Human flesh search and privacy protection

Two case studies from China

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Abstract

The frequent occurrences of human flesh search (HFS), a social media phenomenon where Internet users dig out information about targets, have in recent years aroused attention from the society. On one hand, HFS is a process of free speech in which Internet users act as vigilantes, striking for justice and supervising government officials. On the other hand, HFS is usually a moral judge against a certain individual or group, and the searching process might reveal the targets’ private information. While bringing convenience to personal life by being a source of information to Internet users, HFS also brings new challenges to the protection of personal privacy. This thesis includes HFS’s definition, history, characteristics and analysis of two case studies, aiming to find out how human flesh search activities conducted by China’s Internet users on social media influence individuals’ privacy in relation to norms, legal regulations and free speech. Finally, this thesis will draw conclusions on how HFS can be regulated.
1. Introduction

The police discover that a fictional social justice site, flashposse.net, is behind the death of a prominent fashion designer. His murder was spurred after a photo of him texting while driving was posted to the forum and another user posted his car registration, address and security code to his apartment.

This is from an episode of the television crime drama Law and Order titled “Human Flesh Search Engine”, where the story actually references the Hangzhou Kitten Killer – a famous human flesh search case in China. Human flesh search (HFS) refers to a social media phenomenon where Internet users dig out information about targets such as educational backgrounds, photos, and nicknames and so on. From the Kitten Killer case in 2006 to the overseas student murder case in 2017, discussed later in this thesis, HFS has been popular on the Chinese Internet for more than a decade owing to the development of network technology and the huge population base. It was initially used for Q&A support and entertainment, and then developed into a collective activity that can involve hundreds of thousands of anonymous Chinese Internet users getting together to expose corruption, extra-marital affairs, animal abuses, unethical matters, etc.

Being in the vacuum zone of norms and legal regulation, the frequent occurrences of human flesh search in recent years have aroused attention from the society. On one hand, HFS is a process of free speech in which Internet users act as vigilantes, striking for justice and supervising government officials. On the other hand, HFS is usually a moral judge against a certain individual or group, and the searching process might reveal the targets’ personal information including their real name, home address, phone numbers, work place, and even their family backgrounds and friends’ identities, which means HFS has the potential of violating the right to privacy. When particular behaviors of web users break the boundaries of law and morality, it might lead to cyber violence, which could then become a judicial
issue.

While bringing convenience to personal life by being a source of information to Internet users, HFS also brings new challenges to the protection of personal privacy. This thesis aims to find out how human flesh search activities conducted by China’s Internet users on social media influence individuals’ privacy in relation to norms, legal regulations and free speech. The structure of this thesis is as follows. In Chapter 2, a brief literature review will focus on the status quo of China’s network society, including Internet users, online culture and social media; and give an introduction to human flesh search, focusing on its definition, history and existing studies. Chapter 3 is the methodology section in which a description of the research method, procedure and data collection will be given. In Chapter 4, two HFS cases will be studied in terms of what happened in them, how Internet users and mass media react to them and what the consequences are. In the following Chapter 5, the two cases will be further analyzed in detail from the perspectives of opposing roles of Internet users, privacy and free speech, censorship and legal regulations. Finally, Chapter 6 will conclude with implications of the discussion and suggest how to deal with human flesh search to protect privacy.

2. Literature review

2.1 China’s network status quo

2.1.1 China’s Internet users and social media

China’s network population has continued to grow. According to the 2017 Annual Report from China Internet Network Information Center (CNNIC), the number of new Internet users throughout the year was 40.74 million and there were 772 million Internet users in total by the end of December 2017, the average time that each of them spent online was 27 hours
per week. The huge population provides ‘the human capacity to launch a human flesh search engine’ (Zhang & Gao, 2016), and also enables a number of main portals to operate, for example, Mop.com², Sina Weibo³ and Tianya.cn⁴.

Social media, often referred to as a ‘connect everything’ platform, has become one of the most popular media types by virtue of its characteristics such as large user base, rapid information dissemination, and strong interactive function. On the one hand, traditional media embrace social media through official opening of micro-blog accounts to publish authoritative information, expand the scope of transmission and strengthen public opinion; on the other hand, the influence of user-generated content on social media has gradually increased. For example, up to the third quarter of 2017, there were 376 million active Sina Weibo users, in which KOLs (Key Opinion Leaders) have great impact over network trending topics. The usage rate for Sina Weibo users accounts for 40.9%, BBSs (Bulletin board systems) including Zhihu, Douban and Tianya made up 14.6%, 12.8% and 8.8% respectively.⁵

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²Mop.com (mandarin: 猫扑) is one of the most well known and influential simplified Chinese entertainment forums currently online, ranking it the 2nd the most popular website in the Chinese BBS (bulletin board systems) network, following only Tianya.cn.

³Sina Weibo (mandarin: 新浪微博) is a Chinese microblogging website. Launched by Sina Corporation on 14 August 2009, it is one of the most popular social media platforms in China. As of 2018, Sina Weibo has over 411 million monthly active users.

⁴Tianya.cn (mandarin: 天涯) is one of the most popular Internet forums in China. It provides BBS, blog, microblog and photo album services. Politicians have used Tianya to campaign, answer questions from constituents, and gather grassroots support.

⁵2017 Annual Report.
Social media are highly attractive to young people who have realized both pros and cons of the influence that social media bring about, as it keeps evolving in China. The Kantar China Social Media Impact Report 2017 shows that SinaWeibo, as one of the leading social media used in China, receives particularly positive scores from younger generations: the younger the users are, the higher score they would give SinaWeibo regarding to richness of information and closeness of connection to friends. Those born in the 1990s give it a score of 79.3, and the most mentioned positive impacts of social media are “know what’s going on with my friends” (70%) and “get to know new hot topics” (69%); in contrast, young generations also show their caution against negative impacts of social media. For example, “privacy” is mentioned by 43% of the respondents in relation to potential negative impacts.

2.1.2 China's Internet culture

China’s Internet culture is quite different from the West; ‘the Internet community is diverse, lively, and contentious, full of fun and dynamism. This aspect of Chinese Internet culture is not well understood by the general public in the west’, says Yang (2009: 44-63), ‘the Internet culture is capturing more and more things, good or bad, political or non-political, and then weaving them into all sorts of new creatures – new languages, new relationships, new images, despite and perhaps because of political control’ (Yang, 2009: 44-63). One of those pervasive online political controls is censorship, which is referred to as ‘river crab’ - a homophone for ‘harmony’ in Chinese. In other words, for the government, censorship such as deleting articles, banning from posting, setting sensitive words, can be seen as an approach to win harmony in society.

6 The Kantar China Social Media Impact Report 2017
Of all the aspects of Chinese Internet culture, the most important and yet least understood is its contentious character. Yang (2009: 44-63) summarizes two misleading images of the Chinese Internet from media reports: one of control and the other of entertainment. These two images create the misunderstanding that due to governmental Internet control, Chinese Internet users actually do nothing except for play. The real struggles of the Chinese are thus ignored, and the radical nature of Chinese Internet culture is dismissed. China’s Internet culture is true a subject to strict monitoring and censorship, but it also finds opportunities for expression in the circulation of signs, images, sounds, and silences that generate an affective energy in excess of their symbolic or referential meanings (Ahmed, 2004: 5-16, 44-49, 125-29). Zappen (2016) calls the signs and images that preserve and exceed their symbolic or referential value as affective rhetoric which, he explains, can ‘entrap people in communities of their own making, and also promote feelings of community and solidarity, resistance and opposition, expressed in covert codes and metaphors, memes, videos, cartoons, and silences’ (also see Dean, 2015: 91-93; Yang, 2009: 44-63).

Circulation of signs and images requires channels, and the kinds of platforms that Chinese Internet surfers place emphasis on are distinctive comparing to the rest of the world. News sites are not influential and social networking has not really taken off in China, which gives rise to micro-blog and online forums as the most vital platforms, where Chinese people find broad-based communities and exchange information about everything, from the original purpose of HFS, i.e. entertainment and gossip, to political issues.

Jin (2008) cites a survey conducted by iResearch showing that nearly 45 percent of Chinese BBS users spend between three and eight hours a day on them and that more than 15 percent spend more than eight hours. ‘In the United States, traditional media are still playing the key role in setting the agenda for the public, but in China, a lot of hot topics, news or events actually originate from online discussions’, Jin (2008) explains, adding that ‘Chinese users just use these online forums for everything. They look for solutions, they want to have discussions with others and they go there for entertainment’ (Jin, 2008). One factor driving
BBS traffic, according to Downey (2010), is the dearth of good information in the mainstream media. Print media and TV networks are under governmental control and hence cannot cover many controversial issues. BBS platforms are where the juicy stories break, spreading through the mainstream media if they get big enough.

2.1.3 China’s Internet privacy

Privacy is a ‘multi-faceted and elusive’ concept (Nissenbaum, 2010). In the Chinese context, it is ‘a sweeping term encompassing everything from the quest for personal dignity and safety to the growing sense of political participation’ (Yuan, Feng, & Danowski, 2013: 1029). Studies on Chinese Internet privacy and its regulations focus on different perspectives of privacy. Fry (2015) connects privacy with governmental surveillance by analyzing actual PRC laws (also see Ling, 2011). There are also studies on profit-driven gathering and exploitation of personal data, for example, consumer right to privacy in e-commerce (Guo, 2012), and development of consumer privacy protection policy in China (Gao & O’Sullivan-Gavin, 2015). In the case of human flesh search, a perspective can be angled on legal definition and boundaries of private information, which focuses on line-drawing between private (thus illegal to publish) and non-private (legal to publish) information (Han, 2018).

Regarding to legal issues, ‘privacy’ was experiencing a lack of definition. A judicial interpretation (Interpretation concerning Several Issues of Civil Torts and Liabilities) made by the Supreme People’s Court (SPC) in 2001, emphasized the protection of privacy as part of the right to reputation. However, no laws or regulations defined privacy. The Tort and Liability Law of 2009, though protecting against infringement upon privacy, also did not provide a definition (Han, 2018). A recent law-drafting effort to address personal rights (including privacy) under the civil law was stalled amid sharp disagreements on the structure, scope, and political implication of the law (Liang, 2015; Yang, 2016).
In the absence of a generally applicable definition of privacy in Chinese law, privacy regulation in digital media has made ‘leap-frogging growth’ (Han, 2018), because of plentiful lawsuits against human flesh search which questions the boundaries of online search. In 2014, the SPC issued another judicial interpretation, which defined the scope of privacy in the digital setting. Its Article 12 stipulates that ‘private information includes personal genetic information, media and health care records, criminal records, home address, personal activities, and other privacy-related information’ (Han, 2018).

2.2 Human flesh search (HFS)

2.2.1 What is human flesh search?

Human flesh search (Chinese: 人肉搜索; Pinyin: Rénròusōusuō) is widely studied and reported by researchers and media at home and abroad. Its definition varies slightly depending on different aspects. An article published on the website of the China Story defines ‘Human flesh search engine’, or simply ‘human flesh search’, as the collective efforts by Chinese Internet users to answer questions or search for information about specific people (Barry, 2013). Another article titled ‘China’s Cyberposse’, released by the New York Times, 3 March 2010, regards HFS as a form of online vigilante justice in which Internet users hunt down and punish people who have attracted their wrath. The goal is to get the targets of a search fired from their jobs, shamed in front of their neighbors. It is crowd-sourced detective work, pursued online - with offline results (Downey, 2010). A more thorough description on how HFS works is given by Gao & Stanyer (2014):

7 The China Story is a web-based account of contemporary China created by the Australian Centre on China in the World (CIW) in the College of Asia & the Pacific at The Australian National University (ANU) in Canberra. The China Story engages with the shifting narratives and realities of contemporary China, offering a range of views on past and present aspects of the Chinese-speaking world. Contributors include scholars, writers, journalists and commentators.
A group of Internet users working together (in a variety of ways), using their contacts (on and off the Internet) and conventional search engines to achieve a common goal (broadly defined). Often triggered in response to wrongdoing or transgression of generally accepted norms (but not exclusively so) they aim to dig out information and expose it to the public, in order to obtain some form of redress. HFS involves the pattern of crowd-sourcing, and is based on the participation of geographically dispersed Internet users who respond to a series of calls publicized in an online forum.

While studies and reports give explanations on HFS, they also address the negative aspects of it. For example, Xinhua News Agency calls HFS Internet lynching, arguing that ‘the Internet gave people a disguise, enabling the power without responsibility’ (Bai and Ji, 2008). Zhen and Chen (2012) emphasize in an article from the People’s Daily that HFS should be controlled in order to ensure the safety of personal privacy on the Internet.

HFS phenomenon happens in a global context, and ‘the practice is not unique to China, but thanks to the world’s largest Internet population, it has proved particularly effective here’ (Branigan, 2008). China’s Internet market not only provides human capacity to launch a search engine run by humans, but also enables a lot of major portals for implementing HFSE (Liu, 2008), such as, Mop.com, SinaWeibo, Baidu knowledge, Tianya, and Yahoo Answers. Normally, HFS begins with a question posted on a social media platform mentioned above, on BBS (bulletin board system), a website where users can post uncensored, anonymous comments, or a collaborative website like a Q&A online platform, which allows Internet users to share information (Liu, 2008). In order to answer the question posted, Internet users will search for related persons or information (which may be private) freely and then make the result public online.

To sum up, HFS is significant in being distinct from other online activities in two aspects. One is its aim which is rather than entertainment or socializing, but ranging widely from vigilant
stalking of individuals, evasion of Internet censorship, exposing of government corruption and promotion of Chinese nationalism among others (Ogreenworld, 2012). For another, HFS is not confined to the online world, but it is also about offline detective work carried out by Internet users who look for useful information. Some studies on HFS have found out that most HFS episodes involve a strong offline element, mainly in the form of information acquisition (Wang et al., 2010).

### 2.2.2 History of HFS

The first human flesh search that got media’s attention was the ‘kitten-killer’ incident in 2006. An anonymous video was uploaded on the Internet showing a woman with high-heeled shoes crushing a kitten to death. People who saw this video were angry at her behavior and were desperate to find and punish her. A Mop user was the first one to trace the video, and netizens provided clues such as email address, web server and the video’s location. Within six days of the video being posted, the woman was identified as “Wang Jiao”, along with her personal information published online, including her cell phone number, home address and work place - a hospital where she worked as a nurse. The woman was harassed by some angry netizens and she was fired by the hospital.

However, there are researchers (Liu, 2008; Wang et al., 2010; Downey, 2010) who argue that the first HFS case actually happened in 2001 when a Mop user posted a photo of a beautiful girl and claimed she was his girlfriend. Internet users were skeptical and began to search for an answer about who she really was. It turned out that this girl was in fact a model for a Microsoft product named Chen Ziyao. Her personal information was publicized to prove the original post was a lie, and this whole process only took two days.

No matter which the first one was, the years 2007 and 2008 have been agreed by media and researchers as the peak of HFS, for several famous cases occurred during these two years. For example, the “Wang Fei” case. A husband (Wang Fei) whose white-collar wife (Jiang Yan)
committed suicide because she found out her husband was having an affair with his colleague. Jiang Yan’s diary was published online by her sister, and then Wang’s personal details got human flesh searched and published. What was distinctive about this case was that Wang finally succeeded in suing the Tianya forum for damaging his private life. Other examples in recent years include for instance, an Olympic torches relay protestor who rudely plundered the torch from a disabled athlete (Liu, 2008); Zhou Jiugeng, the former director of the Property Bureau in the Jiangning district of Nanjing, who was detected for corruption issues, dismissed from the office and was eventually sentenced to 11 years in jail (Bruhn, 2012); and Ms Luo who became a target of HFS when she held up an entire high-speed train because her husband was running late (Brancart, 2018).

Human flesh search engine was originally a forum on Mop, where users could post questions regarding to entertainment and get answers from other Internet users. However, in the late 2000s, the term evolved. From the above cases we can see that the significance of HFS then changed to cooperative investigation, aiming at discovering corruptions, extramarital affairs, unethical matters and so one. Human flesh search now is more than just a search by humans, but a search for humans.

2.3 Existing literature

There have been some studies on human flesh search from different perspectives. Gao & Stanyer (2014) focus on the ability of HFS to reveal ‘norm transgressions by public officials and lead to their removal’. They explore four government/official-focused cases in detail, showing political HFS’s internal processes and underlying mechanisms, such as the lack of formal channels for holding corrupt officials to account, and the strictly censored traditional media which makes the Internet become an additional and desirable channel to expose in the first place. Xiu’s (2012) study is to identify and analyze the characteristics of the human flesh search engine from the perspective of group dynamics and group communication. Three HFS cases are analyzed using the concepts of leadership, division of labor and
collaborative filtering. The findings indicate that during the HFS process, no leaders are pre-assigned to the group; the division of labor makes the group process more efficient; and collaborative filtering influences the integrity and authenticity of the information during the group process.

Scholars also show interest in legal and policy perspectives. For example, Cheung (2009) discusses the trend of cyber-manhunt in China, with specific focus on the judgment of the Beijing Court. She points out the inadequacy in the ruling system and argues that legislative enactment to privacy protection at the national level is essential in China. HFS is also seen as a form of online protest against official misconduct; according to Gao (2016), the common dynamics between online and offline protests include spontaneity, specific and reactive claims, specific targets, political opportunities and allying with media. The argument for HFS is that a full understanding of protest in the digital age is possible only when the Internet and online forms of protest are taken into account.

In addition, various methodologies and theories are applied in studies of HFS phenomenon. A research conducted in 2010 collects online episodes generally labeled as HFS cases, from their inception in 2001 to 2010, containing a data set of 404 HFS episodes in total. ‘This first comprehensive empirical study of a search function that originated in China examines HFS’s tremendous growth in ten years and its uniquely rich online/ offline interactions’ (Wang et al., 2010). Aiming to understand the evolution of HFS and to evaluate the power of this massive collaborative intelligence, Zhang et al. (2012) build a mathematical model, viewing the ‘initiator and target of a HFS campaign as source/destination nodes in the social network’, and dividing HFS campaigns into five phases: ignition, infection, fading, re-ignition and success/failure. Chang and Poon (2017) use empowerment theory as their theoretical framework, to outline Hong Kong university students’ general perception of netilantism8 and

8 Internet vigilantism is the phenomenon of vigilante acts taken through the Internet (the communication network or its service providers) or carried out using applications (World Wide Web, e-mail) that depend on the
investigate ‘the differences between different roles in netilantism (i.e., bystander, netilante, victim, and none of the above roles)’. HFS is an empowerment tool for the netilantes enabling them to achieve their goal for social justice. Among those roles, ‘netilantes who possess the highest level of self-efficacy in the cyber world, perceive the criminal justice system as ineffective and—unlike all other roles—perceive netilantism as achieving social justice effectively’ (Chang and Poon, 2017).

3. Methodology

3.1 Research question

In view of the above-mentioned literature and description of human flesh search, the main research question has been formulated as follows:

- How do human flesh search activities conducted by China’s Internet users using social media influence ordinary individual’s privacy connected with norms, legal regulations and free speech?

The sub-questions are:

- What roles do Internet users play in the human flesh search activities?
- What are the legal regulations and governmental reactions regarding to human flesh search activities?
- What are the consequences of human flesh search activities?
- What is the relationship between privacy and free speech?

Internet. The term encompasses vigilantism against alleged scams, crimes, and non-Internet related behavior. For more information see: https://en.wikipedia.org/wiki/Internet_vigilantism
3.2 Research method and procedure

On the foundation of referring to a large number of academic articles, this thesis initially analyzes and summarizes human flesh search regarding to its history, definition, characteristics and existing research. Next, the case study approach is applied to go through particular cases of HFS.

Case study research examines a person, place, event, phenomenon, or other type of subject of analysis in order to extrapolate key themes and results that help predict future trends, illuminating previously hidden issues that can be applied to practice, and/or providing a means for understanding an important research problem with greater clarity (Mills, Durepos, & Wiebe, 2010). For the purpose of examining the human flesh search phenomenon to see how HFS influences privacy, analyzing representative cases will be an ideal choice.

The case study approach encompasses the application of in-depth analysis, interpretation, and discussion, finally resulting in specific recommendations for improving existing conditions. There have been a number of HFS cases in the past years, and the case study approach is suitable for promoting understandings and informing practice for similar situations by going through particular cases. This thesis pays attention to “average” cases, by which it means cases involving average persons rather than celebrity cases, because the study aims to find out how HFS has impact on ordinary people’s private life instead of affairs involving celebrities.

In addition, the case study approach allows researchers to select methods of data collection and analysis that will generate material suitable for the case studies. Although HFS leads to offline consequences, the process of it mainly happens online, and researchers can spend time collecting extensive data on certain events on the Internet, these data including observations (e.g., web users’ comments) and documents (e.g., newspaper articles), etc. Also, researchers will record details about the context surrounding the case, including information
about the physical environment and any historical, economic, and social factors that have bearing on the situation (Leedy & Ormrod, 2013: 141-142).

The research procedure of this thesis can be mainly divided into three parts. The first part is a brief introduction on the HFS cases, giving a general concept of what happened, when, where and why; then the next section will focus on the HFS process from two perspectives: 1. The Internet users’ reaction. To be specific, what did Internet users say? How did they participate in the HFS case, and during the participation, what kinds of social media platforms they used? 2. Media’s reaction. Specifically, how did the media react to the incident itself, and also to HFS activities? Finally, the last part provides facts on the outcome of the incident, and its impact on relevant parties due to web users’ activities and media reports.

3.3 Data collection

HFS mainly happens online, along with offline results. Therefore, the process of data collection is conducted in online contexts. Qualitative research data are collected, including online posts, comments and mass media reports about two human flesh search cases – the “watch uncle” case and the case of a Chinese student murdered in Japan, mainly from two online communities in China – SinaWeibo and Tieba.Baidu.com. These human flesh search cases will be later analyzed in detail from the perspectives of opposing roles of Internet users, privacy and free speech, censorship and legal regulations.
4. Case studies

4.1 The ‘watch uncle’ case

4.1.1 Synopsis

On August 26, 2012, there was a catastrophic traffic accident in Yan’an, Shaanxi province. A sleeper coach crashed into a methanol tank car, and quickly burst into flames. There were 39 passengers, only three of them escaped successfully and the rest 36 people were all killed in the flames. The news spread rapidly on the Internet, netizens held a moment of silence for the victims, and at the same time, they accidentally found a particular picture, showing a man who looked like a leader, clasping his hands behind his back and grinning beside a burning bus at the accident scene (Figure 1). The “smiley face” aroused anger, and Internet users decided to human flesh search this man, who was soon identified as “Yang Dacai”, the chief of Shaanxi Safety Supervision Bureau. They also realized that in official photos, Yang was wearing different designer watches, which were deemed to be worth far more than he could afford with his meager salary.
Figure 1: The incident scene and smiling Yang

4.1.2 Internet users’ reaction on social media

HFS on “watch uncle”

At 4:35 p.m. on August 26, 2012, Internet user “JadeCong” posted on China's Twitter-like service, SinaWeibo, an article titled “officer is smiling at the accident scene, emotionally stable”, along with several site photos. In no time, the “grinning” photo which presented stereotyped government callousness was trending on SinaWeibo(Figure 2).

9 Source for Figure 1: http://news.ifeng.com/gundong/detail_2012_08/30/17218968_0.shtml
Figure 2: Forwarded posts from “JadeCong” on SinaWeibo

Internet users questioned the inappropriate behavior: “At such a horrible scene, how could he laugh?” “It is lacking of humanity.” “There is no demand for shedding tears, but at least he could show some respect to the deceased, which is the basic bottom line of being a human.” (Figure 3) They also wondered who this man was, and human flesh search was conducted immediately.

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10 All screenshots in this thesis are taken from SinaWeibo and Tieba, links are not given out of privacy concerns.
Figure 3: Internet users questioned the inappropriate behavior.

A: How could he laugh? Oh, I get it: lacking of humanity!

B: At such a horrible scene, how could he laugh? Don’t know what he thought.

C: Everyone has the right to laugh, but laughing regardless of setting and time is stupid, lacking respect to humanity.

D: This official is not human, are there officials like that? He should be out of office. Humiliating, without minimum compassion.

E: There is no demand for shedding tears, but at least he could show some respect to the deceased, which is the basic bottom line of being a human.

The post of “JadeCong” was forwarded thousands of times by netizens including many VIP users, such as “writer Tian You--” (作家天佑--). As an online celebrity who had a large number of followers on SinaWeibo, “writer Tian You--” received a private massage from a
web user in Shaanxi, stating that the real identity of the smiling man was Yang Dacai - Shaanxi Safety Supervision Bureau director. This information was soon revealed in a post by Tian You(Figure 4), which was later forwarded thousands of times only within half an hour.

Figure 4: @writer Tian You—: “get a result on HFS, the official who laughed at the accident scene was Shaanxi Safety Supervision Bureau director Yang Dacai. How could you laugh after so many people died, are you a human?”

The same day at 10:29 p.m., user “WeiZhuang”(卫庄), a fan of watches, noticed Yang’s watch and posted a picture of it on SinaWeibo, doubting “this expensive watch may be Omega which costs 38,000 euros.” One hour later, “Bohai BBS official SinaWeibo account” (渤海论坛官博) released a photo of Yang wearing five different style watches in different occasions, claiming that this was the director’s penchant (Figure 5 & 6).

Figure 5: @WeiZhuang: “Yang Dacai, the director who was laughing so happily at the incident scene. Netizens suspect this expensive watch may be Omega which costs 38,000 euros.”
After the pictures were released, Internet users began to dig into the brand and value of those watches. The next day at 6:12 p.m., “Sun Duofei” (孙多菲), the chief operating officer from Fifth Avenue\textsuperscript{11}, announced in her SinaWeibo “I have consulted with watch industry expert: the watch in the first picture is 65,000 yuan (about 8,500 euros) Rolex oyster perpetual series; the second one is Omega worth around 35,000 yuan (4,500 euros); next picture shows Vacheron Constantin 18k rose gold watch case, more than that, the watch is mechanical with market value between 200,000 yuan to 400,000 yuan (26,000 to 52,000 euros); the fourth watch is also Omega and the price is about 35,000 yuan (4,500 euros); the last one is Rodaceramica series, estimated 30,000 yuan (4,000 euros) in value” (Figure 7). This SinaWeibo post was forwarded 14,531 times and drew 5,350 comments, and it was also the origin of how Yang got the nickname “watch uncle”.

\textsuperscript{11} Fifth Avenue is the largest online luxury sales platform in China.
This post that was forwarded over ten thousand times was beyond Sun’s expectation, and she concluded that “the reason why the post caused public attention was mainly because my position as the chief operating officer from the Fifth Avenue”\textsuperscript{12}. Meanwhile, another watch expert - “Mr. Flower lost golden cudgel” (花总丢了金箍棒), who was famous for evaluating watches of officials pictured in news photos when attending various events - was tagged frequently. “Mr. Flower” explained in a TV interview that he had followed Yang for over one year and there were more watches than those revealed. This information quickly became a hot topic, and some Internet users even instigated “Mr. Flower” to dig deeper and reveal more on Yang’s watches (Figure 8).

\begin{figure}
\centering
\includegraphics[width=\textwidth]{sina_weibo.png}
\caption{Internet users instigated “Mr. Flower” on SinaWeibo.}
\end{figure}

A: The smile watches, please continue digging.
B: Waiting for the tenth watch!
C: Investigate to the end.

**Yang’s response and new “evidence”**

Facing with growing doubts and condemnation for his “smiling” behavior and suspected of corruption issues, Yang chose a quick and direct way to respond rather than ignoring the accusations against him and dodging from media’s interview, and this responding behavior even gained some support of public opinion. Between the time 9 p.m. and 9:30 p.m. on 

\footnote{The source: \url{http://www.infzm.com/content/80921}}
August 29, Yang gave a live interview on SinaWeibo\(^{13}\) to answer questions from Internet users. He apologized for six times in his\(^{13}\) replies and explained on both the “smile” and the “watches”:

1. “About the smile, when the rescuers were introducing me the situation in the field, I laughed a bit because he said ‘一满烧光球了’, which was a local dialect (for Mandarin: ‘全都烧光了’, literally meaning ‘all burned out’). I realized that my behavior was inappropriate in the face of such a catastrophe, no matter what the excuse was. So I apologize to all of you.”

2. “About the watches, I bought all the five watches with my legitimate income in the past decade, the most expensive one was 35,000 yuan (4,500 euros). I already reported all these circumstances to the disciplinary inspection department.”

With regard to Internet users’ criticism, Yang responded “some netizens use excessive rhetoric which even hurt my family members. I accept criticism and I apologize for the wrong behavior, but I do not want my family to be involved because of my own fault”. When the interview finished, public opinion made a sharp turn towards sympathy. A netizen called “Fang Lanjing” (方澜静) believed that Yang should be rewarded just for facing up to Internet users; SinaWeibo user “Na Lanjiao” (纳兰蛟) also showed sympathy to Yang’s situation, arguing that being an official was difficult because regardless of whether they were smiling or crying, someone would always criticize them (Figure 9). In addition, there were a number of SinaWeibo users who asked others to provide solid evidence before questioning chief Yang. *NetEase News*\(^{14}\) affirmed these positive responses in an article titled “the smiling chief wins recognition”: Yang’s courage in opening a SinaWeibo account and directly interacting with

\(^{13}\) The interview url: http://talk.weibo.com/ft/201208296903?act=1&tid=6903&date=2012-08-29

\(^{14}\) NetEase: a network company, services including news, online games, email, e-commerce, etc.

The article online: http://news.163.com/12/0830/17/8A619EFJ00014JB6.html
Internet users deserved approval and support.

Figure 9: Comments by “Fang Lanjing” and “Na Lanjiao”.

However, Yang’s response did not quiet down the wave of continued inquiry towards corruption issues. While the SinaWeibo interview was still going on, a user named “pighead coward driver” (猪头懦夫司机) uploaded four pictures, claiming these show the sixth watch belonging to chief Yang (Figure 10). In the early morning on August 30, “Mr. Flower” issued pictures of five other watches and assessed their total value as more than 200,000 yuan (26,000 euros) (Figure 11). On account of these facts, the positive comments that Yang received for his “low-key” behavior and “sincerity” came to naught. On the contrary, he was plunged into a crisis of credibility due to the lies he told.

Figure 10: @”pighead coward driver”: Yang Dacai’s sixth watch (BVLGARI)
Figure 11: The sixth, seventh, eighth, ninth, tenth and eleventh watch.

The more watches exposed, the more distrust Internet users had towards Yang, and they began to search for other evidence where eyeglasses and belts came out. On September 5, “Chenxi SinaWeibo” (晨曦微博) posted a photo claiming that Yang’s eyeglasses were worth
over 100,000 yuan (13,000 euros). Also according to “Chenxi SinaWeibo”, there was a net user who worked in this area of expertise and confirmed that the price of the eyeglasses frame was 138,000 yuan (18,000 euros), along with four pictures uploaded, showing Yang wearing different style glasses (Figure 12). Not only that, Yang’s expensive belts were also dug out. “Yanqing farmer” (延庆老农) posted a picture on SinaWeibocaptioned with “watch uncle covers with treasures”, to prove that except for watches on his left hand and bracelets on his right hand, the smiling chief also possessed a variety of fancy belts (Figure 13).

Figure 12: Yang’s eyeglasses

@ChenxiSinaWeibo: “[watch uncle’s glasses worth over hundred thousand] a net user in professional area discovers, Yang’s glasses are Lotos, the frame worth at least 138,000 yuan, and the lenses are hard to define. Same with his watches, he has a lot of glasses. Cannot tell
picture two, but glasses in picture three and four are Oakley over 36,000 yuan.”

Figure 13: @“Yanqing farmer”: “Watch uncle covers with treasures”, except for watch on left hand and bracelet on right hand, chief Yang also owns various belts.

4.1.3 Mass media reaction

HFS on the “watch uncle” was mainly conducted on SinaWeibo where Internet users searched for Yang’s personal information and published it online. But SinaWeibo was not the only platform of reporting and discussing the case; other media were also involved.

After the “smiling” photo was exposed, traditional media such as Legal Daily, Southern Metropolis Daily, Qianjing Evening News and Xinmin Evening News reported the incident based on what was happening on SinaWeibo. The news report titled “Official laughs at a car accident scene, netizens question what do you laugh at?” from Qianjing Evening News was reprinted over 140 times by major media, and the reprinted news on ifeng.com was viewed more than 160,000 times. At first, traditional media recombinated and reprinted

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15Qianjiang Evening News: the only evening newspaper at provincial level in Zhe Jiang province. The article online: http://qjwb.zjol.com.cn/html/2012-08/28/content_1717552.htm?div=-1

16ifeng.com: also called Phoenix New Media, is a cross-platform network new media company, with headquarters in Hong Kong.
information from the Internet. However, with exposure of more details about the incident and Yang, piecing together all the information was not enough, and how to find a rational way out to solve the problem became the central topic of reporting. Jinan Daily\textsuperscript{17} published an article on August 29, titled “official can smile, cannot corrupt”, in which sarcasm on Yang’s smile was disapproved of, but a close examination of Yang’s watches was highly encouraged. According to the article “It is hard to walk out of the incident even claiming innocent” from Beijing Times\textsuperscript{18}, an official who had been widely questioned could not convince the public to believe him with his weak credibility, whether he admitted the wrongdoing or denied, told the truth or lied. At this very moment, what was needed was a thorough investigation of related departments and a rapidly released result to provide the public with a responsible, genuine account of the incident.

The incident news was not only published in newspapers, but also broadcasted in TV programs in which CCTV was the most influential one, considering its national level in China. In its program “News 1+1”\textsuperscript{19}, Bai Yansong, doubled as the host and commentator, expressed his opinion on the incident and Yang: ‘the first thing I paid attention to was not his smile but his belly, our officials needed to take more exercise to show an incorruptible image. And regarding to the watches, Internet users said there were five of them, then he claimed that indeed there were five, and now, people found out the sixth, seventh...eleventh, which meant Yang was dishonest, therefore, deserved to be investigated by disciplinary inspection commission.’

\textsuperscript{17}Jinan Daily: official newspaper of Jinan, Shan Dong province. The article online: http://jnrb.e23.cn/shtml/jinrb/20120829/172654.shtml

\textsuperscript{18}Beijing Times: a comprehensive daily news paper sponsored by the People’s Daily, publication suspended in January 1, 2017, so online website is no longer available.

\textsuperscript{19} Program online: http://news.cntv.cn/china/20120831/107221.shtml
One month after HFS, the investigation on Yang’s watches gradually disappeared out of the public eye. But still there were some media that did not give up on follow-up reports. On September 15, the article “Chief is working everyday”\textsuperscript{20} published by Qianjiang Evening News brought Yang to a trending topic once again, mainly presenting the fact that even though he was human flesh searched and involved in corruption issues, chief Yang still shows up at work every day like usual. This article page was clicked on over 33.913 times, and net user “Zhongnan Yiwong”(终南一翁) argued that we deserved to know the result of the investigation, or it was disrespectful to Internet users and also the chief himself (Figure 14).

\textbf{终南一翁} [陕西省西安市 - 电信网友]

纪委查的结果怎么样？应该给民众一个交代。不然就是对网民的不尊重和对局长的不负责任。

2012/09/17 22:29

Figure 14: “Zhongnan Yiwong” [Xi’an, Shaanxi province - Internet user]: “What is the result of Commission’s investigation? Should give an answer to the public. Or it is disrespectful to Internet users and the chief himself.”

\textbf{4.1.4 Investigation and result}

The whole process of the incident involved different parties in society, including Internet users’ supervision, investigation of disciplinary inspection department and judicial intervention. The investigation timeline can be generally summarized as follows:

30-08-2012: Shaanxi Commission for Discipline Inspection announced that investigation regarding to the “smiling” misfeasance and multi-watches issues were being conducted, and if discipline violation or corruption problems did exist, they would be seriously handled in accordance with relevant regulations.

\textsuperscript{20} The source: http://qjwb.zjol.com.cn/html/2012-09/15/content_1753948.htm?div=-1
01-09-2012: A college student in Hubei province sent an application form to the Shaanxi government, applying for Yang’s wage to be public, but getting a response of rejection, because personal income was not in the information disclosure scope of the Shaanxi Finance Department.

21-09-2012: Investigation conducted by the Shaanxi Commission for Discipline Inspection indicated that Yang had serious disciplinary problems; according to relevant regulations, Yang was dismissed as bureau chief and member of the Communist Party.

22-02-2013: Upon further investigation, Yang was suspected of being involved in severe disciplinary violations and crimes, which would be handed over to judicial organs.

Days after his smiling face first snagged attention, Yang found himself without a job. However, the investigation had no final result for a long time, which disappointed the public, and some even doubted that it would be left unsettled. After one year of waiting, Yang was finally in court, which was a positive response to network supervision.

30-08-2013: Xi’an Intermediate People’s Court heard Yang’s case regarding to bribe-taking and huge unidentified property in public.

05-09-2013: Yang was sentenced to fourteen years in jail on corruption charges.

After the case closed, another question drew public attention, and that was, how much property did Yang own? In the trial on August 30, 2013, there was a property list, showing that Yang had accumulated family property over 11.77 million yuan (1,500,000 euros), in which for 6.11 million yuan (790,000 euros) Yang could explain its legal source, and for over 5.04 million yuan (650,000 euros) he could not. In a word, this amount of deposit was significantly higher than his legal income.
4.2 Murder case of a Chinese student in Japan

4.2.1 Synopsis

On the early morning of 3rd November, 2016, Jiang Ge\textsuperscript{21}, a 24-year-old Chinese overseas student, was killed at her home in Japan. Japanese police began to investigate the case, and 21 days later, they informed the public that an arrest warrant had been issued for Chen Shifeng, a Chinese male overseas student, on the charge of murdering JG. Chen was a schoolmate of JG’s roommate Liu Xin, and also her ex-boyfriend who she was living together with.

JG came from Qing Dao province, China; her parents got divorced when she was little so she grew up with her mother and grandmother. In the year of 2016, she was studying in a master program at Hosei University in Japan, and the only reason she was living with her roommate Liu was that she was helping her to get rid of harassment coming from Liu’s ex-boyfriend Chen. On the day of the crime, the two girls were heading back home when they saw Chen was standing in the doorway. JG asked Liu to get inside the room first and she went to negotiate with Chen all by herself. After a while, someone was screaming, and then JG was found dead, bleeding on the ground.

From the details the Japanese policy released, Liu claimed that she and JG were very good friends, and when she was asked if she had any idea of who was outside the front door arguing with JG, she said she had no clue. In fact, Jiang once advised Liu to call the police on 2\textsuperscript{nd} November, i.e. a day before the crime, when Chen went to their apartment, trying to talk to or harass Liu, but she refused to call it in because she was afraid the police would find out that she was temporarily living in somebody else’s house without registration, which was

\textsuperscript{21}Jiang Ge, will be called as JG for short in later paragraphs to distinguish from her mother Jiang.
illegal in Japan.

After the incident, Jiang Qiulian, JG’s mother, tried to get in contact with her daughter’s roommate Liu, wishing to ask her about anything related to JG’s death, but Liu just disappeared for almost one year. As a result, Jiang turned to the Internet for help by publishing personal information about Liu and her parents. Public opinion condemned Liu and her family, starting human flesh search.

4.2.2 Human flesh search on Liu and Chen

All searching began with a post\(^\text{22}\) (Figure 15) on SinaWeibo. 200 days after JG was killed, her mother Jiang published personal information of Liu and her parents online to look for them, information including their names, birthplace, school of graduation, ID numbers, cell phone numbers in China and Japan, Wechat and QQ\(^\text{23}\) numbers, and license plate number. She also uploaded Liu and her parents’ pictures by saying “please kindly tell me where Liu lives” (Figure 16). Jiang said in an interview (Figure 17) that this was not what she aimed to in the first place, she just wanted to force Liu out because she could not find her in private.

\(^{22}\) This post was found on tieba.baidu.com-a BBS platform belonging to Baidu company, due to the original post on SinaWeibo having been deleted. Considering privacy issues, personal information was pixelized.

\(^{23}\) An instant messaging platform.
Figure 15: Jiang posted personal information of Liu and her parents

Figure 16: Liu and her parents’ pictures, “please kindly tell me where Liu lives”
Figure 17: Jiang’s interview

Translation: “[Hard Talk with Wang, femal overseas student was murdered in Tokyo, a talk with her mother: I have no choice but to expose Liu’s family information] 200 days after JG’s murder, Jiang published Liu’s family information and pictures on SinaWeibo. In a flash, Liu received numerous harassing phone calls and text messages, some are accusatory and abusive. Jiang says this is not what she wants, ‘I just want to force Liu out, because I cannot find her in private.’ Hours later, Liu, who has already disappeared for 157 days, sends Jiang a text message…”

This “search notice” quickly prompted online outrage. Internet users felt angry and attached great importance to the case due to two reasons: one was the fact that Chen brutally murdered JG and yet he might not be severely punished according to Japanese law; another reason targeted the roommate Liu, who chose to leave Jiang alone in the hallway when the crime was committed, hid in Jiang’s room and locked the front door. This was however in fact not the key point that aroused web users’ anger: they were quite rational regarding to the behavior of locking the door, claiming that it was indeed selfish, but when facing a life-threatening crisis, self-preservation was human instinct (Figure 18). The problem was rather Liu’s attitude and behavior after the incident. She crossed the public’s ethical lines by choosing again to hide and keep quiet, and even when the Japanese police ranked her
ex-boyfriend as the first suspect, she did not provide any relevant information, and still refused to contact or meet Jiang and give her a reasonable explanation about what happened. This was the real fuse that detonated an explosion of human flesh search.

Figure 18: A: “Friend used her life to block the knife for Liu, and then Liu just disappeared?”

B: “turn to friend’s help when facing danger was understandable, the problem was why keeping JG outside the front door when Liu knew her angry ex-boyfriend was there? She could feel frightened, only thinking about saving herself, but how could she live after the incident? How much did she owe JG and her mother?”

This HFS activity was a little bit different from other cases, because this time the flesh searchers already had the real name and some personal information of the persons they wanted before conducting real searching. The aim was not to find out who they were but, instead, to flush them out into public view. Based on Liu’s name, pictures and school information, Internet users soon dug out her social media account on SinaWeibo (Figure 19), and they finally exposed Liu’s home address which was found and confirmed by local residents living near Liu’s home (Figure 20).
Figure 19: C: “(user Liu Xin123) in parentheses is Liu’s SinaWeibo account, go flesh search her”

D: “@user Liu Xin123, here”

Figure 20: Liu’s home address was exposed

Not only were Liu and her parents human flesh searched, as web users were also angry with Chen, who committed the crime. Different from moral condemnation regarding to Liu, netizens were in fact more in wonder about how could Japanese law punish him rather than who this person was. But still, his personal information was published online as well (Figure 21).
Private information published was not the end of the story, as some angry netizens decided to curse and abuse Liu through phone calls and text messages with language of violence (Figure 22). It went without saying that people were angry about the crime and Liu’s behavior, however, Internet users could be divided into two categories: one was the group of people who supported the human flesh search, thinking that Liu deserved to be published in consideration of her words and behavior; the rest of the netizens were concerned that publishing private information rather than using legal tools might not be helpful to the incident especially when the hearing started.
Figure 22: E: “sent massage! Won’t you conscience feel guilty?”

F: “I called both cell phone numbers, they are unavailable”

G: “do not call, they will not answer it! Use text message directly”

Figure 23: H: “to be honest, I have always thought there is something wrong with Liu, how could she lie when her friend die for her...although I used to refuse to publish personal information, but in this case Liu and her parents deserve to be published, life should have conscience.”
I: “be rational! Publishing personal information cannot help Jiang, it only gives evidence to the opposing lawyer for suing violation of reputation and privacy right. We should find Jiang a good lawyer and use law weapon.”

4.2.3 Mass media reaction

As with the “watch uncle” case, traditional media mainly reprinted articles from social media, from the beginning of the JG’s case until it went to court, and in the meantime, positively guiding public opinion. NetEase News summarized the case regarding to what happened and how the public reacted to it, arguing that “Do not use public opinion to kidnap the law”\(^{24}\). It proposed that public opinion is driven by emotions not facts, and as this is first and foremost a criminal case, what the facts are depends on the court’s investigation. Public opinion, it pointed out, may put pressure on immoral persons, but it can also be a distraction to the survey of the truth. Xinhua News Agency\(^{25}\) also emphasized the role of law, empowered the public by adhering that “justice will not be absent”. Different from these last two news agencies, CCTV.com reported the case from a legal trial perspective through its article “Chen has confessed to the killing! Will he face death penalty?”\(^{26}\), in which Japanese criminal law system was clearly explained, summing up that Chen was unlikely to be sentenced to death, and in fact, according to Japanese law, he could be in jail for 10 to 20 years, which meant if counting a commutation, he would be free within a few years.

In brief, traditional media tended to generally and objectively tell the story of what

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\(^{24}\) The source: http://news.163.com/17/1216/00/D5O3AC42000187VG.html

\(^{25}\) Xinhua News Agency: a national news agency, its website xinhuanet.com is called the most influential news website in China. The article online: http://www.xinhuanet.com/politics/2017-11/14/c_1121955883.htm

\(^{26}\) The source: http://news.cctv.com/2017/11/16/ARTIU47neWVTde8COHzf6DNK171116.shtml
happened and what might happen in the future based on information coming from social media, partly because of case confidentiality issues, especially when the case happened and would be heard overseas. However, Internet users were not satisfied with broad reports; they asked for the truth in details and they wanted Liu to come out and explain everything. When this did not happen, Internet users kept cursing and harassing Liu and her family both online and offline, through comments, phone calls and text messages. When there was large amounts of abusive discourse below each related article on SinaWeibo, censorship was initiated.

Censorship on SinaWeibo mainly involved deleting three types of material: posts, trending topics and comments. The deletion that Internet users realized began with the disappearance of the premier post which included personal information of Liu and her parents (see Figure 15), and netizens felt puzzled about why the post was gone (Figure 24). Jiang also commented under the deleted original post: “SinaWeibo system administrator said I deleted it myself, I did not do it, and there is no way I will do it.” (Figure 25) One after the other, a trending topic of 20.4 hundred million views and some web users’ comments that involved private information or inflammatory words also disappeared, which not only caused public confusion, but also public anger (Figure 26 & 27).
Figure 24: top article—the original article is deleted

转发 395  评论 4207  赞 4227

苦咖啡-夏莲 🌼
谢谢大家关心！我置顶微博文章被删除，问微博小秘书，回答说我自己删除的。可是我本人并没有删除，更不可能我要删除这篇文章，为什么？
Figure 25: Jiang’s comment regarding the deleted article

Translation: “thank you for your concern! The top article was deleted, I asked SinaWeibo system administrator who said I deleted it myself. But I did not do it, there is no way I will do it, so why?”

Figure 26: J: “what? A 20.4 hundred million views topic is deleted???”

K: “SinaWeibo what is wrong with you??”

L: “I just find out the trending topic #overseas student murdered in Japan# is deleted!!! SinaWeibo what do you mean by this???”
Figure 27: deleted comments

M: “Liu’s personal information”

(The original post is deleted by the author)

N: “why the brutal murderer and his family are not searched and harassed?”

(The original post is deleted due to many people reported it)

4.2.4 Ending

One year after the case happened, the Japanese police arrested Chen, charging him with murder. A 10-day hearing began on 11th December, 2017, and the case, or Chen, ended up with 20 years in jail for intentional homicide and intimidation, which was the maximum time with regard to Japanese law.

Apart from the legal sanction, the ending of human flesh search on Liu and her family came with an interview and attempted prosecution. 300 days after JG’s death, Liu finally showed
up and agreed to have a TV interview on *Hard Talk with Wang*, in which she claimed “I dare not go outside, I really live in pain”. After the incident happened, Liu went back to China, her whole family moved, and she started a new life by working in a training institution. Things went differently when the HFS broke out. “My family now gets harassment through phone calls and text messages 24 hours a day, even the place where I work is full of media, and now I am fired”, Liu said in the interview, as well as “our home address has been exposed, I do not want to go out any more. Why does she publish all of our personal information online? The pressure my family withstands is no less than the murderer’s”.

To force Liu appear was one of the primary aims of HFS. However, Internet users did not go for what she said in the interview; on the contrary, they accused Liu for showing up mainly because her private life was severely interfered with but not out of genuine apology. The consequences that HFS brought about did not stop after the interview. Internet users continued abusive words and harassment towards Liu, who finally decided to protect her rights through legal proceedings, i.e. to prosecute Jiang for violating privacy, which was stated in Liu’s SinaWeibo (Figure 28) but without any further acts or reports about it so far.

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27Liu’s interview video online:
https://weibo.com/6294930327/FuTQH6lSs?refer_flag=1001030103_&type=comment
Figure 28: 2018, new beginning

Translation: “Statement: thank you for people who care about me! I have already started rights protection! Any insult, defamation and privacy disclosure on me and my family will be punished by the law!”

HFS on this murder case also led to the personal life of Mrs. Pan severely affected. According to the report by Xinhua News, Mrs. Pan, an elderly lady living in Qingdao province had been receiving numerous phone calls and text messages mentioning sympathizing for JG or cursing Liu. It turned out that Internet users mistook Mrs. Pan’s cell phone number for Liu’s number. “It has been bothering me and my family for days” Mrs. Pan said, “we try to explain to every caller, they do not believe us but think we are quibbling. Every time I delete messages, the

28 The source: xw.xinhuanet.com/news/detail/681599/
inbox will be full again quickly, I am afraid to turn my phone on”. By roughly counting, Mrs. Pan had already received more than 2,000 harassing phone calls and hundreds of abusive text messages within two days.

5. Discussion

Based on the large scale of Chinese Internet users, human flesh search is influential and rapidly spreading, and combined with the intervention of traditional media, information can be transmitted to large audiences in a short period of time. HFS events relate to entertainment, human rights, helping others, revealing the truth, praising virtue and punishing vice; all of which are not only reflected on the Internet, but also interact with media, the public, administrative organs and judicial departments in the offline world. HFS can bring the effects of standardizing people’s words and deeds, integrating information and exposing corruption, and it may also create consequences of violating privacy and network violation.

5.1 The roles of China’s Internet users

Human flesh search is done by Internet users spontaneously, “with many Internet users gathering in online forums and chat groups, who acted on their own, out of a sudden welling up of grievances stemming from an offline event that assumed certain kind of injustice” (Gao, 2016). During the flesh searching process they play different roles which can be discussed from two perspectives.

From the perspective of information spreading, web users’ roles fall into three parts: the first one is the source, who is familiar with a social media platform and active on it, like “JadeCong” in the “watch uncle” case and Jiang in the Chinese student case. The second role is opinion leader, which can be further divided into three groups: 1. Celebrities from business, political, press and entertainment circles; 2. Grassroots talents who have accumulated a high degree of influence; 3. Authoritative official accounts of government, media and all kinds of social
organizations. In the “watch uncle” case for example, the main opinion leaders are media professionals, writers, grassroots experts and commentators. Their comments have great impact on public opinion due to their professional abilities, higher visibility and rich interpersonal and information resources. A final category of web users is ordinary users who play the role of both information receiver and transmitter. From another perspective, i.e., the aim and result of the case, Internet users act as Internet vigilantes, striving for justice, combating corruption issues, praising virtue and punishing vice; and in the meantime, they also act as cyber violence perpetrators, invading individual privacy and affecting normal life both online and offline.

5.1.1 Internet vigilantes

5.1.1.1 Against corruption

Social media platforms have become the main source of getting information, in which micro-blogs (e.g. SinaWeibo) are the leading anti-corruption channel based on their characteristics of free speech and open communication mechanisms. Numerous government officials have been forced to resign after their luxurious spending habits were discovered by curious Internet users; the “watch uncle” case was just one of them. Between 2008 and 2012, there were 39 influential online anti-corruption cases, among which 11 cases were spread through micro-blogging. Beating corruption via micro-blogs is essentially an activity of public information and public opinion, and also a discourse practice of online surveillance. The typical process is: disclosure by Internet users → a large number of netizens responds and forwards the message → becoming a trend topic → media intervention → governmental agencies’ investigation → finding out the truth.

The outcome of the event can be a victory for the web users using the Internet to police the government to obey the constitution. The activities of flesh searchers who seek for justice and trust in a sometimes untrustworthy governing system are called "cyber vigilantism" by
Rebecca MacKinnon, a visiting fellow at Princeton University’s Center for Information Technology Policy. MacKinnon argues in an interview that human flesh search serves as a safety valve in a society with ever mounting pressures on the government.

In China the human-flesh search engine is one of the only ways that ordinary citizens can try to go after corrupt local officials. You can’t stop the anger, can’t stop the Internet, so you try and channel it as best you can, kind of like a waterworks hydroelectric project. It is a great way to divert the anger, to places where it is the least damaging to the central government’s legitimacy.29

Online surveillance through social media has become a useful weapon for reporting corruption issues. It puts a huge string to authorities, urging further investigation, but the clues online surveillance provides are not always the correct information. For example, in 2012, a post titled “Li Yunqin, a retired cadre of Guangzhou construction system, possesses 24 house properties” went viral online. Internet users called Li the “house aunt”, began to publish and spread her personal information online, aiming to find out corruptive behaviors. But according to the city of Guangzhou Municipal Commission for Discipline Inspection, while the information about Li owning 24 houses was true, she was just a retired senior engineer, neither a cadre nor a party member. More importantly, Li was capable of affording those houses by her legal income, which was also confirmed by experts in property. So far, no illegal activity regarding to Li was traced out, which meant the clue provided in the first place was not accurate and it caused reflection on protecting private information.

HFS is a tool for online protest, where “dealing with local political problems is a kind of unpaid

29The source of MacKinnon’s interview on:
https://www.nytimes.com/2010/03/07/magazine/07Human-t.html
labour whereby Chinese citizens are doing the government’s work for free,” and such protest in the Chinese context is “more reactive rather than proactive and it is officially allowed as it is not a challenge to the existing political order” (Gao, 2016). The Internet provides the opportunities of getting certain information that citizens had limited access to before. In some ways HFS results in good effects, but when the clues it provides are inaccurate, problems such as invasion of privacy occur.

Online surveillance on corruption issues therefore challenges network security and right protection. One of online anti-corruption’s drawbacks is the presumption of guilt. Without concrete evidence, Internet users assume someone to be guilty and dig everything about the person. During the digging process, there is a high probability of creating alleged infringement. Pressure of public opinion can arouse masses’ anger in a short time, but the accompanied HFS makes private information public, and the legitimate privacy rights of whomever is involved are neglected.

5.1.1.2 Against norm violators

Tracking down corrupt officials and norm transgressors, or looking for evidence of government deception (Gao, 2016) are the primary aims of HFS. How web users confront corruption via social media platforms was discussed in the previous section. However, combining recent Internet anti-corruption cases together, it is not hard to find out that the information netizens expose in the first place mostly has no direct relation to violation of laws and disciplines, but instead some norm-breaking behaviors, such as improper speech, extramarital affairs, sexy photo scandals and acts of violence, etc. These topics can easily become hot topics online, giving discipline inspection and supervision departments an excuse to conduct investigations.

A norm is a rule of conduct, one less official than a law, as norms are not written down in a book of legal code and violating a norm generally will not be punished as breaking a law. The
Internet, or human flesh search, has become a powerful norm-enforcement weapon (Solove, 2007: 84-86). In the “watch uncle” case, apparently chasing corruption was not the original purpose for Internet users, but his smiling behavior that disobeyed social norms and moral rules initially triggered public dissatisfaction and human flesh search. “If more people are dissatisfied with the behavior of the main character at the center of the issue, public opinion will tend to condemn him/her (Xiu, 2012).” Underlying HFS activity is a genuine citizen anger and resentment at the transgression of particular norms by public officials and a desire to bring about some resolution (Gao & Stanyer, 2014).

Wu (2011) classifies 22 HFS incidents into three types of norm violation: moral or ethical, privacy, and social behavior. Ethical violation can be applied to the “watch uncle” case, and there are also examples related to the other two kinds of norm violation. In 2008, Zhou Jiugeng, the former chief of the Real Estate Board in Jiangsu province, was human flesh searched for his dissatisfying social behavior – a speech about excessively-priced housing. Netizens dug out details of his private life of smoking extremely expensive cigarettes and driving luxury cars, and eventually he was sentenced to 11 years in jail. The story of Shan Zengde, the former deputy director of the Agriculture Department, is a different case. His private life of writing a divorce agreement to his mistress was exposed, and this information prompted Shan’s suspicion of bribery.

HFS is conducted by large numbers of people who spontaneously collaborate in a short time. There are no pre-assigned leaders and there are no fixed groups, so based on what grounds or norms do they stay as a group to accomplish their missions? Through textual analysis of postings on discussion boards, Xiu (2012) believes that “the textual communication among members may create the group norms and operating procedures and maintain them once they are established.” This can be well explained by the “cat abuse” case. An anonymous short video made its way around China’s Web in 2006, where a woman wearing high heels in the video smiled and stomped a cat to death. People in the online communities who saw this video were angry with her behavior and tried to find her and punish her. The whole flesh
search process took only six days till information about this woman was eventually dug out and posted online, including her name, cell phone number, home address, work place and information about her family members. Flesh searchers held the norm of “she is bad and should be punished”, even “after the woman was found, the norm still existed. This group behavior did not stop until the women apologized for her behavior and finally got fired” (Xiu, 2012).

Human flesh search on violations of morality seems to pursuing justice, however, “in the drive for social shaming and humiliation, the vigilantes have forgotten or perhaps, ignored the due process of law that a person is innocent unless proven otherwise” (Ong, 2012). According to Solove (2007: 102), “Internet shaming is done by people who want to enforce norms and to make people and society more orderly. The problem is that Internet shaming actually destroys social control and makes things more anarchic, and it becomes very hard to regulate and stop it”. Solove (2007: 11) also argues that our notions of privacy should be rethought, and the point is to balance the protection of privacy against freedom of speech, and to achieve this, introducing practical law is necessary. Issues regarding to privacy, free speech and law regulations will be further discussed in later sections.

5.1.2 Cyber violence perpetrators

As Solove (2007: 99) argues, Internet shaming can devolve not only into vigilantism, but also violence. When so many strangers focus their attention on a single person or group, some inevitably go too far. Excessive words from netizens harmed the “watch uncle’s” family, Liu and her parents, and also Mrs. Pan who is totally innocent in the case. HFS is to some degree a reflection of citizens exercising the right to supervision and criticism. However on the other hand, perpetrators of in-person aggression have begun using social media in the furtherance of violent activity (Peterson & Densley, 2017), which are instead devised based upon prejudice, violence, and bigotry, despite the fact that perpetrators often believe themselves to be enacting justice (Kasra, 2017). In other words, HFS is not just maintenance of morality and
justice, but heading towards a more extreme direction - cyber violence.

Cyber violence, as online behavior, constitutes or leads to assault against the well-being (physical, psychological, emotional) of an individual or group (Herring, 2002). It is defined by the report from the United Nations Broadband Commission as including hate speech, hacking, identity theft, online stalking, threats and induced suicides. Some of the most common forms of cyber violence involve the simple act of writing a mean comment on someone's photo or posts on social media sites (Jones et al., 2013). What distinguishes cyber violence from traditional offline forms of violence is that in the former case, some significant portion of the behavior takes place online, although it might then carry over into offline contexts (Herring, 2002). As a matter of fact, a survey of over 5000 youth found out that traditional and online violence were likely to co-occur with relationship violence—physical, sexual, psychological, and online (Yahner, Dank, Zweig, & Lachman, 2015).

In a violent HFS incident, social media functions as a site for mediated violence, visually exposing fear and humiliation that extends beyond the online environment and even encouraging mob-like, self-organizing, and self-righteous judicial systems on the ground (Kasra, 2017). This kind of moral judgment that brings private information from virtual space to the offline world undeniably has negative impacts on whoever is involved, and victims of HFS could potentially suffer at least three types of repercussions: reputational damage, economic loss and physical violence (Shen, 2016). In addition, there can even be physical harm and traumatizing effects upon people who are not directly related, such as family members, or an innocent person whose private information is mistakenly human flesh searched.

There are some possible reasons for the increasing Internet violence. Firstly, social media has introduced, often anonymous, forms of aggression and violence that take place exclusively

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30See the definition on: [http://www.wired.co.uk/article/un-cyberviolence](http://www.wired.co.uk/article/un-cyberviolence)
online (Peterson & Densley, 2017). One of the characteristics of the “virtual” web is the freedom of speech and anonymity. Users can freely express their opinions without taking the consequences and without strict requirements to “provide their real names and personal details, it is easy for Internet users to instigate and fuel mob violence, public shaming and humiliation” (Ong, 2012). Cho and Kim (2012) found that anonymous Internet users are more likely to have uninhibited and violent behaviors than those who underwent the enhanced identification process on the Internet. In the second place, limitation of discourse on traditional media might deepen the formation and development of network violence. It is difficult for traditional media, such as newspaper, broadcast, television, etc, to set up a platform through which the public can release information and express opinions freely, instead of being a passive receiver of information. The Internet becomes the only channel for speaking out in public, and some people are easily affected by others’ words, which is the third possible reason for Internet violence – web users’ conformity. The younger-age trend was already mentioned in the previous section: social media are highly attractive to young generations, and the younger the users are, the higher the score they would give to social media. One of the problems the trend leads to is the lack of independent judgment about certain issues. Besides, low educational level of young Internet users also limits the depth and breadth of their knowledge towards underlying complex motivations. All these could be the reasons that cause cyber violence.

In China, effective legal control and other means of supervision are absent regarding to cyber violence, which might have led to HFS having appeared in China for almost 20 years, and it still exists and keeps developing as time goes on, even entering the field of the judicial system from previous purely online incidents, which means the boundary between the offline world and the virtual space has become blurred. In most cases, cyber violence or HFS is caused on account of not embracing a certain moral standard, as people intend to replace legal judgment by making a moral judgment. This phenomenon is in need of control through legal measures because this “online moral trial”, while ignoring the rules of online public opinion,
also pushes cyber violence to (the brink of) violating the right to privacy.

5.2 Privacy

Comparing to traditional mechanized search mode, human flesh search makes more use of manpower to obtain information online. The Internet here is just a medium through which numerous Internet users take advantage of their professional knowledge in certain areas and their own experience to provide search results. HFS builds a bridge between network and reality - on one side is the offline life and on the other side is the virtual network.

Judging from the original intention, there is nothing wrong with HFS, because it is simply a tool and method for searching answers. A questioner launches a flesh search activity and when a satisfactory answer has been found, HFS comes to an end. This kind of question and answer pattern does not involve the concept of privacy, which means HFS itself is not illegal or an infringement in the first place. However, from the perspective of consequences, HFS is indeed a double-edged sword: while it can broaden people’s access to information and reveal the truth behind a certain event in a short time, there is also a drawback, i.e. the possibility of violating the right of privacy. The concept of privacy right was first proposed by Warren and Brandeis (1890) in their article “The Right to Privacy”:

*The common law secures to each individual the right of determining, ordinarily, to what extent his thoughts, sentiments, and emotions shall be communicated to others. He can never be compelled to express them (except when upon the witness-stand); and even if he was chosen to expression, he generally retains the power to fix the limits of the publicity which shall be given them. [...] In every case the individual is entitled to decide whether that which is his shall be given to the public. No other has the right to publish his productions in any form, without his consent. This right is wholly independent of the material on which, or the means by which, the thoughts, sentiments, or emotion is expressed.*
The traditional form of privacy right infringement is mainly through oral and written ways. With the continuous development and updating of network technology, a new form appears – Internet infringement, referring to the publishing, dissemination and spying on people’s privacy online and resulting in adverse effects on others. The issue of violating privacy that HFS brings about mainly reflects on those participating in the searching process. Searchers publish the targets’ personal information online without authorization, which potentially greatly influences the work, studying, personal and family life of the subject. Such Internet infringement makes privacy protection more complex. Firstly, tens of millions of people are potentially infringing on the Internet, and the damage to the victims is unpredictable. Secondly, tort behavior is no longer an individual, but a collective action. People participate in the flesh search with the mentality that the law cannot be enforced when everyone is an offender; together with network anonymity, it is difficult to determine the ultimate liability for the infringing act. In addition, the above case studies show that the information HFS exposes usually is not only belonging to the parties involved, but also their friends, colleagues, family members and sometimes every aspect of their life, so information protection here might cover a wide scope.

To make a long story short, the reality is that a large population is engaging in HFS activities in pursuit of justice, and this kind of endeavor may be conducted in the fields where laws fail. Despite the authorities’ strict control over online content, more and more netizens tend to exercise the imposing of social norms and seek justice on their own in the grey area of censorship (Bu, 2013). Furthermore, “the uncontrollable impact of cyber-violence, infringement of privacy, and dissemination of false information sometimes brings disaster to individuals”, and people increasingly realize that “the Internet is no longer a virtual world completely separated from the real world, but rather an aspect of offline reality, and that they may suffer the impacts from their online behavior in the real world” (Xiu, 2012). This thesis primarily discusses HFS activity when it touches on privacy violations rather than just a searching tool, to answer the question “how do human flesh search activities conducted by
China’s Internet users using social media influence ordinary individuals’ privacy in relation to norms, legal regulations and free speech”. Building on the preceding discussion and examples, the following sections will be focusing on these aspects specifically.

5.2.1 Privacy and free speech

Freedom of speech is an important right for citizens to express their opinions, claims, and points of views; and also it is the premise and foundation to enjoying other rights and freedoms. The right to privacy, as mentioned above, is the right for citizens to be alone, emphasizing on the protection of citizens’ private life from being disturbed and their personal space from being infringed. The development of modern civilized society makes citizens pay more and more attention to the enjoyment of personal space and the maintenance of personal secrets. The purpose of free speech is to satisfy the desire of people to express themselves, pursing the diversified development of society; the privacy right seeks to protect the personal life of citizens from interference and invasion by others. Therefore obviously, there are inherent contradictions between freedom of speech and privacy. In practice, “the Internet offers unprecedented opportunities for personal expression and communication, while easy access to personal information reveals profound implications in the online collision between free speech and privacy” (Bu, 2013), and the collision will be discussed from two perspectives depending on different aspects of the right to privacy.

1. Tension between free speech and civil servants’ privacy

Civil servants, including political officials of state organs and relevant organizations, social activists and so on, are closely connected to the state and public interests with their performing of official duties and their personal images. Freedom of speech gives citizens the right to know about relevant issues related to public interests. Citizens shall enjoy the right of supervision and participating in social management, and also knowing information about civil servants’ background, experience, and property status, etc. The problem is how to
define which information of civil servants is within private scope. This results in violation to privacy rights when the disclosure of civil servants’ personal information is beyond the scope of their work-related matters. From this perspective, then the flesh searchers in the “watch uncle” case do violate privacy because those watches and belts are clearly not related to official work. However, information including watches, Yang’s work and educational experience is public on the Internet in the first place and cannot be counted as private information. On the other hand, Shaanxi government refuses to publish Yang’s personal income status which is considered to have a certain inhibiting effect on uncovering undesirable social phenomena such as corruption and bribery, and such refusal is against the public’s right to know which is the basis for freedom of speech, arouses public discontent and triggers a conflict between citizens’ right to free speech and civil servants’ right to privacy.

2. Tension between free speech and ordinary citizens’ privacy

Ordinary citizens, unlike celebrities, do not have the advantage of occupying a large number of social resources. Their behaviors usually do not arouse wide public interest, nor involve public benefit. But when a certain event occurs, some ordinary citizens will become special public figures, and the publicity of their identities is limited to the certain hot event. In other words, the publicity of the ‘temporary’ public figures should be limited to the publicity that is related to the public event, and after the end of the hot issue, they should be able to go back to their normal life. For instance Liu in the overseas student case, was just an ordinary person until the event happened, which made her a public figure. It is understandable to meet the public’s concern and curiosity by spreading information and content related to the hot issue; however, the exposure of personal information that has nothing to do with the hot issue constitutes an infringement of citizens’ right to privacy. When Liu and anyone else who has been flesh searched are not public figures anymore after the events, they might go back to life that is not as normal as they used to have.
HFS itself is built on the basis of free speech, as people freely express their opinions and ideas without worrying about legal risks, to help finding answers according to their different living environments, educational backgrounds, experiences and so on. Internet users’ free discussion through HFS exposes Yang’s corruption, and also they freely express their dissatisfaction regarding to Liu and the murder case. Whether the judgment and the content of the speech are correct or not, or whether they accord with the mainstream values of the society or not, it all should be included in the guarantee of freedom of speech. The government should create an environment and atmosphere for citizens to express themselves freely without undue restrictions. However, freedom of speech is not absolute. Although freedom of speech is a fundamental constitutional right, it is in fact a limited one. Excessive assertion of freedom of speech will lead to improper and unreasonable impairment and infringement of other rights and freedoms of citizens, for example, the right to privacy. Harassing phone calls and text messages undoubtedly influence Liu’s private life, she is fired and afraid to go outside, and even if she acts against social ethics and morality, that should not lead to the loss of her basic rights. Therefore, the law must be “revised to provide more effective protection against the intimidation and harassment resulting from privacy violations” (Bu, 2013), freedom of speech should also be restrained accordingly, and its exercise must be based upon not infringing the legitimate rights and interests of other people, society and the state.

The two case studies discussed above are both examples of conflicts between freedom of speech and privacy. On the one hand, people are keen to talk about social issues and other people’s personal affairs, expressing their own views and opinions; on the other hand, people also do not want their private life exposed too much to the public. How to balance between freedom of speech and privacy? In view of the fact that both of them play an indispensable role in constituting citizens’ basic rights, it is not easy to make an either/or choice, but it should be considered in specific cases to seek the balance between personal interest and public interest conflicts. Whether to focus on protection of free speech, allowing
a certain degree of privacy violation, or to focus on protection of privacy, limiting speech to some extent, is a problem needed to be considered and solved in judicial practice.

It is without question that the most favorable way to protect freedom of speech and privacy is through legislation. In China, many rights are stipulated in the form of law, which provides a legal basis for protection; in contrast, imperfect development of the rule of law makes the conflict between laws and regulations inevitable, and correspondingly brings the conflict between different rights. Chinese laws such as the Constitution, the Criminal Law, the General Principles of Civil Law and Minors Protection Law have made corresponding provisions over freedom of speech; however, it is only confirmed as a political right but not regulated as an independent personal right. Similarly, regulation of the right to privacy is also defective. The lack of legislative provisions has become the reason for the conflict between freedom of speech and privacy in China. Furthermore, Chinese legal systems have been trying to achieve a balance between controlling the increasing infringements and promoting Internet development and free speech (Tao, 2012), but differ from the situation in Europe where privacy and freedom of expression have presumptive equality and are balanced depending on the particular facts of each case (Lord Neuberger of Abbotsbury, 2010). Chinese courts normally weigh privacy pretty heavily against free speech, through the efforts of mass censoring and filtering mechanisms (Bu, 2013).

5.2.2 Network regulations and censorship

China has a number of regulations regarding to the production and distribution of information on the Internet. There are two regulatory options. The first is to “impose strict restrictions on institutionalized news production” (Han, 2018: 5), i.e. only state media can publish original news stories online. The second is to “create a set of criteria to determine whether online content is legitimate, thus publishable” (Han, 2018: 6). The ‘basic law’ of Internet content regulation (Han, 2016), the Internet Information Services Management Measures (IISMM), lists nine categories of prohibited content, including contents that
(1) Oppose the basic principles of the Constitution;

(2) Jeopardize national security, divulge state secrets, subvert the government and disrupt national unity;

(3) Harm national honor and interests;

(4) Instigate ethnic hatred and discrimination and disrupt ethnic unity;

(5) Disrupt national religious policy and promote evil cult and feudal superstition;

(6) Disseminate rumors, disturb social order and disrupt social stability;

(7) Disseminate obscenity, indecency, gambling, violence, homicide and terror, or abet crimes;

(8) Libel or insult people, and infringe on people’s legal rights and interests;

(9) Are prohibited by other laws and regulations.

These nine categories are the basic clauses to all content regulation rules, including Internet Electronic Bulletin Services Management Rules (IEBSMR) that regulate the primary site of HFS, i.e. online forums such as SinaWeibo and tieba.baidu.com.

Taking SinaWeibo as an example (due to the case studies discussed above mainly having taken place on SinaWeibo), to maintain the order of SinaWeibo community, promote ‘social harmony’ on the web, and safeguard the users’ legitimate rights and interests, SinaWeibo Community Management Center (SWCMC) has formulated regulations and censorship in accordance with the nine categories, its basic principles dealing with violations as follows:

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31 Weibo Community Management Regulation (Trial), see :http://service.account.weibo.com/roles/xize
Clause 5:

Users who have completed the true identity authentication can report any violations using the "offence-reporting" function provided by SinaWeibo. Users who have completed the authentication of true identity include: personal authentication users, institutional authentication users, cell phone binding.

Clause 7:

For the violations that can be clearly identified, they will be handled directly by SWCMC; and for other violations, they will be handled after the judgment has been made by the community committee\(^{32}\) by way of majority voting within the time limit.

Clause 17: User disputes related violations, including:

(1) Disclosure of the privacy of others, mainly as:

1. Disclosure of personal information: Release another person's real name and ID number, telephone number, home address. Except for the user's information that has already been released to the public, as well as those involving the public interest.

2. Disclose other information: disclose information against others' will, which does not harm society. Such as: sexual orientation, physical and mental defects, property status, mail and communications, and so on.

(2) Personal attacks, mainly as:

\(^{32}\) The community committee is composed of SinaWeibo users recruited in public. There are two types of community committees: the general committee to determine disputes, and the expert committee to determine false information.
1. Insult: insulting remarks to hurt others.

2. Defamation: deliberately make false information to destroy the reputation of others. The misunderstanding is not applicable to this provision.

Clause 23: Punishment for violations of user disputes, including disclosure of the privacy of others and personal attacks:

1. If the privacy of others was released through the comments, delete the contents, and deduct 1 Credit Point\textsuperscript{33};

2. If the privacy of others was released through the micro-blogging, delete the contents, and deduct 2 Credit Points;

3. If the circumstances are flagrant or serious consequence, ban the information publisher from posting for more than 3 days, and deduct more than 3 credit points;

4. If the account exists for the purpose of disclosing the privacy of others, freeze the account.

Clause 24: Penalty for users who breach the rules multiple times:

(A) For any user who has been punished for 5 times for posting violating micro-blog content within 30 days, will be banned from posting micro-blogs within 48 hours;

(B) For any user who has been punished for 5 times for leaving violating comments on

\textsuperscript{33}As part of the user information, credit points can reflect the user’s short-term credit rating. The initial credit points are 80 points; when the credit points are less than 60, the user’s home page will display “low credit” icon. There is a credit point recovery mechanism, however for the users whose credit points have been deducted to 0, their account will be frozen.
micro-blog within 30 days, will be banned from comment of any micro-blog for 7 days.

Sina Weibo is equipped to unceasingly monitor online comments and postings and as a matter of fact, it does spend a lot of time and effort to censor sensitive content. This ability is magnified by the growing committee team that has 4000-8000 members now and the development of the data-oriented parsing (DOP)\(^\text{34}\). It can be clearly seen from the above terms that deletion is one of the main ways of Sina Weibo’s censorship, and when multiple deletions proved not to be effective, Sina Weibo management center will eventually take the step of freezing the account. In the overseas student murder case, the value of privacy overweighs the value of freedom of speech since “the online speech involved a matter about private individuals of private concern” (Shen, 2016), which might be the reason that triggers deletions. However, there are several problems regarding to this censorship. First, how to decide if the speech is of public or private nature? In terms of content, information censored in Liu’s case does include her personal phone number, home address, or abusive words towards an individual. It is considered as disclosure of private information and thus censored. But some people argue that publishing Liu’s information and forcing her out is beneficial for facilitating the case investigation due to the fact that Liu is the only witness, so her information is of public interest and can therefore be published. People do not understand why their speech is deleted and they are unsatisfied with such censorship, which leads to the second problem – to what extent is this kind of censorship effective? Despite the strict control over online content, Internet users are finding ever more creative ways of evading censorship. As Tania Branigan (2010) from The Guardian observes

> While China has the world’s most sophisticated Internet censorship system, it also has almost 400 million Internet users – at least some of whom are challenging those

\(^{34}\text{Data-oriented parsing (DOP, also data-oriented processing): is a probabilistic model in computational linguistics. Unlike other probabilistic models, DOP takes into account all subtrees contained in a treebank rather than being restricted to, for example, 2-level subtrees. See: https://en.wikipedia.org/wiki/Data-oriented_parsing}
restraints with increasing boldness. Controls mean that almost everyone self-censors to some degree. But some have used the variations and gaps in the system to stake out spaces where they can find or share viewpoints that are not officially sanctioned.

The best proof of netizens trying to “exercise social norms and seek justice on their own in the grey area of censorship” (Bu, 2013) is that although original postings and some comments involving personal information are deleted, forwarded postings mentioned Liu and Chen’s phone numbers and addresses can still be found out (see Figure 21). While SinaWeibo may block some channels of communication on its website, netizens are still able to disseminate information by using links to other sites, e.g. tieba.baidu.com (see Figure 15 & 20). Rather than directly saying “this is Liu’s address”, the Internet user uses a more obscure way by stating “we should oppose statement like ‘Liu is living in ...” (see Figure 27). All these examples prove that censorship fails to fully stop the spread of private information; what is more, the deletion behavior arouses public anger and can be seen as a representation of the Streisand effect, referring to a phenomenon whereby an attempt to hide, remove, or censor a piece of information has the unintended consequence of publicizing the information more widely. That is to say, censorship in the digital world is completely ineffective, as once people realize that certain information is being kept from them, their motivation to access and spread will increase.

While censorship in Liu’s case is useless or counterproductive, media’s reaction towards the “watch uncle” case can be seen as sort of ‘tolerance’ of HFS via a loose pattern of online censorship. Researchers argue that under the sophisticated censorship mechanism, HFS searches could be easily removed, yet many of them are popular and vocal, because the

35To avoid disclosing Liu’s personal information, (...) is used instead.

36More info see: https://en.wikipedia.org/wiki/Streisand_effect
government’s ambiguous attitude towards the Internet gives HFS a chance to survive (Gao, 2016; Han, 2018). The government is aware of the potential of the Internet in monitoring corruption. As Han (2018) explains, the government’s ‘tolerance’ of HFS that targets corrupt officials is not necessarily a divergence from heavy-handed regulation but part of a flexible Internet governing strategy. In other words, strict network regulations are applied to control the flow of information online about ordinary people’s privacy, while allowing corrupt officials’ private information to be published.

5.2.3 HFS regulations and privacy law in China

In 2008, large communities including Mop, douban, tianya BBS and tieba.baidu.com, etc. designed a HFS pact37, aiming to morally standardize information dissemination and deepen people’s understanding towards the positive meaning of HFS. The pact contains eight terms:

1. Observe law and discipline, maintain network harmony;

2. When human flesh searching, stick to the principles of openness, impartiality and fairness, to conduce informative HFS that is beneficial to others;

3. Not participate in searching others’ privacy;

4. Not publicize others’ private information in public places;

5. Events involving “corruption” and “praising virtue and punishing vice” cannot be bound by the third and fourth terms;

6. The content of HFS should be authentic, the information providers should be responsible for the authenticity;

37 The pact can be found on: https://www.douban.com/group/topic/5032183/
7. Use civilized language, not participate in malicious HFS;

8. To improve correct understanding towards HFS.

All of these terms are based on the premise of censorship and Internet users’ self-discipline. When netizens cross the line by disseminating personal information of others or harassing other people with abusive words, legal regulations are needed to protect individuals’ safety and privacy. However, the Constitution of the People’s Republic of China does not expressly grant a right to privacy as a fundamental right of its citizens. Ong (2012) lists several principles related to privacy, for example, Articles 38 and 39 of General Principles of Civil Law (GPCL) 1986 provide that personal dignity and the homes of citizens are inviolable; and Article 101 stipulates that Citizens and legal persons shall enjoy the right to reputation, which is a more relevant albeit indirect form of privacy protection. In a word, the GPCL neither explicitly puts forward the right to privacy as an independent personality right, nor puts forward the protection of privacy. Although there are provisions on privacy in the judicial system, the legal effect is lower than the GPCL, which makes the result of execution lawsuit not good from the point of view of effectiveness.

Liu sued Jiang for violating privacy, and the progress and outcome of the lawsuit are still unclear, but there is a precedent for reference. Wang Fei’s case, mentioned earlier in this thesis, is the first lawsuit against HFS. Wang had an affair which deviated from the social moral standards and caused his wife to commit suicide, and due to the fact that HFS was used to expose on the Internet his personal information including home address, work place and cell phone number, he was abused and his parents were also harassed by angry netizens. Such behavior crossed the line and made the court decide the website where the HFS took place to lose the case and compensate for Wang’s mental damage. The trial court found an infringement but only awarded Wang a very low amount in damages. He then filed an appeal, but the appellate court concurred with the lower court and affirmed the ruling (Han, 2018). It is difficult to reign in public’s interest for looking at others; the power of public opinion
cannot be underestimated. The court managed to find a balance between the law and popular opinion, but Wang Fei’s case still shows that even if laws appear on the books, it is hard to control HFS activities that cross the line because people speak and act anonymously and virtually online, which makes them untraceable. Some targets of HFS have taken their incidents to court, but it is unlikely to be able to blame a single perpetrator with solid evidence.

In addition, people’s weak awareness of protecting privacy also makes the enforcement of law difficult. For example, there is an online voting on SinaWeibo about “whether you support Liu suing Jiang for violating privacy or not”: 2370 (17.5%) people express their support, 11886 (76.1%) users object to the decision, the rest 1002 (6.4%) do not care either way. These numbers may be imprecise or biased, but to some extent it shows that many people lack the sense of privacy protection. The court was under pressure from the public opinion, considering that an immoral person like Wang does not deserve privacy, and a similar view and force of public opinion can also be found in Liu’s case, which suggests that the right to privacy needs to be gradually improved through laws, as well as strengthening civic awareness.

6. Conclusion

As a new type of search engine, HFS itself is a simple search tool and a new way of collecting and producing information. The problem is that in the process of using it, the question has arisen as to whether it is used properly. If used correctly, HFS can make up for the inadequacy of traditional search engines to reach effects in looking for lost relatives,

38 Online voting at:
https://www.weibo.com/2318377532/FAOt3FbPk?refer_flag=1001030103_&type=comment#_rnd1527978238064
revealing social illusions, assisting government agencies in solving cases, and facilitating public supervision, etc. However, when HFS crosses moral and legal lines, it loses its original purpose of trying to help others, and might lead to cyber violence and violating privacy.

China’s huge population makes it easy to mobilize a large number of netizens to participate in collective searches. Together with the convenience of the Internet and the absence of law, people decide to take matters into their own hands. Anonymity is one of the main factors in enabling information in HFS to be spread quickly and widely. Internet users freely express their views without the need of affixing their real names and worrying about negative consequences their speech might cause. In this way, it is conducive to seeking truth from facts by public opinion. Therefore, HFS is a platform to reflect the aspiration of the masses and also an effective way for the masses to conduct supervision. On the other hand, the implementation of HFS is mostly out of moral principles, publishing personal information such as phone numbers, home addresses, work places and so on to facilitate the public easily locate certain individuals or groups. In the meantime, this disclosure of information violates the right to privacy, as the person in question is still entitled to privacy even if he or she is guilty. Thus the publishing of searched information should be strictly regulated, but the Internet’s characteristics such as anonymity and virtuality make it difficult to implement such regulations.

That is to say, the ‘moral standards’ imposed are standards according to a certain group of people, in practice those who shout the loudest on the Internet, regardless of their standards, can form a kind of mob rule. For example, when there are people who oppose the rights of certain sexual minorities, and proceed to do human flesh search on such minorities, they may help to increase the stigma of these groups of people and further make them ‘undesirable’ in society. This is because groups of people can easily get together online to form a group among people sharing similar opinions, so the empowering aspects of the Internet can also be used like this
In many cases, flesh searchers disclose others’ private information under the banner of pursuing justice and promoting social morality. This is in fact a phenomenon of cyber violence which reflects a conflict between virtual network regulation and legal regulation. When the improvement of the law lags behind the development of social reality, the legal system needs to be updated and improved in time. Likewise, it is important to raise people’s understanding of the consequences of their online activities and their awareness of privacy. While protecting our personal privacy, we should also respect others’ privacy.

To deal with HFS, the establishment of network real-name system can be an effective way to make the virtual identity online correspond to the identity in the offline world. For one thing, a real-name system enables Internet users build self-discipline awareness, preventing them from taking advantage of anonymity to insult, defame or even infringe rights. For another, it provides sufficient evidence for pursuing the responsibility of the infringers. However, the practice of real-name system has been controversial: people who oppose it argue that the system violates the rule of free speech, and web users may stop revealing the truth out of concerns about disclosure of their real identities. In other words, solutions are difficult to implement and would require the collaboration of different parties (the government, social media platforms, users) which can be difficult to achieve as they can have conflicting interests.

Human flesh search not only plays a positive role in both online and offline society, but also inevitably brings negative effects. While understanding of HFS in regard to its features, operation process and possible consequences, the more important it is based on these understandings, to figure out how to correctly guide the development of HFS and how to deal with the potential side effects it causes. For this thesis, qualitative data was collected and the method of case study was used to analyze two famous HFS cases. However, these cases span a long time and cover incompletely the entire HFS phenomenon, and thus more quantitative and empirical HFS studies are needed in future studies, and also, different research methods are recommended to variegate HFS research and to improve old theories on HFS.
To sum up, HFS is a double-edged sword, and it should be treated objectively by neither stifling its future nor condoning its shortcomings, but it needs reasonable laws to regulate, also needs people to raise their awareness of the consequences of online activities, including legal ones, so that HFS can make full use of its positive effects rather than infringing citizens’ basic rights.

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