



Ai Weiwei and Free Expression in the 21st Century

In *1000 Years of Joys and Sorrows*, the artist Ai Weiwei gives us a remarkably accessible window into recent Chinese history. By sharing the harrowing life story of his father, the poet Ai Qing, and his own frightening experiences as a designated “enemy of the state,” Ai Weiwei offers Western readers the chance to develop necessary and important perspective on China’s rise to global prominence in our lifetime. What lessons can we learn from Ai Weiwei about freedom of expression and the shifting sands of political change?

In 2002, Ai Weiwei collaborated with a Swiss architectural firm to design what would become the Bird’s Nest stadium for the 2008 Beijing Olympics. He was elated and proud of the design. “The design of the Bird’s Nest,” he writes, “aimed to convey the message that freedom was possible: the integration of its external appearance with its exposed structure encapsulated something essential about democracy, transparency, and equity.”

But as the Olympics neared, Ai Weiwei became concerned by the vast demolition efforts that displaced thousands, and he resolved “to put a distance between myself and the Olympics, which were serving as nationalistic, self-congratulatory propaganda. Freedom is the precondition for fairness,” he writes, “and without freedom, competition is a sham.”

Ai Weiwei saw increasing success as a contemporary artist, gaining renown for his striking installations, such as **1001 Chairs**, shown at *documenta12* in Germany and **Sunflower Seeds**, at London’s Tate Modern in 2010. But his standing with the Chinese authorities deteriorated with each passing

year. In April 2011, Ai Weiwei was detained by the Chinese police and held for 81 days in a form of detention called “residential surveillance at a designated location.” He was isolated, confined outside the regular prison system, and denied legal representation and visitation rights.

As one might imagine, his confinement led him to reflect deeply on his life, and in particular, to think about his relationships with his father and his son, Ai Lao, at the time barely a toddler. Ai Weiwei found that he regretted not having learned more about how his father felt about his own life’s arc. Born in 1910, Ai Qing’s long 20th century included several years exploring Paris when he was young; arrest and imprisonment as a Communist in 1930s Shanghai; conflicted engagement with the Chinese nationalist cause, and then two decades of harsh internal exile along with the humiliations and deprivations of “rectification” for being a “rightist.”

Born to an ‘enemy of the state,’ Ai Weiwei came by his art, his activism and his advocacy of freedom naturally. In 1967 the Cultural Revolution was underway, and Ai Weiwei was 10 years old. He, along with an older step-brother, went with Ai Qing to live in exile in “Little Siberia” where their hardships, in addition to the extremely primitive living conditions and meager food supplies, included regular humiliation of his father by the workers, who were encouraged to despise those in the “Five Black Categories” — landlords, rich peasants, counterrevolutionaries, bad elements and rightists.

At this time, the directives of Chairman Mao were transmitted daily to the masses, copied down from telephone calls and then read out nightly

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at required public meetings. These were the “direct communication of a leader’s thoughts to his devoted followers, enhancing the sanctity of his authority.” Ai Weiwei describes the overblown language of this indoctrination as having “hypnotic or narcotic properties. Everyone,” he writes, “was possessed by it.” This went on for years, cementing the workers’ relationship to the Party as well as their vitriol toward their enemies— for, as Ai Weiwei notes, “the revolution needed to have enemies — without them, people would feel a deep unease.” To Ai Weiwei, the late-night tweets from Donald Trump were a stark reminder of Mao’s communication regime, and seemed to serve a similar function as they vilified the “other” and divided our people from one another.

When I was teaching US Law to non-US lawyers, I devoted substantial time to the development of legal free speech protections, and the discussion amongst my foreign students was always about “how to keep bad info” from the people. Our free expression jurisprudence is based in part on the rationale that the free market of ideas will enable good ideas to beat bad ideas in imaginary head-to-head combat. The US Bill of Rights created a radical, fundamental limitation on state power, and protects the individual’s rights of free expression against the government, regardless of which political party is in control. This fundamental right to freedom of expression was a confounding idea for many students coming from a wide range of political traditions.

Both Ai Weiwei and his father’s life experience reinforce the lesson that a fundamental legal and political commitment to every individual’s freedom of expression ensures not only a space for art, but for democracy. In autocratic, totalitarian countries freedom of expression is seen as a threat, and there is an unrelenting drive to maximize control over what people see, hear, say and do. When political forces, including grass roots movements, deny freedom of individual expression — either explicitly

or implicitly — they can become as autocratic as the groups they oppose.

Ai Weiwei notes that “Ideological cleansing...exists not only under totalitarian regimes — it is present also, in a different form, in liberal Western democracies.... It is not hard to find examples today of people saying and doing things they don’t believe in, simply to fall in line with the prevailing narrative and make a superficial public statement.” Both conservative and progressive advocates today seem to have forgotten the powerful American credo— following Voltaire — that while “I wholly disapprove of what you say, I will defend to the death your right to say it.”

In fact, the world we live in is not a jousting field of ideas but an ocean of information. We are barely staying afloat in turbulent waters of opinion and information, and there isn’t any way to ensure that people do not believe “bad information,” which many may do if their social standing and personal relationships are tied to agreeing to a set of ideas. Bad ideas can and will beat out good ideas, at least for a time, as they did during the Chinese Cultural Revolution. However, notwithstanding the information challenges of the 21st century, we must hold fast to our free speech traditions. As Ai Weiwei says, “To speak is better than not to speak...one person’s silence exposes another to danger.”

My perspective has been shaped by a lifetime of concern grounded in the study of international affairs, geography/hydrology, and law. A full bio is available at www.linkedin.com/in/lydialazar/.