



THE UNIVERSITY *of* EDINBURGH

Edinburgh Research Explorer

Segmented publics and the regulation of critical speech in China

Citation for published version:

Woodman, S 2015, 'Segmented publics and the regulation of critical speech in China', *Asian Studies Review*, vol. 39, no. 1, pp. 100-118. <https://doi.org/10.1080/10357823.2014.991271>

Digital Object Identifier (DOI):

[10.1080/10357823.2014.991271](https://doi.org/10.1080/10357823.2014.991271)

Link:

[Link to publication record in Edinburgh Research Explorer](#)

Document Version:

Peer reviewed version

Published In:

Asian Studies Review

Publisher Rights Statement:

This is an Accepted Manuscript of an article published by Taylor & Francis in Asian Studies Review on 18 December 2014, available online: <https://www.tandfonline.com/doi/abs/10.1080/10357823.2014.991271>

General rights

Copyright for the publications made accessible via the Edinburgh Research Explorer is retained by the author(s) and / or other copyright owners and it is a condition of accessing these publications that users recognise and abide by the legal requirements associated with these rights.

Take down policy

The University of Edinburgh has made every reasonable effort to ensure that Edinburgh Research Explorer content complies with UK legislation. If you believe that the public display of this file breaches copyright please contact openaccess@ed.ac.uk providing details, and we will remove access to the work immediately and investigate your claim.



Segmented Publics and the Regulation of Critical Speech in China

SOPHIA WOODMAN

University of Edinburgh

Abstract: *In contemporary China strict censorship coexists with significant freedom of expression and restrictions are enforced inconsistently. Yet certain principles underlie determinations of what is acceptable public speech, depending on the institutional location of the utterance, the identity of the speaker and the time of the event. What is allowed depends on the specific circumstances, but it results from patterns in the institutional practices of Chinese politics that involve constraining debate within “segmented publics”. This article analyses how formal and informal rules limit discussions of particular issues to specific segmented publics, and how varying degrees of debate are permitted within these institutional fields, based on the expertise of their members or, in the case of associations, their engagement in specific areas of policy implementation. Another dimension of variation relates to the personalised character of authority in the Chinese system of governance, which means that leaders set the tone for debate within institutional spheres they control. State control, however, is only part of the story: segmented publics are dynamic spaces where boundaries are permeable, often contested, and constantly in formation. The operation of segmented publics is explored here through case studies of activism in the legal field; on women’s rights in the associational field; at the grassroots in resident and villager committees; and in oppositional publics.*

Keywords: China, segmented publics, censorship, freedom of expression, politics, law, grassroots organisations

Introduction

Overall, freedom of expression has expanded significantly in reform-era China, yet standards for acceptable speech vary enormously. Strict mechanisms of censorship coexist with a significant degree of freedom of expression, for both speech and writing. Discerning the boundaries of official tolerance for critical public speech is difficult and enforcement of censorship appears to be extremely inconsistent. Speech that may land one person in jail is acceptable when said or written by someone else in another context. A notable example is evident from a comparison of the text of the manifesto Charter ’08 with official statements on political reform, human rights and constitutionalism (Potter, 2011; Potter and Woodman, 2012). Despite many shared features between these official texts and the Charter, the drafting

of the latter was a key component of the “crimes” of Liu Xiaobo, for which he is now serving an 11-year prison term.

Here I argue that certain principles underlie determinations by the authorities of what is acceptable public speech, depending on the institutional location of the utterance; the identity, status and history of the speaker; and the time of the event. The combination of all these factors means that determining what may be restricted or allowed depends on the specific context, but results from a number of regularities that relate to institutional practices of Chinese politics. I deploy the concept of “segmented publics” as a theoretical device to elucidate these patterns. This concept has generally been used to indicate separations along discursive and spatial lines, while by contrast I adopt a more institutional focus that highlights boundaries and the making of them. Here, segmented publics are conceptualised as dynamic spaces where boundaries are permeable, often contested, and constantly in formation. Such contestation involves the application of formal and informal rules that limit discussion of particular issues to specific institutional fields. When disputes arise over the boundaries of appropriate expression, the issues involved may become politicised, and the right of a person or group to raise a complaint or speak on a certain issue may be challenged (Zhu and Ho, 2008; Zhu, 2007).

Varying degrees of debate are permitted within certain segmented publics based on the expertise of their members or, in the case of associations, their engagement in specific areas of policy implementation. Another dimension of variation relates to the personalised character of authority in the Chinese system of governance, which means that leaders can set the tone for debate within the institutional spheres they control.

This article begins by briefly examining the historical development of the concept of “publics” and “public-ness” in China, then considers the segmentation of publics in China and beyond. It proceeds to explore the operation of segmented publics through examples from four main areas indicative of a range of degrees of association with formal institutions, as well as comprising both elite and non-elite forums, and those such as associations that link the latter two: discussions among academics, with legal scholars and lawyers as an example; debates in associations, especially those related to women’s rights; the climate for political discussion in grassroots organisations; and open dissent in oppositional publics. While the discussion of grassroots publics is based on my ethnographic fieldwork, material on the other types of publics draws primarily on the work of other scholars. The examples are intended as illustrative, rather than exhaustive, since the principal aim of the article is to propose a conceptual framework for analysing the systematic features underlying the apparent heterogeneity of restrictions on critical speech.

Spaces for Publics

The emergence of publics engaged in discussion of matters of common concern, including how the state should be run, is seen as a key marker of modernity. For some historians of late imperial and Republican China, processes analogous to those in Habermas’ account of the emergence of a “public sphere” in Europe (Calhoun, 1992; Habermas, 1989) – urbanisation, the spread of literacy, increased circulation of printed materials, among others – also contributed to the formation of publics in modern China. As in Europe, these spaces existed in a complex and intertwined relationship with an expanding state (Rowe, 1990). The Chinese character denoting “public” (公) appeared in crucial modern compounds, such as “citizen” (公民 *gongmin*; literally, public person) (Goldman and Perry, 2002). Some scholars, however, question the commensurability between the English and Chinese terms, arguing that

in the Chinese character 公 (*gong*, public) the state remains more dominant, and where sprouts of a public sphere emerged in China's modern history they have been quickly crushed (Wang, Lee and Fischer, 1994).

In late nineteenth- and early twentieth-century projects of political change, the idea of popular sovereignty took root in China, making the establishment of a state that ruled in the name of the people a public endeavour. A central aspect of these projects was turning all kinds of social concerns into public matters, and expanding debate about the fate of the nation beyond an elite audience (Yeh, 2004).

As a space for the deliberation of the people on public affairs, the public sphere is not confined to the arena of formal politics, yet denotes a sphere beyond the scope of quotidian political talk. As Fraser puts it, the public sphere is “a theater in modern societies in which political participation is enacted through the medium of talk. It is the space in which citizens deliberate about their common affairs, hence an institutionalised arena of discursive interaction” (1997, p. 70). This deliberative space incorporates both speakers and an audience, as a public is “a space of discourse” delimited by those it addresses (Warner, 2002, p. 50). These distinctions point not only to different roles, but also to inequalities in who is heard and who listens, as well as questions of access.

Studies focusing on the formation of publics in China have concentrated primarily on elites in general, and intellectuals in particular (Kirby, 2004; Gu, 1998; Gu, 1993–94). Lu Xun expressed concern about the exclusion of the “silent” majority from “public” debates in the burgeoning media and public life of the Republican era (Yeh, 2004). Yet even in the era of “the workers’ state”, “... workers and peasants, despite being numerically China’s two largest

population groups, have been much neglected in the conception of ‘the Chinese public’” (Xing, 2011, p. 818). In the post-Mao era, some Chinese intellectuals who have advocated the formation of a “public sphere” inspired by their reading of Habermas conceptualise this as a realm of rational deliberation, thus according more weight to the contributions of educated elites (Davies, 2007). Even though environmental activists actively seek to form a “green public sphere” in China (Sima, 2011; Yang and Calhoun, 2007), they also constrain the scope of their debates through “gating” practices such as limiting access to online bulletin boards (Sima, 2011, pp. 492–93).

Such inequalities and exclusions have been inherent in public spheres beyond China. The actually existing public sphere Habermas wrote about was in fact divided into competing elite sub-spheres, while “plebeian” spaces and “subaltern counterpublics” existed on its boundaries (Calhoun, 1992). Critiques of Habermas’ original “public sphere” conception pointed to *implicit* exclusions and inequality in its operations, based not on state rules or institutional arrangements, but on status inequalities in civil society (see for example, Fraser, 1997; Calhoun, 1992; Yang and Calhoun, 2007).

Yang and Calhoun refer to three dimensions of public spheres: the discourses that circulate within them, the publics that engage in these discourses, and the media of communication involved. Distinctions may also be made between the form and the content of the discussion that occurs within them (2007). Here I focus primarily on the *form* of public spheres and the specific publics involved, seeking to theorise institutional regularities in the boundedness of public spheres in contemporary China through the concept of “segmented publics”.

This concept has previously been used in two main senses, denoting respectively discursive and spatial separation of public spheres. In the first of these areas, scholars of communications have debated the effects of the Internet age, with its shift from mass media to segmented audiences, on the formation of public opinion and consumer preferences. Here the idea of “segmented publics” has been used to highlight separations among groups along ideological, class or lifestyle lines, in contrast to the optimistic assumption that the internet would act as an open space for democratic deliberation and public debate (see, for example, Mosco, 2009; Yúdice, 1992). Segmentation in this sense is conceptualised as resulting from narrowly targeting specific audiences with particular messages creating market niches. Specialised policy communities may create similarly segmented discursive spaces, as highlighted in Eriksen’s study of transnational expert communities devoted to the discussion of policy in the European Union. Such issue-specific “segmented publics” are separated from each other and from intra-national debates (Eriksen, 2009). Yadav (2010) has used the concept to denote publics that inhabit spaces physically separated along gender lines in the Muslim world. Yet this spatial segregation does not necessarily segment mediated communication, so discursive separation may not be a feature of these segmented publics.

By contrast, I use the term segmented publics both in a broader and more specific sense, concentrating on the institutional dimension across the political landscape of contemporary China, and going beyond the Internet focus of recent work on censorship (see, for example, King, Pan and Roberts, 2013). Segmented social formations are those with relatively strong boundaries between social groups and a low level of intergroup network ties. I deploy the concept of segmentation to highlight the relative boundedness or permeability of specific publics, as well as ways segmentation is contested. Boundedness is affected by factors including the extent to which publics involve face-to-face or mediated communication, as

well as how open mediated components of a public are to those outside it. Membership of particular segmented publics may be based on individuals' status, such as expertise or local *hukou* belonging, and it may also be associated with institutional forms, such as social organisations or universities and think tanks. These institutions may be associated with bounded physical spaces, or could involve virtual connections between the publics they engage.

As publics are inherently “self-creating and self-organized” by the discourses they engage (Warner, 2002, p.51), even in this segmented form they constantly overflow actual institutional spaces. Certainly, the Chinese state seeks to create a segmented political system by granting monopolies on representation of specific groups, processes well captured through the perspective of state corporatism (Hsu and Hasmath, 2013). Yet this top-down vision fails to give sufficient weight to the agency of actors engaged in turning certain issues into public matters (Yang and Calhoun, 2007).

The operation of segmented publics involves a constant contest between what might be termed the “state corporatist project” and the concerns emerging in specific public spheres over what is, or can be, public, in contemporary China. The outcome of such contests is determined not only by state and Communist Party rules and institutions, but also by social norms and hierarchies. The segmented publics concept highlights divisions between arenas for discussion, and focuses on the institutional location of the speech. Through formal and informal rules that limit discussions of particular issues within specific institutional spaces, and restrict the circulation of those discussions within certain specified ambits, the Chinese authorities extend the government bureaucracy's practice of restricting circulation of information outward beyond the boundaries of formal political institutions.¹ These rules

affect both speakers and audiences, since they constrain what can be said where.

Segmentation is not only a matter of government control; it also reflects a modern privileging of expertise and rationality that justifies restricting debate to certain “qualified” persons.

Exclusions based on status lead not only to restrictions on speakers, but to the exclusion of certain audiences from particular places in which matters deemed to be of public concern – even when these directly affect their lives – are the subject of deliberation (Woodman, 2011a). At the same time, however, actors seeking to make their concerns public are constantly challenging the limits of segmentation, by turning an institutional space into a public sphere in the first place, by extending the scope of what can be said within a segmented space, and by breaching the boundaries of such spaces to incorporate new audiences and speakers.

Expert publics: Contests over the “Rule of Law”

Within bodies such as universities and think tanks, debates around some contentious issues are considered legitimate due to the expert knowledge and status of their members. In these spaces, educated elites are authorised to participate “in the ordering of society as specialists who advise government and business” (Cheek, 2007, p. 18). The rise of the figure of the “expert” serves to insulate intellectuals somewhat from their previous immersion in officialdom, creating an expanded scope for critique (Cheek, 2007). Habermas noted the tension between the claims of social science to rational and apparently disinterested expertise on matters of policy, and the deliberation of publics over such matters (Calhoun, 1992). These segmented publics are themselves divided according to categories of knowledge and expertise, and may be constituted as representing competing positions in particular fields (Gu, 1993–94).

Here, then, issues such as politics and the rule of law, even the regulation of speech itself, can become technical matters on which people with relevant training may advance opinions based on their study of the subject. Among scholars of the subject, debates on constitutionalism in China can incorporate issues of separation of powers or even multi-party systems as an aspect of expert evaluation of options for future reform. In academic media and conferences, some legal scholars have been fairly frank in their criticism of deficiencies of China's criminal procedure law, as well as in making suggestions for constitutional reform. Distinctions are drawn along a gradated spectrum between what can be said in such academic fora, in specialist newspapers such as *Legal Daily*, and in the mainstream media.

Legal academics regularly use emergent events – such as specific cases, disasters or the issuance of new official documents and positions – as opportunities to breach the bounds of their segmented publics and bring their advocacy of such projects as judicial independence or constitutional reform to a wider public. Consider the example of a 2001 Supreme People's Court instruction to a lower court that seemed to open the door to constitutional rights being invoked as grounds for legal claims in specific cases. That case evoked a flurry of articles by legal scholars in academic journals and mainstream media on subjects including “constitutional development, the shortcomings of China's current legal structure, rights protection under the law, and even, in an indirect manner, the slow pace of political reform” (Kellogg, 2009, p. 232). This is an example of the “judicialisation of politics” that is apparent in authoritarian regimes elsewhere (Fu, 2012). Legal cases also function as a type of “event” that opens up debate: courts have also emerged as a space in which critiques of repressive state practices can be presented as part of a lawyer's argument, turning a court into a public sphere. For example, activist lawyers have raised taboo issues such as the treatment of

practitioners of the banned Falungong spiritual group in Chinese courtrooms, “turn[ing] the trial of dissidents into a trial of the system” (Fu, 2012, p. 199).

Legal academics have been able to discuss human rights issues within academic fora such as conferences and legal journals, although they are constrained in their capacity to publish some sorts of materials on systematic human rights abuses occurring in China. They have, for example, discussed law and policy measures needed for the implementation of human rights treaties that China has ratified. This type of discussion, however, rarely finds its way into the mainstream public media, and diplomats and government officials designate UN processes related to China’s implementation of its international human rights obligations as a matter of “international cooperation” that is separated from domestic discussion (Woodman, 2005).

While relatively heated debate in these expert legal fields has risen and fallen in intensity in recent years, a distinction is made between advocacy confined to expert publics and “action” in the broader public sphere (Davies, 2012). Noted Peking University law professor He Weifang had been advocating judicial independence and other systemic reforms publicly for many years – including in articles in mainstream media – but when he signed Charter ’08 he was exiled to a remote university in Shihezi, Xinjiang.² His support for the Charter’s proposals was probably less important in precipitating his internal exile than the association of his name with those of key members of the “oppositional public” described below, and with their efforts at collective advocacy.

Associational Publics: Creating Space for Advocacy on Women’s Rights

A second type of segmented public is in the field of associations that exist on the margins of and even inside state agencies. In this context, discussions are authorised among members of organisations that assist the government in carrying out policies and mobilising the public for shared goals. Here, both expertise and the encouragement of a certain degree of citizen participation are justifications for allowing freer discussion of the specific issues designated as the concerns of the group in question. The scope such associations are creating for advocacy and debate has been expressed in the idea of “embedded activism” (see Ho and Edmonds, 2008). This concept shows how the embeddedness of social organisations – manifested in blurred distinctions between civil society and state, in the formation of groups within the state structure, and in the interpersonal connections that make these possible – serves both to constrain and to enable action on a set of shared goals. As Ho and Edmonds (2008, p. 220) write, “...embedded environmentalism is a resourceful and negotiated strategy employed by activists to gain maximum political and social influence ... by professing to uphold the principles of the [CCP] and the state”.

Yet this conception of embeddedness may be insufficiently dynamic: it neglects the fact that the state often seeks to coopt and incorporate emerging institutional spaces by drawing them into its ambit, as well as the ways new fields of state policy and the institutions formed to pursue them may provide a starting point for activist publics. For example, state environmentalism has been crucial to forming these spaces for associations and alternative media (Yang, 2010). As a central plank of Communist Party policy, equality between men and women likewise creates opportunities for public deliberations on these issues. An example is how the state’s efforts to engage in transnational norm-setting on women’s issues opened up spaces for activists associated with a new wave of feminist organising both within and beyond existing institutional settings. Women’s Federations and the various kinds of

non-profits that work with them are authorised to advocate on behalf of women, and constitute various segmented publics in which public issues relating to changing gender relations are discussed (Milwertz and Bu, 2009).

Activists in these spaces – who sought to bring the idea of domestic violence into public consciousness and make it a public matter in China – adopted a number of strategies to achieve their goals. One notable element highlighted by Keech-Marx (2008) is how they framed their project as being consonant with official policy objectives and slogans. For example, they argued that public action against domestic violence would contribute to building the “spiritual civilisation” advocated by then President Jiang Zemin. This example highlights how endorsement of state-sponsored discourse can sometimes mask a contentious claim that seeks to expand the scope of state obligation or challenge existing norms (Liu, 2009; Wang, 2005). The use of apparently compliant speech as a means to advance feminist goals has been a strategy of China’s women’s movement since the early years of the People’s Republic (Wang, 2010; Wang, 2005).

This is not to say all feminist contention is concealed behind official rhetoric, or framed in uncritical language. The following description of an effort to hold a demonstration in Beijing to protest against the treatment of ethnic Chinese women in Indonesia in 1998 highlights the character of negotiations around the scope of public debates. A permit for the demonstration was refused, so the activists planned to hold a public meeting at the offices of the Women’s Federation newspaper *China Women’s News*. Given that the newspaper is an official organ, however, some protest leaders became concerned about being associated with the meeting. In the end the event was held in a hotel, and those who did not belong to the Party took the lead,

associating their names publicly with the event and labelling it a popular, non-state (民间 *minjian*) activity (Milwertz and Bu, 2009).

Grassroots Publics in State Spaces

A third example of segmented publics is those legitimised by the Constitution as institutions of self-government, notably the resident committees and villager committees. These committees are the location where people can legitimately exercise their constitutional and legal right to complain about official actions and policies and to receive an answer, and as institutions, have a constitutional mandate to pass on the opinions and demands of their constituents, thus institutionalising mass line-type participation.³ They are required to deal with *all* complaints brought to them, no matter what the subject. In the place where a citizen belongs, someone must always hear them out, and the various authorities of that place have an obligation to provide assistance. In practice, the majority of complaints are reportedly made through such institutions (Michelson, 2008).

A manual for workers in the Progress Resident Committee in Tianjin's Hexi District⁴ made clear that they had to try to resolve every complaint brought to them, and were required to listen to people's grievances. Materials from this committee also articulated specific rights of participation for residents in relation to the affairs of the neighbourhood: "the right to know, the right to speak, the right to participate and the right to make decisions". The exercise of these rights was aimed at "fully mobilising the activist spirit among residents to participate in community activities".⁵ The law on villager committees mandates democratic decision-making and explicitly eschews coercion.⁶

Although the committees are state-sponsored institutions, they are designated as spaces for the organisation of “society”. Their formal status as self-governing institutions gives them a certain distance from the state. Through engaging in political gossip and talk, groups of people could potentially constitute the committees as an alternative public sphere in which community norms could be defined, contested and elaborated. Even apparently compliant speech could be a means of advancing community norms. People who used these institutional locations in this manner thus reclaimed state-oriented space and “reterritorialised” it as a place of local deliberation (Feuchtwang, 2004). Given the severe constraints on expression in the recent past, the kind of local voice people have in the committees can be significant.⁷ This is not to say people felt there were no constraints: “We don’t have the same kind of freedom of expression here [as in your country],” one resident committee worker said to me, after someone made a joke about corruption among municipal officials.

My four Tianjin field sites provided distinctly different spaces for political talk. In general, the villager committees were not so much a space for social interaction as a corporate HQ, but sometimes when ordinary villagers had specific business to conduct with them, political talk went on while these transactions were under way. When challengers to the villager committee leadership in Zhang Family Village charged the incumbents with electoral fraud, township authorities sought to suppress efforts by both sides to discuss in public the issues that emerged around this dispute. The incumbents prepared two different open letters defending their record to circulate to villagers, but were not allowed to distribute these due to the prohibition in Tianjin on “canvassing for votes”. Their opponents lacked the official platform of the villager committee, but posted information about the dispute on Internet bulletin boards. They also posted copies of a Xinhua commentary on problems in rural governance on local notice boards, highlighting a section on the need to combat vote buying.

By contrast, the two resident committees were public spaces for informal gatherings, as people dropped by to chat and meet each other, but their distinctive political cultures meant that these were used in different ways. In the Rising China Resident Committee, where the Party Secretary characterised the neighbourhood as well off, and talked about the opportunities reform had created for entrepreneurship, there was less overt criticism. At Progress Resident Committee, by contrast, a continuing tradition of strong socialist rhetoric and a core group of long-term residents meant gripes about the common people being left out of the benefits of reform were a frequent theme of conversations. Debates in the public space of the committee offices created a distinctive political environment conducive to the formation of socialist community norms. An example was the posting on a local noticeboard of a letter from a bedridden neighbourhood woman thanking committee workers for assisting her when her husband had disappeared leaving her without essential care. This apparently compliant act put the lack of emergency home care for people in her position on the public agenda, as well as making provision of such care by the committee an informal community norm.

The most radical critiques of the existing order came from people in leading positions in the two villages I studied. People in Zhang Family Village were keenly aware of the discrimination their children faced because they did not live in a proper city district – if they wanted to attend top schools, they had to pay enormous fees. At a dinner in Dragon Peak Village with visiting academics – including senior Party members from the University – Party Secretary Fu complained about the way “models” and priorities imposed from above created unrealistic targets and perverse incentives. Overall, the system remained too authoritarian to make the best of development opportunities, he asserted.

The formal political rights that pertain in grassroots organisations thus create the potential for the formation of segmented public spheres within them. Whether or not this potential is realised and political talk shifts into another key to form a sphere of debate on issues of public concern depends on the local context. Examples of villages in revolt, such as Taishi Village in 2005 (Woodman, 2011a) and Wukan Village in 2011, show how such grassroots institutions may be a basis for collective action by villagers. By contrast, resident committees are administratively closer to the lowest level of government, the street offices. However, factors such as the informalisation of state work, the rhetoric around the building of a separate “society” and the need to be seen to be responsive to constituents mean that the interests of committees and local governments can diverge (Gui, Ma and Mühlhahn, 2009). Between such examples and the quiescent committees that are little more than forms of state administration, there are many gradations in the extent to which local people use these state-sponsored institutions as spaces for turning their private concerns into public matters.

Resisting Segmentation: Oppositional Publics

Oppositional critics challenge the boundaries of segmentation, seeking to bring restricted debates and matters of concern into wider circulation. For those who frame themselves as “loyal critics”, the objective is to expose and correct official wrongdoing using existing channels for the expression of grievances. Those who have embraced the “dissident” label are explicitly dedicated to the formation of an open national public, breaking down the barriers of segmentation and seeing these as unacceptable forms of cooptation.

Many oppositional critics have initially tried to make their concerns public using accepted channels, such as official media, law suits or the “letters and visits” system that receives administrative appeals. Despite their efforts to stay within the bounds of acceptability, it is often *local* officials who politicise their complaints, applying labels to their actions that justify repressive measures. The celebrated case of the blind legal activist Chen Guangcheng is a case in point: he evidently did not see himself as a “dissident” but sought to enlist higher-level officials and institutions in disciplining local officials. The response was brutal.

Even the claims of Charter '08 were framed in terms derived from official discourse, presenting a moderate program and arguing for implementation of existing state commitments to rule of law, human rights and equality (Potter, 2011; Potter and Woodman, 2012). Not all critics are as moderate, but even those calling for an end to one-party rule generally frame their endeavour with reference to normative principles already widely accepted in China, rather than making claims for all-out Westernisation, for example.

Oppositional critics whose complaints or claims have been determined by local or national authorities to be outside the bounds of acceptable speech can find themselves entirely excluded from all segmented publics. The idea that variably situated people have differential rights of expression – or can be deprived of their right to speak altogether – is a key principle in the Chinese legal order. This logic is expressed most clearly in the concept of “deprivation of political rights”,⁸ which is a *required* addition to any conviction under provisions of the Criminal Law on endangering national security,⁹ and may be applied to people convicted of other specified serious offences. The deprivation of political rights – and thus of any right to speak or be heard – is most identified with those found to be “enemies” of national security.

Such restrictions rest on what might be termed “applied class struggle”,¹⁰ a new variant of the old logic expressed in Mao Zedong’s famous classification of disputes as being either among “the people” or between “the people” and “enemies” (Mao, 1989). While this formulation is now more commonly evoked as a rationale for ensuring that “internal contradictions” are promptly addressed so as to forestall unrest, it still implies that there are those outside the pale who cannot be dealt with except through suppression. Those in the category of enemies are generally identified with “hostile foreign forces”, and such a connection is inherent in the Chinese legal concept of crimes against national security (Fu and Cullen, 1996).

The response of the authorities to such persons is uncompromising: they attempt to eliminate them entirely from public view, shutting off their means of communication with any domestic public. Key word filtering ensures that even their names disappear from any domestic public sphere. No news about such “banned people” can appear in the domestic media. For example, the only reporting permitted of the high-profile trial of Liu Xiaobo was a very short Xinhua notice, and other media were forbidden from adding to the report (Cui, 2012).

Banned people can only express themselves through oppositional publics, to which the state actively seeks to block access, both through Internet firewalls and filters and through preventing gatherings involving banned people. These oppositional publics are thus segmented *out* of the domestic public sphere. Oppositional publics are restricted either to face-to-face communication, or to spheres outside the control of the Chinese state, most notably in the transnational Chinese language Internet. In the context of overwhelming state control, a kitchen table or a private apartment can become part of the public sphere when it is used as such (Goldfarb, 2006). Publishing in transnational media may provide an outlet for oppositional critics, but it can also confirm a person’s status as an “enemy”. For example, the

main items of “evidence” in the case against Liu Xiaobo were six articles he wrote and published online and the Charter. For each of the pieces of writing listed in the court’s verdict, the fact that it was published on a website outside the PRC was noted, demonstrating a linkage to “hostile foreign forces” that was central to proving the prosecution’s case that Liu engaged in “subversion of state power”.¹¹ This type of argumentation is common to such cases.

Ironically, reinforcing segmentation by turning complainants and dissidents into non-persons cuts them off from elites. Although this means that most have few direct channels to authorities through which to pursue claims or exert influence, it also limits the mechanisms elites can use to exert influence over them. In less authoritarian polities, strong segmentation gives elites limited leverage over excluded groups, leaving repression as the only strategy to prevent protests and other oppositional activities by these groups (Crossley, 2002). This tendency is also apparent in China, where brutal tactics including disappearances and torture are used against people outside the bounds of persuasion. In this instance, however, state penetration down to the most local level generally provides ample resources for efforts to impose certain kinds of social and economic sanctions against petitioners and other recalcitrant complainants or critics (Deng and O’Brien, 2013; Chinese Human Rights Defenders, 2011).

At least at the elite level, such disconnection should not be assumed, however. As Feng Chongyi has shown, the links of the loose-knit liberal opposition to current and former officials and intellectuals within the system are extensive (Feng, 2008). In practice, many oppositional critics navigate between segmented publics in which they still find ways to express themselves and the transnational oppositional sphere. An example is apparent in the

use of micro-blogging. While services such as Sina's Weibo are widely used by people advancing agendas critical of local and central governments, messages they cannot post on these domestic fora may be circulated on Twitter, which is outside the realm of Chinese government censorship. Twitter has been used, for example, to organise protest actions or circulate information that would be blocked by filtering technology.

Some Rules of the Game

Even the exercise of the constitutional "right to complain" is conditional on the appropriateness of the venue in which the complaint is made. The *same words* spoken in different venues can have very different consequences. The status of the speaker also matters: an academic may raise points in a closed-door conference that might immediately get a member of an association into trouble. The unwritten rules of segmented publics are supported by cultural norms such as the prohibition on "airing the family's dirt outside" (家丑往外扬 *jiachou wang wai yang*) and the idea of "giving face". Both of these norms make public criticism difficult, thus reinforcing segmentation.

The rules operating across the four types of segmented publics outlined above share certain similarities, but differences are also apparent. For the elite and grassroots publics, rules are more formalised, as both types relate to particular institutions with formal membership criteria and associated venues in which speech is permissible. In the case of the residents and villager committees, political rights are formalised in the Constitution and in law.

The bounded nature of privileged segmented publics is reinforced by cultural norms distinguishing elites from "the masses". Elitist conceptions of tutelage over "the masses"

legitimise debate within elite institutions based on the status of their members. For example, some Chinese scholars have argued that deliberative democracy can develop among intellectuals first in a closed “public sphere”, and then gradually be expanded (Davies, 2007). This is related to the broader trend towards specialisation in modernity, which Habermas noted as a force that mitigates against a unified public arena or even a coherent conception of the “public good” (Crossley and Roberts, 2004).

By contrast, the rules governing associational publics and the boundaries of tolerance for the speech of oppositional critics are largely unwritten, and even intentionally ambiguous. In the area of regulation of NGOs, for example, the intentional ambiguity of a system of unwritten rules has been a consistent strategy of both central and local governments in China, allowing them flexibility to decide what is “harmful” to social stability and national security in specific cases (Deng, 2010). The relative lack of clear rules means that associational and oppositional publics in particular are dynamic spaces. For example, events often present moments of opportunity to bring certain viewpoints to a wider public, with the 2008 Wenchuan Earthquake being a key example.

In all of the forms of segmented publics discussed here, when disputes arise, boundaries of appropriate expression become politicised, and the right of a person or group to raise a complaint or speak on a certain issue may be challenged (Zhu and Ho, 2008). People making contentious claims try to forestall such politicisation by articulating the specific laws and policies that make their grievance a legitimate matter for that particular public arena (O’Brien and Li, 2006). Such legitimating tactics were evident in the public meeting on women in Indonesia mentioned above, where the Beijing Platform for Action agreed at the Fourth World Conference on Women was used to justify expressing concern (Milwertz and Bu,

2009, pp. 227–44). Even within expert publics, controversial claims generally need to be framed in a way that demonstrates how they are supported by hegemonic norms (see, for example, Kellogg, 2009; Keech-Marx, 2008).

The dynamic and contested nature of these divisions is obscured by formulations that distinguish between strategies of working “inside” and “outside” the state system, sometimes contrasted as “engagement” versus “confrontation”.¹² In fact, the boundaries are blurred and constantly shifting, and the distinctions above are better thought of as situated along a series of spectrums, with multiple versions of the binary of “inside” and “outside” defining the scope of overlapping segmented publics. For the expert and grassroots publics, the rules may be formalised, yet such politicisation still occurs when contentious claims or positions are advanced.

Furthermore, the state and the Party cannot be seen as monolithic, and those who advance controversial issues or make public previously unknown matters often seek to take advantage of divisions of opinion and interest within them to press their cause. In the case of the public meeting on the plight of women in Indonesia, expanding public space for debate over a range of concerns including women’s rights was an explicit aim of holding the meeting (Milwertz and Bu, 2009). The actions of those on the edges, those who make “boundary-spanning claims”, as O’Brien and Li (2006) describe them, can result in sanctions or may serve to enlarge the scope of debate. Those who dismiss “confrontational” strategies as being counterproductive ignore the fact that the boundaries are blurred, and often people do not know where the “forbidden zones” begin and end. What was acceptable today in one place may not be tomorrow in another (Stern and O’Brien, 2012).

When publics operate through media such as the Internet, academic publications or limited circulation newsletters, another layer of complication arises. Each medium operates under different levels of constraint (Yang and Calhoun, 2007). Adding a further level of complexity, individuals may move between segmented publics and simultaneously operate within different ones. The presence of certain individuals who are Party members or have strong official connections may paradoxically enable debate within certain publics, as their presence can be deemed to inoculate these spaces against “going too far”. In my Tianjin field sites, the Party members were the most outspoken critics of the failings of their institutions and the authorities more generally. At the same time, if the boundaries of acceptable speech shift or activities of a certain segmented public are labelled as problematic, these same people may face greater risk than others.

The system of constraints (and censorship more generally) is highly personalised. This applies both to those exercising control, and those being controlled. In the first of these areas, leaders are responsible for exercising control over the people within their jurisdiction or in their unit, but are also crucial to the development of institutional cultures within certain spaces that are favourable to more open debate, as was evident in the resident and villager committees. This is also apparent in the variation between the institutional cultures of universities and think tanks, and even among departments within them. Some leaders may allow a lot of debate, and indeed may use their institution to pursue aims at variance with those set by the Party leadership, while others may impose much more conservative norms. This flexibility has been increased by decentralisation and administrative reforms (Ding, 1994). As Ho has argued in relation to environmental organisations, their embeddedness within formal institutional spaces and networks can be enabling as well as constraining (Ho, 2007; Ho and Edmonds, 2008).

By contrast, the “responsibility systems” that enable debate in this way can also lead to suppression of complaints and discussion in other kinds of environments (Minzner, 2009; Minzner, 2006), with the imprisonment of repeat petitioners in psychiatric hospitals being an extreme example.¹³ By punishing officials “responsible” for contentious speech and claims that exceed the bounds of the designated segmented public(s) within their jurisdiction, central government rules for evaluating cadres encourage such repression of complainants (Chinese Human Rights Defenders, 2008).

Segmented publics can also be analysed in terms of individuals; they clearly accord members and non-members differing rights to speak. Yet individuals may have membership in several different segmented publics. Many activists move between different spheres, adjusting to their variable rules regulating speech and action as they go. For intellectuals, the “pluralised publics” in which they engage mean complex considerations of what can be said where (Cheek, 2007). Relative expertise is a key dimension for entitlement within elite publics, but age is another important factor, giving retired democrats within the CCP relative latitude to make comments critical of government policy and actions, for example. These officials have continued to publish articles that go against the current consensus in advocating democratic reform, “whereas less privileged authors have been banned from publishing on much less sensitive topics” (Feng, 2008, p. 683). Age also gives members in associational and grassroots publics more latitude to raise critical concerns. Such “differential rights” operate along a spectrum of entitlements (Potter and Woodman, 2012). While the CCP democrats represent one extreme, the other is illuminated by the outside boundaries of differential rights as described above, when people become non-persons in domestic segmented publics and can only have a voice in oppositional publics.

The boundaries between “people” and “enemies”, between members and non-members of segmented publics, can also be dynamic, contextual and contested. They are also historical and cumulative. Liu Xiaobo’s record as a former political prisoner and his identification with the events of 1989 are important in understanding why he received such a severe sentence, in contrast to other Charter ’08 drafters.¹⁴ These distinctions apply well beyond high-profile cases such as Liu’s. The designation of “enemies” can occur at any level of the system. Applying political labels to people is a practice that continues as a key tactic in daily contentious politics, with the aim of discrediting the claims of complainants (Zhu and Ho, 2008). Those whose grievances threaten the power of local officials can thus find themselves deprived of all rights to raise their concerns, regardless of how mundane. This is evident in the treatment of petitioners who repeatedly appeal outside their place of *hukou* registration, where such complaints would be permissible (Chinese Human Rights Defenders, 2008), and was evident among long-term petitioners in my field sites.

The scope of expression allowed in various segmented publics and the relative degree of differential rights are temporally and spatially dynamic. For example, controls over petitioning are tightened significantly in the run-up to the annual “two meetings” of the Chinese People’s Political Consultative Conference and the National People’s Congress, and there are routine clampdowns around the anniversary of the June Fourth Tiananmen Massacre. Academic conferences on a sensitive topic can be held at some times, and in some places, and not in others. Béja (2009) suggests that one factor in the severity of Liu’s punishment was the Chinese leadership’s fear that the release of Charter ’08 on the eve of the significant year of 2009 (marking the twentieth anniversary of June Fourth and the sixtieth of the founding of the PRC) could have a similarly catalysing effect on the public to open letters calling for

democratisation issued in late 1988 and early 1989. Such logics do not only apply to national-level events; local politics also generate varying climates for expression at different moments.

Conclusion

The concept of “segmented publics” has been deployed in this paper as an analytical tool to elucidate patterns underlying apparently inconsistent regulation of public expression in China today. It captures institutional-level elements relating to the location of expression and also the way status contributes to individuals’ opportunities to bring their concerns into public spaces. Segmentation, it shows, is both a national and local state strategy for containing contention and limiting public debate within certain constrained spheres, but also a set of habits and cultural norms that are reinforced, in particular, by distinctions between what is acceptable for members of the elite and for “the masses”. It focuses in particular on contestation over the boundaries of legitimate public concern.

Previous schemes to map publics have focused largely on intellectuals and elites (Gu, 1993–94; Gu, 1998), but this model attempts to capture a broader range of possible publics, including at the grassroots. The concept of segmented publics highlights how similar sets of constraints operate *across* the division between elite and mass, despite the cultural distinctions noted above. This is not to say that these constraints have equal effects: the topography of segmented publics is distinctly uneven, and a more systematic mapping of levels of access to different spheres than has been possible in this article would highlight distinctive inequalities, particularly along class lines. Yang (2010) provides a notable example in showing how the environmental concerns that are most life-threatening to China’s rural population get the least coverage in the mainstream media. Whereas workers and

women have entry to the polity through mass organisations – despite the often-described limitations of these – there is still no such organisation representing farmers. In contemporary China, such inequalities are built into many of the institutional forms that frame segmented public spheres, and are thus a matter of state policy and cultural norms. The permitted scope and potential impact of discussion in elite segmented publics is generally much broader than that in grassroots publics which are limited to local affairs; but the face-to-face interactions of grassroots publics can provide more fertile ground for concerted collective action on matters impacting people’s daily lives. Even though recent research suggests that forestalling collective action is among the principal motives for censorship of social media (King, Pan and Roberts, 2013), their institutional form legitimates a certain degree of collective mobilisation within grassroots and associational segmented publics. What most concerns the authorities, it seems, is efforts that seek to take political action and its associated speech beyond these bounds.

The institutions and practices of segmented publics are increasingly challenged, both by efforts of oppositional critics and aggrieved citizens to bring their concerns into the public arena, and by social, economic and technological developments, including population mobility and the spread of the Internet, mobile phones and social media. “Pluralisation” is apparent beyond expert and intellectual publics (Cheek, 2007), as people increasingly cross administrative boundaries in a variety of ways. As I have shown, the spaces of segmented publics are dynamic and contested. Issues are *made* public through the active efforts of a host of differently situated actors seeking to advance their concerns, grievances and convictions (Yang, 2010). Complicating this picture, speech framed in socially conformist terms may actually be challenging those norms, as in “rightful resistance” (O’Brien and Li, 2006). The informal political talk that circulates within certain segmented publics – not only of the

oppositional kind – can generate oppositional framings that may emerge into a wider space when conditions are ripe.

Such challenges are particularly apparent in types of segmented publics where rules are less clear – namely, associational and oppositional publics. This raises a number of questions for further research. How do the networks that criss-cross segmented publics and link them to each other and to the formal state apparatus contribute to the movement of what becomes public? What are the boundaries and limits and how are they set? Elaborating on this latter point has been a central aim of this article, thus contributing to a new focus on boundaries in Chinese politics more generally (Stern and O’Brien, 2012). I have also illuminated a set of regularities that are underpinned largely by unwritten rules. As Deng writes, “[T]o understand China’s political environment, it is not sufficient to have an understanding of the written or publicised laws and regulations. A full understanding requires an in-depth exploration of the unwritten or unpublicised hidden rules in China’s government administration system” (Deng, 2010, p. 200). A related dimension highlighted by this article is the importance of intentional ambiguity as a strategic resource for both officials and their critics.

As spaces for critical speech, segmented publics are contingent on rapidly changing official tolerance. This varies greatly across local, regional and national scales, as well as fluctuating depending on time, but limits are contextual and never clear. Micro-politics within certain defined fields of action require constant policing of self and others, often through what Stern and Hassid term “control parables”, “didactic stories about transgression [that] help the politically inclined map the gray zone between (relatively) safe and unacceptably risky choices” (Stern and Hassid, 2012, p. 1230). Spaces contract as well as expand; in the past two years, the climate for engaging in political questions through means of law has steadily

worsened, with activist lawyers facing increasingly severe repression, for example (Fu, 2012). Yet emergent events set the agenda of what comes into view, whether in the mass media or in narrower publics. In the routine politics of everyday life, the boundaries of segmented publics are constantly under challenge.

Acknowledgments

The ideas in this article started their life as part of my long collaboration with Pitman Potter and the Asia Pacific Dispute Resolution Project at the University of British Columbia, and came to fruition during a postdoctoral fellowship with the Project. I am most grateful to Pitman for his support of my work. The piece also benefited from stimulating conversations with colleagues in the corridors of the UBC Institute of Asian Research, particularly Timothy Cheek, and from the exciting discussions at the 2012 ARI conference. I am grateful to Jonathan Benney, Peter Marolt and the two anonymous reviewers at ASR for their constructive suggestions on how to make this a better piece of work.

References

- Béja, Jean-Philippe (2009) Editorial: Don't forget June 4th. *China Perspectives* 2, pp. 2–3.
- Calhoun, Craig J. (1992) *Habermas and the public sphere* (Cambridge, MA: MIT Press).
- Cheek, Timothy (2007). Pluralized publics of contemporary Chinese intellectuals: Party, profession, and "the Public". Paper presented at the Chinese Visions on a Planetary Scale conference, Monash University, 15–27 August.
- Chinese Human Rights Defenders (2008) *Silencing complaints: Human rights abuses against petitioners in China*. Chinese Human Rights Defenders.
<http://chrnet.com/2008/03/silencing-complaints-human-rights-abuses-against-petitioners-in-china/> (accessed 19 November 2014).
- Chinese Human Rights Defenders (2011) *"We can dig a pit and bury you alive": Annual Report on Human Rights Defenders 2011*. Chinese Human Rights Defenders.
Available at <http://chrnet.com/2012/03/we-can-dig-a-pit-and-bury-you-alive-annual-report-on-the-situation-of-human-rights-defenders-in-china-2011/> (accessed 19 November 2014).
- Crossley, Nick (2002) *Making sense of social movements* (Buckingham; Philadelphia, PA: Open University Press).

- Crossley, Nick and John L. Roberts (2004) *After Habermas: New perspectives on the public sphere*. Sociological Review Monographs (Oxford; Malden, MA: Blackwell Publishing; Sociological Review).
- Cui, Weiping (2012) Breaking through the obstacles of political isolation and discrimination, in Jean-Philippe Béja, Hualing Fu and Eva Pils (eds), *Liu Xiaobo, Charter 08 and the challenges of political reform in China*, pp. 79–93 (Hong Kong: Hong Kong University Press).
- Davies, Gloria (2007) Habermas in China: Theory as catalyst. *The China Journal* 57, pp. 61–85.
- Davies, Gloria (2012) *Homo dissensum significans*, or the perils of taking a stand in China. *Social Text* 29(4), pp. 29–56.
- Deng, Guosheng (2010) The hidden rules governing China’s unregistered NGOs: Management and consequences. *The China Review* 10(1), pp. 183–206.
- Deng, Yanhua, and Kevin J. O’Brien. 2013. “Relational Repression in China: Using Social Ties to Demobilize Protesters.” *The China Quarterly*, July, 1–20.
- Ding, X.L. (1994) Institutional amphibiousness and the transition from Communism: The case of China. *British Journal of Political Science* 24(3), pp. 293–318.
- Eriksen, Erik O. (2009) An emerging European public sphere. *European Journal of Social Theory* 8(3), pp. 341–63.
- Feng, Chongyi (2008) Democrats within the Chinese Communist Party since 1989. *Journal of Contemporary China* 17(57), pp. 673–88.
- Feuchtwang, Stephan (2004) Theorising place, in Stephan Feuchtwang (ed.), *Making place: State projects, globalisation and local responses in China*, pp. 3–30 (London; Portland, OR: UCL Press; Cavendish).
- Fraser, Nancy (1997) *Justice interruptus: Critical reflections on the “postsocialist” condition* (New York: Routledge).
- Fu, H.L. and Richard Cullen (1996) National security law in China. *Columbia Journal of Transnational Law* 34, pp. 449–68.
- Fu, Hualing (2012) Challenging authoritarianism through law, in Jean-Philippe Béja, Hualing Fu and Eva Pils (eds), *Liu Xiaobo, Charter 08 and the challenges of political reform in China*, pp. 185–204 (Hong Kong: Hong Kong University Press).
- Goldfarb, Jeffrey C. (2006) *The politics of small things: The power of the powerless in dark times* (Chicago: University of Chicago Press).

- Goldman, Merle and Elizabeth J. Perry, eds. (2002) *Changing meanings of citizenship in modern China*. Harvard Contemporary China Series, vol. 13 (Cambridge, MA: Harvard University Press).
- Gu, Xin (1993–94) A civil society and public sphere in post-Mao China? An overview of Western publications. *China Information* 8(3), pp. 38–52.
- Gu, Xin (1998) Plural institutionalism and the emergence of intellectual public spaces in contemporary China: Four relational patterns and four organizational forms. *Journal of Contemporary China* 7(18), pp. 271–301.
- Gui, Yong, Weihong Ma and Klaus Mühlhahn (2009) Grassroots transformation in contemporary China. *Journal of Contemporary Asia* 39(3), pp. 400–23.
- Habermas, Jürgen (1989) The public sphere, in Stephen Seidman (ed.), *Jürgen Habermas on society and politics: A reader*, pp. 231–36 (Boston: Beacon Press).
- Ho, Peter (2007) Embedded activism and political change in a semiauthoritarian context. *China Information* 21(2), pp. 187–209.
- Ho, Peter and Richard L. Edmonds (2008) *China's embedded activism: Opportunities and constraints of a social movement*. Routledge Studies on China in Transition, vol. 30 (London; New York: Routledge).
- Hsu, Jennifer Y.J. and Reza Hasmath (2013) The changing faces of state corporatism, Jennifer Y.J. Hsu and Reza Hasmath (eds), *The Chinese corporatist state: Adaptation, survival and resistance*, pp. 1–9 (Abingdon, UK: Routledge).
- Human Rights in China (2007) *State secrets: China's legal labyrinth* (New York: Human Rights in China). Available at <http://www.hrichina.org/content/4082>.
- Keech-Marx, Samantha (2008) Airing dirty laundry in public: Anti-domestic violence activism in Beijing, in Jonathan Unger (ed.), *Associations and the Chinese state: Contested spaces*, pp. 175–99 (Armonk, NY: M.E. Sharpe).
- Kellogg, Thomas E. (2009) Constitutionalism with Chinese characteristics? Constitutional development and civil litigation in China. *International Journal of Constitutional Law* 7(2), pp. 215–46.
- King, Gary, Jennifer Pan and Margaret E. Roberts (2013) How censorship in China allows government criticism but silences collective expression. *American Political Science Review* 107(2), pp. 326–43.
- Kirby, William C., ed. (2004) *Realms of freedom in modern China* (Stanford, CA: Stanford University Press).
- Liu, Xin (2009) *Mirage of China* (New York: Berghahn Books).

- Mao, Zedong (1989) On the correct handling of contradictions among the people (Speaking notes), in Roderick MacFarquhar, Timothy Cheek and Eugene Wu (eds), *The secret speeches of Chairman Mao: From the Great Leap Forward to the Cultural Revolution*, pp. 131–90 (Cambridge, MA: Harvard University Press).
- Michelson, Ethan (2008) Justice from above or below? Popular strategies for resolving grievances in rural China. *The China Quarterly* 193, pp. 43–64.
- Milwertz, Cecilia and Wei Bu (2009) Non-governmental feminist activism in the People's Republic of China: Communicating oppositional gender equality knowledge, in Gilles Guiheux and Khun Eng Kuah-Pearce (eds), *Social movements in China and Hong Kong: The Expansion of Protest Space*, vol. 9, pp. 227–44 (Amsterdam: Amsterdam University Press).
- Minzner, Carl F. (2006) Xinfang: An alternative to formal Chinese legal institutions. *Stanford Journal of International Law* 42(1), pp. 103–79.
- Minzner, Carl F. (2009) Riots and cover-ups: Counterproductive control of local agents in China. *University of Pennsylvania Journal of International Law* 31(1), pp. 53–124.
- Mosco, Vincent (2009) Review article: Approaching digital democracy. *New Media & Society* 11, pp. 1394–400.
- O'Brien, Kevin J. and Lianjiang Li (2006) *Rightful resistance in rural China*. Cambridge Studies in Contentious Politics (Cambridge, England ; New York: Cambridge University Press).
- Potter, Pitman B. (2011) 4 June and Charter 08: Approaches to remonstrance. *China Information* 25(2), pp. 121–38.
- Potter, Pitman B. and Sophia Woodman (2012) Boundaries of tolerance: Charter 08 and debates over political reform, in Jean-Philippe Béja, Hualing Fu and Eva Pils (eds), *Liu Xiaobo, Charter 08 and the challenges of political reform in China*, pp. 97–117 (Hong Kong: Hong Kong University Press).
- Rowe, William T. (1990) Review article : The public sphere in modern China. *Modern China* 16(3), pp. 309–29.
- Shi, Tianjian and Diqing Lou (2010) Subjective evaluation of changes in civil liberties and political rights in China. *Journal of Contemporary China* 19(63), pp. 175–99.
- Sima, Yangzi (2011) Grassroots environmental activism and the internet: Constructing a green public sphere in China. *Asian Studies Review* 35(4), pp. 477–97.
- Stern, Rachel E. and Jonathan Hassid (2012) Amplifying silence. *Comparative Political Studies* 45(10), pp. 1230–54.

- Stern, Rachel E. and Kevin O'Brien (2012) Politics at the boundary: Mixed signals and the Chinese state. *Modern China* 38(2), pp. 174–98.
- Wang, Hui, Leo Ou-fan Lee and Michael M. J. Fischer (1994) Etymologies. *Public Culture* 6(3), Spring, pp. 597–605.
- Wang, Zheng (2005) State feminism? Gender and socialist state formation in Maoist China. *Feminist Studies* 31(3), pp. 519–51.
- Wang, Zheng (2010) Creating a Socialist feminist cultural front: *Women of China* (1949–1966). *The China Quarterly* 204, pp. 827–49.
- Warner, Michael (2002) Publics and counterpublics. *Public Culture* 14(1), pp. 49–90.
- Woodman, K. Sophia (2005) Human rights as “foreign affairs”: China’s reporting under human rights treaties. *Hong Kong Law Journal* 35(1), pp. 179–204.
- Woodman, Sophia (2011a) Law, translation and voice: Transformation of a struggle for social justice in a Chinese village. *Critical Asian Studies* 43(2), pp. 185–210.
- Woodman, K. Sophia (2011b) Local citizenship and socialized governance: Linking citizens and the state in rural and urban Tianjin, China. PhD thesis, University of British Columbia. Available at circle.ubc.ca/handle/2429/38485.
- Xing, Guoxin (2011) Urban workers’ leisure culture and the "public sphere": A study of the transformation of the workers’ cultural palace in reform-era China. *Critical Sociology* 37(6), pp. 817–35.
- Yadav, Stacey P. (2010) Segmented publics and Islamist women in Yemen: Rethinking space and activism. *Journal of Middle East Women’s Studies* 6(2), pp. 1–30.
- Yang, Guobin and Craig Calhoun (2007) Media, civil society, and the rise of a green public sphere in China. *China Information* 21(2), pp. 211–36.
- Yang, Guobin (2010) Brokering environment and health in China: Issue entrepreneurs of the public sphere. *Journal of Contemporary China* 19(63), pp. 101–18.
- Yeh, Wen-hsin (2004) Discourses of dissent in post-imperial China, in William C. Kirby (ed.), *Realms of Freedom in Modern China*, pp. 165–97 (Stanford, CA: Stanford University Press).
- Yúdice, George (1992) We are not the world. *Social Text* 31–32, pp. 202–16.
- Zhu, Jiangang (2007) Space, power, and the construction of community identity. *Chinese Sociology & Anthropology* 40(2), pp. 65–90.
- Zhu, Jiangang and Peter Ho (2008) Not against the state, just protecting residents’ interests: An urban movement in a Shanghai neighborhood, in Peter Ho and Richard L.

Edmonds (eds), *China's embedded activism: Opportunities and constraints of a social movement*, vol. 30, pp. 151–70 (London; New York: Routledge).

Notes

- ¹ The extent of restriction of information authorised by secrecy laws and regulations in China has been widely noted (Human Rights in China, 2007).
- ² Peter Foster, 'Leading Chinese dissident claims freedom of speech worse than before Olympics'. *Daily Telegraph*, 27 April 2009. Available at <http://www.telegraph.co.uk/news/worldnews/asia/china/5230707/Leading-Chinese-dissident-claims-freedom-of-speech-worse-than-before-Olympics.html>, accessed 13 April 2012.
- ³ PRC Constitution, 1982, Art.s 41 and 111; Organic Law on Villager Committees, 1998, Art. 2; Organic Law on Urban Resident Committees, 1989, Art. 3.
- ⁴ This section is based on 2008–09 field work in Tianjin (Woodman, 2011b). The two resident committees I studied – referred to as “Progress” and “Rising China” below – are in Nankai and Hexi Districts, both central districts of the city; one villager committee, Zhang Family Village, is in suburban Beichen District, and the other, Dragon Peak Village, is in mountainous Jixian County in the north of Tianjin Municipality. I conducted ethnographic fieldwork in each site for a period ranging from a month and a half to three months. All real names of committees have been changed to maintain the anonymity of informants.
- ⁵ 'Brief Introduction to XXX Community'. Undated document on file with the author.
- ⁶ Organic Law on Villager Committees, 1998.
- ⁷ A recent survey found that Chinese respondents indicated that the greatest improvement in democratic practice compared with the past was in the area of freedom of expression (Shi and Lou, 2010).
- ⁸ The scope of the deprivation of political rights envisaged under Article 54 of the PRC Criminal Law is broad, indicating that those so deprived may not exercise: the rights to vote and stand as a candidate for election; and the rights to freedom of expression, publication, assembly, association, march and demonstration; and that they may not hold positions in state organs, and may not have leadership roles in state companies and enterprises, public service organisations or “people’s organisations”.
- ⁹ These offences are contained in Chapter I of the PRC Criminal Law.
- ¹⁰ I am indebted to Tim Cheek for suggesting this term.
- ¹¹ See Beijing No. 1 Intermediate People’s Court Criminal Case Verdict No. 3901, 2009.

¹² See, for example, Nick Young, 'Liu Xiaobo Wins Nobel, Reform Loses'. *The Guardian*, 8 October 2010. Available at <http://www.guardian.co.uk/commentisfree/2010/oct/08/liu-xiaobo-china>, (accessed 19 November 2014).

¹³ See, for example, Sharon LaFraniere and Dan Levin, 'Assertive Chinese Held in Mental Wards'. *The New York Times*, 11 November 2010.

¹⁴ While Liu was sentenced to prison, several other key Charter '08 drafters, and most of the 303 original signatories, were not charged with any criminal offence for their participation in its writing or their endorsement of it, although many were subject to harassment, intimidation and non-criminal sanctions of various types.