concluded that the original verdict was "appropriate,"[65] but the case does show that public opinion in China has begun to create the kind of sociopolitical environment in which a more transparent style of government can emerge. This is known in China as *yulun jiandu* (**輿論監督**, supervision by public opinion), and Dali L.Yang (**楊大利**) believes that "the Internet can fulfill the role the media should play in an open society."[66] In this case, regardless of the fact that the original verdict was upheld at the retrial, pressure from the Internet did force the Chinese authorities at least to appear to be responding to public pressure even if they still ended up protecting their own.

The impact of the BMW affair on China's authoritarian regime is both profound and yet limited in scope. It is profound because in the case of the BMW incident, along with other hotly-debated legal cases such as those of Sun Zhigang (**孫志剛**)[67] and Liu Yong (**劉涌**),[68] grass-roots online discussions have been able to attract the attention of ordinary people, the Party/government, and the international media. The Chinese govern-

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[64]"Road Rage and Web Rage: The Growing Power of the Internet," *The Economist*, January 31, 2004, 57.

[65]http://news.xinhuanet.com/english/2004-03/28/content_1388452.htm (Xinhua, March 28, 2004; accessed April 2, 2004).

[66]Julie Chao, "Internet Rages over China's 'BMW Incident'," *The Atlanta Journal-Constitution*, January 18, 2004, www.ajc.com/news/content/news/0104/18chinabmw.html (accessed February 5, 2004).

[67]The BMW incident is comparable to the Sun Zhigang and Liu Yong cases in terms of the way the Internet impacted on the judicial system. Sun Zhigang was mistakenly detained in a Guangzhou shelter for the homeless and later died in police custody after allegedly being beaten up. The report initially broke on the *Nanfang dushibao* (**南方都市報**, Southern Metropolis News) website, a Guangzhou-based news outlet famous for its outspoken editorial policy. Widely discussed on the Internet, this news elicited an enormous amount of public concern. In this case, the Internet partly contributed to the eventual abolition of the two decades-old regulations on repatriating migrants and vagrants.

[68]Gangland boss Liu Yong was sentenced to death in April 2003 but the sentence was suspended for two years on appeal. This verdict sparked outcry on the Internet. Netizens suspected that Liu had used personal connections with the former mayor and deputy mayor of Shenyang to get off. In December 2003, the Chinese Supreme Court overturned the appeal verdict and ordered Liu's immediate execution.

ment tolerates public discussion of some sensitive issues as long as they do not cross a certain political line and are not overly critical of the authorities. However, the impact of the case is still limited because the Chinese authorities have not been willing to allow the Internet to exercise its full potential in public affairs, nor have they extensively relaxed their tight grip on Chinese cyberspace. Wei Lai (**魏來**), former deputy editor-in-chief of Sina.com, admitted that the company had deleted about 20 percent of contributions to its message boards on the BMW incident in compliance with government requests, and a few days later the remaining quarter-million were also deleted.[69] The Sina.com source also acknowledged that the flood of postings was so great that it exceeded the capability of web monitors to censor them.[70] The surge of critical public opinion online, added to the fact that the annual meetings of the NPC and CPPCC were due to take place soon, partly explains the crackdown on controversial discussion forums and independent reporting not sanctioned by the propaganda authorities. Grass-roots opinion mediated online is emerging as a force to be reckoned with in China.

Skeptics could argue that the Party/government simply controls and absorbs this kind of online pressure, as it did previous expressions of public discontent, such as street demonstrations, strikes, big-character posters, and letters to the press and TV. Recent examples of tightening up, including registering the real names of all QQ group founders and administrators on the Internet,[71] and putting controls on bulletin board systems (BBSs), blogs, search engines,[72] and online videos,[73] provide these skeptics with

[69]Philip P. Pan, "The Unquiet Death of a Chinese Peasant: Lenient Treatment for Driver in 'BMW Case' Ignites Media Frenzy, Wide Discussion of Wealth and Justice," *Washington Post*, January 16, 2004, A14, http://www.washingtonpost.com/ac2/wp-dyn? pagename=article&contentId=A21197-2004Jan15&notFound=true (accessed March 15, 2004).

[70]Robert Marquand, "China Mutes Online News," *The Christian Science Monitor*, March 10, 2004, http://www.csmonitor.com/2004/0310/p07s01-woap.html (accessed April 4, 2004).

[71]"Fourteen Departments United to 'Purify' the Internet," *Nanfang zhoumo* (**南方週末**, Southern Weekend), August 23, 2005, http://www.nanfangdaily.com.cn/zm/20050818/xw/szxw1/200508180019.asp (accessed October 12, 2005).

[72]"China Increases Controls on Blogs, Search Engines," Associated Press, June 30, 2006.

[73]"New Regulations to Control Online Videos," Xinhua, August 16, 2006.

ample evidence that the Chinese authorities have little or no inclination to seek or respond to public opinion mediated online. This author, in contrast, argues that digital technologies, including the Internet, e-mail, cyber chat-rooms, SMS, blogs, and peer-to-peer technology such as Yahoo Messenger, QQ, and Skype, are the most effective way for the Chinese authorities to elicit public opinion, particularly from the elites and opinion leaders, in China's increasingly digitalized society. As long as online public discourse does not cross a certain sociopolitical line, digital technologies may act as a pressure valve to alleviate, if not eliminate, unstable forces that could significantly challenge the capacity and authority of the CCP. Thus the propaganda and public security departments could in one way or another utilize the Internet as a social stabilizer. They could also use it to present favorable interpretations of government policies and most likely reset the online agenda through comprehensive e-government initiatives.

To summarize, Internet users may be able to set their own agendas, as they did in the case of the BMW incident, in a way that the authorities cannot easily overlook. The Internet is giving ordinary people a wider platform than the traditional media to vent their feelings and possibly organize themselves in ways that were unavailable to previous generations. The effect of this is to empower Chinese Internet users to make their opinions heard and to force government officials to be more responsive and accountable. This kind of online public participation demonstrates that "participation is not just of value in and of itself, but also has an educative role that promotes civic engagement and wider virtues."[74] This is particularly important in China where there are rather limited formal channels of public as well as political participation and the mass media usually operate within a government-directed environment. Meanwhile, apart from the outrage sparked by the BMW incident, China's recent experience with SARS has most likely aroused a strong sense of public concern about the quality of governance in the country. In sum, collective pressure from Internet users

[74]Shaun Bowler and Todd Donovan, "Democracy, Institutions and Attitudes about Citizens Influence on Government," *British Journal of Political Science* 32, no. 2 (April 2002): 374.

and the general public has gradually and steadily compelled the government to take their opinions seriously into account.

Discussion

From the cases discussed above, it is clear that the Internet has had an impact on China's political system. First, the SARS and BMW incidents have popularized the concept of "the people's right to know" (**知情權**, *zhi qing quan*) in circumstances where local authorities have tried to cover things up. Profound concerns about public health as well as the widening gap between rich and poor have all contributed to the heated discussions and debates online. That the government's initial attitude was ambiguous, non-transparent, and ineffective in these cases created even more speculation online and offline, seriously disrupting the CCP's long-established vertical flow of communications, and boosting a horizontal system of communications through digital media like the Internet and SMS. The mishandling of the SARS epidemic in particular has deepened mistrust between the government and the public, strengthening pressure for a more transparent, responsive, and accountable administration.

Second, the "virtual" public discourse conducted via the Internet has pushed the boundaries of free speech and, most importantly, raised demands for a greater degree of response and accountability from the government, although the former is more significant than the latter at this stage. One article that appeared in *Liaowang dongfang zhoukan* (Oriental Outlook Weekly) claimed bluntly that the BMW incident demonstrated that "ordinary people have little faith in the law and they distrust the state apparatus."[75] In other words, the official media have in these cases failed to play the "watchdog" role they do in many Western societies. Effectively, there is a "thin" public media space in which mass opinion can be expressed

[75]Liu Haipo, "'Baoma' an zhenzheng lingren youlu zhi chu" (What it is really worrying about the BMW case), *Liaowang dongfang zhoukan* (Oriental Outlook Weekly), January 15, 2004, no. 3:31.

without fear of retaliation from the state, and there are few institutional mechanisms in the sociopolitical system to accommodate public opinion. The Internet has therefore extended the range of media outlets and broadened horizontal communications and the expression of public opinion. China's Constitution of 1982 and its subsequent amendments, and the "International Convention on Civil and Political Rights" signed in 1998 give lip service to human rights and freedom of speech, which are mentioned in these documents in broad and unspecific terms, but public opinion is seldom taken seriously into account in public policymaking. Added to this is the scarcity of institutionalized channels, such as regular and free elections or an impeachment mechanism.

As Joseph S. Nye, Jr., argues, information dissemination implies that "power is more distributed and networks tend to undercut the monopoly of traditional bureaucracy."[76] Following this logic, he implies that the speed of the Internet has to some extent constrained government agendas, whether at central or local level, requiring much more rapid responses to events. Although public opinion articulated in cyberspace may not be allowed the final say on the direction of national development, the change in public attitudes and sociopolitical behavior is having a far-reaching impact on the roles, institutions, and bureaucracies of the Chinese government. This is primarily because when ordinary people lose their fear of independent communication and information-sharing channels, government "of the people" becomes more problematic in terms of good and effective governance. In this regard, the Chinese government has gradually begun to take public opinion into consideration when initiating and implementing public policies. There is, of course, a difference between taking public opinion into account, which every government, even a dictatorship, has to do to a certain extent if it wants to avoid unnecessary unrest and conflict within society, and allowing public opinion to enter the political process. The point here is that the electronic media have indeed fostered

[76]Joseph S. Nye, Jr., "Information Technology and Democratic Governance," in *Governance .com: Democracy in the Information Age*, ed. Elaine Giulla Kamarck and Joseph S. Nye, Jr. (Washington, D.C.: Brookings Institution Press, 2002), 11.

a greater degree of civic engagement in China.

Third, the two cases under review also provide evidence that the Internet has to some degree affected the traditional media. One aspect of this is the way the mainstream media have been stimulated to be bolder in following up topics debated online. In this, they are motivated by commercial considerations, and they are also in a less risky position. "Virtual" public discussions thus provide a justification for traditional media outlets to follow suit, or at least test the boundaries of self- or government-imposed censorship. One direct consequence is that China has witnessed freer media coverage that is prepared to push the boundaries of censorship. Meanwhile, it is becoming increasingly common for online discourses to be incorporated into the mainstream media, where previously traditional media channels were independent and separate.

Lastly, the Internet's impact on Chinese society has another aspect—the effect of accident or contingency. Other unexpected incidents have attracted the media spotlight, such as the collision of a U.S. spy plane with a Chinese jet over the South China Sea on April 1, 2001. Although ordinary people may be aware of social injustice and official corruption (such as allegedly existed in the BMW case) or concerns about U.S. or Japanese hegemony or imperialism, their disaffection remains concealed until a specific incident brings it to the surface and causes them to express their resentment both on- and offline. These kinds of events, which take place quite frequently, are fundamentally different from pre-planned political events such as national meetings of the CCP or the NPC. The political impact of the Net is therefore varied. When, for example, the public expresses its sympathy with victims, long-standing hatred and anxiety may build up into joint civic engagement, online or offline. Both of the cases in this article sparked challenges to the existing legal and government systems, and awakened concerns about civil and legal rights.

Unlike the BMW incident or the spy plane collision, SARS was not an event that could have been expected, and therefore the debate it evoked on the Internet had a subtly different political impact. In the case of the SARS epidemic, the new public health regulations, issued after the initial mishandling of the crisis by local governments, represented a vital step to-

ward the construction of a more comprehensive mechanism for managing public emergencies. The central government has since brought provincial and local government officials to account for either holding back emergency information or giving false information. The aim is to make local government more responsive and transparent and ensure the timely, comprehensive, and accurate public disclosure of information. To sum up, it appears that an unexpected contingent event has a greater political impact through the Internet than one that might be predicted, as the latter would give the authorities leeway to limit its impact. When the authorities are caught off-guard, ICTs have a greater impact.

The power of the Internet and other ICTs in relation to circumstantial events reflects what has been stated previously about the Internet's long-reaching impact and it also brings to mind Nina Hachigian's prediction that "the power shifts wrought by the Internet will surface clearly only during an economic or political crisis in a future China where the Internet is far more pervasive. At that time, the Internet will fuel discontent and could be the linchpin to a successful challenge to party rule."[77]

Conclusions

The Internet has been exploited at certain times to advance public awareness of social justice and civil/political rights. For example, an online petition, entitled the "Declaration of Citizens' Rights for the Internet," signed by eighteen Chinese intellectuals, was posted on July 29, 2002, three days before the "Provisional Regulations for Internet Publication and Management" came into force. The declaration proposed that there should be freedom of speech on the Internet, freedom of Internet information, and freedom of Internet organizations.[78] The Internet and other ICTs

[77]Nina Hachigian, "China's Cyber-Strategy," *Foreign Affairs* 80, no. 2 (March/April 2001): 118.

[78]"Zhongguo xuezhe: Wangluo gongmin quanli xuanyan" (**中國學者: 網絡公民權利宣言**, Chinese scholars: Declaration of citizens' rights for the Internet), *Yi bao* (**議報**, China

have also enhanced the public's awareness of the government's blemishes. Indeed, the voicing of calls for civil rights in the wake of the wider application of ICTs has caused some observers to indulge in wishful thinking that modern technology will open the door to a freer sociopolitical environment in China. Nevertheless, one should remember that Dr. Jiang Yanyong was imprisoned for revealing information about the SARS epidemic, and this should make us refrain from an over-optimistic or romantic estimate of the ability of ICTs to promote democratization at this stage. The Chinese government seems reluctant to give way to grass-roots civil rights activists empowered by new technologies, but on the contrary is attempting to revive state authority and capacity in the age of globalization and the Internet.

Based on the empirical evidence presented here, there are grounds for suggesting that the Internet has indeed made China's authoritarian government more transparent and accountable. However, we should remain only cautiously optimistic regarding the Internet's political impact for the time being. Internet users may not have directly and immediately subverted communist rule, but they have nevertheless mobilized what are deemed by the authorities to be "reactionary" powers to challenge the government's agenda and bring about a greater degree of sociopolitical relaxation. It is, however, premature to predict that enhanced public participation in the Internet will bring about political democratization in China. Admittedly, the dramatic increase in alternative information available online is potentially a formidable challenge to the CCP's propaganda-filled media environment. Internet-enabled public opinion in China is, as a result, bound to become more significant in the future. After all, the Internet's political impact will be shaped and determined less by the intrinsic nature of the Internet itself than by the underlying political dynamics of public opinion and civil participation.

E-Weekly), no. 152 (July 29, 2002), http://www.chinaeweekly.com/history/gb02070411.htm (accessed April 30, 2004). See also Sophie Beach and Xiao Qiang, "As Control Increases, 'Internet Citizens' Demand More Freedom," *South China Morning Post*, October 3, 2002.

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