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This is a contribution from *Contemporary Chinese Discourse and Social Practice in China*.

Edited by Linda Tsung and Wei Wang.

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## CHAPTER 3

# Discourse and public sphere in China

## A study of the Wu Ying lawsuit case

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This article examines public debate over the Wu Ying lawsuit case during February and March 2012. In particular, it investigates discursive strategies made use of by the public to form public opinion and to operate with on the Internet. Starting from the CDA premise that discourse is constitutive in social practice and Habermas' conceptualization of public sphere, the article brings the discursive strategies deployed into a discussion in relation to the complexity of the discourse and the development of the public sphere in China. It is found that the Internet-related new media devices contribute to the development of a public sphere in China, and their contribution is facilitated by the deliberate use of discursive strategies as social practice.

### Prologue

Wu Ying, former head of Bense Holding Group, a private enterprise based in Zhejiang province, Southeastern China, took 770 million Renminbi yuan (approximately 121.8 million US dollars then) between May 2005 and February 2007 from 11 investors who lived on the high interest accrued from the loans she made with their money. She was arrested in February 2007, accused of committing a fraudulent financial crime, and sentenced to death on 18 December 2009 by Jinhua Intermediate People's Court, as this local court found that 380 million yuan of the money fraudulently pooled could not be returned and large amounts of other debts were unpaid. Wu Ying appealed to the provincial Higher People's Court but her appeal was rejected 18 January, 2012. While her case was in the final process of review by the Supreme People's Court,<sup>1</sup> a debate over and discussion of her penalty occurred in public, among lawyers, entrepreneurs, economists and other elites of the society.

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1. More information on this lawsuit case is available on a number of news websites, for example, <http://english.people.com.cn/90882/7729977.html>

For example, on 4 February, 2012, about two weeks after the rejection of Wu Ying's appeal, Zhang Weiying the forum chair economist called for the protection of Wu Ying at the 12th Forum of Chinese Entrepreneurs. Two days later, 6 February, Xinhua News Agency published two articles, expressing the opinions of eight professionals who discussed the case in terms of law, economics and finance. In addition, Chen Zhongtian, Xu Xi, gurus in the field of law, and Zhang Shuguang, Liu Xiaoxuan, gurus in the field of economics, all expressed their opinions that Wu Ying should not be sentenced to death though they agreed that she may have committed crimes of some kind. In the meantime, some elites of society, such as Li Kaifu, Pan Shiyi, Xue Manzi, Chen Jinsong, and Yi Zhongtian, expressed similar opinions via their microblogs. Xu Xi also started an on-line opinion poll on his microblog which attracts 20,000 voters, of which 94% expressed the opinion that Wu Ying did not commit a crime that deserves the death penalty.

Although a spokesman from Zhejiang Higher People's Court announced on 7 February that it stood by the correctness of its verdict, it seems that the public favoured an opposite opinion, namely that Wu Ying did not commit a crime that deserves such a penalty.<sup>2</sup> This public opinion, embedded in public discourse, a set of cultural and social practices in the public sphere, "constitutes a powerful political weapon of the citizenry vis-à-vis the state" (Ku 1999, 6). Consequently it has a discursive force that shapes the culture and politics of the public sphere. In this case, as it turns out, the Supreme People's Court, after carefully reviewing the case, overturned the judgment of the provincial court on April 20, 2012, and sent the case back for retrial in Zhejiang Higher People's Court.

From an academic perspective, Wu Ying's lawsuit case has been studied and discussed in various fields of social sciences, including mass communication. The significance of this lawsuit case for my research interest, however, lies in the dialectics of discourse and the public sphere. I want to explore, broadly, the relationship between the Supreme People's Court's decision and the public opinions that derived from the public discussion. In particular, I want to explore how discourse plays a role in contributing to the formation and practice of the public sphere. In answering these enquiries, I will concentrate on examining the discursive strategies employed. I ask, for example, what are the discursive strategies the public makes use of to form public opinion, and in what ways do the public apply these discursive strategies to make their voices heard? I hope the investigation will contribute to the understanding of the dialectical complexity between discourse and the development of a public sphere in China.

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2. For example, Yang Jingjie from *Global Times*, reports that observers call "for a relaxation of limits on informal lending" (see at <http://english.people.com.cn/90882/7710737.html>), and Xinhua News Agency also summarizes the online poll by saying "many people calling for a more lenient punishment" (see <http://www.sina.com.cn>).

## Discourse in relation to public sphere

Discourse and public sphere are two concepts that are basic to the present study. We leave public sphere for discussion in the next section, and focus on discourse in this section. However, as discourse is so broadly perceived in different disciplines, we only discuss those of its tenets relevant to the public sphere. For this study, we believe that two points need to be highlighted: (1) that discourse is constitutive, and (2) that public opinion is discursively formed.

The idea of investigating discourse in relation to the public sphere primarily derives from the conceptualization of discourse in the practice of critical discourse analysis (CDA, a school that, starting with Fowler's critical linguistics (see Fowler 1991), does a critical analysis of discourse (see Chilton et al. 2010 for an understanding of discourse and critique)). Discourse in CDA can be language in use, for example in the form of text and talk, but it is essentially a form of social practice (Fairclough and Wodak 1997, 258), or the semiotic elements of social practice (Chouliaraki and Fairclough 1999, 38). Viewed as such, discourse is highlighted to have a role to play in socio-political life, just as Hall (1997, 44) points out when he makes a Foucaultian summary that discourse "constructs the topic. It defines and produces the objects of our knowledge. It governs the way that a topic can be meaningfully talked about and reasoned about. It also influences how ideas are put into practice and used to regulate the conduct of others." This aligns with the much quoted motto of CDA: "discourse is socially constitutive as well as socially conditioned – it constitutes situations, objects of knowledge, and the social identities of and relationships between people and groups of people" (Fairclough and Wodak 1997, 258).

The constitutive role of discourse becomes meaningful in observing the public sphere because discourse takes the form of public opinion that comes from the public sphere. Public opinion is, broadly, a conjectured assemblage of collective sentiments and opinions; it is the general voice of the public, but, especially relevant to this study, it is also the construction of what the people in a society believe to be the prevalent opinion in the society at any specific time. Viewed as such, public opinion consists, first of all, of language use, that is, ideas expressed in the form of text or talk. But it is more than language use. Consisting as it does of the collective opinions of the public addressing hot issues of the society, public opinion also directs the attention and shapes the view of the public. In this sense, public opinion is discursively constructed, that is, public opinion "both shapes and is shaped by the culture and politics of the public sphere" (Ku 1999, 8).

Thus, discourse is involved in the public sphere via public opinion. Regarding this close relation between discourse and the public sphere, Ku (1999, 8) identifies three features: (1) public opinion is worked upon through numerous signification practices, that is, the meaning of an item of public opinion is subject to the interpretation of the actors concerned, (2) public opinion is embedded in public

discourse, that is, public discourse allows the discursive space for the construction of public opinion, and (3) public opinion is formed in relation to the discursive conditions, that is, the kind of language and vocabularies popular among the people and the meanings that certain commonly identifiable symbols carry.

Based on Ku's observation, we would like to further argue that the constitutive role of discourse entails the involvement of a social agent or agency which makes choices among different language forms. This social agent is institution-affiliated, value-laden and interest-driven, and by choosing among certain sets of vocabularies, types of clauses, genres, styles, and even modes, it exercises its power and communicates its ideology. In this sense, discourse functions as social practice, representing social happenings according to certain values, and constituting social identities of various kinds according to needs. It is from this speculation that we raise the question for this study, that is, what are the discursive strategies the public makes use of to form public opinion? We will explore the Wu lawsuit case from this direction.

### Chinese conceptualization of public sphere

Now we turn to the concept of public sphere. As far as the present study is concerned, public sphere can be understood as "a network for communicating information and points of view" which eventually transforms them into public opinion (from Koller and Wodak 2008, 1). This conceptualization embraces the following three features of a public sphere. Firstly, the public sphere denotes the collective body, i.e. the public, in the form of specific institutions, agencies, and/or social elites; secondly, the public sphere embodies a rational and critical spirit in the process of public discussion; and thirdly, the public sphere integrates different topics and issues that are actually relevant for all members of society. As we will see in the following sections, these three features can be observed in the public discussion of the Wu Ying lawsuit case, in which the collective body includes professionals and elites, the discussion and debate are based on rational reasoning, and the issues, though various, address the current concerns of the society.

Habermas' concept of public sphere remains significant though there have been many theoretical developments ever since (see for example Wright 2008; Koller and Wodak 2008), and this is true also of Chinese academia. As the Chinese edition of Habermas' work *The Structural Transformation of the Public Sphere* was published in 1999, Habermas' concept of public sphere became widely known after the 1990s. Projecting this new concept of public sphere onto the Chinese context, some historians have found that in certain periods of Chinese history, something that might be what Habermas designates a public sphere existed. For example, Wang Di (1996) examined public affairs in the upper Yangzi River areas

in the late Qing Dynasty, and identified as a public sphere the civil organizations, the civil-official organizations, and the then emergent newspapers. He argues that these organizations operate as communicative media between the civil (the folk) and the official (the state) and believes that a public sphere existed at that period of history. A similar argument is made by Zhou Songqing (1998) who examined public affairs in the Shanghai area.

Other historians give more value to newspapers when they attempt to identify the existence of a public sphere in Chinese history. Peng Lei (2007), for example, examines *Life* (《生活》) and *Mass Life* (《大众生活》), two weekly news magazines in the 1920s and 1930s, edited by Zou Taofen, a well-known journalist in China, and takes the magazines' correspondence columns as an early public sphere in China. He believes that the columns that publish readers' letters facilitate the voicing of public opinions and therefore contribute to the emergence of a public sphere in China. Following this line of research that takes mass communication as priority for examining the public sphere, there appears to be agreement that in China an Internet Public Sphere exists which comes into being together with the wide use of such new media as BBS, blogs, and microblogs. We will discuss this trend in more detail when turning to the case study in the next section.

In the literature devoted to the scrutiny of the public sphere in Chinese academia, there are many theoretical discussions as to whether there is a public sphere in China. Some believe that a public sphere exists in Chinese society, as discussed above, in the form of newspapers and civil-official organizations in history and in the form of the Internet. However, some other scholars argue that there is no such thing in China as what Habermas calls a public sphere. Their arguments are as follows:

Firstly, civil society does not exist in China, and the critical spirit of citizens that is essential to a public sphere still needs to be formed. This is mostly because, historically, the Chinese administrative body has always acted as a monopoly that leaves little room for free speech. Secondly, Chinese political practice does not provide a clear divide between the state and the civil, resulting in the state overriding the society. This tradition is not in line with Habermas' public sphere which is conceptualized as something like an interface between the state and the society. And finally, such media as newspapers in China cannot operate as dissenting voices because present Chinese laws do not allow newspapers to be run by individuals, whereas freedom of speech is important for what Habermas conceptualized as public sphere.

Between these two extreme views there is another theoretical approach that is labeled by Huang Zongzhi as "a third realm". According to Yan (2010), Huang maintains that public sphere is a concept that Habermas employs to inquire into bourgeois society. As the Chinese situation is different from the West, it is not very fruitful to apply this concept to the observation of the Chinese situation, either

at present or historically. He advocates abandoning the state-society dichotomy and instead referring to a triple mode of “state, third realm, and society”. By “third realm” he means a space where government and citizens are both active, but with the state as the mainstream force in the form of government and non-governmental organizations.

This third-realm model receives positive comment for the fact that it partly follows Habermas conceptualization of public sphere but takes close examination of the Chinese situation as the source for its theoretical originality (see Zhang 2012). The same positive comment applies to the much discussed issue of the Internet as public sphere. In the same article, Zhang (2012) argues that the term “Internet Public Sphere” does reflect the public sphere in relation to the Chinese situation, and could be so defined in the sense that it develops Habermas’ concept and reconstructs his academic discourse. However, the Internet public sphere, despite being in the process of becoming an established term in China, is far from being explored in full. Certainly, it has not been investigated much from the discourse analytical perspective, for example, what discursive strategies are employed to make voices heard via Internet? We will explore this issue in the case study.

### **Discursive strategies**

This section addresses the two research questions raised, namely, (1) what are the discursive strategies the public make use of to form public opinion, and (2) in what ways do the public make their opinions heard? All the discursive strategies are examined in the context of the on-going public sphere in China, but the first question is more linguistically related to the expression of public opinions while the second is more socially related to the operation of the Internet-related new media.

We take as data the public discussion of the Wu Ying lawsuit case, particularly the elites’ texts and talks, in the form of public speeches, invited speeches, interviews, blogs and/or microblogs, and news agency’s reports and commentaries. Data examined range from 18 January 2012 when Wu’s penalty was taken to the Supreme People’s Court to 14 February 2012 when this top court offers a response to the public’s concern.

#### **Discursive strategies in the formation of public opinion**

It has already been stated as a theoretical premise that public opinion is discursively constructed. In the public discussion of the Wu Ying lawsuit case, there is an intensive involvement of discourse in the formation of public opinion.

Theoretically, as Wright (2008) points out, a public sphere cannot be said to exist if people do not communicate or cannot communicate. In this case we experience and see such communication. Observing the public discussion of the Wu Ying lawsuit case, we find that certain strategies are important and essential for forming public opinion. We will discuss the discursive strategies in terms of transitivity, modality, rhetoric devices, and recontextualization.

### *Prominence of relational process*

In the prologue section we mentioned the public speech delivered by Zhang Weiyong, the Chair economist, at the 12th Forum of Chinese Entrepreneurs. In that speech he argues that Wu is a victim of an economic system of privilege that a market economy should not be based on. He devotes two whole paragraphs to this argument:

So we finally return to Wu Ying's case. What does this case mean to us? It means that Chinese citizens do not have the freedom to borrow money, – to borrow money is still a privilege in China, not a basic right; it means that in China the personal contact on exchange of household right can not get protected, – the Wu Ying's case is example of no respect for the household right: the eleven people who lent money to Wu Ying do not admit to having been cheated, and Wu's household was sold without her permission; it also means the spirit of entrepreneur is tortured in China to some extent, – illegal collection of money is a law, but it should be an evil law, ... .

Years ago, Deng Xiaoping protected Nian Guangjiu; today Deng is passed by, and there is no Deng to come to protect Wu Ying. Therefore, I call on our entrepreneurs, our officials, and our journalists to pay attention to Wu Ying's case, as Wu Ying's penalty is a retreat of China's reform. If Wu Ying should be sentenced to death, we don't know how many others should not be sentenced to death.

(所以我们最后回到吴英案，吴英案意味着什么？意味着中国公民没有融资的自由，我们在中国获得融资仍然是一种特权，而不是一种基本的权利，意味着在中国建立在个人基础上的产权交易合同仍然得不到保护，吴英案，就是11个给她借款的人都不承认自己被骗了，吴英在被捕之后，她的财产在没有得到本人同意的情况下就被强制拍卖了，这本身也是对财产权的不尊重。吴英案例也意味着我们中国人的企业家精神仍然在受到不同程度的摧残，非法集资是一个法律，但是应该说这是一个恶法.....。

当年邓小平保护了年广久，今天邓小平已经不在，没有另一个邓小平来保护吴英了，所以我也呼吁各位我们的企业家，我们的政府官员，我们的媒体多多的关注吴英案。因为吴英的死刑是对中国改革倒退，如果吴英的集资应该被判死刑，我不知道还有多少人不应该被判死刑。)



Observing this text, we notice that much of the clause contains such verbs as “be (是)”, “mean (意味着)”, and “have (有)”. These verbs indicate the way language is mobilized to represent the world as having some attributes and characteristics that are stable and less changeable, and also suggest objectivity that is tacitly held to be true (see, for example, Kong 2001, 492). We can refer this function of language to Halliday’s systemic functional grammar, where language is said to have metafunctions to represent the material as well as the spiritual world by way of transitivity, that is, by way of using different verb patterns. Halliday (1994) categorizes transitivity into material process, relational process, mental process, verbal process, behavioural process and existential process. The above mentioned verbs are of the relational process that has the function of representing the outside world as a “state” rather than an “act” (as does material process) and suggests a less dynamic but more assured statement of fact.

For example, by using “be (是)” in the following clauses,

吴英的死刑是对中国改革倒退。(Wu Ying’s penalty is the retreat of China’s reform.)

the speaker represents as a matter of fact that Wu Ying’s penalty is the retreat of China’s reform. He achieves this by attributing, for example, “Wu Ying’s penalty” (“token” in Halliday’s terms) to such characteristics as “the retreat of China’s reform” (“value” in Halliday’s terms). In such a representation, the speaker suggests that the statement he makes is not based on his subjective judgment but is objective, and this sense of objectivity further suggests less possibility for a change in what is being stated.

The way of representing events as less changeable by applying a relational process is not only found in this economist’s personal statements, but also in the texts of other social elites’ microblogs. For example, Wang Wei, chairman of the Chinese Museum of Finance, said on his microblog that “sentencing Wu to death is a shame on China’s legal system.” and that “it is unfair to blame one person for the defective banking system.” All these statements, expressed in the form of relational process, suggest a tone that what is stated is a fact that is not to be altered but is assured.

### *Employment of modality*

While rendering a sense of objectivity to what is being represented, Zhang does not conceal his attitude to the Wu case in his speech. Instead, he commits to a personal involvement in what is being talked about. As is seen, he clearly expresses his proposition by employing modality and modal adjunct.

In its simplest sense, “modality” refers to the semantic space between positive and negative, that is, between “yes” and “no”. Modality can be expressed either by

the first verb of the verbal group in a clause (“Finite” in Halliday’s terms) or by a comment adjunct (one type of modal adjunct). In Halliday’s systemic functional grammar, the Subject is the entity on which the validity of the clause rests, and through Finite the speaker may signal, among Tense and Polarity, to what degree the proposition is valid (Modality). In other words, through Finite the speaker can express his attitude to the event he is addressing. In the above observed speech, Zhang Weiying expressed his position in:

illegal collection of money is a law, but it should be an evil law. (非法集资是一个法律，但是应该说这是一个恶法)

Here the modal verb “should (应该)” in the second clause “it should be an evil law” indicates Zhang’s attitude of consent to the statement that it is an evil law. In other words, by saying that illegal collection of money “should” be an evil law Zhang signals a median (if not higher) degree of certainty about the validity of his proposition, thus committing himself to the validity of what he is saying.

This “modal commitment” (Thompson 2008, 69) in terms of attitude to the addressed event is also seen in the use of comment adjuncts. For example, Shao Jian (邵建), a professor in Nanjing Xiaozhuang College, questions whether Wu Ying was actually charged with the most appropriate crime, writing as follows:

Based on current Criminal Law, Wu Ying is definitely guilty. There are two crimes that she could be accused of, one is article 192 of the criminal law, the crime of fundraising fraud, the other is article 176 of the criminal law of “damaging financial management procedures” (commonly known as illegally financing). The maximum sentence of the second crime is only ten years. Obviously the judge, considering the severity of the case, has referred to the first. However, what’s strange is that, if it is a fraud concerning hundreds of millions of yuan, there should be a lot of victims, just like all the petitioners who emerge when local governments have a dispute over land. The fact that no such widespread appeals for compensation appeared in the media leads me to conclude that Wu Ying should not be charged with breaking article 192 of the criminal law code but rather article 176. However, due to the amounts involved, the prosecutor felt obligated to go beyond the sentencing constraints of article 176 and pursue Wu Ying on the other charges.

In this extract, “obviously” as a comment adjunct indicates that the speaker considers that his subjective conclusion that Wu Ying is charged with breaking article 192 of the criminal law code is obvious. He reasons like this: Wu Ying can be accused of two crimes, one by article 192, the other by article 176. Since the maximum sentence of the latter is only ten years, and Wu is now sentenced to death, it is obvious that Wu is charged with breaking the crime indicated in article 192. The comment adjunct “obviously” signals that the speaker more openly accepts

responsibility for his subjective reasoning than by expressing it as “it is obvious” (see Thompson 2008, 69–72). And it is this acceptance of responsibility that justifies his mentioning the strangeness of no widespread appeals for compensation. This subjective involvement expressed in modality, together with the objective representation of the Wu case in relational process, helps form public opinion to a great extent.

### *Rhetorical devices*

It is believed among linguists that rhetorical devices add force to language use. In our data, we find such rhetorical devices as the rhetorical question (question raised and answered by the same speaker) and metonymy (part represents whole or vice versa). In the extract of the above quoted Zhang’s speech, the rhetorical question “吴英案意味着什么？(What does the Wu Ying case imply?)” has the effect of calling attention to and at the same time highlighting the opinion. By such a rhetorical device, Zhang not only calls the audience’s attention to his turn of the issue of the Wu Ying lawsuit case, but also forcefully makes his statement by answering this question in a parallel structure of three clauses headed with “mean (意味着)”: It means that Chinese citizens do not have the freedom to borrow money, ...; it means that in China the personal contact on exchange of household right can not get protected, ...; it also means the spirit of entrepreneur is tortured in China to some extent, ... .

The conditional clause in this extract also serves the purpose of a rhetorical device. For example, in asking “If Wu Ying should be sentenced to death, we don’t now know how many others should not be sentenced to death (如果吴英的集资应该被判死刑，我不知道还有多少人不应该被判死刑)”, the speaker actually resorts to an argumentation scheme that employs a topos of responsibility (see, for example, Wodak 2001, 74). It goes like this: it is our responsibility or duty to prevent many from being sentenced to death, and if we fulfill this responsibility, we do not need to sentence Wu Ying to death. This argumentation scheme is realized in the conditional formula, which can be taken as a rhetorical device.

Another device that has rhetorical force in our data is metonymy. While talking about the Wu case, the elites often turn to the issue of the informal lending of money. It seems to them that if informally lending money is proven legal, then Wu Ying is saved. This actually serves the purpose of metonymy, by which Wu Ying is represented by the deed she did (similar to part for whole or vice versa). Here in this case, Wu is sentenced because she is lending out huge sums of money (in this way Wu is linked to the informal lending of money), and once lending money is justified in the public debate, Wu is saved. Obviously, to fulfill the purpose of saving Wu Ying, the elites intend to bring money-collecting into a legal state in the

discourse practice. This explains why they strongly argue that informally lending money is acceptable. For this argument, they attribute this “underground finance” to banks’ preference to give loans to State-owned enterprises which sets higher thresholds for private enterprises.

#### *Reported statements as recontextualization*

Recontextualization is a discursive strategy that takes a text from one context and then puts it into another. It is normally considered as a discursive practice because it creates new meanings with the recontextualized discourse (van Leeuwen 2008). In our data, many quotations are put into new contexts, not in the sense of co-text, but in the sense of social context which involves the institution of a news agency, and the ideology of that institution. For example, in the article released by the Xinhua News Agency, speeches of 8 experts are reported. This way of reporting is considered to be a practice of recontextualization because the experts’ conceptualization of the Wu Ying case is taken as something involved with the news agency’s conceptualization.

This phenomenon of recontextualization is more popular in the blogosphere as a microblog often contains links to other sources. These links are clearly marked, either by URLs or simply by titles or names, and the links may lead to another microblog or webpage which otherwise may not be visited by thousands of hits. To summarize what the links can do, Myers (2010) mentions that the links can tell more, provide evidence, give credit, lead to action, solve a puzzle, and tell something different. Myers also points out that “the blogosphere is still firmly tied to the very ‘Mainstream Media’”, and this is significant for our observation of recontextualization with the Wu case. By linking to webpages of authorities, to law articles, and to other microblogs of elites and experts, microblogs actually put themselves into another context which may add more weight to them, and thus create more convincing force for them.

#### Discursive strategies in the operation with the Web

The discursive making of public opinion can be further understood against the larger context in which social practitioners make their voices heard via the new media. In terms of microblogs, for example, the discursive strategies involved include: the operation of on-line posting and on-line polling on a technical level, and gurus knowledge and bottom-up voices on a social level.

### *On-line posting*

In addition to the blog's linking we discussed above, microblog on-line posting is another advantage provided by the new technology of the Internet. Microblog has the Chinese name of *weibo* (微博). This twitter-like service provides social chat sites and a platform for information sharing. In 2012, there were 309 million people in China setting up real-time information sharing communities individually. They upload and update information in 140 character blocks, posting it online widely and quickly among their fans.

The wide range of on-line postings has its effect in a number of ways. Most obviously, it quickly sends information to all members of different communities. The moment Zhang Weiying made his speech at the 12th Forum of Chinese Entrepreneurs, information about his speech and the one minute applause it received was sent to an audience of tens of millions, not including the comments following the posts. This wide and quick spread of information via microblog increased the interest in and attention of bloggers to this contested lawsuit case. In addition, the wide range of on-line postings in this case constantly brought about new topics and issues for debate. For example, as reported by the Xinhua News Agency, a microblog with the title "Wu Ying's case opinion overview (吴英案舆论汇总)" updated information every day in a very high frequency. It helped keep the debate developing, and summarized different opinions. In this sense, the on-line posting of updated information via microblogs steers and directs the development of a debate.

### *On-line polling*

On-line polling seems similar to on-line posting, but it differs from the latter in that it narrows down opinions to a focus. If on-line posting keeps raising issues and spreading diverse opinions, on-line polling may operate in the opposite direction and help reach agreement on an opinion. One on-line poll concerning the Wu case was launched by Xu Xi on his microblog. The question put up for an answer was simple and direct: Do you think Wu Ying deserves a death penalty? In a few days, twenty thousand people gave their answers and among them 94% gave the negative answer. This poll result clearly indicates and then helps narrow down public opinion.

On-line polling is made possible by Web 2.0 technology, which allows not only receiving but also posting information. By simply clicking a choice among the alternatives any person can express his/her opinion on a certain matter, and his/her and many others' choices can instantly be summarized into a statistical figure. This statistical summary is then posted in a wide range of communities via microblogs. In the case of Wu Ying, for example, the polling result that an overwhelming number of people (i.e. 94%) do not believe Wu Ying should be sentenced to death

was circulated and made known to even more people. Because of the immediate consequence of the polling made possible by the Internet, public opinion drawn from the polling result becomes available and influential.

### *Gurus as influence*

For the conceptualization of public sphere, the public is essential. This is of course because public opinion comes from the public, but that is not the whole story. In the debate over the Wu case, we find that the public itself pulled some weight in the formation of public opinion. For example, the knowledge of the professionals, the prestige of the social elites, and even the age of the older experts, once acknowledged, are all symbolic powers that impact on the process of forming public opinion. We see many big names among the bloggers, such as Li Kaifu, Pan Shiyi, Xue Manzi, Zhang Weiying, Xu Yi, to name only a few. These names go together with such labels and titles as professor, expert, and economist, etc., which indicate the identity of their authority and imply their correctness. Even age is a source that can be made use of in this respect. For example, it is reported in the media that Zhang Sizhi wrote an open letter calling for leniency to be shown to Wu Ying, and included with his name, his age, i.e. 85, and his title “the greatest lawyer in China” and “the old predecessor of the Law field”. All these big names, prestigious professions, and respected elders are mobilized as symbols to indicate the correctness and authority of the opinions the gurus express. This discursive strategy works because it appeals to the cultural precepts of Chinese tradition which tends to respect the old and the senior and believes in the wisdom of the professionals.

### *Bottom-up move of voices*

The Internet provides easy access not only to gurus of higher social status, but to grassroots and ordinary netizens as well. In fact, the grassroots bloggers and microbloggers are in greater numbers. They do not need to get permission to post opinions on the Internet, and are active in posting opinions and comments. It is therefore in the great number of grassroots posts that the strength of these posts lies. However, in our observation of the Web operation of the Wu case, these grassroots microbloggers have to have their opinions accepted by authorities before they have more influential effects on the matter. There are several ways to achieve this acceptance, and one way is for these (micro)bloggers to have their opinions constantly “upwardly” moved to an authoritative webpage. That is, the microbloggers as grassroots netizens first post their opinion on their microblogs, and then these microblogs are transmitted and finally restated and summarized by media considered to have authority.

For example, on February 6, the Xinhua News Agency published an article, which summarized and commented on the opinions originally expressed by eight microbloggers. The weight of the Xinhua News Agency and the weight of these

microbloggers are not equal to each other, with differences in the number of audience, in news resources, and in their images perceived by the public, to name only a few. In short, they are different in order of discourse (Foucault 1984). But the up-move of the microbloggers' discourse into the discourse of the Xinhua News Agency indexed that the grassroots' opinions are not to be ignored, both because opinions from the bottom are easily expressed in the age of the Internet, and because the grassroots posts are in great numbers. Publicized by a mainstream source, these grassroots' opinions will turn to a stream and then a mainstream.

Xinhua News Agency is a mainstream media, and the website of "sina dot com" is another. The above mentioned microblogs, conferences, and forums, were all later reported by this sina mainstream media. These bottom-up moves of voices are made possible for two reasons. Firstly, the Internet links all the websites easily, and secondly, the linking of all the sites masks to some extent the difference between the mainstream and the grassroots. Facilitated by the web, the public opinions accumulate and amount to calling the attention of the top authorities. A particular example in this case is that the state premier addressed this case in an interview (March 14, 2012) and so did the spokesman of the Supreme People's Court (February 7, 2012).

### **Discourse, Internet and public sphere: A discussion**

In Section 4 we listed the discursive strategies we found in observing the public discussion of the Wu Ying lawsuit case. We will in this section discuss these findings in relation to discourse, the Internet and the public sphere. We will begin with the public sphere.

Based on Habermas' conceptualization of public sphere, we believe that the Wu lawsuit case is associated with a public sphere in a number of ways and, for the concern of this study, at least two are prominent: (1) the topic and related issues are of public concern, and (2) the participants in the public debates are socially affiliated. For the first association, it is noticed that many issues discussed were hot topics at the time. On the forensic side, for example, the issues include whether the woman's raising money can be judged as a crime or not, and, if it is, whether it deserves the death sentence. There are economic issues, too. For example, some economists pointed out that in an area like Zhejiang province where economy develops fast, raising money from relatives and friends has made financial contributions to the local prosperity. The various issues discussed and debated suggest public concern with this lawsuit case, and this concern involved many professionals and social elites. These economists, lawyers and gurus are socially and institutionally affiliated in the sense that they are socially influential, by way of their knowledge, social position and even their prestige in terms of fame as well as age.

These two associations of the Wu lawsuit case with the public sphere seem to satisfy the two characteristics of public sphere identified by Koller and Wodak (2008): it is a matter of a handful of professionals (in this case economists, lawyers, editors, etc.) on the one hand, and on the other hand, it is something that concerns everyone and which manages to sort itself out in people's minds, in a dimension of their consciousness. What we observe here is that, round the Wu lawsuit case, gurus and social elites made their voices heard over a number of issues, and through rational thinking in the debate, the participants led their arguments to an agreed public opinion.

The public debate round the Wu case, in fact, is much like what Koller and Wodak (2008, 2) describe about Habermas' finding of the nineteenth century middle class men gathering together and being engaged in reasoned argument over key issues of mutual interest and concern. The public debate, as Habermas (1996, 83) further points out, "was supposed to transform *voluntas* into a *ratio* that in the public competition of private arguments came into being as the consensus about what was practically necessary in the interest of all" (cited from Koller and Wodak 2008, 2). In this sense, the public debate round the Wu case can be considered as a public sphere, in contrast to the private sphere which is confined to narrower scopes like families, which essentially form the social network for communicating information and points of view and which eventually transforms them into public opinion. What we want to highlight, however, is the use of discursive strategies in the public debate over the Wu lawsuit case. As we observed, the participants made use of discursive strategies, both on a linguistic level and on an Internet-related new media level, to contribute to the formation and consensus of a public opinion. From the perspective of discourse studies, this is the normal practice of social agents participating in social practice.

Public debate is not new in China. Old sayings like "Truth gets understood when debated (真理越辩越明)" have been quoted throughout history and public debates have been enacted whenever there is a need to understand the truth of things, be they theoretical or practical. But public sphere is a concept that has only appealed to Chinese citizens in recent years. Two factors may explain the situation: one being that citizens have more sense than ever before of voicing their ideas and opinions (and the political atmosphere is also more tolerant than ever before of this freedom of speech), the other being that the intrusion of Web 2.0 technology into social life makes it possible for people to easily make their voices heard. And the second factor largely facilitates the emergence and development of a public sphere in China, termed the Internet Public Sphere (see Section 3). Web 2.0 technology is the new age of the Internet where netizens not only receive but also transmit information, by way of the new media such as blogs and microblogs. In the Wu lawsuit case, this technology provided more



opportunities for netizens to participate in democratic dialogue and helped form public opinion. As indicated in Section 4, the discursive strategies, such as the on-line posting and polling, were all involved with the Internet. Thus it is safe to conclude that the new technology of Web 2.0, and its associated new media, facilitates the emergence of a public sphere in China.

Finally we turn to discourse. We summarized the discursive strategies in Section 4, and noted that the constitutive feature of discourse was realized by discursive strategies which the social elites made use of to form public opinion in the public sphere. We admit that the listed discursive strategies are not alone in forming public opinions. Ku (1999), for example, observed narratives involved in the formation of public opinion during struggles over political reform in the final transitional years 1992–1994 in Hong Kong. He believes that, while some public opinion is embedded in public discourse, a large part of public discourse takes the form of narrative, which employs a meaning structure that organizes the human experience of time by integrating the events of the past, the present and the future into a meaningful whole (Ku 1999, 9). Different to Ku's finding that public opinion is made and develops in stories, we highlight that social agents deliberately apply certain discursive strategies to make their voices heard. Based on Wodak's (2001, 73) formulation that strategy is a more or less intentional plan of practice to achieve a particular social, political, psychological and linguistic aim, and that discursive strategies are systematic ways of using language, we emphasize the intentional feature of the discursive strategies in forming public opinion. As observed, the rhetoric devices in Zhang's public speech, the URLs in microblogs, the on-line posting and polling, all operate on a deliberate and intentional basis. Others, such as relational verb patterns, modality, and the bottom-up move of voices, may be less intentionally manipulated, but this is only a degree of consciousness. There is no doubt that these discursive strategies also help to achieve a social and political aim, that is, to call for the cancellation of Wu Ying's penalty.

### **Concluding remarks**

This chapter observed the public debate that happened in mainland China during February and March 2012 over the Wu Ying lawsuit case. It explored the discursive strategies employed in the formation of public opinion and in operations with the Internet. It is found that the new media contribute to the development of a public sphere in China, and this contribution is facilitated by discourse as social practice. We break down the findings in the following as concluding remarks.

1. The technology of new media is essential to the development of a public sphere in China. This is obvious in this case study as the various voices are seen to turn to becoming united as one, and ultimately to reach a public opinion. This ultimate consensus is reached by way of the new media – quick spreading, wide covering, and overwhelmingly convincing. The new media encourages participation and free voicing in that it saves the face of the speakers who might worry about speaking in face-to-face communication.
2. Discursive strategies are important for the development of a public sphere in China. As discourse is taken as social practice, the discursive strategies are not only those strategies concerning the use of language, but also those concerning the Internet operation using language. In the former, we find transitivity, modality, rhetoric devices, and the reported statement; in the latter we find on-line posting and polling, gurus influence, and bottom-up voices. All these strategies are significant for the practice of discourse in the domain of the public sphere.
3. New media and discursive strategies are important, but they will not be so effective if they are not involved with the symbolic power of the participants. In the observed Wu case, we found professionals took part in the debate, who made use of their knowledge and expertise to make rational reasoning. Their social prestige and position made it possible to have opinions up moved to mainstream media to exert influence on the top decision makers. We do not know what would have been the outcome of this observed public debate if the participants had been otherwise, but we now know that we will find nothing meaningful without observing the social agent in discourse practice.
4. The social agents' influence may also help explain how the agreed public opinion was reached in the public debate over the Wu case. It might be the case that, in the context of the Internet public sphere, public debate over social issues of interest can alone lead to a dialogical understanding, because public opinion largely reaches the “right and correct” idea. However the agreed public opinion about the Wu case was not reached by public debate alone. We have shown that the symbolic power of the social elites cannot be ignored, especially in a public sphere beginning to take shape.

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