

Testimony before the Congressional-Executive Committee on China
Round-Table on Media Freedom in China
by
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To the Commission:

I come here today to offer some thoughts concerning freedom of press and freedom of political expression in China -- or more precisely, concerning the lack of such freedom. I also come to tell you I worry about the ways in which other interests --the foreign- policy interests of the United States government, the commercial interests of international media corporations, or an unduly narrow focus on the rule of law -- may unintentionally contribute to the continuing restrictions on freedom of press and intellectual expression in China.

At the outset, I should tell you that what I have to say reflects only some general and philosophical observations I have reached in thinking about China issues over the past 15 years, first as a correspondent in China during the 1980s and then in covering U.S. policy towards Asia and writing a history of modern U.S.-China relations while living in Washington in the 1990s. I do not claim to be closely familiar with the day-to-day situation in China in 2002. Your two other witnesses today, He Qinglian and Kavita Menon, can give you a better sense of the climate in China right now than I can. I do talk from time to time with foreign correspondents now serving in and covering China, but what I have to say reflects exclusively my own perspective.

For me, the most important fact is that despite many changes in over the past decades, the situation for press freedom in China today is what it has been: That freedom still does not exist. The human right of freedom of expression included in the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights is not a right that the 1.3 billion people in China are allowed to enjoy. Congress assigned to your Commission the task of monitoring what it called "the right to engage in free expression without fear of any prior restraints." In China, there is no such freedom. The restraints remain in place.

To state the obvious, the Chinese Communist Party maintains its monopoly on power, and that includes the power over the principal newspapers and television stations. The party's tolerance for what can be published varies from season to season; during some periods of so-called liberalization, more critical views can be aired. But once the criticisms get too pointed or too threatening, they are suppressed. Among the most sensitive subjects are workers' strikes; rural unrest; Falun Gong; allegations of corruption or nepotism by the country's leaders; direct criticism of the Chinese Communist Party; Chinese rule in Tibet and Xinjiang; and, finally, of course, the events of 1989, including the leadership upheavals, the Tiananmen crackdown or what the Chinese often call simply "6-4."

The record is replete with examples of disciplinary action against those who venture onto these or other sensitive subjects. Just to take a few examples from the last three years: Chinese authorities forced the publication Southern Weekend to stop the presses this March and remove a feature about a scandal in Project Hope, a charity that is under the control of the Communist Youth League. A magazine called Today's Celebrities closed last year after it carried an article that was considered unflattering to the memory of Deng Xiaoping. And since you have already held a hearing on the Internet, I presume you are aware of the case of Huang Qi, who was imprisoned in March, 2000, after his web site aired information about the events of 1989.

The underlying problem is deep-rooted and fundamental. Chinese news media are still viewed by the party not as independent sources of information or as a check or restraint upon power, but rather as instruments of political and social control. In January 2001, Jiang Zemin said that the news media in China have a duty "to educate and propagate the spirit of the Party's Central Committee."

This view of the press as an arm of the regime is not merely abstract. It affects daily life, too. To take one recent and relatively benign example: Early this month, when China's soccer team lost to Costa Rica at the World Cup, Communist Party officials instructed the sports editors of major Chinese newspapers not to criticize the team and not to do anything that might arouse popular anger at the team and its defeat.

Now, let me turn immediately to the question I know you will ask: But really, aren't things getting better in China these days?

I anticipate this question simply because for more than two decades, the notion that things are getting better in China has been repeatedly used to defuse and to minimize concern in the United States about restraints on freedom of expression and other forms of political repression there. I would argue - in fact, I did in my book - that the notion that "things are getting better" is propelled by strong strategic and commercial interests, interests which may be valid in their own sphere but which have little or nothing to do with political freedom. In the late 1970s and the 1980s, the United States viewed China as a tacit ally against the Soviet Union, and in the 1990s the United States sought to invest in and trade with China and to use commerce as a means of integrating China into the international community.

I think if we're talking specifically about freedom of the press, the idea that things are getting better represents a determined effort to put the best face on things and is, really, a distortion of the truth.

Things have gotten much better in China in some ways - that is, if we are talking about private freedoms. You can wear what you want, you can own what you want and in private, you can say what you want. As virtually every American visitor to China quickly finds out, the cab driver at the airport is free to tell you what he thinks - maybe even tell you that he believes Jiang Zemin is an airhead.

Things have improved in one other way, too. The Chinese authorities cannot possibly keep information out of China to the extent that they could before. The influx over the Internet and airwaves and the travel across China's borders is far too great for China to be able to prevent its people from knowing what happens outside. For example, when the people of Taiwan were able to hold a free election and force the Kuomintang or Nationalist Party to step down from power in March 2000, the people of China were able to find out about those events. That's a significant change. Still, let's keep it in perspective: It is a change that has taken place in spite of, not because of, the efforts of the Chinese leadership, which continues to block websites, jam radio frequencies and monitor access to the Internet.

The larger problem is that these changes have no bearing at all on freedom of the press or freedom of expression - if by those words, we mean what we usually mean, which is public and political expression, the freedom to criticize the government openly, to express in print or over the airwaves those views which dissent from what the country's leaders are saying. This right - again, a right recognized in the Universal Declaration of Human Rights and the U.N. Convention on Civil and Political Rights -- still does not exist in China, and all the talk about changes should not deflect us away from that fact.

Now, let me turn to the concerns I mentioned at the beginning of my statement ones that I hope you will keep in mind as you do your work.

First, about an overemphasis on the rule of law: The rule of law is an extremely worthwhile objective in China. However, over the past few years I have heard some Americans speak as though it were the only or

ultimate objective for political reforms in China or as though it were the sole means of accomplishing political change. I strongly disagree.

The subject in your hearing today is freedom of the press and freedom of expression. Those political freedoms are at least as important as the rule of law - indeed, in my own view, more so. And frankly, it is possible to imagine a government that incorporates the formalities of the rule of law while doing little or nothing for freedom of expression. In fact, even worse, it is possible to envision a government that uses the "rule of law" to inhibit freedom of expression. To take one concrete example, Singapore offers the rule of law in such a way that international companies have perfectly decent access to its court system for commercial disputes; at the same time, the same government uses its laws to punish or, indeed, bankrupt those political opponents who would challenge the existing order or the ruling party.

I hope you will take care not to emphasize the rule of law to the exclusion of freedom of expression. I hope you will not inadvertently encourage China to attempt to follow the political path of Singapore. I hope that when you pursue the valuable objective of the rule of law in China, you will make clear that it is not enough to provide courts, lawyers and judges exclusively for settling or arbitrating commercial disputes. If that were to be the sole result, then I think unfortunately history may judge that the pursuit of the rule of law in China will have turned out to serve the interests of the American business and legal communities, but not the goal of advancing the rights and freedom of expression of ordinary people in China.

Secondly, concerning the U.S. government: I think U.S. officials need to be careful about unintentionally encouraging restrictions on freedom of expression in China.

What I'm referring to is the tricky question of U.S. policy towards popular expressions of anti-Americanism in China. On a number of occasions over the past few years, there have been outbursts of anti-American sentiment - most notably, of course, after an American missile struck the Chinese embassy in Belgrade in 1999 and after a Chinese pilot shot down the American EP-3 reconnaissance plane last year.

I think the U.S. government is certainly right to complain when there is evidence that the Chinese regime is encouraging or even organizing such anti-American outbursts, or when the party newspapers controlled by the regime fuel these sentiments. There were such indications after the Belgrade incident.

Otherwise, however, I believe the United States should not seek suppression of populist Chinese views, including those that are wrong-headed or crazy. During and after the EP-3 incident, I heard some Americans express satisfaction or even gratitude that the Chinese leadership under Jiang Zemin had "reined in" or stopped some of the outbursts of anti-Americanism on Chinese websites or radio talk shows.

To me, such an attitude is shortsighted. It may help the short-term foreign-policy interest of restoring harmony between the U.S. and Chinese governments. But it harms the cause of freedom of expression in China; it puts the U.S. government in the position of asking the Chinese regime to restrict public opinion.

Needless to say, China is full of bright, talented people, and if they are permitted the freedom to criticize the United States of America, some of them may ask why they are not permitted the same freedom to criticize their own government and leaders. Furthermore, these outbursts of anti-Americanism - so long as they are genuine --serve the function of allowing us to see what ordinary Chinese people think. That, at least, is a step forward from having to listen to the Chinese government claim for itself the right to say that this or that action "hurts the feelings of the Chinese people" - an assertion that Chinese leaders make without ever holding the sort of open elections, referenda or other processes that would demonstrate the feelings of the Chinese people, and without ever permitting the question of whether the Chinese government's own actions may hurt the feelings of the Chinese people.

Finally, let me add few words of caution about the tension between the goal of freedom of expression in China and the interests of media corporations that seek to operate in China.

This is an old issue, one which has arisen outside of China, too, but which has special relevance to China today. While large media corporations of course often engage in political expression, they have many other interests, including financial ones. As a result, these large media corporations may not always further the cause of freedom of expression for ordinary individuals - and in fact, can sometimes harm that cause.

In the specific case of China, we can see large media companies lining up to enter the China market. These include huge international concerns like Rupert Murdoch's News Corporation, AOL-Time Warner and Disney. They also include smaller Asian companies; for example, the leading newspaper corporations of Taiwan have been quietly hoping and laying plans for many years now to start publishing copies of their newspapers on the Chinese mainland.

In business terms, these companies are doing no more or less than all the other companies who have been entering the China market or planning to do so. They have the same right as any other company to expand their market or to try to increase their revenues.

However, in one respect, these companies are different. They are media companies, which not only should enjoy the right to publish or broadcast, but also, I believe, have a special obligation, a special duty to help foster freedom of expression and to do nothing that harms freedom of expression.

With respect to China, that obligation carries special meaning. It means that newspaper and broadcast companies should not agree to censorship or to other restrictions on content as a condition for entering the China market. It means that computer and other high-technology companies should not assist the Chinese government in blocking the Internet. It means that American entertainment companies and movie studios should not let Chinese authorities use the lure of theme parks or distribution outlets to determine what movies get made or what is in those movies.

And, finally, it means that executives of media companies need to be something other than mere flatterers and mouthpieces for a regime that restricts the freedom of expression their companies enjoy elsewhere. When they seek to enter China, they need to think about their larger missions, not merely their balance sheets - assuming that, as I believe, some of them do have some ideals and goals beyond making money. Those need to espouse the cause of freedom of expression not just for themselves or their media corporations, but for ordinary people in China.

And what can the U.S. government or your own commission do? I realize there are no easy policy prescriptions that will bring about freedom of expression in China. But one thing is simple: You can tell the truth. You can call attention to the continuing restrictions in China. You can emphasize the major factors about the press and television in China that have not changed, and not merely the lesser things that have changed.

More than two decades ago, one of my predecessors, a Canadian correspondent in China named John Fraser, covered the Democracy Wall movement of 1979-80, one of those brief interludes when the restrictions on freedom of speech in that country were essentially lifted. In a book later on, he wrote something I never forgot: Once you have seen what the people of China do and say when the all political restrictions are off, your opinion of the country and its people will never be the same.

I hope you will do whatever you can to help ensure that some day, the restrictions on freedom of expression will be lifted in China -- not just for a season and not just at the whim of some Chinese leader, but in a fashion that endures.

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