

3-10-2016

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Recommended Citation

Asamoah, Nali, "Freedom of Speech: China and the Case of Ai WeiWei" (2016). *2016 Honors Council of the Illinois Region Papers*. Paper 3.
<http://dc.cod.edu/hcir2016/3>

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Freedom of Speech: China and the Case of Ai WeiWei

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Philosophy 1110: Global Ethics

1 May 2015

The freedom of speech and specifically the power and authority to speak out against one's government is a concept that is mostly adapted and encouraged by western nations due to effects of movements like the enlightenment and the overall history of the U.S. This ability to express and share ideals, and to critically assess can create in the masses a mindset that is not complacent, but allows everyone a voice in bringing about changes that they see fit. In countries like China individual freedoms are outlined in the People's Republic of China's constitution, which states in "Article 35. [Where] Citizens of the People's Republic of China [can] enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration" (People's Daily Online). Although the government advocates for individual rights they are limited in article 40 which states "No organization or individual may, on any ground, infringe upon the freedom and privacy of citizens' correspondence except in cases where, to meet the needs of state security or of investigation into criminal offences ..." (People's Daily Online). Also in article one of the constitution asserts that "Sabotage of the socialist system by an organization or individual is prohibited" (People's Daily Online). These provisions frame the idea of what freedom of speech is in China, along with the fact that outlets like the internet and access to some social media sites in today's day are restricted in this country, it seems that the framework of one's individual rights cannot trump that of what is believed to be best for the socialist state of the country.

Ai WeiWei is a contemporary Chinese artist who uses paintings, sculptures, architecture, photography and any other means of art to bring light to social issues that may not get media attention and also to critique China's strict authoritarian regime. His exhibit of "Sunflower Seeds," an arrangement of 100 million porcelain sunflower seeds made over a two and a half year period by 1,600 Chinese artisans, along with the outside influence of the Arab Spring and

Ai's commentary on the revolutionary atmosphere of the time was the tipping point for his detention by the government (Richburg, Stevens). Through the exhibit Ai commented on the sunflower seed as "... a common street snack in China, an everyday object from the artist's childhood. It evokes the memory of hardships and hunger during the Cultural Revolution, and the era of socialist planned economy..." (AiWeiWeiSeeds). The culmination of the 100 million seeds evokes in the audience "...the significance of individuals, and the imposing strength when they gather together" (AiWeiWeiSeeds). This exhibit accompanied with the talk of a "Jasmine Revolution" or reform of human rights and government power in China led to Ai, and up to 40 other journalists, artists, bloggers and lawyers being detained and interrogated by government officials in February of 2011 in the country's largest human rights crackdown in over a decade (The Guardian).

The obstacles to solving this issue of freedom of speech and human rights in China are the framework of how an individual is viewed in relation to the state, and also the scope of power that the state is allowed to have. The social and cultural issues that must be addressed are the underlying Confucian aspects that still shape China today. In order to solve these issues in present day China, a western viewpoint cannot be used because the idea of an individual as having specific natural rights that should not be taken away is a relatively new concept for the country that only came with western influence in political relations and through the media. Confucianism on the other hand, which is the foundation of the culture, "...regarded order and stability as essential to enable people to behave in a moral way. Despising violence and force, it also looked down upon profit and commerce. China did not develop an idea of rights that were inherent and natural to the individual as had arisen in Western Europe" (New Internationalist). Although China has developed from the stringent viewpoint, especially in its economic power,

many of the very basic rights of the individual have not been yet reached, this is evident in the widespread censorship and violations of human rights by the government. Another challenge to solving this issue of freedom of speech would be restricting the power of a government that has for so long had authoritarian power over its people. The last major call for the refinement of human rights or pro-democracy in China was the Tiananmen Square protests that drew international attention and had a tragic end in the death of so many. Overall, in the years after the protest and massacre, a former Tiananmen protester Wang Chaohua believe that, "... the regime has become more conscious of the power in its hands. Economic development has made officials see how easy it is to be corrupt. The regime has become less and less efficient and is more often using the police force" (Branigan and Watts).

The limitation of freedom of speech in China is an issue that effects the everyday lives of the Chinese people, due to their opinions and ideas being regulated and monitored by the government. And many times this is a conscious choice by the Chinese people due to the history of Confucian ideals in this country. Ultimately it creates a power structure where the people are at the bottom and aren't allowed to express themselves and rally for change, causing the government, and the overall cultural climate to remain stagnant internally, although external western influences have led to some cultural changes. Along with the restriction of speech the restriction of free thought is evident in the government's control of the internet where they have the authority to "... require internet search firms and state media to censor issues deemed officially 'sensitive,' and blocks access to foreign websites including Facebook, Twitter and YouTube" (Human Rights Watch).

Ai's supporters and countless of other journalist, bloggers and lawyers that have been arrested in connection with the fight for freedom of speech in China believe that there should be

an individual right to express one's self and with that comes the ability to criticize the government. Ai believes that through his work he is bringing light to issues that the government is trying to cover up or keep media attention away from in order to not taint their image. This concept of individual rights is obviously western influenced by the enlightenment where individuals were believed to have individual rights that they had upon birth and only on the basis that they were human beings (Pollis and Schwabb 60). This surge in the need for freedom of speech for every individual is based off the idea that China has completely been westernized or should be adapting these western ideals of what rights are. But, it is also a right that the Chinese constitution says that it guarantees to its citizens in article 35 and that opponents of what the Chinese government is doing are trying to utilize (People's Daily Online).

The People's Republic of China believe that Ai, and those like him, are not trying to enact positive change but or only creating conflict among the people that will lead to another revolution or protest, like Tiananmen, that resulted in the unnecessary bloodshed of its people (Richburg). This is seen in the connection of these proponents of freedom of speech with the so called "Jasmine Revolution" that was discussed on the inter-web around the time of the Arab Spring and endorsed by Ai. These individuals have been charged with "'inciting subversion' and 'revealing state secrets'" (Human Rights Watch) in their connections with trying to disrupt the social order of the government. Even with the limited access and ability they have, these individuals have misused their free speech and power in order to disrupt and damage the livelihood of the Chinese people and to incite riots and violence. With the little free speech that the government has allowed, Ai has brought unnecessary international attention to China, which causes these western nations to want to get involved in relations that should be dealt with within the nation's borders ("Freedom of Expression in China: A Privilege, Not A Right"). These ideals

are a result of the Chinese Confucian heritage where the overall ideal that must be upheld is the stability of the state, and is framed as a platonic society where the state has the right to "... suppress dissidents since the individual owes his existence to and [is] a product of the state" (68). There must continue to be a government restriction on freedom of speech because it allows the government "... to better monitor potentially problematic social issues" ("Freedom of Expression in China: A Privilege, Not A Right").

The core Confucian virtues of *ren*, *li* and *yi* have helped to shape the core of the Chinese societal structure, and Confucianism overall advocates for a way of life that promotes harmonious relations. The three virtues "... *li*, namely the virtue of orderly conduct aiming at harmony, to be cultivated by a person with *ren* and *yi* who acts towards others with humanity and righteousness ..." (155). Have shaped the Chinese people into individuals who aim to create the best for their families, through interpersonal relationships, and those who have a strong sense of loyalty to their nation in the belief that if it prospers, whether economically or politically, all will benefit. The concept of *li* specifically emphasizes the need for "...striving to arrive at and abide by rites and rituals that aim at establishing social order" (155), and creates the groundwork for loyalty and respect for one's nation and culture. So although Ai is heralded in western societies and even by some Chinese people, as a leader and advocate for freedom of speech, others disagree with his work. The Confucian values of loyalty and respect, deeply embedded in the Chinese culture, have helped to raise a people that feel obligated to their family and also their country. And Ai's often public and blatant dismissal of the government's power and laws, and his very liberal and often western points of view, due to him spending years in the U.S., is viewed by many as opposite of what their culture teaches. His supposed fight for freedom of speech seems to be at the expense of the image of the Chinese people and the defaming of their

countries values and principles, and many do not appreciate the work he has done (New Internationalist). However, Confucius never advocated for blind obedience to one's government, as is in the case of freedom of speech in China that is central to Ai's work, this value of the nation being more important than the individual, or the rights of the individual stems from more of a Maoist interpretation of these values. As A.T. Nuyen states "... the Confucian stress on the community should not be confused with the Maoist doctrine that each individual is merely a 'cog in the machine' and that ultimately it is the machine that matters" (153). Confucius recognized the importance of the individual and the power that everyone had along with respect and appreciation for one's government, but the former has gotten lost over time due to the Chinese's government's authoritarian rule shaped by, in recent years the Mao Zedong administration.

Voices of the movement from freedom of speech, like Ai's, are necessary for the progression of the country and its people, Ai chooses to bring to light issues that are not necessarily shaped by a western viewpoint, but a need for the recognition of every human being's importance, something that is also visible in Confucian ethics. As seen in his "Sunflower Seeds" exhibit Ai highlights the need for people to come together in order to make an impact, and coupled with his strong internet and global platform Ai has been an advocate for a better China, something that he highly values as this is his country of origin. From a Confucian perspective, as outlined by A.T. Nuyen, Ai's work and fight for freedom of speech is justified and necessary, in this context Ai and those like him, would be identified as *junxi* or "... exemplary individuals with distinct and unique characteristics, individuals who are the driving force of the moral society, not anonymous and dispensable cogs of a social machine" (153). These are individuals who are willing to take a stand for what is morally right, not for what is good according to societal or cultural norms, and are willing to pay the consequences for their

defiance. This is evident in that Ai has been arrested and harassed by the Chinese military police and spent three months being tortured by the police on false tax evasion charges, all relating to his constant dissent against the government on social media and through his work. His ability to remain resilient through all of this, his activist background shaped by his father, his talent for creating art that evokes emotions and overall knack for creativity sets Ai apart as one who is not simply willing to bow to the socialist state. Confucian teachings go even deeper in *The Mencius*, one of the four Confucian books, that supported "...the idea of the people opposing, even rebelling against, a tyrant who abused his power at the expense of the people" (153). Rebellion is not only justified by Confucius, but necessary if the people ever want to develop or grow from the rule of those who are abusing their power. And as the Chinese government has been, for so long, running an authoritarian regime, at the expense of the voices, freedom and at times the lives of its people, the masses are entitled to use their freedom of speech in order to regain their power. This is evident in Ai's work to bring to light the Sichuan earthquake of 2008 that resulted in the death of 90,000 people including children whose school collapsed due to poor government construction (Elegant). The event was dismissed largely by the government, and it wasn't until Ai and others lobbied and protested that the government should release figures of how many children died and help properly reconstruct these schools, that action was taken. All the while, parents and other dissidents like Ai who spoke against the government were jailed and harassed by Chinese authorities (Elegant).

A Rawls framework could also be applied in reviewing this case, due to his belief that there is a social contract established between the people and the government that they are to abide by it in order to ensure justice or fairness for all. Rawls believes that if either party is to disregard the rules or laws that have been set up then they have violated the rights of the other.

The only time he excuses this is if the action that is taken, outside the law, is better than what the law states and if so, the law must be changed (112). As is outlined in the Chinese constitution in “Article 35. [Where] Citizens of the People’s Republic of China [can] enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration” (People’s Daily Online). In restricting Ai’s right to freedom of speech and the rest of their citizens’ rights the Chinese government is guilty of breaking their social contract, their own constitution, not in favor of improving the lives of its citizens, but merely in securing their own power. In their pursuit of selfish interests that have affected the balance of fairness in their country and must be brought to justice. Rawls believes that “All social values – liberty and opportunity, income and wealth, and the bases of self-respect – are to be distributed equally unless an unequal distribution of any, or all, of these values is to everyone’s advantage” (118). Ways in which justice can be reached, according to Rawls, are if the “...social and economic inequalities are to be arranged so that they are both reasonably expected to be to everyone’s advantage...” (118). The inequalities that would arise from the Chinese government cracking down and stopping dissidents, thus restricting a liberty freedom of speech, are that only the government would get to decide what issues or events are noteworthy. In their desire for absolute control they are stripping their citizens of their voices and right to freedom of speech, this creates inequalities in that issues that are valued by some will go unnoticed, if the government chooses to not shed light on it. As evident in Ai’s “Sunflower Seeds” display, where he is referencing a part of Chinese history, but one that they would like to forget and also in his strong social media campaigns to allow grass root issues a public platform on his blogs and sites, that all resulted in his arrest. Another case in point, Ai’s emphasis on the victims of the Sichuan earthquake, a tragedy that occurred around the time of the 2008 Beijing Olympics and an issue that the government wanted to keep out of

the public eye, especially since they were partly being blamed for it (Elegant). If community leaders, parents and Ai WeiWei never took to the issue thousands of people would have never received relief and the final count of how many children were killed would have never been released to the public. In their defiance of the government these individuals were able to improve the lives of others and help to rectify economic inequalities that were already evident, in that the earthquake effected many lower class individuals. So in restricting the freedom of speech in China the government is creating social and economic inequalities that they cannot rightfully account for. This need for freedom of speech in order to bring about and allow for equality is not merely from a western standpoint, in that this concept of equality is also supported by Confucian texts that state "... in *The Mencius*, which stresses, not the hierarchical structure, but the reciprocal nature of the relationship between ... the subjects and their sovereign" (153). This outlines the need for a relationship between a government and its people that is equal and where both parties are entitled to their rights, and are looking out for each other's best interest above all.

Ai WeiWei is an outspoken artist who continues to bring light to social issues and critique the government through his work. In his inciting of an atmosphere of change through his work, and his associations with the jasmine revolution, he has been identified by the Chinese government as someone who is problematic in the context of the nation. Ai and those like him have an ideal of freedom of speech that is applicable in the western context, but in a country like China, where the cultural heritage is framed by a skewed form of Confucianism these ideals are meeting a lot of backlash. Ai WeiWei's fight for freedom of speech and his passion for addressing the pitfalls of his government, in serving the people, would be identified today by Confucius as a gentleman (*junxi*), one that "In his dealings with the world, the gentlemen is not

invariably for or against anything. He is on the side of what is moral” (156). Freedom of speech is a value that should not be reduced to simply being a western or eastern framework of liberty. It is an issue that encompasses morality and whether individuals, through their right to freedom of speech in their country, can advocate for what they believe to be morally right. This is a western concept in its origin, but should be applied to all people because it helps to create harmonious relations between the masses, and the government in allowing for open dialogue on issues that affect the nation. In his campaign for freedom of speech Ai WeiWei has not chosen the side of the west and isn't advocating for an attack against his social and cultural traditions, he is simply on the pursuit of allowing Chinese citizens the liberty to fight for what is morally right. By universalizing the concept of freedom of speech Ai has chosen to be a *junxi* for his people, and is a catalyst in bringing about change in China that is, contrary to popular belief, just a return to their original Confucian roots and not the altered version that has allowed the people to be complacent for so long.

Works Cited

- Branigan, Tania, and Jonathan Watts. "Ai Wei Wei Detained By Chinese Police." *The Guardian*. Guardian News and Media, 3 Apr. 2011. Web. 23 Mar. 2015.
- Branigan, Tania. "Tiananmen Square Protest and Crackdown: 25 Years on." *The Guardian*. Guardian News and Media, 3 June 2014. Web. 23 Mar. 2015.
- "CONSTITUTION OF THE PEOPLE'S REPUBLIC OF CHINA." *CONSTITUTION OF THE PEOPLE'S REPUBLIC OF CHINA*. People's Daily Online, 2015. Web. 24 Mar. 2015.
- Elegant, Simon. *TIME: A Year After Sichuan Quake, Citizens Press for Answers*. 12 May 2009. Web. 1 May 2015.
- Faurschou Foundation. "About Ai WeiWei's Sunflower Seeds." *Ai WeiWei's Sunflower Seeds*. Faurschou Foundation, n.d. Web. 23 Mar. 2015.
- "Freedom of Expression in China: A Privilege, Not a Right." *Freedom of Expression in China: A Privilege, Not a Right*. Congressional-Executive Commission on China, n.d. Web. 23 Mar. 2015.
- Human Rights Watch. "World Report 2012: China | Human Rights Watch." *World Report 2012: China | Human Rights Watch*. Human Rights Watch, 2012. Web. 22 Mar. 2015.
- Koggel, Christine M. *Moral Issues in Global Perspective I: Moral and Political Theory*. 2nd. Ontario: Broadview Press, 2006. Text.
- New Internationalist. "A Short History of Free Speech In China." *New Internationalist Magazine*. New Internationalist, 2015. Web. 24 Mar. 2015.

Nimmo, Kurt. "China Moves Against Popular Jasmine Revolution Dissident." *Infowars*. Alex Jones' Info Wars, 3 Oct. 2012. Web. 23 Mar. 2015.

Richburg, Keith B. "Chinese Artist Ai WeiWei Arrested in Ongoing Government Crackdown." *Washington Post*. The Washington Post, 3 Apr. 2011. Web. 23 Mar. 2015.

Stevens, Mark. "Is Ai WeiWei China's Most Dangerous Man?" *Smithsonian*. Smithsonian.com, Sept. 2012. Web. 23 Mar. 2015.

Pollis, Admantia, and Peter Schwabb. "Human Right: A Western Construct with Limited Applicability." *Moral Issues In Global Perspective*. Ed. Christine Koggel. Ontario: Broadview Press, 2006. 60-71. Print.