

Legal Regulation & Education: Doing the Right Thing?

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Kill One Man, Terrorize a Thousand? - Comments on Chinese Rumor Crackdown in Cyberspace

Haunted by the frequent and escalated disarray brought by online rumors, since August 2013, China police have launched a nationwide crackdown on "rumormongers," especially people who fabricate and spread rumors on the Internet. To unify the criminalisation criteria, the Supreme People's Court and the Supreme People's Procuratorate of P. R. China released "the Interpretation on the Application of Law Issues in Online Defamation Cases etc" on 9 September, 2013. It clarified on how to apply the provisions of the Criminal Code of P. R. China to relevant crimes perpetrated online. The most disquieting provision is about the criminalisation criteria of crime of defamation, among which is that an online defamatory information is visited not less than 5,000 times or reposted not less than 500 times. What also arouses people's anxiety is that, public order disruption repeatedly appears in the Interpretation, which was explained to include order of cyberspace by the spokesman of the SPC at a press conference. This study refutes this argument, criticises the low threshold and makes an empirical research on what consequences suffice to be criminally punished.

By analysing the reasons behind Chinese rampant online rumors from the historical, sociological and realistic perspective, this study probes into the optimum solution to ease the situation. It's impossible to completely get rid of online rumors, as long as human societies exist. However, Internet makes the spread of rumors speedier, more convenient and massive. Especially in a state shadowed by historical scars and filled with distrust emotion of government, where online rumors gain singular vitality, decreasing online rumors is still of significance. Whereas, it's unwise to take high-handed measures by rushing an Interpretation through the judicial organs. Latent risks abound thereof, which are delved into from five aspects in this study.

As a Chinese saying goes, "Kill one man, terrorize a thousand". Although the intimidating effect has been somewhat achieved by the government, side effects come along. The stringent criminalisation criteria not only stifle the freedom of expression and hamper the development of electronic commerce in China, but also conceal the dissatisfaction held by citizens towards the government and the real controversies of the society. This study suggests that full and instant disclosure of official information, establishment of rumor dismissing platform in influential social network websites, and website user credit assessment system would be better ways of coping with online rumors. Even if criminal punishment could serve as a deterrent to online rumors, it should be limited within the areas where public interest counts.