

## **Liu Xiaobo as the Spiritual Rival of Xi Jinping**

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At the time when Liu Xiaobo ( 劉曉波 ) organized the drafting, signing and eventual promulgation of *Charter 08*, he was hopeful that it would bring new impetus to the movement for the realization of democracy and the rule of peaceful law as the national goal for political development in China. He chose the timing for publishing the Charter on the 60th Anniversary of the *Universal Declaration of Human Rights* (UDHR) and also the date in remembrance of the tenth anniversary of the signing of the *International Covenant on Civil and Political Rights* (ICCPR).

Although there was not much room for optimism that *Charter 08* will be embraced by the ruling Party, Liu did not appear to be apprehensive of an imminent risk to his personal freedom and security. After all the main spirit manifested in the *Charter 08* was largely echoed by what former premier Wen Jiabao ( 溫家寶 ) said in his interview with the CNN in September 2008 concerning “universal value”, “democracy”, “freedom and equality” and “independent judiciary”. As a matter of fact, Liu Xiaobo subsequently told his wife Liu Xia ( 劉霞 ) that he did not anticipate the promulgation of *Charter 08* would lead to such a drastic consequence that eventually he had to serve a heavy jail sentence of 11 years for “subverting the State power”.

### ***In the Year 2008***

Looking back to 2008, it was the year when China successfully hosted the Olympic Games and won impressive results. It was also the year when the Western world was shaken by the financial tsunami and China managed to maintain financial stability although an enormous amount of money (RMB4000 billion) was injected into the capital market. While China had the reason to pride herself as a formidable power, the government had in the same year brutally suppressed an uprising in Tibet and many Tibetans were killed. What was more significant, as observed by American scholar David Shambaugh in his 2016 book *China's future*, it was the year when Xi Jinping ( 習近平 ) became the Deputy President of the State and appointed as the successor to Hu Jintao ( 胡錦濤 ) as the General Secretary of the Communist Party of China. Thereafter, the Party had become more and more autocratic putting in place more stringent policies of control over the country. The warning directive of Deng Xiaoping ( 鄧小平 ) after the Tiananmen Massacre that “to nip all chaos at the budding stage” appeared to be vigorously and fully taken on board. Liu Xiaobo’s *Charter 08*, no matter how moderate it was tuned, was obviously taken as a challenge to the supreme authority of the Party and the legitimacy of the Communist Party’s Rule in China.

The prompt arrest and imprisonment of Liu Xiaobo, in contrast with the rather lenient treatment of the other co-signers of *Charter 08*, showed that the Communist leaders intended to “kill the chicken in order to scare the monkeys” ( 殺雞儆猴 ). The subsequent award of the Nobel Peace Prize to Liu Xiaobo in 2010 further aggravated the situation, as Liu’s wife Liu Xia was immediately put under house arrest and was only released almost one year after Liu’s death.

At the time after the Tiananmen Massacre in 1989, the Western countries reached a consensus not to isolate such a big country like China for long, but to maintain a critical engagement with her for the purpose of securing peaceful co-existence. Subsequently, the mainstream thinking of the Western powers was to allow China to be integrated into the global economy by accession to the World Trade Organization. It was their shared belief and expectation that when China sustained her economic growth and became more economically developed, there will be the rise of a middle class and establishment of a more mature legal system, and consequently, the country would more probably undergo political transformation with the gradual introduction of popular election leading to the process of democratization, as what had gone through about a century ago in the Western World.

### ***After the Rise of Xi into Power***

To the disappointment of many liberal thinkers, the Western route of modernization followed by democratization has not taken place in China. The process of political development was almost stagnant during the Hu-Wen reign of ruling. After taking up the role of the new supreme leader of the Communist Party in 2012, Xi on the one hand started to massively purge the corrupted party cadres to establish his political legitimacy. But on the other hand, he vigorously took steps to steer the country to move along the path to become a more autocratic dictatorship.

In May 2013, the Central Propaganda Department of the Party issued an internal directive to all local party committees restricting and banning discussion within universities and by media of seven topics deemed to be of “dangerous Western influences”, namely, universal values, freedom of speech, civil society, civil rights, the historical errors of the Communist Party, crony capitalism and judicial independence.

In the issue of *People's Daily* dated 5th August 2012, the Party under Xi declared the five new categories of bad people who would destabilize the country and should be subject to control and repression, namely, human rights lawyers, underground churches, political dissidents, Internet opinion leaders and underprivileged groups.

During his first five years' rule, Xi's regime successively implemented various schemes of legislative and administrative measures to tighten up the Party's control over the whole country. Control over Internet operators and foreign NGOs by way of strict registration requirement were imposed. In 2017, the regulators moved aggressively to curtail the use of Internet by 750 million netizens by imposing new restrictions while having shut down "Facebook" and "Google". The crackdown was extended to video-streaming websites, virtual private networks (VPNs): foreign TV shows from online platforms. Internet users are required to register their real names; laws will be introduced to hold chat group administrators accountable for what are chatted; new rules will be in place to require online news websites to be vetted by government-appointed editorial staff.

The institutionalization of control of lawyers was also exemplified when the Ministry of Justice announced in March 2017 new measures to evaluate lawyers' professional standards based on their "political performance". Under the scheme, lawyers would have to meet four criteria to be listed: the top one being political correctness, followed by record of "integrity", length of experience and professional skills. The political performance assessment includes supporting the Communist Party's leadership and "socialist rule of law" and the integrity criterion would require applicants to have a clean record on party discipline, administrative penalties (such as detention, revocation/suspension of one's licence), industrial discipline and credit-related punishment in the past five years. On top of two sets of revised rules, the Measures on the

Administration of Lawyers' Practice and the Measures for the Administration of Law Firms launched in November 2016 designed to silence lawyers critical of the authorities, rights lawyers believe this new move would further marginalize them and those who seek to challenge unfair judicial practices.

However when the human rights lawyers remained defiant and continued to strive to fight for justice for the underprivileged and oppressed, the Party even applied the State machinery to attack the legal community ruthlessly and indiscriminately.

### ***709 Crackdown on Lawyers in 2015***

On 9th July 2015, there was a nationwide crackdown on human rights lawyers resulting in the arrest and detention of over 300 lawyers on one day. Many of the detained lawyers were detained incommunicado and subjected to torture and inhuman or degrading treatment and some of their family members were intimidated and harassed. As a consequence, many human rights lawyers were forced to confess their “guilt” before reporters and televisions in controlled environment, before they even had the opportunities of seeing their family members or lawyers. Moreover, one particular law firm Fengrui (鋒銳) was targeted as some of the source of the turmoil – all its lawyers were charged with the crime “subverting the State power” and the senior members were put into jail. One leading lawyer of the firm Wang Quanzhang (王全璋), who has been arrested on 709, remains “disappeared” and his family members having courageously made public appeal to rescue him, were unsuccessful even in having a chance to see him. Up to this date, after over 1000 days of forced disappearance, no one is able to say whether Wang is still alive.

The monopoly over the use and deployment of force together with the application of oppressive laws are only one dimension of the

Orwellian situation in China. The Party has apparently felt so scared of its dissenters that an elaborate network of volunteer informants were built up, such that at every moment and in every corner of the society, anyone may be watched by his neighbours, or any stranger passing up, who are in fact active informants exercising surveillance over others to protect the interest of the Party and the State. In recent months, many university lecturers and school teachers were disciplined, suspended or even dismissed for making even casual remarks in class critical of the Party or its leaders, when the student informants promptly reported the matter back to the Party.

The use of advanced technology also strengthens the effectiveness of the Party's surveillance and control power over the people by penetrating into the society as a whole. The installation of millions of CCTV cameras together with the application of digital facial recognition enables the police to search and/or arrest anyone throughout the country within hours. The building up of databases and the analysis of big data constitute a powerful system of control virtually over each individual.

A planning outline for the construction of a social credit system 2014-2020 was issued by the State Council, with the objective that eventually each citizen will be given a social integrity rating according to a credit score. The system was allegedly for the purpose of restoring trust in the commercial market, but obviously it could be and has already been applied against individuals for control of their conduct and behavior. There have been reports that problematic individuals given low credit rating suffer from the following treatments, namely: unable to obtain issuance of passport for travelling or even to purchase a high-speed railway ticket, the cancellation of household registration such that the individual has to go back to his original native county or village otherwise he will lose his job opportunity and his children have difficulty of getting into school.

### ***The New Era when the Supreme Leader Has No Limit on His Term and Power***

The systematic and embracing control of the people is exercised by the Party with the use of a formidable status apparatus for the purpose of preserving political stability. The process of concentrating the power of the State in the Party-State, led by one supreme leader enjoying unchecked power with unlimited term of office and commanding personal worship of the people, has signified the completion of the process – namely, the rise of a new totalitarian regime in China. This is in fact what Xi has sought to achieve when he took up the second term of the Party leadership at the commencement of the 19th National Congress of the Communist Party of China in 2017 by declaring that China has entered Xi Jinping’s New Era of Socialism with Chinese Characteristics”.

The ideology and thought in Xi’s New Era are blatantly and entirely contradictory to the philosophy and spirit manifested in *Charter 08* and therefore the New Era has conceivably sealed the fate of Liu Xiaobo who eventually ended up his life in prison in July 2017, the same year when the New Era was pronounced.

### ***Xi v. Liu as Spiritual Leader***

Liu’s *Charter 08* expressed an embodiment of an ideal of democracy, human rights, rule of law, constitutionalism and republicanism and is widely supported by not only the intellectuals but obviously by many educated people across different strata of the community within and outside China. In view of the challenge of *Charter 08*, the paramount question to Xi Jinping is: What is the philosophical basis which provides for the political legitimacy of Xi’s New Era of individual dictatorship and totalitarianism?

To answer the question, a comparison between the basic and fundamental difference between the thoughts of the two “philosophical” and “spiritual leaders” – Liu Xiaobo and Xi Jinping will be illuminating.

Firstly, Liu always has hopes in the people and the civil society. He believes the people are the sovereign of the nation. His philosophy is based on people’s rights and has universal appeal. Xi distrusts the people and upholds himself as the absolute supreme leader and embodiment of the sovereign of the nation. It only appeals to narrow-minded nationalists and lacks universal and intellectual appeal.

Secondly, Liu who had been victimized by the Party so much and for so long still says in his last testament that “I have no enemies, I have no hatred”, “I hope therefore to be able to transcend vicissitudes ... to counter the hostility of the regime with the best of intentions and dispel hatred with love”. Xi on the other hand has preyed on the fear of the people and suppressed with brutality those who did not obey him or found not loyal to him. By branding the five new categories of bad elements, he is in fact ruling by fear and hatred.

Thirdly, Liu’s philosophical thought is based on universal values manifested in the *Universal Declaration of Human Rights* and ICCPR and the belief that the Chinese Constitution should be framed and interpreted to conform to and uphold these values. Upon an analytic examination of Xi’s socialistic thinking with Chinese Characteristic, it is found in substances to be a mixed composition of Leninist Party-Statism, Deng Xiaoping’s State capitalism plus traditional Chinese feudalistic familyism (i.e. People should be loyal to the State as a big Family and respect the Ruler as their Father).

Fourthly, Liu has deep concern that in China, “there are laws, but there is no rule of law; there is a constitution but no constitutional government”. He is always mindful of the paramount importance of



constraining public power and subjecting it to the Rule of Law for the protection of the rights and welfare of individuals. Under Xi, the laws and constitution are only to empower him to rule as supreme dictator, not to create any constraint on his power. Such thinking is in conformity with Mao's view that the law is no more than an instrument of oppression of the class enemies used by the ruling class under the leadership of the Party and ultimately him as the Supreme Leader. Xi's style of ruling is to de-institutionalize the legal system such that any problem could be solved or tackled by completely arbitrary power, with utmost efficiency and effectiveness.

Fifthly, Xi no doubt sets the national goal in his China Dream in seeing the rejuvenation and uprising of China as a prosperous and powerful nation in the world. But in this dream only his personal leadership, his Communist Party and his government governing the country in an Orwellian style will constitute the collectivistic power of a great formidable nation.

Whereas in the mind of Liu, he is deeply concerned with the sufferings of the people under pervasive poverty and the totalitarian rule of the Party. His China Dream is to see the growth and the flourishing of a civil society in which the rights and freedom of the people are realized and respected. The people's freedom and happiness is the essence of his China Dream.

The other interesting comparison between Xi and Liu is about their past painful experiences of being victimized under the repression of the ruling dictatorship of the Chinese Communist Party. Xi's Father Xi Zhongxun ( 習仲勳 ), a veteran revolutionary and high-rank official in charge of Party propaganda in the early 1960s, was put into jail as he was branded as a counter-revolutionary for permitting the publication of a novel allegedly with an intention to rehabilitate the former defence minister Peng Dehuai ( 彭德懷 ), Mao's very hated critic. Xi suffered

political discrimination and even persecution due to his family background as one of the 5 black categories, namely, the landowners, the rich, the counter-revolutionaries, the wicked and the rightists. He only managed to gain entry into politics after the death of Chairman Mao in 1976 and the subsequent rehabilitation of his father. Xi's subsequent rise no doubt benefitted from the influence of his father who in the 1980s became the party secretary of Guangdong Province. Xi's father was one of the few veterans who could speak directly to the paramount leader Deng Xiaoping and he was praised for his courage to say "NO" to Deng when the former liberal party general secretary Hu Yaobang (胡耀邦) was disgraced and when Deng decided to deploy armies to suppress the 1989 Democracy Movement. However, to the surprise of many observers, Xi does not appear to have this noble trait of his father's personality as being an upright and liberal-minded person. All his acts and decisions show his propensity to dictate, control and repress rather than tolerance and broad-mindedness.

Liu had quite an uneventful upbringing, but he was more fortunate than Xi as he was able to receive good education and acquired a real doctorate degree in literature through very serious examination by his academic supervisors. He became famous as a literary critic in the 1980s when he engaged in debate on question of aesthetics with top literary scholars in China. However, there was a drastic turn of his fate when he joined the hunger strike in Tiananmen in May 1989 to support the students and the Democracy Movement. Liu was imprisoned for about 1 year post-1989 but was sent back to prison in 1995 when he joined an open campaign to call for the country's reform by establishing democracy and the rule of law. After he was released in year 2000, he became the chairman of the Independent Chinese PEN, a group of intellectual critics, and continued to publish to call for political reform leading finally to his glorious action to collaborate with over 300 public

intellectuals to write and promulgate the *Charter 08*. The immense sufferings of Liu did not breed any hatred and hostility against anyone in the heart of Liu even up to the date of his death. It is indeed very unfortunate that Xi learnt a different lesson from his painful experience, that instead of seeking to avoid or eliminate political dictatorship as the root cause of human sufferings, he decided to acquire absolute dictatorial power himself, as the best protection for himself, his family and his Party.

### ***The Historic Significance of Charter 08***

Will China under Xi's reign of rule become a great and powerful nation or bring more humiliation to the country and more sufferings to its people? No one can readily foretell the future of China, but I will attempt to make a judgment on the historic significance of *Charter 08* and the life of Liu Xiaobo at this juncture of history.

Liu's *Charter 08* is symbolically a continuation of over one century's struggle of the Chinese people for political liberation. During the period when China was under imperialist invasion, the Chinese people fought for national rejuvenation and revival (with call for democracy) in order to liberate the people from being subjected to foreign domination and oppression. After the People's Republic of China was founded in 1949, the Chinese people, however, continued to suffer from deprivation of basic human rights and freedom under communist rule and particularly Mao's dictatorship. The 1989 Democracy Movement was started by the people as a protest against corruption and then followed by call for democratic reform and rule of law. The protest in reality is a continued struggle for the liberation of the Chinese people from political oppression, albeit this time from their own government and not the foreign invaders or imperialists. The continued struggle of the people for freedom and democracy will continue, as evidenced by

the continuous and relentless campaigns of the rights defenders throughout the country.

Liu Xiaobo's death does not close the chapter of the democracy movement of the Chinese people but rather left his valuable legacy *Charter 08* which will serve as the lighthouse providing the direction for the Chinese people in their continued struggle until they are truly liberated from political oppression.

At the end, the truth is that there is no end in history as once suggested by the political science scholar, Francis Fukuyama, but there will be continued striving of the people to fight for and maintain and sustain a free, open and just society, where they can live with dignity and without fear of their own government. Judging from the universal value upheld by the international community and viewing the historical progress in the history of human civilization, China cannot be a truly great nation if its people are not free!

## Note

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*Party-State, Dissent and  
Human Rights*

