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Illiberalism in China: Cultural Sources and Institutional Practice

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Politics in China can not only be characterised as illiberal but also authoritarian. Since coming to power in 1949, the ruling party, i.e., the Chinese Communist Party (the CCP), or the Communist Party of China (CPC) as the party prefers to be called, controls policymaking and key personnel appointment at all levels. No open and competitive national level elections are held. The CCP also censors media and social media and reserves the sole privilege in interpreting the correct ideology.

It is helpful to give a very brief historical overview of China's politics since 1966, before I discuss illiberalism and authoritarianism in China. During the last decade of Mao's rule (1966-76), personal cult was the prevailing norm, Mao's words trumped official rules, and ideological correctness prevailed over technical qualification. Political changes were introduced by Deng Xiaoping, the paramount leader in China from 1978-93, who wanted to pursue economic reform. First, collective leadership was hailed as the norm by the Party (Lieberthal 1995: 186-88) and was sustained until 2013, well after Deng's death in 1997. The core leader, as well as other top leaders, such as the Politburo Standing Committee Members during 1994-2013, would have a say in the state affairs. Furthermore, the Constitution, the key branches of the legislature, the courts and the administration, which had been side-lined during late Mao's era, were revived under the Party's leadership (Saich 2015: 137-46). Moreover, echelons of national and local young and better educated leaders with technocratic rather solely political experience were promoted (Lieberthal 1995: 230-37).

In 1992, in the wake of the Tiananmen crackdown and retrenchment of economic reform Deng revived marketization, and the CCP embraced Deng's formula of marketization without democratization (Lai 2006: 62-7; 89-90; 108). During the period of 1993-2013, the Chinese leadership was preoccupied with overhauling economic, legal, and administrative institutions to further marketization, preparing for China's entry into the World Trade Organization (Lai 2006: 31-59), and reducing income gaps between the urban and rural and between the coastal and inland residents (Lai 2016: 105-46).

In terms of political liberalism in daily politics in China, it peaked in the 1980s, when waves of intellectual debates, protests and political opening took place, culminated in the Tiananmen Movement in 1989. The suppression of the movement led to the disappearance of open intellectual debates over democratization despite the activities of dissidents and infrequent discussions on political reform. During 1989-2013, the most liberal trend was probably schemes of encouraging political participation by the citizens or party cadres. However, except for village elections most of these schemes have been halted since 2013. Xi, the new core leader since 2013, has focused on crackdown on official corruption, as well as control of ideology, media, and social groups.

The remainder of the chapter will be a long discussion on illiberalism in culture, politics and the economy and regarding social rights in China, focusing on its cultural sources and institutional practices. The discussion will start with the Chinese state's stance on rights of citizens and rule of law, and then move to a scholarly debate on the Confucian view on individual rights, obligations and obedience, as well as its effects on democracy. This section will be followed by a discussion of illiberalism in society and restrictions of social rights through the examples of population control and

religions. Next will be a section on political illiberalism and liberalism, outlining liberal political schemes in political participation, the state's censorship of media and social media, and assertive authoritarianism under Xi since 2013. This will be followed by a brief discussion of illiberalism in the economy. Afterwards authoritarianism in China will be very briefly compared to that in other East Asian economies, and a conclusion will be made.

One caveat, however, is worth mention. In the existing scholarly literature illiberalism in China is rarely purposively analysed. This chapter thus makes use of a relatively limited number of studies in English. I hope to shed light on the possible causes and debates on the perceived illiberalism in China instead of levelling simplistic criticisms against it.

Party-state's stance on rights and rule of law

Over rule of law and individual rights, Peerenboom (2002: 71-91) identified four stances, namely, liberal democratic, communitarian, neoauthoritarian, and statist socialist (ibid: 103-9). Even though he did not assign one type exclusive to China, his discussion revealed that China came close to the statist socialist stance. According to him, statist socialists argued that liberty should be traded off for high economic growth, and that individual freedom should be subject to the higher social interests of stability and economic prosperity. Moreover, statist socialists held that social unity and harmony should prevail over social autonomy, that unity of thought in the society is preferred over individual freedom and pluralism, and that the state should remain sovereign in deciding its policies and restrictions on individual rights for this purpose. State socialists would also maintain that rights were bestowed by the state on people. This statement contravenes the CCP's public statements that power comes from people, but is widely accepted by officials and common people given the actual political predominance of state in China (ibid).

In the line of this argument, one could easily infer that the statist socialist government in China has been adopting an illiberal legal regime by introducing illiberal laws that restrict the civil society and non-governmental groups (NGOs), by offering limited protection of rights especially political ones, and by acting as a modest constraint on governmental power. Importantly, law is used as a tool to improve government efficiency and help the state to resolve disputes, instead of restraining the power of the Party (Peerenboom 2002: 108-9).

Under Xi the state endeavors to delineate a Party-dominated legal system, increase its transparency, and make it more effective. A new National Supervision Commission has been established and is given considerable power to detain and investigate officials for corruption investigation. Transparency of the legal process has been much enhanced, an unprecedented number (in the range of tens of millions) of court judgement on legal cases has been published, and the legal process has been strengthened to reduce official interference (Cohen 2019). Even the existing rules at the grass-roots which have not been enforced have been rigorously applied. As a result, some of the long-existing governance problems at the grass-roots level (such as improper leasing of space in the residential compound to incongruous commercial users) have been addressed.

On the other hand, the Party's dominance over the other institutions is audaciously enshrined, western concepts of human rights are condemned, mention of controversial topics in contemporary China is closely censored, human rights activists and rights-defending lawyers are detained or sentenced, and advocacy civil society organizations are restricted (Cohen 2019; Beja 2019).

The Chinese state did announce measures purportedly to overhaul legal institutions and increase protection of citizens' rights. In 1996 a new criminal procedure law went into effect, declaring one should not be regarded as guilty until convicted by a court. It also abolished a de facto short-term

police detention practice called shourong (or sheltering for examination) that had been widely or excessively applied to migrants as well as suspected criminals (Dreyer 2006: 185). In late 2013, the National People's Congress, the Chinese legislature, declared an end to the reform through labor regime, whereby individuals suspected of violating state rules were detained and "re-educated through labor". Nevertheless, some human rights organizations maintained protestors and dissidents were still subject to reform by labor or illegal detention. Cohen (2019: 237) suggested that the terminated "re-education through labor" has been replaced with "legal education" or "education centers". The former is applied to minor criminal offenders such as drug users and prostitutes. The latter is widely reported to have been used to detain tens of thousands of Muslim ethnic minorities in Xinjiang (especially Uighurs). The Western governments and news media perceive the education centers as an institution infringing on the human rights of the Muslim ethnic minorities and erasing their cultural identity in Xinjiang. On the other hand, the Chinese scholars and government argue that these centers help effectively de-radicalize the Muslims and equip them with needed technical skills in the contemporary economy and that thanks to tightened security measures and the centers no terror attacks and violent acts have occurred in Xinjiang since 2016.

Illiberal Confucianism? The Confucian conception of individual rights and obligations and its effects

It is natural for observers to attribute illiberalism and aforementioned statist socialist restrictions of individual rights to the Chinese political tradition and philosophy, especially their key source, namely, Confucianism. Nevertheless, scholars debate and disagree over whether Confucianism is compatible with individual rights and especially liberal democracy. Spina, Shin and Cha 2011 offered an excellent survey of the theoretical and empirical literature on the topic, which I draw upon here. They identify three positions, namely, incompatibility, compatibility and convergence, depending on their interpretation of the core contents of Confucianism, liberal democracy and their political effects. First, scholars "who conceptualize democracy procedurally and Confucianism illiberally tend to advocate the incompatibility argument". They observe that individuals and their rights in Confucian philosophy are secondary to the collective interests of groups and are supposed to observe carefully their role in the society. Confucianism preaches collectivism, social confirmation, and harmony, whereas a procedural interpretation of democracy sees that democracy promotes pluralism, advocacy of individual and group interests and contentions between representatives of these groups or parties (Spina, Shin and Cha 2011). For example, a study (Ling 1994) specifically suggests that the Confucian conception of state-subject relations as parent-child ones is not conducive to democracy, as the state elites regard themselves as parents and feel justified in using violence in disciplining the dissenters who violate the Confucian virtue of filial piety. Second, scholars favouring a substantive interpretation of democracy and a liberal understanding of Confucianism argue that both democracy and the ideal state in Confucianism aim to foster economic prosperity and protect people's physical security, are designed to be led by dedicated, honest, able and selfless leaders, and are bound by accountability and transparency. In addition, Confucian emphasis on education of the mass and on the individual resort to dissent for the sake of justice is said to encourage participation and constraints on the ruler. Third, an increasing number of scholars propose that values from Confucianism (such as emphasis on order, efficiency, and meritocratic rule) and promoted by liberal democracy (such as participation, individual rights, and representative democracy) can be mutually-reinforcing and complementary and that their merger can lead to a stable and vibrant hybrid system (Spina, Shin and Cha 2011).

Empirical studies on the effects of Confucian values on acceptance of democracy in East Asia (such as China, Taiwan, and South Korea) yield mixed results, partly because they emphasize different values from Confucianism (Spina, Shin, and Cha 2011). Nevertheless, the issue may not be as straightforward as Confucian culture versus liberal democracy. In a study published within a few

years after the fall of communist governments in Europe, McCormick and Kelly (1994) suggest that anti-liberalism is an attempt by the state in China to defend Leninism and to fend off the threat from liberalism. In addition, the Chinese values may be changing over the past decades as well. A study found that during 1970-2008 words featuring "adaptive individualistic values" in China grew substantially in frequency, while those indexing "less adaptive collectivist values" rose more slowly in frequency or declined (Zeng and Greenfield 2015).

Illiberalism in management of social groups and entrepreneurs and social policy

In the reform era, with the easing of pervasive political control practised in the late Mao era, social activities and groups have mushroomed. Yet, the state has devised a calculative strategy in response. In the case of religions, religious believers are goaded to join the activities organized by the five religious associations recognized by the state (Type 1). Should this fail, the state would then restrict large-scale groups that are not registered with yet demand autonomy from the state (such as the underground Catholic and Protestant churches) (Type 2), and even crack down on defiant and large religious groups such as Falun Gong (Type 3), while largely turning a blind eye to unorganized social activities such as fengshui and worships of local gods (Lai 2016: 147-167). In a similar vein, Wang (2017) identified three types of religious freedom enjoyed by these three types of religious groups--"conditional freedom" (corresponding to the aforementioned Type 1 religious groups/activities), "limited freedom" (Type 2) and "no freedom" (Type 3). The state justifies its control and even crackdown on large and independent groups by suggesting it serves a higher goal of political stability and economic prosperity. Under Xi, civil society groups and citizen activists are subject to restrictions and legal sentences, a clear departure from the tolerance practiced by his predecessor.

The state's co-optation of private entrepreneurs, the most dynamic and arguably the most forwarding-looking social forces in China, which is studied by Dickson (2008), sheds light on the state's illiberal policy toward new social elites. The percentage of private entrepreneurs joining the CCP rose from 13.1% in 1991 to 32.2% in 2006, dwarfing the 6% party membership in the population (Dickson 2008: 70). In 2005 5.3% of the private entrepreneurs joined the PPCC and the participants tended to have more modern political values. Meanwhile, 10.5% of private entrepreneurs were members of the local or national legislature, and 13.7% members of village committees (ibid 183). While these two organizations granted them more power than the PPCC, these private entrepreneurs tended to have more traditional values and more satisfied with their life, and thus were less likely to challenge the party's rule (ibid 183; 197). It thus appeared that the CCP had successfully co-opted the newly emerged capitalists.

The one-child policy was another example where individual rights were severely restricted for the greater benefits of the society. In 1980, alarmed by robust population growth, overpopulation and its effects on the environment and resources supplies Chinese leaders introduced the one-child policy (one-birth policy to be accurate). In actual implementation, one birth was permitted for each urban married couple, and two births for many rural couples. County and township officials were held accountable by their superiors to enforce the assigned population control quota. In order to avoid their career advancement from being vetoed over this issue, these officials even adopted forceful measures such as "heavy fines, forced sterilization, forced abortion, and even confiscation of furniture and destruction of houses" against violators of the measures, especially in rural areas (Zhong 2003: 134-5). While some scholars suggested other measures such as economic incentives and disincentives would achieve population control, the Chinese government suggested that 400 million births were prevented as over 400 million abortions occurred under this policy (Hvistendahl 2017). A survey in 2008 suggested that three quarters of the Chinese supported the one-child policy

(Pew 2008). In 2016 the one-child policy was eventually replaced by a nationwide two-child policy in China.

Nevertheless, regarding highly explosive issues of social-economic nature that have triggered prolonged popular resistance, the state eventually listens to the protesters and introduced policy addressing their concerns, thereby minimizing some of the persistent cause of protests (Cai 2007; Lai 2016: 113-37). These cases include the abolition of agricultural tax that eased excessive fiscal extraction in the countryside in the 2000s (Lai 2016: 113-37) and enacting laws and regulations that protected the interests of homeowners in the process of demolition in the cities (Cai 2007).

Political liberalism and illiberalism: The Party's roles, political participation and media

In this section I will first discuss the power of the CCP, then move on to discuss village election and democratic initiatives to enlarge public input, and then discuss the state's censorship of the media and social media. The CCP, being the single most powerful political party in the nation, had nearly 90 million members at the end of 2017, up slightly from 86.7 million in 2014. At the national and local levels the CCP manages appointments of key political and administrative posts through Department of Organization (DOO), monitors the media, social media, cultural outlets and the educational system through Department of Propaganda (DOP), manages other political and social groups through Department of the United Front (DUF), and enforces the integrity of the members through Commission for Discipline Inspection (DCI).

Against this context of the Party's political dominance, participation of citizens in social organizations other than the Party (even officially sanctioned ones) and policy making, as well as input on key personnel and policy matters by officials other than the top leader becomes quite meaningful in China. In China, in addition to becoming members of the CCP, political participation assumes officially sanctioned forms such as voting for local legislators, voting for village committees in the countryside, and joining the eight satellite parties, labor unions, women associations, and professional associations that are officially sanctioned and often monitored by the state. It can also assume the form of filing complaints or outright protests to the government. The discussion below focuses on the liberal schemes that aim to expand the sanctioned forms of participation.

Schemes to promote political participation

Since the early 1980s and in order to fill the administrative void after the de-collectivization in the countryside, the state permitted peasants to expand their spontaneous election of village committees nationwide. Village committees would act as the administration in villages, though the usually unelected village party secretary may be the most powerful figurehead. By 1994 village elections had taken place in all but one province in China (Lai 2016: 250-51). Despite limitations village elections have helped enhance representation of peasants and alleviate key concerns of peasants. A random survey of 520 villages during 2004-5 suggested that 71 percentage of the village assemblies, the most representative decision making body in the villages, were convened by the director of the elected village committee, instead of by the village party secretaries (Lai 2016: 251). Kennedy (2007: 54-5) also found in a study of villages in Shaanxi Province that after four years and by 2004 peasant burdens were reduced and the quality of village elections was increased.

In parallel, by 2006 the state also allowed urban residents nationwide to select the chief and members of the administrative committee of their neighborhoods (ACN). However, the ACN elections were mostly indirect, and in some prominent localities such as Beijing the ACN were preoccupied with implementing the tasks from the government (Lai 2016: 253).

Government in certain localities also promoted schemes such as public talks and hearings to solicit public input into local budgetary decision, local projects, and assessment of local officials. The best-known case was "democratic consultation meetings" in Wenling of Taizhou in Zhejiang (Fewsmith 2013: 143-69). Some scholars hailed these schemes as genuine efforts to further democratic deliberation (Leib and He, 2006). In some localities semi-competitive elections of local legislators and village Party secretaries, as well as competitive selection of township chiefs and county-level officials were experimented with (Lai 2016: 240-48). The most meaningful experiment was the semi-competitive of successors to national leaders in 2007 and 2012. The Central Committee and retired veteran leaders were consulted before the successor to the President and the Premier was selected (Lai 2016: 249). While many of these schemes were halted after 2013, the lasting impact has been the regular use of seemingly open and competitive selection of local administrative officials.

The role of media, the internet, and social media

One of the important areas which have undergone considerable commercialization yet where the state tries hard to retain its control are media, the internet and social media. Stockman and Gallagher (2011) find that under state censorship the commercialized media provides real-life stories of Chinese citizens making use of the legal system to resolve disputes, yet give no conflicting narratives. This effectively helps the state to retain authoritarian resilience.

The internet has become a key platform for citizens to discuss daily issues as well as political topics in China in the recent two decades. As of 2019 850 million Chinese had access to the internet, topping all nations. Zheng (2007) authors a seminal book on the political role of the internet in China. He argues that the internet has become a new area for both social forces and the state to disseminate information and that the state employs the technology for its political purpose while having to adjust to changes. A subsequent study points to a rapidly increasing rate of state response toward citizens' demand online forums in China from 2008-14, especially toward citizens' collective requests to a single issue related to economic growth (Su and Meng 2016). Some studies, nevertheless, caution us about the effectiveness of the state's censorship. A study finds that frequent exposure to alternative framing by commercial media such as Sina.com than the official media such as Xinhuanet.com could lower the citizens' level of support for state policies (Tang and Huhe 2014). Central to the debate over this issue thus seems to be the state's abilities to censor the internet and alternative views. On the other hand, with a rising living standard, the Chinese seem to have a strong yearning toward better governance but not democracy, as opinion polls in 2006 (Wang 2016) and of the middle class during 2007-8 (Chen 2013) revealed.

Hardening of authoritarianism since 2013

In his first five-year term (2013-18), President Xi unleashed a ruthless anti-corruption campaign by punishing over one million officials, one PSC member and three Politburo members. Observing development up to 2015 Lai (2016) argued from the perspective of Chinese history that anti-corruption could ease popular grievance and helped the CCP to prolong its rule.

Riding on his populist policy in his first term Xi swiftly consolidated his power. Xi has propagated his China dream and Xi Jinping thought as the sole official ideology and has cultivated his public image as the great helmsman. In early 2018, upon starting his second tenure Xi abolished the two-term constitutional limit on the state presidency and designated no successor. In doing so he departs from the collective leadership embraced by his predecessor Hu Jintao (Beja 2019). Shirk (2018) regarded this development as a return to "personalistic rule" like that under late Mao and as an abolition of some of the most significant institutional improvements responsible for relatively smooth leader succession in the post-Mao era.

As stated earlier, Xi has also strengthened the Party-dominated legal system, rigorously enforcing the laws and rules over a wide range of political and social areas and enhancing the transparency of the system. Meanwhile, advocacy NGOs are restricted or prohibited, international NGOs are subject to strict requirements for registration, and only business or service-providing NGOs are encouraged (Beja 2019). In addition, censorship of the internet, social media, media and even lectures at the universities, as well as facial recognition for policing and control has been intensified since 2013.

Many overseas China observers are concerned that power concentration without the institutional checks such as tenures may lead to leadership conflict and major errors in policy, a familiar episode in late Mao's China. A number of China scholars show their unease toward Xi's hardening of authoritarianism. Economy (2018) and Shirk (2018) share a gloomy or critical outlook for the staying power of Xi's governance agenda. Beja (2019) and Cohen (2019), on the other hand, are alarmed by the rise of seemingly totalitarianism and infringement of rights under Xi.

Illiberalism in the economy

In 1978 China's leaders led by Deng decisively started economic reform by departing from Mao's draconian suppression of elements of the market economy and material incentives for the work force. Mao's collective farming was replaced with peasant households farming, China's economy was gradually opened and linked with the world economy, foreign investors were gradually allowed to invest in China, and Chinese were permitted to set up their own business and private firms. During the 1980s Party leaders debated fiercely whether to embrace the market economy. In October 1992, Deng succeeded in getting the Fourteenth Congress of the CCP to endorse his marketization agenda. In the following years up to 2001, the Party introduced economic, administrative, and legal institutions to restructure the ailing state firms and buttress the booming state-managed market economy (Lai 2006: 31-58).

However, some China scholars started to notice the stagnation of marketization around 2008 and even reversal of economic liberalism afterwards. For example, Herrala and Jia (2015) found in their study of the credit availability of listed firms that during 2003-11 state firms were consistently favoured over private firms. Barry Naughton (2011) pointed to the state's taking over delivery of social services and welfare and minimizing the role of market forces, its support for large state firms, and its industrial policies promoting mega projects, strategic industries, and indigenous innovation in the mid and late 2000s. He argued that by doing so China's government could crowd out the market and sustain soft budget constraints as well as losses-making programs. Since the escalation of US-China trade war in 2018 international community has heeded the continuing restrictions on foreign business and private firms in China, as well as promotion of state firms. Its concerns with reversal of economic liberalism and private capitalism have heightened.

Comparison with other types of authoritarianism

Authoritarianism in China has been linked and compared with that elsewhere in East Asia, especially in Singapore. Back in 1989, neo-authoritarianism gained currency among intellectuals in China. The theory was inspired by the fact that the economic miracles in East Asia especially Singapore was accomplished largely under authoritarian rule (Sautman 1992). In the recent years, the comparison between the regime in China and in Singapore (or East Asia) has resurfaced. A recent study has suggested that China has not only learned an ideological lesson from Singapore's one-party regime in its ability to fend off western liberalism and retain "Asian values", but also obtains practical lessons in controlling corruption and in keeping a thriving state-managed economy and effective governance. Yet elections are shunned (Ortmann and Thompson 2018).

Another study dismisses the views that the political model in China constitutes "an enigmatic threat to the West" or serves as the model for the non-western world. It notes the better-than-expected performance of China in managing its economic growth, but recognizes a host of challenges that remain (Peerenboom 2008). While the China model has received much international attention as well as considerable discussion inside China, the Asian Barometer Survey of 2011-13 suggested that only 26% of the polled Chinese named the China model as their preferred model, a percentage close to the average across the polled Asian nations. In addition, the Chinese embracer of the China model tended to value equality, were more paternalistic, had more traditional political values, and were more likely rural, older and less educated (Welsh and Chang, 2015: 451-3).

Concluding remarks

After the death of Mao authoritarianism in China has breathed a new life. Through successfully pursuing market-oriented economic growth, the state has gained popular consent to its rule. The restrictions of individual rights are aided also by multiple factors-- a cultural especially Confucian stress on individual obedience and sacrifice for societal benefits, the Confucian prescription that the rulers should be allowed to wield power efficiently for the benefits of the people, and the population's perceived paramount imperatives for political stability and economic growth. In this context, illiberalism of various shades is present in politics, the society and the economy. Politically, the CCP dominates policymaking and personnel appointment, reducing other political parties and groups to an advisory role. The state permits the publication of only favourable coverage of the state in the social media and media, producing personal and positive experience in order to enhance its legitimacy. Socially, while space for spontaneous, non-political and non-organized activities (such as religions) exists, large and influential social groups are either co-opted or suppressed. In order to address overpopulation and possible inadequate supply of resources the state severely restricted the reproduction of each urban couple to one child birth and a rural couple to two births during 1980-2016. The state does respond to demand of citizens, especially those on singles issues that impact economic growth, or that could easily trigger popular outrage (such as forceful and ill-compensated house demolition). Economically, citizens have enjoyed relatively greater freedom in economic and entrepreneurial activities since 1978. Nevertheless, the government continues to promote state firms and restrict private and foreign firms.

The state finds inspiration from the efficient and honest authoritarian model and a prosperous state-managed economy in Singapore, but has shunned the elections practised there. The return to the "personalistic" leadership, as well as the rise of Party-dominated legal rule, ideological purism, and prohibition of advocacy NGOs since 2013 has added an unknown element in once-perceived resilient pragmatic authoritarianism in China. There is a growing appreciation among China observers outside China of increasing risks from shrinking of individual freedom and an expansion of the state and the top leader's power in the recent years.

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