Chapter 14
Casting the Ubiquitous Net of Information Control:
Internet Surveillance in China from Golden Shield to Green Dam

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ABSTRACT

Alongside the quick rise of the Internet as a pivotal economic and cultural force in Chinese society, the Chinese government has implemented a two-tiered strategy in coming to grips with the great potentials and underlying risks associated with the network era. This chapter offers a critical, in-depth overview of China's state-orchestrated Internet surveillance apparatus from the Great Firewall to the latest Green Dam project. It first examines the conceptual and historical evolution of the Golden Shield program, followed by an analysis of the legal framework through which official regulation is justified or rationalized. Next, the chapter looks at the prevalent practice of industry self-regulation among both Chinese and foreign companies engaged in online business in China, and it ends with the discussion of the aborted official effort of extending content control to individual computers with the Green Dam Youth Escort project.

INTRODUCTION

Three decades of explosive economic growth in China has led the country on a path of unprecedented transformation. A centerpiece behind China's quick rise as a global economic power has been the ongoing telecommunications revolution across different sectors and regions in the country (Harwit, 2008). Triggered by decades of spectacular boom in the IT sector as a direct result of state-guided development and meticulous government intervention, China unseated the United States, the long-time No. 1 in the world, to become the global leader in technology, media and telecommunications (TMT) products and services in 2007 (Morgan Stanley, 2009). In five core areas as measured by landline phones, mobile phones, cable subscriptions, Internet use, and installed PCs, China takes the lead in four while lagging only behind the United States in the remaining (i.e., installed PCs) area. In particular, the Internet, which boasts 384 million users in

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China as of June 2009 (China Internet Network Information Center, 2010) and whose staggering growth shows no signs of slowing down in the years ahead, has been a key cornerstone of China's state-orchestrated informatization strategy (Harwit, 2008; Tai, 2006).

As a vital part of the overall scheme of openness to the outside world, China has successfully incorporated the enthusiastic participation and much-sought-after contribution from global telecommunications giants such as Yahoo, Google, Cisco, Microsoft, and SunMicrosystems in its informatization strives (Cherry, 2005; Israel, 2009; MacKinnon, 2008; Santoro, 2009), and has attracted considerable global capital in financing pillar IT enterprises (Harwit, 2008; Segal, 2002; Tai, 2006). Meanwhile, it has implemented a wide array of national policies to foster a rising core of highly innovative and globally competitive Chinese high-tech enterprises encompassing major areas of IT research and development (Ning, 2009; Segal, 2002). Side by side with the increasing penetration of the Internet into every aspect of Chinese society are two simultaneous initiatives by the Chinese party-state to solidify its authoritarian control of a fast-changing society by harnessing the disruptive and freewheeling nature of information technology: one is characterized by a series of legislative acts and administrative directives to (il)legalize behaviors and prescribe content online, and the other is marked by the construction of "one of the largest and most sophisticated filtering systems in the world" (OpenNet Initiative, 2009a: 1). The latter, officially called the "Golden Shield" project and fully implemented in 2003, is more commonly known as the "Great Firewall of China." But China's online surveillance apparatus is multifaceted and multilayered in nature, encompassing many more formal and informal arrangements and approaches than the Great Firewall and co-opting a multitude of state as well as non-state actors and entities in effecting an evolving multi-dimensional regulatory and control mechanism that has few parallels in the world.

BACKGROUND: THE RISE OF SURVEILLANCE SOCIETY

The omnipresence of multiple platforms of information technologies and devices in the networked society has fundamentally transformed surveillance practices of the modern nation-state (Lyon, 2001). Ubiquitous interactivity and connectivity has led to the rise of "total surveillance society" (Parker, 2001; Rule, 2002) and "maximum security society" (Lyon, 1992; Marx, 1988) in which pervasive, perpetual, invisible, and dispersed surveillance of individuals becomes an undismissible part of everyday life. Dataveillance, or "the systematic use of personal data systems in the investigation or monitoring of the actions or communications of one or more persons" (Clarke, 1988: 499), has become a deeply ingrained ritual of today's social reality. As a result, the gathering and sorting of data has been afforded new dimensions in the "digital enclosure" (Andrejevic, 2007). Compared with the conventional state-centric scheme of social control in the industrial age, the hallmark of surveillance in the information society is the massive participation of, and indeed, oftentimes domination by, commercial interests and non-state actors in the expropriation of scattered private data that can be aggregated for a variety of monitoring schemes (Gandy, 1993; Haggerty & Ericson, 2000). Such "monitoring, observing and tracing" has nowadays expanded the "net of social control" (Cohen, 1991) to the mobile world (Lyon, Chapter 13 in this volume).

The logic of bureaucratic surveillance involving state apparatus typically hinges on justifications from two grounds: national security and crime detection/prevention (Lyon, 1992). This is applicable in democratic societies as well as authoritarian and totalitarian regimes. That the state is likely to exercise its surveillance capacity to maximize its control power is highly congruent with Levi's (1981) theory of predatory rule (although she primarily conceptualizes it in the context of wealth and revenue accumulation). In