
WHY CHINA NEEDS A PRESS AND PUBLICATIONS LAW

By Li Pu and Wang Jianxun

The recent banning of eight books through informal and arbitrary means demonstrates the need for China to formulate a press and publications law to protect freedom of expression from arbitrary official whim.

It was only after reading two statements by writer Zhang Yihe on January 19 and 24, 2007, that we learned that Wu Shulin, deputy director of the General Administration of Press and Publications (GAPP), had again banned some books during a so-called “information meeting” on January 11, this time eight at one go.¹ This new round of cultural corralling has drawn widespread criticism from intellectuals, who have lined up to decry Wu’s action as violating both the Constitution and the principles laid out in Premier Wen Jiabao’s “Heart-to-Heart” speech. We will not expand on this argument, but rather will analyze the incident from two angles to express our support for the laudable resistance put up by that “solitary old woman,” as Zhang Yihe describes herself.

Wu Shulin’s information meetings must be discontinued

China set up the system for its Foreign Ministry press spokesperson years ago, and in recent years it has become a notably successful model for many of the State Council’s lower-level ministries and commissions. For all its deficiencies, this system ultimately maintains the upright, refined tone of a great country. Wu Shulin and GAPP should have set a similarly good example for other ministries, but unfortunately, Wu has in fact served as an example of what not to do. If you really believe in your position, why not use normal channels such as a press conference to announce your decisions publicly? “Advance briefings,” “information meetings,” “warning meetings” and other such informal, underhanded methods are inconsistent with the concept of a modern, civilized country that governs according to the rule of law. Wu Shulin’s self-satisfied persistence in using such methods indicates that he and his cohorts are at heart the functionaries of a dictatorial, anti-civilization, inhuman, reactionary cultural autocracy. Such notions are diametrically opposed to the concepts of putting people first and of establishing a harmonious society that have been repeatedly emphasized over the



A Beijing bookstore, May 2007. Photo: AFP/Getty Images

last two years by Hu Jintao. Moreover, they run counter to the powerful world trend towards democracy.

Wu Shulin's use of an "information meeting" to implement his course and preemptory targeting of particular writers implies that Wu is aware of the underhanded nature of blacklisting Li Rui and other "problematic" writers. What an obscene travesty it is for 5,000 years of glorious civilization to be despoiled by the current rabble!

Incidentally, it is worth noting that Wu Shulin, by once again using an "information meeting" to ban authors and books instead of circulating a document and explaining his administrative intentions in a transparent manner, betrays something like a guilty conscience. Wu Shulin, are you afraid that in the days to come the political terrain will change and you will be called to account? If you really want to say what you think, why not simply publish another "May 16 Notice,"² or declare that so-and-so is permanently expelled from the Party? From the standpoint of basic decency, you don't even match up to the priggish pedants of 40 years ago, who at least dared to publicly proclaim their own political appeals, even if they offended the whole world in doing so. But you? Why have you veered off the high road and set out on a dead end? We don't require you to fill newspapers with beautiful writing or to publish scholarly articles around the world, but before you have the guts to nitpick and carp about these eight writers' works, shouldn't you yourself possess some rudimentary qualifications?

The background of modern China's press and publications laws

Though Wu Shulin's new round of cultural corraling clearly violates laws and the Constitution, it also results from the absence of controls and protections that would be pro-

vided by a press and publications law. The People's Republic of China has already been established for 58 years, but up to this point it has never had such laws, allowing Wu Shulin to stir up trouble and do as he pleases in the news and publications domain, secure in the knowledge that he has strong backing. Setting aside foreign standards, such actions are out of line even with China's history.

Tracing the source of such autocratic control over cultural output, records show that in the year 221 B.C., Emperor Qin Shihuang ordered that all pottery must bear his "imperial edict" seal; next, around 125 B.C., Emperor Han Wudi had an imperial censorship law "proclaimed everywhere under heaven"; afterwards, there was the Tang Dynasty's "government bulletin" and "official report statute," among other such official communications. In July 1906, Empress Cixi, regarded by present-day scholars as ignorant and stupid, promulgated the "Great Qing Printed Material Special Law" as a means of more conveniently governing publications; later, in January 1908, the Qing court once again issued the "Great Qing Newspaper Edict." These last two laws represented an ominous new chapter in the history of China's press and publications law. In December 1914, Yuan Shikai's government unleashed the "Publications Law." In the 1930s, under conditions of foreign invasion and domestic unrest, Chiang Kai-shek's constantly embattled government still found the time to pass a "Publications Law" and "Press Censorship Standards," among a series of other similar decrees.

Jumping ahead, at 1978's Fifth National People's Congress and Chinese People's Political Consultative Congress, a few NPC delegates and CPPCC members proposed the formulation of a "Press Law" and a "Publications Law"; at the Sixth Party Congress in 1983, even more representatives and committee members favored this proposal. At the time, the Party and government's highest leaders, nominally Hu Yaobang and Zhao Ziyang, put strong emphasis on this matter, instructing the Chinese Communist Party's Ministry of Propaganda to conduct research and propose a plan. The head of the Ministry of Propaganda at the time, Zhu Houze, directed the head of the Ministry's News Bureau, Zhong Chongzhang, to assemble the heads of the National People's Congress Legal Committee and the Science, Education, Culture and Health Committee to meet on December 28, 1983, to discuss this matter. In the end, they decided to have Hu Jiwei, who had just stepped down from his position as director of *People's Daily*, and who was at the time Deputy Director of the Education, Science, Culture and Health Committee, set up a drafting committee. Later, due to one sentence from the mouth of one old man, this research mechanism was revoked.

In January 1987, the General Administration of Press and Publications was established with the publicly stated aim of "drafting laws and regulations dealing with the press and publications..." And afterwards? Leap ahead 20 years to today's legal vacuum, and to Wu Shulin and his furtive and lawless political activities. By this standard, Wu Shulin has proven himself to be the pupil who surpasses his teacher.

Hu Yaobang opposed censorship

The reason we have provided this rough sketch of China's history of press and publications law is to urge the relevant parties to formulate new laws as quickly as possible, to standardize the press and publications codes, to curtail the activities of certain professionals and officials, and to guarantee the observance of the relevant articles of the Constitution that endow the people with rights in this area. A country without law is a wasteland of brambles and thorns; without law, a country is a bandit's paradise; without law, a country is a tragedy of human civilization; without a law that supports and protects those like Zhang Yihe, writers can only defend their words with their lives.

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In the early 1980s, Hu Yaobang, then head of the Ministry of Propaganda, often recommended Marx's 1842 article, *Comments on the Latest Prussian Censorship Instruction*,³ to his subordinates as a way of expressing his opposition to censorship and cultural tyranny. Many readers are already very familiar with this article, but we wish to quote a particularly splendid paragraph to conclude our message of support for Zhang Yihe: "You admire the delightful variety, the inexhaustible riches of nature. You do not demand that the rose should smell like the violet, but must the greatest riches of all, the spirit, exist in only *one* variety?"

Translated by a friend of HRIC

Postscript: In late April, Long Xinmin, director of the General Administration of Press and Publication, was demoted to the post of Deputy Director of the Central Party Literature Research Centre, following a wave of public outcry over the book bans and other recent censorship controversies. At the same time, Chinese officials unveiled new rules described as creating an environment of greater government transparency.⁴

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Notes

1. The eight books included *Cang Sang*, by Xiao Jian; *I Object: The Political Career of a People's Congress Delegate*, by Zhu Ling; *Past Stories of Peking Opera Stars* by Zhang Yihe; *The Family History of an Ordinary Chinese* by Guo Ya; *The Other Stories of History: My Days at the Supplement Division of the People's Daily* by Yuan Ying; *Era of History*, edited by Kuang Chen; *This is How it Goes@sars.com* by Hu Fayun; and *The Press* by Zhu Huaxiang. For an English translation of Zhang Yihe's January 19 statement, see the EastSouthWestNorth blog, http://www.zonaeuropa.com/20070120_1.htm.
2. The "May 16 Notice," issued by the Central Committee of the Chinese Communist Party on that day in 1966, launched the Cultural Revolution.
3. Marx's article can be accessed online through the Marxists Internet Archive, <http://www.marxists.org/archive/marx/works/1842/02/10.htm>.
4. See Jane Macartney, "Chief censor sacked after book ban row," *The Times*, April 25, 2007, http://entertainment.timesonline.co.uk/tol/arts_and_entertainment/books/article1701366.ece.