

2008

Freedom of Expression Elsewhere

Timothy Zick

William & Mary Law School, tzick@wm.edu

Repository Citation

Zick, Timothy, "Freedom of Expression Elsewhere" (2008). *Popular Media*. 191.
https://scholarship.law.wm.edu/popular_media/191

Freedom of Expression Elsewhere

Posted By [Timothy Zick](#) On September 12, 2008 @ 2:24 pm In [First Amendment](#) | [2 Comments](#)

Public protest and dissent have been much in the news lately — here and in many other parts of the world. I'll highlight just two examples, with a brief comparative assessment regarding each.

The first example is from China. As was widely reported in the media during the run-up to and during the Olympics, some were hopeful that the awarding of the summer games would result in greater expressive and other liberties in that country. Alas, it was not to be. Superficially, there was more "breathing space" for public dissent. After all, authorities did designate three "protest zones" in Beijing. Of course, one had to apply for a permit to use these spaces. Those who applied were promptly arrested, based solely on their desire to protest government policies. Some putative foreign protesters were deported. In the end, not a single permit was issued. A [report](#) ^[1] in today's *New York Times* provides further evidence that the Olympics did not result in greater tolerance for public dissent in China. As reported, authorities recently followed a group of would-be protesters from their rural homes to the city, arrested them, and detained them (forcing some, apparently, to strip so they would not attempt to flee) before they could mount a peaceful public demonstration.

Those (like myself) who are critical of governmental efforts to repress protest and contention in this country must of course acknowledge that things are worse — sometimes, as this story suggests, far worse — in other parts of the world. Of course, we ought not to use a country like China as our civil liberties index. And there are, in fact, some interesting parallels between China's policies and our own. Where, for example, do you suppose the Chinese authorities got the idea to designate "protest zones"? Expressive zoning has become a routine aspect of public policing in this country. As well, although the American media report with some surprise that protesters in China have to "register" with authorities and get permits to speak, protesters in this country are not generally entitled to use public forums without permission either. Some, like many college students, must indeed "register" with authorities in order to speak in certain places. Indeed, permit requirements, license fees, and a host of other bureaucratic hurdles must be cleared in most places in this country before a lawful public rally or demonstration can be held. To be sure, authorities in this country generally act in good faith, and without regard to the content of the expression, in processing permits and issuing registrations. And authorities here, again generally speaking, do not detain putative protesters without just cause and mistreat them. But that does not mean it is never done — as events at many recent public protest events in the United States, including the conventions in Denver and St. Paul, tend to show. Some of the incidents in China that seem to have captured the media's attention involved the arrest of elderly women who attempted to engage in peaceful protest. Does anyone remember the arrest and embarrassing trial of the "[Granny Peace Brigade](#)" ^[2], a group of elderly women accused of blocking access to the Armed Forces Recruitment Center in Times Square? We are, as we should be, a far more open society in many ways — and in particular in terms of public contention and dissent — than is China. But the differences might not be quite as substantial as many would like to think.

The second example — from Thailand — after the jump.

For several weeks now, protesters in Thailand have been camping outside the prime minister's office in an effort to bring down the ruling government. So far the situation sounds familiar. Power to the people, right? We have become accustomed to thinking of protest in this country as largely a tactic of those "poorly financed causes of little people." But [as reported](#) ^[3], the Thai protest does not follow this model at all. This is a "top-down" protest movement. It is a protest not for more democracy, but in some sense against *too much* of it (although the government itself is hardly a model democracy). The interests of the rural poor, the protesters maintain, are being over-protected by the current government. It is almost impossible to fathom such a protest dynamic in this country. Of course, social and political

elites have participated and at times even led protest movements in the United States. But can you imagine a protest by these and other elites complaining of the political power of rural and other poor people, and demanding greater representation of their own interests in government? Not in this democracy.

Article printed from Concurring Opinions: <http://www.concurringopinions.com>

URL to article:

http://www.concurringopinions.com/archives/2008/09/freedom_of_expr_1.html

URLs in this post:

[1] report: http://www.nytimes.com/2008/09/12/sports/olympics/12china.html?_r=1&ref=world&oref=slogin

[2] Granny Peace Brigade: <http://www.commondreams.org/headlines06/0421-07.htm>

[3] as reported: <http://www.nytimes.com/2008/09/12/world/asia/12thai.html?ref=world>

Copyright © 2010 Concurring Opinions. All rights reserved.