Nele Noesselt (Ed.)

Reassessing Chinese Politics
National System Dynamics and Global Implications

East Asian Politics
Regional and Global Dynamics
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### Abbreviations

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<tbody>
<tr>
<td>13.5</td>
<td>13th Five-Year Plan for Economic and Social Development</td>
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<td>A2/AD</td>
<td>Anti-Access and Area Denial</td>
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<td>ACMECS</td>
<td>Ayeyawady-Chao Phraya-Mekong Economic Cooperation Strategy</td>
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<td>ACLA</td>
<td>All-China Lawyers Association</td>
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<td>AI</td>
<td>Artificial Intelligence</td>
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<td>AIIB</td>
<td>Asian Infrastructure Investment Bank</td>
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<td>ARATS</td>
<td>Association for Relations across the Taiwan Straits</td>
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<td>ASEAN</td>
<td>Association of Southeast Asian Nations</td>
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<td>ASEM</td>
<td>Asia-Europe Meeting</td>
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<tr>
<td>BRI</td>
<td>Belt and Road Initiative</td>
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<td>CC</td>
<td>Central Committee of the Communist Party of China</td>
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<td>CCGO</td>
<td>Central Committee General Office</td>
</tr>
<tr>
<td>CCICED</td>
<td>China Council for International Cooperation on Environment and Development</td>
</tr>
<tr>
<td>CCP</td>
<td>Chinese Communist Party</td>
</tr>
<tr>
<td>CLMV</td>
<td>Cambodia-Laos-Myanmar-Vietnam</td>
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<tr>
<td>CNNIC</td>
<td>China Internet Network Information Center</td>
</tr>
<tr>
<td>CPC</td>
<td>Communist Party of China</td>
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<td>DPP</td>
<td>Democratic Progress Party</td>
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<td>DWP</td>
<td>Defense White Paper</td>
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<tr>
<td>EPL</td>
<td>Environmental Protection Law</td>
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<td>EEZ</td>
<td>Exclusive Economic Zone</td>
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<td>GHGE</td>
<td>Greenhouse Gas Emissions</td>
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<td>GMS</td>
<td>Greater Mekong Subregion</td>
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<tr>
<td>GONGO</td>
<td>Government-organized Nongovernmental Organization</td>
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<tr>
<td>GSMA</td>
<td>Global System for Mobile Communications</td>
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<tr>
<td>ICT</td>
<td>Information and Communications Technology</td>
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<tr>
<td>IMF</td>
<td>International Monetary Fund</td>
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<td>IWRM</td>
<td>Integrated Water Resources Management</td>
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<td>KMT</td>
<td>Kuomintang</td>
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<tr>
<td>LMCNM</td>
<td>Lancang-Mekong Cooperation Mechanism</td>
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<td>LMI</td>
<td>Lower Mekong Initiative</td>
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<tr>
<td>MGC</td>
<td>Mekong-Ganga Cooperation</td>
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<td>MEE</td>
<td>Ministry of Ecology and Environment</td>
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<table>
<thead>
<tr>
<th>Acronym</th>
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<tr>
<td>MEP</td>
<td>Ministry of Environmental Protection</td>
</tr>
<tr>
<td>MOD</td>
<td>Ministry of Defense</td>
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<tr>
<td>MOOTW</td>
<td>Military Operations Other Than War</td>
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<td>MRC</td>
<td>Mekong River Commission</td>
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<tr>
<td>MSF</td>
<td>Marine Surveillance Force</td>
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<tr>
<td>NDB</td>
<td>New Development Bank</td>
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<tr>
<td>NDRC</td>
<td>National Development and Reform Commission</td>
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<tr>
<td>NGO</td>
<td>Nongovernmental Organization</td>
</tr>
<tr>
<td>NPCSC</td>
<td>National People’s Congress Standing Committee</td>
</tr>
<tr>
<td>NSA</td>
<td>National Security Agency</td>
</tr>
<tr>
<td>OBOR</td>
<td>One Belt, One Road</td>
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<td>ONI</td>
<td>Office of Naval Intelligence</td>
</tr>
<tr>
<td>PBOC</td>
<td>People’s Bank of China</td>
</tr>
<tr>
<td>PLA(N)</td>
<td>People’s Liberation Army (Navy)</td>
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<tr>
<td>PRC</td>
<td>People’s Republic of China</td>
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<tr>
<td>RWB</td>
<td>Reporters Without Borders</td>
</tr>
<tr>
<td>SCGO</td>
<td>State Council General Office</td>
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<tr>
<td>SCS</td>
<td>Social Credit System</td>
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<tr>
<td>SDGs</td>
<td>Sustainable Development Goals</td>
</tr>
<tr>
<td>SEF</td>
<td>Straits Exchange Foundation</td>
</tr>
<tr>
<td>SEPON</td>
<td>SEPON Ltd. (Tanzanian Renewable Energy Developer)</td>
</tr>
<tr>
<td>SSBNs</td>
<td>Ballistic-Missile-Carrying Submarines</td>
</tr>
<tr>
<td>SSRFAB</td>
<td>South Sea Region Fisheries Administration Bureau</td>
</tr>
<tr>
<td>SLOCs</td>
<td>Strategic Sea Lines of Communication</td>
</tr>
<tr>
<td>TPSN</td>
<td>Territory, Place, Scale, Network</td>
</tr>
<tr>
<td>UN</td>
<td>United Nations</td>
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<tr>
<td>UNDP</td>
<td>United Nations Development Programme</td>
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<td>US</td>
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Chapter I: Introduction: Reassessing Chinese Politics in the Twenty-First Century

Nele Noesselt

Introduction: Post-Hegemonic Future?

In the aftermath of the 2007/2008 mortgage and credit crisis in the United States, leading pundits of world politics were predicting a further tangible weakening of the US-centered world order and a power shift toward the rising economies of the so-called Global South:

“There is no longer any question: wealth and power are moving from the North and the West to the East and the South, and the old order dominated by the United States and Europe is giving way to one increasingly shared with non-Western rising states. But if the great wheel of power is turning, what kind of global political order will emerge in the aftermath?” (Ikenberry 2011: 56)

The general threat scenario among observers based in the US and Europe was the emergence of an illiberal script of global order (Boyle 2016). The People’s Republic of China (PRC) was perceived as the most powerful and likely challenger to US supremacy and to the institutional settings established after World War II (see, among others, Jacques 2012). These scenarios are inspired by models of power transition theory (Organski 1958; Organski and Kugler 1980) derived from the ex post interpretation of the rise and fall of hegemonic powers.

1 The editor and the authors would like to thank Tectum (especially Ms Eleonore Asmuth) for their excellent support of this book project. Special thanks also to Saina Klein and Tobias Schäfer who coordinated the final editing, and Dr Giulia Romano and Elizaveta Priupolina for checking the final versions of all texts and graphs.
Elaborating on these realist interpretations, Robert Gilpin (1981) looked at leadership cycles and argued that the material capabilities of a state to establish “international” institutions should be regarded as the starting point for the construction (or consolidation) of hegemonic order(s). This would imply that rising powers design their distinct alternative institutions in opposition to the existing system settings and seek to win strategic majorities for their world order visions. However, as Gregory Chin (Chin 2010: 85) has convincingly argued, the PRC’s rise was facilitated and catalyzed by its integration into existing international institutions and multilateral frameworks—reflecting the ordering principles of “Western” neoliberalism. Instead of behaving as a revisionist power, Beijing, according to Chin’s analysis, has been seeking to expand its influence within these institutional settings and to initiate a smooth transition toward multipolarity. These observations lead to the interpretation of potential power shifts from one hegemonic player to an alternative power center as being more gradual in nature.

These power centers can be composed of one predominant state or of groups of like-minded actors with overlapping policy preferences and compatible world order visions. Ideas and policy paradigms thus do play a central role in the (re)making of the global order. The black-and-white division of governance visions along the lines of liberal versus illiberal ideas, the latter exclusively associated with nondemocratic actors, is hardly illuminating. Some scholars have hence engaged in an excavation of policy paradigms dominating elite mind maps beyond the West, or looked at the formation of networks (such as the BRICS or BISAM) (Cooper 2010) and at their efforts in setting up joint institutions (such as the BRICS New Development Bank, NDB, or the Beijing-based Asian Infrastructure Investment Bank, AIIB). The tantalizing question is whether the regional and global institutions inaugurated by these non-Western, nondemocratic players will have distinct features and, in the long run, seek to establish an illiberal script as their overarching frame of reference and guideline for world politics. Or, will the rise of new actors and their institutions ultimately simply result in the replacement of the old gravitational center(s) of world politics while repeating the former hegemon’s organizational structures and patterns of interaction?

Socialization theories had departed from the normative assumption that the inclusion of rising powers in established institutional settings would trigger a learning process, causing an internalization of given policy paradigms—and ultimately leading to a consolidation and reiteration of the old order. The PRC’s accession to international institutions and organizations has, however, neither resulted in regime transformation
nor in silent acceptance of the given US-centered order. Positioning itself as an “advocate” of the Global South, the PRC is pushing for a redistribution of voting rights inside international organizations in order to upgrade the bargaining capacities of non-Western states. This behavior has become quite discernable at G20 meetings and in related multilateral fora on the regulation of global trade and finance (for an overview: Kirton 2016).

The visible gains in the economic and monetary power capacities of rising economies—headed by the PRC, which now ranks as the number two economy in the world after the US—might imply a partial change of direction in processes of policy transfer and transregional socialization. If these actors are following distinct policy paradigms, their participation in the reforming of existing institutions and their setting up of institutions with a regional or global reach could result in a partial exchange or modification of the conceptual underpinnings of world order in the twenty-first century. Examining China’s role and actual behavior in international institutions, Alastair Iain Johnston (2008) differentiates between three specific microprocesses of socialization: mimicking, persuasion, and social influence.

Mimicking best describes the behavior of states in the early stages of their joining existing international institutions. It “explains pro-group behavior as a function of borrowing the language, habits, and ways of acting as a safe, first reaction to a novel environment” (Johnston 2008: xxv). Social influence, meanwhile, “explains pro-group behavior as a function of an actor’s sensitivity to status markers bestowed by a social group and requires some common understanding in the social value the group places on largely symbolic backpatting and opprobrium signals” (Johnston 2008: xxv). Persuasion “explains pro-group behavior as an effect of the internalization of fundamentally new causal understandings of an actor’s environment, such that these new understandings are considered normal, given, and normatively correct” (Johnston 2008: xxv–xxvi).

The time frame that Johnston focused on was the years of the 1980s, the early post-Maoist reform period, up to the year 2000—when China became a member of the World Trade Organization (WTO). Since then, domestic conditions as well as external constraints have undergone tremendous reconfigurations and changes. The increase in China’s economic and monetary power has strengthened its international bargaining position—hence leading to a shift from it being a rule-taker to becoming a rule-maker (Zhou and Esteban 2018), or at least a rule-transformer. The PRC’s positioning in the renegotiation of the international institutional order is linked to two dilemmas and defects of
world economics (and politics): The 2007/2008 crises in the US and Europe are referenced by Chinese politicians in order to stress the efficiency deficit and lack of functionality of the specific (neoliberal) variety of capitalism serving as the anchor and conceptual yardstick of US-dominated international institutions of trade and finance. In addition, China operates as the spokesperson and advocate for the states of the Global South and stresses the lack of legitimacy of international institutions—as deriving from the relative underrepresentation of non-G7 states therein. The reform proposals put forward by Chinese leaders since 2007/2008 tend not to seek to overthrow the established order, but rather to increase the participation rights and discursive power of states beyond the G7 world. Along these lines, Tang Shiping predicts the emergence of “overlapping regionalisms” and the formation of a global order with actors beyond the traditional nation-states (Tang 2019).

While all these trends have been analyzed and discussed in connection with the scenario of an inevitable power shift from North to South and West to East, the agency of the “old” power centers in consolidating their leadership positions should not be overlooked. By resorting to protectionism and by reactivating alliances, these old centers are pursuing their own strategies to establish a partially revised international order in which they can still secure their own national (or regional) interests. While Deudney and Ikenberry (2018) postulate that the liberal order will ultimately prove resilient enough to survive the rise of new powers, they do not, however, address the question of what the refined version of “liberal internationalism” in the twenty-first century might look like in terms of power distributions, key patterns of interaction, as well as its moral-ethical fundaments.

If there is a connection between the leading powers’ domestic governance patterns and world order conceptions spreading since 2007/2008, it might prove crucial to open up the “black box” of the assumed main competitor to US predominance, the PRC. Diving below the surface of normative-ideological classifications by international China watchers as well as political-diplomatic justificatory (counter)statements put forward by Beijing’s fifth generation of political leaders may turn out to be very revealing.

**China’s Silk Road Dreams**

The analysis of the PRC’s foreign relations often operates with a clear dividing line drawn between ideology-based Maoist politics on the one
side and post-1978 pragmatic approaches to world trade and global affairs on the other. This latter is further complemented by the identification of an assumed “grand strategy” determining Beijing’s approach to world politics: a refined Chinese development strategy with a global reach first launched in 2013, the “New Silk Road”—also known as “One Belt, One Road” (OBOR) or “Belt(s) and Road(s) Initiative” (BRI)—fuels the perception of the world having entered the final chapter of an inevitable power struggle between the US and China for global supremacy.

A closer look at China’s BRI, however, illustrates that these scenarios are simply unrealistic and do not reflect the current (or prospective) global constellations, which are overshadowed by mutual vulnerability and multilateral interdependencies. According to the official narrative of the BRI’s genesis, as recounted by the Chinese side, it was in 2013 that Xi Jinping first sketched out the cornerstones of this global initiative. This was done in his speech at Nazarbayev University, Kazakhstan (September 2013), where he elaborated on the “Silk Road Economic Belt” (Xi 2013a), and during his visit to Indonesia (October 2013), where he outlined the idea of a “maritime Silk Road” (Xi 2013b). Since then, the Chinese government has spared no efforts in promoting the BRI as a win-win opportunity for joint development and global prosperity. In 2015 the National Development and Reform Commission (NDRC), the PRC’s Ministry of Foreign Affairs, and the Ministry of Commerce jointly released an “Action Plan” on the New Silk Road initiative, a global connectivity blueprint covering about 55 percent of global gross national product, 70 percent of the global population, as well as 75 percent of worldwide energy reserves (NDRC 2015). Two new institutions have since been established to finance BRI-related projects: the Silk Road Fund2 and the aforementioned AIIB (see also, Yu 2017).

The active positioning of the PRC on issues of global development and its investment in (and realization of) large-scale infrastructure projects in other world regions generate, however, major concerns and great unease among international observers. By granting unconditional loans and credits, the PRC emerges as a challenger to the policies and regulations of the International Monetary Fund (IMF) and the World Bank, which link the granting of financial support to the compliance with and fulfillment of good governance criteria. Furthermore, as the

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3 See the list of approved projects provided by the AIIB: https://www.aiib.org/en/projects/approved/index.html.
PRC does not evaluate the ability of the borrowing government to eventually repay its debts, this increases the risk of new debt traps for weak and underperforming economies. While nonperforming loans might, in the long run, have negative implications for China’s domestic financial and banking sectors, the general perception is that these financial dependencies increase the PRC’s global influence—and especially in less-developed parts of the world. Sri Lanka, unable to repay its BRI debts, reportedly had to sublet its strategic port infrastructure to the PRC, hence fueling new threat perceptions of a Chinese global takeover (Hurley et al. 2018).

Chinese observers and advisers to the national government are aware of the potential impact of China’s regional and global activities being viewed dimly, as this could trigger the formation of counter-alliances resorting to containment measures. This might explain the time and effort spent on the construction of a positive narrative vis-à-vis the BRI, framed as a win-win opportunity in the name of a “global community of shared destiny.” Despite reports about anti-Chinese riots and labor protests in African copper mines, according to the Afrobarometer the perception of China, on average, is highly positive compared to the roles and images ascribed to other (former colonial) powers. This could also be the result of the PRC’s financing of highly symbolic projects, such as the headquarters of the African Union or the provision of school buildings, libraries, and stadiums.4

In connection with the readjustments made to the PRC’s official foreign and security strategies under Xi since 2012/2013, Beijing has also refined its strategic approaches to its neighboring states—with a special focus on Central as well as Southeast Asia. These reflections have been summarized under the label of “new neighborhood diplomacy” (xin zhoubian waijiao) (Swaine 2014). Along these lines, the PRC has not only intensified its cooperation with the region via the Shanghai Cooperation Organization, but also reached an agreement with Russia regarding the “linking” of China’s New Silk Road and the Eurasian Economic Union promoted by Moscow (Kaczmarski 2017). In addition to these regional projects, the reconfirmed official encouragement of Chinese companies and banks to “go out”—that is, to open branches overseas and to invest abroad—has not only increased the PRC’s global economic and monetary power, but also created security dilemmas and vulnerabilities previously unknown.

4 On China’s activities in Africa, see the volume edited by Chris Alden and Daniel Large (2019).
The Chinese government sees itself being forced to take a position on issues of peace and stability beyond its own borders. In 2013 the White Paper on “The Diversified Employment of China’s Armed Forces” (Information Office of the State Council 2013) formulated that China’s regional and global security environment had witnessed major changes and that the restructuring of the Chinese armed forces would hence be a necessary adaptation and structural readjustment. While the focus relied on domestic and regional security challenges, the document also stated that “the security risks to China’s overseas interests are on the increase.” The revised tasks and missions of the People’s Liberation Army (PLA) also included a shift to the “concept of comprehensive security” and the ability to “effectively conducting military operations other than war [MOOTW].” The document also undertook an ex post legitimation of the overseas deployment of China’s naval forces by widening the list of international tasks and duties. While the PRC has a long history of contributing noncombat forces to United Nations’ peacekeeping missions, active calculations made about the protection of China’s “overseas interests” mark a significant departure from previous strategies:

“With the gradual integration of China’s economy into the world economic system, overseas interests have become an integral component of China’s national interests. Security issues are increasingly prominent, involving overseas energy and resources, strategic sea lines of communication (SLOCs), and Chinese nationals and legal persons overseas. Vessel protection at sea, evacuation of Chinese nationals overseas, and emergency rescue have become important ways and means for the PLA to safeguard national interests and fulfill China’s international obligations.” (Information Office of the State Council 2013)

Under the fifth generation, not only the range and scope of PLA missions but also the underlying foreign and security policy principles themselves have undergone major changes. In 2015 the PRC released a White Paper entitled “China’s Military Strategy” (Information Office of the State Council 2015), which replaced the former white papers on national defense—indicating a significant shift in focus toward regional and global affairs. China’s military strategy includes security issues in cyberspace, outer space, as well as overseas. The turn to the latter finally triggered the transformation of the Chinese maritime forces into a “blue-water navy.” China’s activities in Africa include participation in UN peacekeeping operations, escort missions in the Gulf of Aden, contributions to antipiracy endeavors, the setting up of a naval base in
Djibouti, bi- and multilateral military cooperation and arms sales, as well as crisis management. The latter is both with regard to the evacuation of Chinese nationals from crisis regions in Libya and Sudan as well as vis-à-vis mediation between warring parties, as in South Sudan. Chinese contributions to UN peacekeeping missions have been one of the most visible elements of the country’s security strategy. With the Mali and Sudan peacekeeping missions China also started to send combat troops and an infantry company. In 2015, in his first speech at the UN General Assembly, Xi declared that China would contribute additional 8,000 soldiers to UN peacekeeping (Ministry of Foreign Affairs of the People’s Republic of China 2015).

The emergence of the MOOTW concept in official Chinese foreign policy documents seems to indicate a general shift of perception toward a broader configuration of security. Furthermore, since 2002 the PRC has officially started to operate with a “new security concept” that also calculates nontraditional security issues (both at the domestic level as well as in the global realm). While scholarly debates among Chinese epistemic communities have attentively followed the international debate on human security (Breslin 2015), the PRC’s political leaders seem rather committed to a state-focused approach to security. Given the perceived potential spillover effects of religious extremism as well as separatism on the one hand and transnational risks such as economic and financial crises and deadly viruses on the other, the PRC’s more recent actions and positioning papers have, however, slightly shifted to take a more flexible approach to these novel dimensions of security. With regard to the announced global extension of Beijing’s BRI project, Dellios and Ferguson (2017) even go as far as to argue that the capability of the PRC to frame this initiative in terms of socio-ecological human security will be the core necessary precondition for its final success.

A closer look at the origins of the PRC’s New Silk Road initiative clearly evidences that China’s global financial and infrastructure activities are largely driven by domestic development needs (Summers 2016). The perceived increased vulnerability of the Chinese economy by crises in the US and Europe, in combination with domestic developmental challenges, has triggered a strategic re-steering of the Chinese political economy. The idea is to catapult Chinese industry from a supply, export-oriented economy to a global center of technological innovation by 2030. The strategy paper “Made in China 2025,”5 issued by the

5 The Chinese version is available online at: http://www.gov.cn/zhencc/content/2015-05/19/content_9784.htm.
Chinese State Council, illustrates the idea of establishing Chinese companies as “global champions” in the fields of high-tech products. Rising production costs in China and higher socioecological production standards have caused a partial outsourcing of production chains—leading to the opening of branches and production sites of Chinese companies in Africa and Latin America. Moreover, the overcapacities in China’s infrastructure-construction sector, the surplus of currency reserves in combination with the idea of a controlled internationalization of the Chinese renminbi imply that the BRI is part of a strategy to re-stabilize the Chinese domestic economy by securing global contracts along the New Silk Road’s corridors. China’s domestic development strategy operates on the basis of the building of strategic metropolitan economic clusters, which these corridors connect to strategic transportation hubs—such as the deep-water port in Gwadar (Pakistan).

Control over the surrounding waters in the East and South China Sea is regarded as a core issue of national security. The US “pivot to Asia,” the increased presence of the US military in the region, and the US’s signing of security alliances with China’s close neighbors have changed the security parameters for Beijing. While the US officially guarantees and defends Taiwan against any potential attack from the mainland (Taiwan Relations Act), it has also positioned itself as a security player in the dispute between China and Japan over the Diaoyu/Senkaku islands (2012) (Zhao 2018a) as well as in the maritime conflict between China and the Philippines. The latter was formally settled by an arbitration award of the Permanent Court of Arbitration in July 2016, stating that the PRC’s “nine-dash line” and related territorial claims in the South China Sea had no legal basis—thereby confirming the claims over certain islands and territorial waters put forward by the Philippines.6 The PRC, however, did formally not accept the Court’s final verdict.

Border-crossing rivers are another arena wherein international and domestic legal principles collide. The Mekong cooperation agreements are, however, a quite positive example of shared regulation efforts (Biba 2018). One highly under-researched issue is the large-scale infrastructure project to redirect water from China’s southern provinces to the semi-arid areas in the north of the country and to the metropolitan cluster Jin-Jing-Ji (still under construction), connecting the harbor city Tianjin with Beijing and parts of neighboring Hebei Province. As the south-

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north canal project might have severe implications for the Pearl River delta, around which China’s leading industrial centers are clustered, there are additional plans to refill China’s southern streams by channeling water from other sources and rivers—with potentially significant implications for trans-border rivers and the water supply of the PRC’s southern neighbors. In addition, China’s domestic Silk Road connectivity program includes the building of bridges and underwater tunnels directly connecting Hong Kong and Shenzhen with the mainland shores of the Pearl River delta, fueling the supply of the PRC’s leading industrial and commercial centers in the east (Wang, Jia 2017). As these projects will run through earthquake-prone areas, their construction might have severe long-term implications for the region and its surrounding natural environment.

The building of regional and global connectivity networks of maritime and land-based transportation routes is only one dimension of China’s New Silk Road. Chinese companies are also engaged in the construction of telecommunications infrastructure and grid architecture. While Chinese information technology companies have been quite successful in taking over large segments of Africa’s telecommunications sector by providing hardware as well as software solutions, the US as well as various European countries are rather reluctant to grant carte blanche to these companies. While the setting-up and modernization of a country’s (or a whole region’s) telecommunications infrastructure implies job opportunities and contracts for the companies involved, these networks are conceived of as being closely linked to issues of strategic security. The growing digitalization of economic as well as social activities increases the vulnerability by potential cyberattacks or acts of cyberterrorism. Furthermore, cyber espionage is seen as a major threat not only with regard to a country’s military defense infrastructure but also its technological innovation capacities. This raises the question of whether the investment in and building of telecommunications networks and IT infrastructure in countries and regions along the Silk Road imply that Chinese companies are also silently exporting “Chinese” e-governance patterns.7

While the US has resorted to a partial blocking of its market to (select) Chinese products and Chinese investment in sectors regarded as being linked to core issues of national security, the EU first responded hereto by updating its European Neighborhood Policy and by issuing revised policies for Central Asia and the Balkan states to bring them closer to the acquis communautaire. The Chinese initiative to build a

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7 For a mapping and evaluation of Chinese IT companies, see: Cave et al. (2019).
railway running from Belgrade via Budapest to the port of Piraeus in Greece was halted, as the project did not respect the formal regulations for large-scale infrastructure projects mandatory for all EU member states. When Hungary and later also Greece did not back critical EU position papers and statements vis-à-vis the PRC, and when first reports about potential BRI debt traps got circulated, China’s activities along the Eurasian part of the New Silk Road were finally interpreted as a main determinant of fragmentation and spill-back effects across Europe (Noesselt 2019).

**China’s Model of Capitalism: Ready for Exportation?**

These threat scenarios resulting from the perceived rise in the PRC’s relative power capacities are connected to the assumption of an insurmountable antagonism existing between the “Chinese Model” and liberal modes of production and development. In this vein, the Chinese Model is often classified as a distinct “variety of capitalism” (Zhang and Peck 2016) demonstrating the behavioral patterns of a “developmental state” (for a critical evaluation, see Breslin 1996). Given that the Chinese system is perceived as being a “learning” autocracy that is capable of chameleon-like adaptations to changes in its environment, one borrowing select best practices from democratic regimes, it is also grouped into the category of “hybrid systems” (Diamond 2002)—located in the grey zone in-between democracies and autocracies. Some of these classifications might be useful for comparative analyses. They do not, however, sufficiently reflect the plurality of actors involved in Chinese politics and economics.

In addition to regime types, the Chinese Model is also assessed with regard to governance modes. Modern autocracies, including the PRC, seek to secure their political power based on a combination of coercion and cooptation (Dickson 2016). The ways in which these systems manage to coopt their core societal players, are, however, often reduced to propaganda and the top-down prescription of correct views and allowed practices. More sophisticated means of winning people’s hearts and minds based on refined political communication and the coining of convincing political narratives are often ignored, or exclusively ascribed to modern democracies alone.

Nonetheless, as case studies on China’s turn to green growth and sustainability under the fifth generation of political leaders clearly evidence, “nudging” has become a novel instrument of political steering used both in democratic as well as learning autocracies (Sunstein et al.
Nudging is a way to navigate societal behavior in a certain direction and has hence been criticized as a form of manipulation (in modern democracies) (Wilkinson 2012). Given that the main dilemma of China’s reform efforts is to be found in the inability of the political center to control and enforce the implementation of reform policies at the local level of administration, especially with regard to environmental protection and the proclaimed carbon cuts (Li et al. 2019), nudging might allow the central government to reach out to local societal actors.

At the 17th National Party Congress in 2007, Hu Jintao announced—in his role as General Secretary of the CCP—a turn toward a refined developed model inspired by the concept of “ecological civilization” (shengtai wenming) (China Daily 2007). At the 18th Party Congress in 2017, the concept became formally inscribed into the revised CCP constitution (Xinhua 2017). The upgrading of this concept, along with the prior passing of the amended and revised version of China’s environmental protection law in 2015, linked Chinese efforts to combat environmental degradation at home with global green-growth efforts (Hansen et al. 2018). The framing of a partially revised environmental protection narrative in combination with nudging elements hence implies that the assumption of a top-down enforcement of green growth (on “authoritarian environmentalism”, see Gilley 2012) is far more complex than originally expected.

The steering of China’s society also includes big data-based approaches, often associated with the infamous social credit point system. This, however, is still in the early phases of testing, and is not enacted nationwide. This system is often confused with elements and mechanisms of e-governance, or the use of big data in private finance and credit service industries. “Smart city” solutions and “e-mobility” have become cornerstones of the Chinese government’s green development agenda. To increase the system’s efficiency and to provide better services to the urban public, city governments have started to cooperate with IT companies. In collaboration with the Chinese IT giant Huawei, Beijing is seeking to enforce cashless payments for public transportation and services. Based on big data collected in real time, Shanghai is testing tools of smart traffic coordination and offering artificial intelligence-based parking solutions. Hangzhou (the hometown of Alibaba), Suzhou, as well as Guangzhou are all running “City Brain” projects that—based on the city-wide collection of data via traffic cameras—have proven efficient in reducing transportation times and decreasing the number of traffic jams. In addition, City Brain also operates with algorithm-based supervision of and reporting on traffic violations (Jia et al. 2018).
AI innovation is actively supported by the central government. In July 2017, the Chinese State Council issued its “Next Generation Artificial Intelligence Development Plan.”\(^8\) In December 2017, the Chinese Ministry of Industry and Information Technology published its “Three-Year Action Plan for Promoting Development of a New Generation Artificial Intelligence Industry (2018–2020).”\(^9\) As the New Silk Road also includes a digital dimension of connectivity, these domestic pilot projects and nudging experiments could later be exported and presented as urbanization blueprints for other (transforming and developing) states. Chinese BRI-related offers to the Caribbean island states include, just to mention one example, a smart city solution for Haiti, whose capital Port-au-Prince was destroyed by an earthquake in 2010 and has not yet been reconstructed (Haiti Libre 2018).

In sum, as Zhao Suisheng convincingly argues, the PRC is not striving to create a new world order, as it is a “revisionist stakeholder, dissatisfied not with the fundamental rules of the order but its status in the hierarchy of the order” (Zhao 2018b: 643). Whether BRI-related multilateral regional development organizations such as the Silk Road Fund and the AIIB might come to challenge the normative underpinnings of global finance and ultimately jeopardize the international institutional order established after 1945 remains to be seen. The organizational principles of these institutions generally reproduce patterns and mechanisms already practiced by the Bretton Woods institutions, IMF and World Bank, or other regional development banks. Nevertheless, the AIIB does highlight its focus on equal representation and checks-and-balances so as to counter the predominance of one single member state. The PRC holds 26.52 percent of AIIB voting shares, followed by India (7.5 percent) and Russia (5.92 percent). As most decisions require a two-thirds majority, Beijing has to win round additional supporters and is unable to simply impose its policy priorities on other member states. A similar mechanism is to be found with regard to the NDB, where all five founding members each possess 20 percent of voting shares. Symbolically, however, as the AIIB is based in Beijing and the NDB in Shanghai, the PRC has at least managed to position itself as the coordination center of these alternative regional and global development initiatives.

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\(^8\) For an English translation, see: https://chinacopyrightandmedia.wordpress.com/2017/07/20/a-next-generation-artificial-intelligence-development-plan/.

Nonetheless, while the AIIB might not emerge in opposition to the given patterns of global finance, via the New Silk Road, the PRC is actively exporting overcapacities in its infrastructure-building sector and seeking to secure contracts for Chinese (state-owned) companies. Most deals include the export of package solutions, which have proven efficient in the Chinese context—such as smart cities and AI-based governance instruments. This might eventually challenge the idea of global democratization, as Chinese investment is, indirectly, financing and stabilizing nondemocratic regime structures and might allow these systems to increase their resilience via AI solutions “Made in China.”

Outline of the Volume

This volume compiles theory-based analyses of the most recent trends and turns in China’s domestic and global political-economic development. The debate on a new “assertiveness” in Chinese foreign policy and the perception of a global outreach under Xi have fueled old and new threat perceptions that make any empirically based scientific analysis of Chinese politics almost impossible. Given the often-overlooked re-steering of the Chinese developmental roadmap after 2007/2008 and the additional readjustments formalized in 2013, quite a number of the definitions and categories coined to describe the basic patterns of post-Maoist reform politics need to be critically reevaluated or substituted. Moreover, to assess the likelihood of the PRC using the New Silk Road’s corridors to export China’s (authoritarian) governance model, one first has to undertake a mapping and classification of China’s domestic and global governance “model.”

Against the backdrop of a remaking of the Chinese “leviathan” via the New Silk Road initiative, the volume starts with reflections on China’s naval power and responses and reactions to it by regional and global players (see the chapters by Tobias Schäfer and Saina Klein). Increased BRI-related efforts to build alternative land-based transportation corridors and to gain control over maritime supply chains might, if one subscribes to these reflections on naval power, be an attempt to reduce China’s vulnerability resulting from the renewal of strategic alliances between the US and China’s maritime neighbors as well as the lurking threat of the US implementing an “access denial” strategy in the South China Sea. In contrast to the widely held view that the PRC is acting in an increasingly assertive way in the East and South China Seas, the case study on Lancang/Mekong cooperation (see the chapter by Henning Spreckelmeyer) clearly evidences that Beijing is striving for
solutions in line with its self-image of being a cooperative, peace-oriented player.

To come to a more balanced view on the recently refined development and modernization blueprints, the volume continues with a comparative evaluation of governance patterns in mainland China and Taiwan. While the latter, starting in the mid-1980s, has transformed itself into a multiparty democracy, the PRC has so far managed to stabilize its one-party regime via the inclusion of deliberative mechanisms and top-down coordinated consultation. This implies that the inclusion of the PRC in global trade and finance did not invoke an internalization of democratic system features—but rather helped to increase the appeal of the Chinese mode of governance from the perspective of late-modernizing states (see the chapter by Susanne Brunnbauer). It is hence hardly surprising that most African states have switched their diplomatic recognition from Taiwan to the PRC, eSwatini being the only exception. Even among states in Central America and the Caribbean, the BRI charm offensive has caused a tremendous decline in official support for Taiwan (and its distinct multiparty “Chinese” model).

Although often not directly articulated, the switch of diplomatic recognition might go hand in hand with the select borrowing of “Chinese” governance patterns—especially with regard to the management of state-society interactions. As a modern autocracy, the PRC displays patterns of behavior beyond the binary black-and-white coding of authoritarian versus democratic system mechanisms. “Rightful resistance” (O’Brien 1996) and the “rights defense movement” (weiquan) are generally not addressed in the international debate about the Chinese Model. Contestation and consultation are, however, distinct features that not only help to stabilize the one-party system but also make it a potential blueprint for other transforming, developing states (see the chapter by Tobias Bohne).

The volume continues with some remarks on China’s evolving AI-based governance program (see the chapter by Judith Petersen), hinting at the potential future competition between major powers for national cyber sovereignty and domination of the global cyberspace. The book then concludes with a case study on China’s nudging efforts in the fields of green growth (see the chapter by Ramona Hägele)—a steering mechanism that has silently become inscribed into the PRC’s push for green finance and sustainable solutions along the New Silk Road.

Putting all these bits and pieces together and thereby obtaining a broader picture of the interplay between the domestic-global nexus of Chinese politics, it seems that the developmental trajectory of the PRC is quite in line with the roadmap of the rise (and fall) of great powers.
outlined by Paul Kennedy (1987). One of his key findings might be quite illuminating with regard to the PRC’s future (global) orientation:

“There is a noticeable “time lag” between the trajectory of a state’s relative economic strength and the trajectory of its military/territorial influence. An economically expanding Power [...] may well prefer to become rich rather than to spend heavily on armaments. A half-century later, priorities may well have altered. The earlier economic expansion has brought with it overseas obligations [...]. Other, rival Powers are now economically expanding at a faster rate, and wish in their turn to extend their influence abroad. The world has become a more competitive place, and market shares are being eroded [...].” (Kennedy 1987: xxiii)

Kennedy’s observations on the historical cycles of power imply that the increased involvement of Chinese companies and banks in global trade and finance create additional interdependencies and vulnerabilities that require official intervention and the provision of a regulatory framework by the national government. The re-steering of China’s official development blueprint responds to domestic development needs but, simultaneously, has to take the local-global nexus into account. This might catalyze the more proactive positioning of the PRC in those sectors and issue areas where international regulations are heavily contested (hence opening up a window of opportunity to bring in “Chinese” governance concepts), or where constitutionalization is still ongoing (cyberspace, outer space). As the Chinese Model is dynamically evolving and integrates select best practices from other political systems, the main challenge to the international order is not to be found in the PRC’s “socialist” system structures but rather in its successful implementation of borrowed (and partly recycled) patterns of Western capitalism.
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Chapter II: Turning of the Tide in Asia Pacific: Trends and Drivers of China’s Maritime Transformation

Tobias Schäfer

“The traditional mentality that land outweighs sea must be abandoned, and great importance has to be attached to managing the seas and oceans and protecting maritime rights and interests. It is necessary for China to develop a modern maritime military force structure commensurate with its national security and development interests, safeguard its national sovereignty and maritime rights and interests, protect the security of strategic SLOCs [sea lines of communication] and overseas interests, and participate in international maritime cooperation, so as to provide strategic support for building itself into a maritime power—Chinese Ministry of Defense.” (MOD 2015: section IV)

Introduction

Given the speed of change that has taken hold of the People’s Republic of China (PRC) since its double-digit economic growth first began, the amount of attention that the country has garnered in media and analytical outlets is hardly surprising. A raft of reports and studies has been particularly interested in the idea of China as a rising power, an image that has undoubtedly gained traction and left a perceptible mark in the international reading of its behavior. According to the story of a state on a rising trajectory, it is especially relevant for actors in the immediate regional neighborhood to attentively observe China’s every step—for its actions may, after all, affect their own destiny too. Therefore, those neighbors are interested in knowing what comes next in Beijing’s development process and what the Chinese strategy of becoming a great power in the twenty-first century (Wu 2017) exactly means in the Asia Pacific regional context.

As it remains in part unclear, even within Chinese policy and academic circles themselves, what direction the country ought to take (Shambaugh 2011; Zeng/Breslin 2016), the reactions of the states in the region so far have varied according to their own individual status and perception of China’s rise (McDougall 2012). Nevertheless, it is undeniable that China’s rise has the potential to alter the security structure
of Asia as a whole, particularly since the vast economic revenues pouring into Beijing’s coffers pave the way for its continued military renewal and development. An example of this is the apparent eagerness among Chinese leaders to obtain significant sea power capabilities and to modernize the country’s maritime military-industrial complex, as it showcases China’s new-found boldness to leave a default pathway and venture into reinventing itself. After all, this decision means the Chinese Communist Party (CCP) is letting go of its erstwhile concentration on continental security, which had traditionally guided the strategic thinking of generations of military and civil servants in the “Middle Kingdom.” This profound change of mindset, also referred to as a “maritime transformation,” has played a role in particular cases of rising powers throughout modern history; therefore, when considered as a dimension of China’s rise, for many it is reminiscent of Europe’s violent great power rivalries.

While it is undeniable that certain issues and contentions are straining the relationship between China, its immediate neighbors, and the United States, it seems unlikely that Asia Pacific today is on the same trajectory as European powers were in the first part of the twentieth century. Regional security dynamics are definitely changing with China’s ongoing maritime transformation—consider, for instance, the expansion of region-spanning strategic partnerships, or the engagement of formerly distant powers in the regional seas—and fears of the country’s naval expansionism are discernible. Yet, the region is at the same time likely going to retain its most significant structural feature—namely a US presence as naval hegemon, together with its hub-and-spoke alliance system. And although the PRC as a rising great power wants to step up its national interests by gaining status as a maritime nation, its main overall objective still remains economic development. China’s leaders are thus pursuing a mixed strategy of trying to bring several delicately poised but vital goals into accordance with each other, and therefore they have to tread

“a fine line between asserting the right to become a great maritime nation (haiyang daguo) and acting upon the pragmatic imperative to engage cooperatively with its neighbours and the United States to maintain regional stability” (Morton 2016: 911).

China’s maritime transformation is, therefore, an important indicator of how Beijing tries to reconcile its national ambition for great power and the need for a stable regional security environment. Looking at how this transition has unfolded, what decisions have been taken throughout the process, and what challenges remain are therefore crucial tasks in the
assessment of China’s rise. This essay will address these points and afterward give a short outlook on the meaning of China’s maritime transformation for the larger security order in Asia Pacific. Before delving into this, however, a brief discussion on the role of sea power in international security will serve as an appropriate starting point.

Sea Power and Maritime Transformation as Milestones in the Quest for Major Power Status

Sea power has been an important topic in the Strategic Studies field for at least a century now. With the influential work written by classical naval strategist Alfred T. Mahan in the late nineteenth century, sea power was accorded a prominent role in the overall composition of a great power’s national strength (Mahan 2003 [1890]). For, according to Mahan, a nation that wished to be strategically strong, had to rely on large-scale economic success in order to acquire the wealth and industrial prowess needed to sustain a powerful international stance. This in turn necessitated advanced maritime navigation, since he discovered that

“the 19th century’s greatest power was its greatest sea power […]. It was their superiority at sea that enabled the British to excel in exploiting industrial technology, in expanding production (well beyond domestic demand), and in securing access to the world’s abundance of raw materials […]. This implied that sea power was the sine qua non for world power and strategic advantage.” (Gompert 2013: 27)

As Mahan’s analysis showed, the British Empire had brought this model to perfection during the nineteenth century; therefore, he also strongly advised the US to follow suit, in order to gain world power standing. Others have expanded on this and found states’ naval ambitions to be an indicator for the redistribution of power within the international system. According to George Modelski (1978: 225–227), for instance, command of the seas is closely related to dominance of the state system as a whole, as demonstrated by the Portuguese, the Dutch, the British, and finally—coupled with their aerial and space preponderance—the US Americans. Thus, the means to acquire great power status are based in particular on naval superiority, which is why the incumbent and the prospective world power are prone to clashing over dominance of the seas.
While this realist take on the role of the command of the seas may be regarded as outdated—not least due to recent technological innovations in aircraft, satellite, and cyber capabilities (Benbow 2016)—maritime security undoubtedly continues to have key relevance for the global system, and still has exceptional status and paramount importance in the maintenance of international order too (Bruns/Petretto/Petrovic 2013: 10). In fact, recent changes taking place in the international political arena at large resonate particularly with events occurring on the planet’s oceans. They have become engulfed in the redistribution of power, mostly through the efforts made by emerging powers to actively seek naval power projection—so that for the first time in history, maritime security is no longer the exclusive prerogative of Western states (Suárez de Vivero/Rodríguez/Florido del Corral/Fernández Fadón 2015: 23–4). Some say this is actually going so far that “new geographical maritime spaces or scenarios are being shaped that reflect a new territorial order, the most outstanding feature of which is the displacement of the strategic centre of gravity from the continental mass to the ocean basins” (ibid.: 24). Hence, sea power is at the heart of international politics once more—a finding that applies to Asia Pacific in particular (Gompert 2013: 164).10

In consequence, states increasingly focus their activities on the seas. However, this means they need to switch to a mode of strategic behavior that takes this new order into account and to be prepared to bear the financial and material costs involved. The latter are especially heavy if the state in question does not have a rich naval tradition and a corresponding mindset. After all, the challenges involved in managing a transition toward sea-based security for a continental or coastal state are daunting given the geographical and historical circumstances that shape “the maturing of a strategic culture unquestionably maritime or continental in preference and style” (Gray 1994: xi). Continental powers are at an obvious disadvantage in such a scenario with their land-based mentality, as they tend to be characterized by a deep internalization of physical borders in their defensive thoughts and strategic moves (Grygiel 2009: 113).

In order to reap the benefits that come from using and ruling the sea, it is indispensable, though, to be savvy in shipbuilding, navigation, as well as naval combat. Thus prior to possessing capacities that allow for comprehensive management of the seas, a country will have to first

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10 With regard to Southeast Asia, for instance, one might actually speak of a “seascape” instead of a landscape, due to the ever-present influence of the ocean—cutting across land spaces and forming vast coastlines and waterways via which actors interact across borders (Burgos-Cáceres 2014: 83).
undergo a maritime transformation.\textsuperscript{11} This requires the adaptation of one’s continental strategic identity, and the roles associated with this. Essentially, therefore, a state’s established identity, which has dominated their self-conception up to that point, needs to be overcome and redefined (Nohara 2017). The most important measure involved in such a development is the position of a navy in the overall composition of a country’s military (Wu 2015a: 15). Thus, a maritime transformation ideally includes two separate dimensions: One is the upgrading and relocation of capabilities and hardware from land-based security to the sea. Another is the discursive effort to establish oneself as a credible maritime power through the rebranding of strategic culture. As will be expanded on below, in China’s case both of these processes are currently unfolding.

The Neglect and Subsequent Rediscovery of China’s Interest in the Sea

When writing about the “geography of the peace” in East Asia on the verge of the twenty-first century, Robert Ross (1999) contended that China did not have enough incentives to expand its maritime interests and related foreign policies. After all, for the better part of its history the PRC had been and continued to be up to that point a continental state—with over 2,000 years of strict concentration on land security and defense of its inner land mass. Furthermore he refuted the notion that China might be worried about a foreign invasion coming from the sea, because neither Britain nor Japan—as the most recent occupiers of Chinese soil—had been perceived as naval threats per se.\textsuperscript{12} This led Ross to conclude that “there is no period in Chinese history when a maritime power—as opposed to a land power—posed the greatest threat to Chinese rule or threatened to establish a foreign dynasty” (ibid.: 104). Instead, the presence of major global (nuclear) rivals in its direct neighborhood requires a continental disposition for the stationing and concentration of Chinese People’s Liberation Army (PLA) troops and the devising of the country’s corresponding defense budget (Ross 2009: 55–

\textsuperscript{11} A maritime transformation can be defined as “a strategic concept […] whereby a continental or coastal state shifts its general strategic orientation and systematically redirects resources from land to the seas with the aim of transforming itself from a purely land power to a land/sea hybrid” (Wu 2015a: 14–15).

\textsuperscript{12} Upon their arrival on Chinese shores in the nineteenth century, the British Royal Navy merely used port facilities; Japanese troops, meanwhile, first established a continental base in Northeast Asia before conquering Chinese territory.
All of this leads to the widely held view that “the rise of China means, or ought to mean, the ‘great revival’ of China as a major and influential Eurasian land power” (Crisp 2010: 208).

It would be erroneous, however, to disregard altogether the Chinese appreciation for the sea prior to the new millennium. In fact there are signs of a reevaluation of the firm continental stance having occurred as early as the mid-1970s, heralded by the end of the Cultural Revolution and the death of Mao Zedong. These events “brought major changes in the way China conceived of sea power as a strategic paradigm” (Nohara 2017: 219). This had to do with China’s shifting priorities in its regional neighborhood: resisting Moscow in the Pacific and claiming maritime territory—most notably Taiwan, but also the South China Sea islands—had suddenly appeared on its radar (Cole 2009: 330). But it was only after circumstances dramatically altered in the 1990s that the communist leadership would finally initiate concerted efforts to tap into the benefits of reconnecting the country to the sea, and begin warming to the idea of expanding the role of the People’s Liberation Army Navy (PLAN) in order to achieve this (ibid.: 333).

The most visible turn in the Chinese government’s attitude toward the sea came in July 2005. This marked the first time China celebrated its “National Maritime Day” in memory of Eunuch Admiral Zheng He and his exploration voyages under the Ming dynasty 600 years previously (Xinhua 2005). This commemoration would change the historical consciousness in China going forward, as the authorities thereby initiated “a new maritime narrative around the peaceful aspects of Zheng’s voyages, which gradually become a paradigm of Beijing’s maritime posture” (Uras 2017: 1025). Through the rediscovery of Zheng He as a national hero and the active promotion of his extensive but largely peaceful nautical explorations as a cultural tradition China has, finally, started to embrace the advantages of a maritime transformation (Uras 2017). Furthermore, this yearly recurring festive date has, without question, a lot to do with the realization that in the past the political leadership had accorded too little attention to the sea, and paid the price of foreign invasion and national humiliation for this disregard (Xie 2014: 115–19).

Yet, while being the most iconic reaction to this perceived strategic weakness, the China National Maritime Day is only part of a larger strategic paradigm shift that has unfolded over the course of the last twenty years. Indeed, starting in 2001 the demand for comprehensive maritime competence has been translated into political roadmaps and CCP outlets—such as Five-Year Plans and Defense White Papers (Erickson/Goldstein 2009a: xxvii–xxix). This whole series of official
statements thus promotes the need to speed up naval activities and at the same time implies a turnaround in the country’s self-image. The unprecedented claim that “China is a maritime power” (quoted in Lim 2014: 2) in 2006 by then-president Hu Jintao, for example, can be read along those lines as it clarified that in the eyes of the Party elite maritime power was no longer only an aspiration but already a formative strategic identity (Nohara 2017: 222).

In fact, efforts bolstering this stipulation have been widespread among both the previous and the current administrations. Most importantly, there is the official adoption of the goal of building China into a strong maritime power, introduced at the 18th Party Congress in 2012 (Yang 2012). Thereby, for the first time since the founding of the PRC, the government clearly signaled a departure from the self-conception of being only a continental great power (Bickford 2016b: 2). The legacy thus established by Hu in his final act as president was seamlessly embraced by his successor Xi Jinping. As such, there was no break in policy between these two leadership figures. “On the contrary, the new leadership continued to emphasize the importance of the sea and the development of the navy” (Nohara 2017: 226). Some even say that whereas the topic was brought up by Hu as a sort of “matter-of-fact description,” it was by Xi’s doing that maritime policy was addressed with a lot more urgency—thus conveying a “more threat-oriented message that paints the maritime challenges China is facing in stark and uniquely strategic terms” (Johnson/Bower/Cha/Green/Goodman 2014: 46). This is, for instance, signaled by the government’s new appreciation of resolutely defending its perceived legitimate maritime rights and interests (Chellaney 2016: 334).

Especially, then, through the tone introduced by the current CCP administration, the maritime power concept calls on the PLA to be capable of firmly implementing policies that help secure those maritime rights and interests. Moreover Xi has made maritime power status part of his articulated vision within the “Chinese Dream”, meaning it will be vital to the maintenance of economic growth, achievement of national security objectives, and ultimately to the realization of the great rejuvenation of the Chinese nation (Bickford 2016b: 12). Obviously,

13 It should be noted, though, that while in recurrent use ever since there has never actually been an official document explaining how China defines “maritime power” or, indeed, in what way having this characteristic might help with the accomplishment of national objectives (Bickford 2016b: 3).

14 The rejuvenation narrative—a term originating from Xi’s administration—seeks legitimacy via the telling of the following story: “After overcoming a hundred years of victimization at the hands of foreigners, China has finally stood up. Through
therefore, the Chinese leadership harbors a keen interest—as most visibly epitomized by Xi Jinping’s proclamations—in transforming China into a modern great maritime power and thereby altering the longstanding strategic identity of the country as a continental power.

Hence, whereas China as a state was for most of the twentieth century preoccupied with its internal borders and the vast territories that connect it to neighboring countries, recently the CCP has taken steps to upgrade the role of the sea in Chinese cultural memory. As a consequence, a shift from a land- to a more ocean-based security strategy is now underway and provides the basis for the pursuit of China’s maritime transformation (Wu 2013, 2015a)—which, at the same time, is seen as a major prerequisite for the realization of the Chinese Dream (Wu 2014). This shift has, by now, culminated in the situation that “at the highest level of the Party, there is a recognition that China’s interests in the maritime domain have increased to the point where maritime issues are essential to the Party’s approach to national objectives” (Bickford 2016b: 13; italics in the original). Thus “China’s maritime renaissance has been a long time in the making—shaped by centuries-long internal struggles over its national identity as a continental power” (Morton 2016: 931).

Assessing Challenges and Achievements regarding China’s Maritime Transformation Efforts

While the early twenty-first century thus marked a fundamental turning point in the PRC’s position vis-à-vis sea power, even to this day there are voices within the country that wish to keep China’s maritime outlook modest. For them, the Middle Kingdom is still firmly married to a continental pathway to great power (Erickson/Goldstein 2009a; Crisp 2010). Due to China’s long history of acting as a land power, they are under the impression that a continental strategic focus will prevail despite the newfound appreciation of the sea. Judging by a number of observations, China is indeed still struggling to find a sound naval approach: “When it comes to the sea, it still thinks territorially, like an insecure land power, trying to expand in concentric circles” (Kaplan 2012: 215). At best, China’s attitude toward the ocean evidences a coastal mindset—a position underscored by the restrictive legal regime it applies in its near waters. By disregarding the right of innocent passage in its territorial waters and the freedom of navigation in its exclusive
economic zones (EEZs), as enshrined into the United Nations Convention on the Law of the Sea (UNCLOS), China is creating its own maritime dilemma. Because given its attempt to restrict foreign use of Chinese coastal waters, the PRC cannot make a very convincing case concerning its far seas objectives in other states’ territorial waters and EEZs (Odom 2015). Moreover, considering that Beijing declares its “nearby waters as ‘blue national soil’ also reflects an enduring continental mindset in the midst of its quest toward a sea power identity” (Nohara 2017: 277). As such, while making genuine efforts to evolve into and be perceived as a maritime power, China does not currently behave like one in practice.

Consequently, the indecisiveness over the question of its strategic orientation still appears to be a core feature of China’s internal security debates and partly shapes its behavior with regard to the maritime domain. Given the historically overwhelming influence of the ground forces in the PLA, this is by no means surprising. The army’s overly strong impact on the course of policy has not been resolved to date, despite this having been an explicit aim of the latest military reform (Wuthnow/Saunders 2017: 30). For example, of the PLA’s five theater commands that have oversight of the military in China’s strategic regions only the recently promoted commander of the Southern one has a naval background (ibid.: 17–18). It must be acknowledged, therefore, that this bias in favor of ground forces still heavily guides “Chinese strategic decision-making, particularly at a time when China’s leaders are vividly reminded of the fragility of their hold on large parts of the country’s periphery” (Lord 2009: 448). While China is by far the world’s leading manufacturer of commercial ships (UNCTADstat 2018), it faces some issues in this regard as well. Its goal of mainly building indigenous vessels in both the commercial and naval sectors, for instance, is still very much out of reach as of now given Chinese dependence on foreign propulsion systems and subcomponents industries (Kirchberger 2015: 143–45). With regard to naval manufacturing this may become an acute issue sooner or later, considering that the Western arms embargo still curtails a lot of China’s attempts to modernize its military (ibid.: 148).

Notwithstanding these caveats, the country has undeniably achieved a form of sea power that does not require possession of an extensive fleet; with its strategic options from other sources that can be used to exert power upon the sea—such as anti-access and area-denial (A2/AD) capabilities (Scholik 2016)—even without a blue-water navy “China is already creating sea power and challenging American sea power, whether or not it tries to replicate U.S. naval forces” (Gompert 2013: 6). Owing to its impressive economic gains, moreover, the PRC
has been able to appropriate mostly former Soviet and Russian technology, which—due to (legally problematic) reverse engineering—now forms the basis of its indigenous naval development program (Bussert 2008). This is also how China got its hands on Liaoning, the PLAN’s only aircraft carrier in service so far (Scobell/McMahon/Cooper III 2015). On top of all that, there are clear indications that Beijing is taking steps domestically to prepare for the necessary transition too. Observers take note, for instance, of how China is now restructuring its naval command and force structure (Allen/Clemens 2014; Becker 2016), adapting its legal codes and legal interpretations (Kardon 2015), and launching an official Party parlance (Martinson 2015) so as to better align its national hard- and software with its maritime ambitions. In addition, the Chinese government seems determined to avoid running into the same problems other countries encountered during their own (attempts at) maritime transformations, and is thus eagerly analyzing those cases to prepare China for its own rise as a sea power (Erickson/Goldstein 2009b). Yet, it remains to be seen whether China will indeed be able to manage a maritime transformation with distinctive “Chinese characteristics” [...]. In any event, it is certain we have not yet seen the end of a process that could fundamentally transform not only China as a whole but also the shape of global politics in the decades to come.” (Lord 2009: 451)

Drivers of China’s Interest in Becoming a Sea Power

As outlined above, the intention is indisputably present among high-ranking Chinese policymakers to turn the country into a credible sea power. What is less obviously apparent, though, is their underlying rationale for this aspiration. Although it is never easy to assess people’s motivations when judging them only from the outside, it is nonetheless possible to infer from observing their actions the reasoning at least likely to play a role in their decision-making processes. As I see it, there are consequently a number of key drivers responsible for making Beijing pursue such a maritime transformation. While they are, of course, interlinked and partly overlapping in practice, the five principal drivers hereof can be described as follows.

15 A second one was launched in 2017, yet is still undergoing sea trials while a third is under construction at present (Oki 2018).
Seek security from sea-based threats

The first driver of China’s maritime transformation is the concern of the CCP with traditional security, and thus the maintenance of sovereignty and territorial integrity in a strictly statist, Westphalian sense. This includes predominantly the protection of the political system, overall social stability, and the preconditions for economic and social development. Thus, this goal refers to the defense against threats from the sea to ensure continued well-being for the state and its inhabitants. Given the settlement of the border dispute with Russia in the aftermath of the Cold War, the Chinese focus has shifted from the consolidation of its power and sovereignty on land to sea-based security threats instead. While the border dispute with India is still unsettled as of now, “all other remaining territorial and boundary disputes are with its neighbors along its maritime periphery” (Bickford 2016b: 19).

This causes China’s authorities to pay much more attention to the coastal frontiers, and hence to the relationship with the US in particular. Beijing questions not only the legitimacy of a forward-deployed US presence in the regional seas and condemns the US Navy’s surveillance operations there as “a relic of an adversarial Cold War mentality” (Redden/Saunders 2015: 99), but is also preoccupied with Washington’s role in cross-strait relations too. The “One China” policy is the most important sovereignty issue for the PRC. This was, for instance, evidenced by Xi’s remarks in early 2019 when he told the world that China would not make promises “to renounce the use of force and reserve the option of taking all necessary means” (China Daily 2019) in the Taiwan dispute. However, without substantial investments in naval capabilities such a claim would be difficult to uphold.

After all, “Taiwan, as an island, is an inherently ‘maritime’ military problem” (Bickford 2016a: 11) and dealing with it requires appropriate response mechanisms from the PRC’s point of view. In fact, as a lesson from the PLA’s unpreparedness to undertake a major reunification campaign during the 1990s, its military modernization has been a direct result of this gap—one that seems to have been largely closed by now (ONI 2015: 7). Any move toward Taiwanese independence would probably nowadays be met by countermeasures that heavily rely on operations by the PLAN; therefore “developing the capabilities to compel reunification will remain a central priority in the years ahead” (ibid.: 7). Developing sea power on its own appears, then, to China a suitable way to deter the threat posed by the US in the region and also to achieve its long-held goal of reuniting with Taiwan.
Safeguard island sovereignty and maritime rights

Seen from a more offense-oriented perspective, China’s ambition for significant maritime power also originates from a deep sense of entitlement to sovereignty over a wide range of waters, reefs, and island features in the South and East China Seas. Compared to the relatively stable situation in Taiwan, activities in these regional waters have advanced quite rapidly—with news of reclamation operations, sovereignty patrols, and episodes of harassment appearing on a daily basis. This has to do with the large number of rival parties involved in the conflicts here over sovereignty, and thus the diversity of approaches taken. China, for its part, has been especially busy supporting the case for its infamous nine-dash line, which lays claim to virtually all of the available features in the South China Sea and has emboldened the country to even start building artificial islands in the region (Beech 2016).

According to the Chinese telling of it, these claims are based on legitimate sovereign rights deriving from ancient historic titles. Here it becomes apparent that, even though it has claimed the seas and archipelagic features in question for a long time now, “as China’s military capabilities grow, Beijing is increasingly capable of asserting these claims in a manner that it was unable to only a few years ago” (Liff/Ikenberry 2014: 56). The reasons for such coercive behavior in this case are manifold, concerning not only China’s perceived maritime rights over the involved seas and the land features scattered throughout their waters. They must also be seen as a way to further contribute to economic development, as this geographic area seemingly promises vast quantities of highly valued resources—which are obviously a key asset to have at one’s disposal (Jakobson/Medcalf 2015: 8). In order to bolster its interests against rival claimants, China not only puts hope in the PLAN but more frequently sends out its coastguard too—and, reportedly, also entertains a maritime militia, a grassroots, paramilitary organization made up mostly of fishing boats operating in conjunction with the other two agencies active in its home waters (Erickson/Kennedy 2016; Martinson 2016). Hence, the ambition to increase its maritime weight is directly linked to China’s wish to control the regional seas and build up its role as the region’s major security actor.

Protect sea lines of communication and overseas interests

As for the third driver, one has to turn to the significance of the maritime economy and the relevance that shipping and sea-based trade have for supporting Chinese national growth objectives. China’s dependence
on the sea has increased immensely in recent years, with its development model hinging on overseas trade and markets from which to import fossil fuels and to which to export assembled commodities (Wu 2013: 145; Klein, in this volume). Figures commonly cited here reveal that 90 percent of China’s foreign trade travels by sea and 82 percent of its crude oil imports had to pass through the South China Sea in 2013 (Stratfor 2015). This “dependence on international shipping places it at the mercy of its geographic location. China does not enjoy the geographic endowments of the United States—that is, two borders composed of thousands of miles of coastline and adjacent maritime zones” (Odom 2015: 81). Instead the SLOCs, via which goods and resources are carried to and from China, are contained within a very enclosed area (the so-called first island chain). One official document even claims that China has no less than 30 key SLOCs that connect China to 1,200 ports in over 150 countries, and therefore form “vital lifelines” for the national economy (cited in Bickford 2016b: 22). Protecting these sea lines, which connect the world to China’s vibrant Southern and Eastern coastal provinces and vice versa, is thus an essential task.

A major security concern that ties directly into this and thus haunts Beijing is its “Malacca Dilemma.” The phrase first came up in the discourse on China’s worries about energy security and oil supplies back in the early years of the new century, when the CCP leadership came to perceive the geographic situation of its economically crucial coastal area, which has access to the open sea only via narrow straits, as a strategic vulnerability (Storey 2006). These straits could be subjected to frequent freight raiding by pirates, terrorists, or—even worse—to blockades by hostile sea powers. The situation is further complicated for China in particular by the fact that the Strait of Malacca is not an international waterway but enjoys shared sovereignty among its littoral states Singapore, Malaysia, and Indonesia (Murphy 2014: 138).

As China’s resource efficiency is still quite low in comparison to industrialized countries, its consumption of energy for the creation of similar value in terms of gross national product is substantially higher (Xie 2014: 117). As a result, it is particularly vulnerable to interdictions of these waterways and “tries to expand its influence in the sea by developing its navy forces and strengthening its control over the sea chains” (ibid.: 117). Beijing’s offer to patrol the Strait of Malacca was,

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16 This is, however, an issue not only for China but for the regional states (notably Japan) more generally, since their trade would also be adversely affected if these straits became unnavigable—after all, roughly one-third of the global seaborne oil trade and half of the world’s traded liquefied natural gas (LNG) pass through here on a daily basis (Xu 2015: 25).
however, unsuccessful in the same way that similar bids by Japan and the US were too: on account of foreign naval activity in its territorial waters being an infringement of its sovereignty, Jakarta declined all of these requests (Murphy 2014: 138). Nevertheless, in order to ensure that its economic development is not slowed down by a restriction of trade routes it still makes sense for China to invest in offshore military capabilities.

**Earn legitimacy as a strong nation by gaining status as a major maritime power**

More recently, the PRC has started to attach its goal of becoming a maritime power to its overall continued rise as a great power more openly—a process, as mentioned above, that was first initiated under Xi Jinping’s leadership. These efforts are in part unmistakably nationalist in nature, as can be witnessed in all the talk of the importance of maritime power for the rejuvenation of the Chinese nation (Bickford 2016a). As one commentator put it, “Xi Jinping may be inclined to use the concept of maritime power to boost popular support for the regime” (Yoon 2015: 46). Much of what is being reported and shown off as alleged naval development achievements needs, therefore, to be reframed as propaganda—“geared toward creating a feeling of pride and unity among the populace and therefore aimed at a domestic audience just as much as at foreign powers” (Kirchberger 2015: 9–10). This underlines the nationalist tendencies inherent in the goal of achieving naval power.

For instance, the obvious attempt by the CCP to use promises of maritime power in the East China Sea islands dispute is said to be aimed at boosting the Party’s popularity by exploiting the nationalistic mood surrounding these events (ibid.). Much like the islands dispute, naval prestige projects such as the building of an aircraft carrier or the formation of a blue-water navy are also based on feelings of national pride within the PRC. Similar to the nationalist rhetoric surrounding high-profile projects like the Three Gorges Dam, the 2008 Olympics in Beijing, or the domestic space program, the Chinese leadership is said to favor building an aircraft carrier and forming a blue-water navy in the same spirit—to be seen as taking another step toward achieving great power status (Ross, 2009: 60–65). In the eyes of many, the acquisition of a carrier fleet promises a better position vis-à-vis Taiwan and regarding SLOC protection. It would furthermore bring an end to the “embarrassment” of being the only rising power and Security Council
member without an aircraft carrier, enable the country to confront and deter the US Navy and its allies in the South China Sea and the Strait of Malacca, and help overcome the historic events that caused China’s long century of humiliation—which was, supposedly, inflicted on the country via the ocean (ibid.: 65–75).

Asserting its maritime supremacy would thus be a crucial step for China in finally rising to the rank of major global power, as it operates under the impression that all historic major powers were sea powers as well (Bickford 2016b: 21). Given this close association of maritime power with the quest for Chinese national identity, “naval modernization is no longer simply a question of keeping pace with economic growth, but lies at the heart of debates over China’s rightful status in the world” (Morton 2016: 933). This is partly being reinforced by China’s growing community of (military) nationalists. Considering that their views have seeped into the public discourse, China’s regional and foreign policies are now under close observation. “If China’s leadership is seen as ‘settling’ over contentious regional issues, rather than perpetuating a hard-line stance, it risks inflaming public opinion and undermining its domestic legitimacy” (Lin/Gertner 2015: 16). As such, the country is in need of a stand being taken and its determination being signaled to national audiences. Given that, moreover, Xi has done away with some of the rhetorical inhibition that had previously guided maritime relations with China’s neighbors, he may be hard pressed to live up to the standard thus set. On multiple occasions Xi has indicated that the CCP elite may be unwilling to put its restraint on hold any longer, and also wants to see China become a great maritime power (Jakobson/Medcalf 2015: 9).

Maintain a sound overseas and maritime security environment

The fifth and final driver of China’s maritime transformation is one based more on a global security perspective that aims at the maintenance of good relations with the region as a whole as the country proceeds to expand its naval presence. Most of this can, therefore, be termed as “military operations other than war” (MOOTW). This is linked to the increased presence of its nationals around the world, a trend that is of course closely tied to the opening up of the Chinese economy and especially the “Go Out” policy initiated in 1999. The security of these citizens is of significant importance, because threats to them receive extensive media coverage. The need to ensure their safety is thus quite crucial for the Party leadership, because failure to do so
would draw attention to a potential inability to care for the population and thus discredit Beijing’s overall legitimacy. The measures that needed to be taken in response to dangerous situations involving Chinese nationals in countries and regions like Afghanistan, Pakistan, Libya, Sudan, and the Mekong Delta go to show that this risk is heightened when commercial activity is extended to weak states (Parello-Plesner/Duchâtel 2015).

This interest falls into a similar category to the international commitments China has that equally call for an ability to quickly respond to situations arising overseas. Such responsibilities include peacekeeping operations, reacting to nontraditional security threats at sea, as well as other “multilateral efforts to support the international order” (Bickford 2016b: 22). Evidently, combating piracy and terrorism are the most pressing issues as they create fear of attacks that could possibly harm sensitive shipping lanes—for instance, through suicide attacks on oil tankers or LNG carriers (Xu 2015: 26). However, MOOTW may also involve actions of a humanitarian nature, thus substantially promoting China’s soft power image by giving the PLAN a much more civilian outlook and responding to the negative perceptions surrounding its modernization—as it has done, for example, with the dispatching of its hospital ship, the Peace Ark, to foreign countries (Dooley 2012: 71).

In addition, the PLAN has also expanded its horizons by joining in with the antipiracy operations in the Gulf of Aden. Despite some differences and the Chinese insistence on acting individually outside of the Western-led multilateral coalition, its contribution on the Horn of Africa goes to show that successful cooperation with the PLAN is indeed possible (Erickson/Strange 2015). Moreover, given the high number of shipping and naval activities occurring in the partly enclosed seas around China’s coast it is noteworthy that Beijing has signed a number of international protocols. Examples are the Code for Unplanned Encounters at Sea or the Convention on the International Regulations for Preventing Collisions at Sea; this signals the country’s readiness to defuse potential conflicts over minor accidents happening at sea (Redden/Saunders 2015: 97–98). Hence the PRC has reason to become an active participant in maritime security affairs not only for its own sake but also for the maintenance of order at sea more generally. Besides developing predominantly offensive capacities for an intervention in Taiwan or for the goal of A2/AD, China also recognizes the need to fight nontraditional naval threats and to support international disaster relief as well as peacekeeping operations.

Given these wide-ranging interests, it appears logical that China is now very conscious of the need to develop its own maritime strategy.
While some of the daunting challenges inherent in its current national development model can be met by putting greater emphasis on such a strategy though, it is also clear that those interests differ with regard to their geographic scope; some affairs can be dealt with under a coastal and near seas framework, others have a much broader dimension to them—thus requiring the deliberate development of far seas capabilities, provided only by a reliable blue-water navy. It is, therefore, unsurprising that Chinese attempts at maritime transformation have a dual purpose in line with what has been termed in the 2015 DWP as a shift in “[the PLAN’s] focus from ‘offshore waters defense’ to the combination of ‘offshore waters defense’ with ‘open seas protection’” (MOD 2015: section IV). Against this backdrop, it is quite important to bear witness to how these interests have led to policy choices that impact on the whole region and that have consequently been met with counteractions from states throughout Asia Pacific.

The Regional Security Order in Times of China’s Maritime Transformation: The Turning of the Tide in Asia Pacific Relations

Apart from being a palpable rupture with a country’s own past, a maritime transformation also constitutes a very visible modification of the established security order. In the case of Asia Pacific this security order used to be based on US maritime preponderance. While the US retains a strong role as external balancer and security guarantor for many states in the Asian naval theater, it will not be able to thwart China’s bid to become a true maritime power. It is under these conditions that China’s maritime transformation is presumed to be a serious challenge to the US-based liberal order in the region, because the expansion of the former’s power projection capabilities may hint at a key novelty arising in Asia Pacific. It demonstrates China’s willingness to seek the same kind of security on its maritime frontiers that it has enjoyed along its inner territorial borders ever since quasi-peace was reached with its northern and western neighbors. For a region that is widely affected by a distinctly maritime geography, this creates the risk of surrendering the freedom of navigation to unilateral Chinese control. Furthermore, the current international system is so deeply immersed in the globalized economic model, of which seaborne trade and sea lane security are essential aspects, that no state with a stake in it can ignore what is going on around one of the world’s most important waterways.
It is therefore undeniable that China’s increasing ability to effectively control the near seas with its A2/AD capabilities and emerging blue-water navy are now altering security dynamics in Asia Pacific. However, the US is still in a very strong position in the region, even if China does eventually manage to push it further back toward the rim of the first island chain. The US potential to effectively seal the choke points in the Indian and Pacific Oceans to Chinese shipping is a very real option that has haunted China for a long time now. Given that the US has moved toward becoming less dependent on foreign fossil fuels since it began to allow fracking, in its search for domestic energy resources, this imbalance vis-à-vis China has only further increased. Although China is trying to adapt to this development by upgrading its means for projecting sea power, “neither its rapidly expanding submarine fleet nor its ambition to acquire aircraft carriers can protect the vital shipping upon which its economy is dependent” (Pfeifer 2011a: 129). Thus, the A2/AD is not a factor that has flipped the balance of power in the region to date. The US continues to have a very real ability to counter these capacities, even as an offshore balancer. Of course, for its current role the US is heavily reliant on the access to the region granted to it by alliance partners—and especially South Korea and Japan, “playing the role of facilitator for greater presence” (Garcia 2016: 553). Yet, as the American decision regarding a pivot to Asia shows, the regional states have more than gladly welcomed an increased show of US force in the region (Morton 2016: 930–931).

The PRC, on the other hand, is confronted with a group of wary nations that are pitting themselves against a perceived Chinese effort to establish a bigger sphere of maritime influence. Since China’s maritime transformation is likely to become a reality at some point, the region is tasked with weighing up a very complicated set of strategic choices. Even though China may not be able to replace the US as supreme naval power in the region for some decades yet, it still might extend its range of capabilities to a degree perceived as dangerous. Hence, many neighboring states are prone to bolstering their defenses against this potential Chinese threat. Meanwhile they do not want to appear to be obviously balancing China, because they all depend so greatly on the economic power that it has amassed over the last thirty years.

This produces an interesting array of approaches and strategies by the states of Asia Pacific: they pursue not only bilateral security assurances with the US, but in a number of cases have even established security ties with each other without the latter being in the picture (Garcia 2016). Along with the calling upon supranational institutions, there is thus an unmistakable tendency of making the issue a multilateral one—
or at least internationalizing it. It remains to be seen whether this trend continues to allow smaller neighboring states to face China as a coalition of like-minded actors, or if the rising power finds a way to undermine and dissolve the interlinkages between them. In any case the maritime transformation of China is a clear manifestation of its rise to great power status, and is making the entire situation more complex by creating new security interdependencies throughout Asia Pacific. The tenets of the regional security order are thus in flux, while the balance of power simultaneously remains more or less intact.
Bibliography


Chapter III: The Devil and the Deep Blue Sea: How China’s Assertive Strategies in the South China Sea Lead to Foreign-Political Confrontation

Saina Klein

Introduction
The South China Sea has trapped the gaze of the globe onto its waters. As the risk of confrontation lingers on, military buildup is assisting the protection of the economic development of certain key players within this territorial dispute. Composed of an abundance of resources, rising animosity between states, and China’s assertive stance, which loops most of this sea into its territory, the waters of the South China Sea have become fractious. The semi-enclosed sea is located at the foot of China’s southern border, squeezed in between the east of Vietnam and the west of the Philippines, and touches the northern borders of Brunei and Malaysia.

Located centrally within Southeast Asia, the South China Sea is the gravitational center of East Asian economic growth (Buszynski 2015: 2). It acts as the geographical channel connecting Northeast and Southeast Asia. The overlapping claims of several governments, including China and Vietnam among others, to territorial sovereignty and maritime rights constitute the disputes in the South China Sea. China delineates its claims in this sea by its nine-dash line, which envelops 90 percent of it into its exclusive economic zone (EEZ). Situated in these waters are the Paracels and the Spratlys, two uninhabited island groups, the jurisdiction over which—along with the related waters—is disputed by the various claimants involved.

China’s expanding presence in this sea has been met with growing assertiveness from other claimants, such as Vietnam. Resource accumulation and the concern over sovereignty have generated tension, which revolves heavily around the South China Sea—challenging the security and inhibiting the development of the Asia-Pacific region at large. Additionally, the regional maritime dispute has garnered international attention and brought overseas stakeholders in. The involvement of the United States (US) through its “Pivot to Asia,” a strategy which shifts its foreign policy focus to Asia through renewed diplomatic engagement and military redeployment there, has exacerbated the already volatile atmosphere of the region. Through the US’ amplified role, the waters
have turned from thriving trade channels into a platform for conflict (Council on Foreign Relations 2017a).

China relies on the South China Sea for reasons pertaining to its development and security; these are the driving forces behind the state’s chosen strategies. Furthermore, development and security are intimately linked to one another: the presence of one intensifies the other and the absence of one diminishes the other. With China’s focus on exponential growth and the sustainability of its future economic prosperity, the state implements strategies of development and security that aim to solidify its position nationally, regionally, and globally. Those executed in the South China Sea, however, carry the weights of assertion and dominance, and cast a shadow over the prospects of the dispute being resolved amicably. China’s pursuit of its goals and the rise of confrontation and tension are thus synchronous.

Therefore, this essay questions this simultaneity by assessing how Chinese assertive strategies lead to foreign-political confrontation with other claimants of the South China Sea. The essay is structured to assess China’s position along the security-development nexus, as a modern teleological narrative, and to shed light to the consequences of Chinese chosen strategies in the Southeast Asian region—with a particular focus on Vietnam. Through the understanding of the importance of this sea in the context of development and security, the strategies implemented by China will be analyzed and evaluated against those of Vietnam to better depict the former’s methods of instigation and provocation. The dynamics that ensue from the execution of these strategies portray a framework that coerces Vietnam into foreign-political confrontation, while leading China to attain economic dominance, military supremacy, and ultimate power.

The Tether between Development and Security

The interplay of development and security is a vital policy component for China. The country’s roles and actions in the region illustrate a narrative of development and security that not only shows the two concerns’ interconnection, but also their interdependence. A theoretical explanation of this connection can be elucidated through the mapping of this security-development nexus. With the understanding that “development and security are inextricably linked,” the presence of the

17 Former Secretary-General of the United Nations Kofi Annan stated the importance of the connection between security and development in his High-level Panel
nexus in policymaking has become a focal point of research. Stern and Öjendal explain that security and development are tools that are wielded by actors to “prescribe processes and determine outcomes” (2010: 7). Understanding both as aspects of a modern teleological narrative indicates a tether between security and development. Development can be understood as the central strategy for state-building. The implication of improvement is etched into development, and the role of the latter is interlinked within the fortunes of the state: while the state drives development, development is the constitution of the state (ibid.: 11).

The narrative of security is a story of survival through the procurement of a promised safeness. Viewing security through this lens depicts a “narrative of progress” whereby past insecurity “necessitates” the promise of “security (now) and the ultimate achievement [of it]”—as well as any future implication of security (ibid.: 14). Hence, state security is a central component of international politics and the surrounding narrative centralizes its procurement as a vital goal. When attempting to map this linkage, the security-development nexus as a modern teleological narrative highlights the interdependence of both. Promised security is achievable through stable progress, and development is sustained on a foundation of security. Therefore, development begets security and security begets development. Relating the nexus to the context of China illustrates how the concept can be aptly applied to the South China Sea dispute too. The presence of China’s development and security goals demonstrates the existence of a nexus; a connection or linkage between these concepts. The security-development nexus gives insight into the construction of this, and how “different discourses imbue ‘the nexus’ with different meanings” (ibid.: 24).

China’s South China Sea Dilemma: A Struggle for Control

The history of this contestation process has metamorphosed from a regional struggle over maritime claims between businesses to the missing puzzle piece of state completion; the dispute has gained importance in the eyes of the governments involved, as the definition of borders is seen as a symbol of statehood (Buszynski 2015: 1). Aspects of a resource and power struggle are evident in the development of the dispute’s history. Whereas China claimed the inheritance of these borders from its premodern state, claimants such as Vietnam have accepted the ambiguous borders from their previous colonial power. The ambiguity

of these boundaries translates into the complexity of conflicting claims over islands, reefs, and the South China Sea itself. China’s assertive claims on the area sparked the escalation of tension to what is, today, known as the “South China Sea maritime dispute” (Buszynski 2015: 1).

Other than incomplete state-building, much is at stake for China in the event of a loss of control over the area. These stakes portray the importance of the South China Sea in the context of both development and security for China. A look at the implication of gaining control indicates a pattern involving development and security. The developmental aspect relates to the abundance of natural resources present in the South China Sea. The waters are estimated to hold at least seven billion barrels of oil and an approximate 900 trillion cubic feet of natural gas. Jurisdiction over the regional waters would give China access to these maritime resources, comprising not only of hydrocarbons but also fish. Most economic benefits are derived from fishing (Nguyen 2015: 26). Furthermore, as the gravitational center of East Asian economic growth, China’s utilization of this sea highlights its dependence on the disputed waters. The majority of Chinese trade, including 80 percent of its oil exports, flow through the South China Sea (Buszynski 2012: 145). The sea lanes of communication ensure energy security for China, through the transportation of oil and gas resources. Furthermore, another important feature within this sea is the Maritime Silk Road. This trade route was introduced by China in 2013 as part of the One Belt, One Road (OBOR) initiative to enhance development throughout Southeast Asia, by connecting China to Africa and Europe via the Indian Ocean and South China Sea. Within the region of the contested sea, part of the Maritime Silk Road runs parallel to the coast of Vietnam. Winning a claim over the South China Sea therefore ensures control over key trade routes—and with it, economic prosperity and economic dominance.

Despite the apparent economic benefits, the attraction of the South China Sea is embellished by its geostrategic importance as well. The geographic position of China enables it to use the maritime space as its “gateway to the world” (Nguyen 2015: 26), while simultaneously enhancing its geopolitical vulnerability. The South China Sea has been the battleground for a wide array of conflicts, between different actors across different eras, demonstrating a key security concern for China. Over the last century, China has been invaded by foreign troops seven times through the access provided by seas, most of whom entered the mainland via the South China Sea (Ji 1998: 102). Southeast Asia poses as an advantage point for China’s enemies, given the history of conflicts in the region. In 1997 an Atlas of Shame was published by China,
illustrating all instances of victory over the country in the previous century. The South China Sea represents the weakness of China’s national defense, and its history points to the permeability of the country’s security. Control over the area would allow China to manipulate the South China Sea and form a maritime buffer for its southern provinces. Maintaining a firm grip on this sea would allow China to monitor any movement, exercise its naval forces so as to exhibit power, and therefore secure the state’s defense.

Two key drivers of China’s policies are derived from the assessment of this sea’s importance: development and security. The overall presence of a nexus between them is identifiable within the context of control. The developmental elements of China’s claim to this sea not only aid the apparent economic benefits of the state but secure its position as a rising global power. Similarly, seeking jurisdiction over the South China Sea alleviates the vulnerabilities of China’s defense and develops state-building by enabling the procurement of security. This interplay relates to the first aspect of the security-development nexus as a teleological narrative. Security and development are located in a particular geographical space, the state or a region, and understood as mutually reinforcing one another. This assists an internal confluence between them (Stern and Öjendal 2010: 17). Therefore, the pathway to control over the South China Sea is saturated with essential development and security strategies.

The Strategies of China in the South China Sea

The security-development nexus is present in the discourse surrounding current Chinese policies and strategies. China’s President Xi Jinping states that “development is the foundation of security, and security the precondition of development” (Xi 2014). Therefore, the efficacy of the nexus’ internal confluence can be understood and determined through China’s chosen strategies. Xi’s statement recognizes the interlinkage of security and development, and so the policy approaches pertaining to the South China Sea are grounded in this core understanding. Hence, it is essential not to entirely separate development and security from one another when scrutinizing the strategies taken toward these waters.
Development strategies: Marine capture production and hydrocarbon exploration

As the copious natural resources in the South China Sea attract the potential for development, the competition over them has become a key driver of this dispute. One type of resource prevalent in these waters is fish. The South China Sea is one of the world’s five-leading fishing zones. Some estimates show this sea’s lucrative fisheries to account for 10 percent of the global total. While most of the fish caught are consumed domestically, China is the largest seafood exporter—with its markets extending to Europe and North America as well.

Strengthening supervision of its fishing within the claimed waters is one of the development strategies pursued. China’s leading approach also encompasses the management of its ports, the protection of fishermen, and the enforcement of related laws (Fravel 2011: 304). China has equipped the South Sea Region Fisheries Administration Bureau (SSRFAB) with the task of conducting the aforementioned supervision. This bureau is composed of two units that are responsible for law enforcement. The SSRFAB manages the waters around the Paracel and Spratly Islands, and has begun to organize cruises or “patrols” (xunbang) to enforce Chinese laws (ibid.: 304). Vessels of the fisheries administration monitor areas of the South China Sea, enforce domestic fishing regulations, and assist Chinese ships through the contested waters. While these elements of support add to China’s own development strategy, the patrols are intended “to prevent foreign ships from operating in Chinese waters” (ibid.: 305). These fishery patrol ships, which frequently detain foreign fishing boats, are converted naval vessels that operate in China’s claimed areas of the South China Sea (Buszynski 2012: 144).

An additional strategy that is employed by China is the declaration of fishing bans. Since 1999 Beijing has declared and imposed bans on fishing annually in the South China Sea. This is intended to preserve China’s own fishing fleet (ibid.: 143). Over the years, China has continuously increased its maritime surveillance forces to protect its security and inspect any foreign vessels within Chinese-claimed waters. Instead of depicting a model solely of development, these strategies exude a rather confrontational approach. China is inflicting its laws and claims onto a contested area with these strategies; these impositions can incite conflict.

A second feature of China’s development strategy pertains to the presence of hydrocarbon resources. Tapping into the resource market continues to be a vital component of Chinese strategies and policies, as
oil and gas account for less than half of China’s current energy consumption. The country’s entry into the crude oil market as a net importer in 1993 was argued to potentially lead to a resource war, while other assessments discussed the likelihood of energy security bending Chinese will to comply with international standards. The South China Sea is an example of an external energy source, where competition and cooperation ebb and flow. Although security concerns are an essential element of the dispute, China’s intentions have extended to “preventing the interdiction” of sea lanes that supply China’s domestic economy with necessary energy and raw materials (Yahuda 2013: 449). Over the years and in developing the country, the Chinese leadership has concluded that sufficient energy is not enough to maintain national security—but that the latter can be sustained through energy security (Zha 2006).

Again, the linkages of security and development feed the existence and importance of the nexus between them. The abundance of resources in the South China Sea offers economic opportunity for smaller, littoral states, but also provides much-desired energy security for China’s own expanding economy. Furthermore, if the resources in the South China Sea are properly exploited, China could become less reliant on oil imports from Africa or the Middle East (Cáceres 2014: 25). China could manage some of these energy demands through the exploration and extraction of these hydrocarbon resources. Oil companies are encouraged to increase offshore oil production, and exploitation of oil and gas has intensified through China’s ever-increasing demand for energy (Zou 2009: 90). The 2015 gas discovery, which could yield over one hundred billion cubic meters of natural gas, portrays China’s continuing efforts to extract resources despite contestation with neighboring countries (Parameswaran 2015). On top of the state endorsing these commercial activities, like its fishing pursuits, China asserts authority through similar methods of policing and coercion. The Marine Surveillance Force (MSF) conducts patrols and enforces Chinese maritime laws—thereby protecting the state’s interests. Although the scope of these patrols is not publicly available, the MSF has been involved in multiple incidences where it disrupted activities of other claimants (Fravel 2011: 306).

Development strategies, therefore, protect Chinese interests through the support of domestic entities in the South China Sea. However, the assertion of authority—as a deliberate strategy—over commercial activities in Chinese-claimed waters is designed to deter others from challenging the country’s position. The development goals are protected through security measures, portraying the mutual
reinforcement aspect of the nexus’s internal confluence. While China continues to explore, extract, and benefit from these resources, it simultaneously dissuades others from disrupting its efforts in this regard. However, these strategies can exacerbate hostility and lead to confrontation if other nations are unwilling to comply with China’s stance.

Security strategy: Naval expansion and military supremacy

The history of regional conflicts reveals a gaping hole in China’s defense, as illustrated through its Atlas of Shame. In response, China has implemented a security strategy to fortify its borders from potential threats that may come through the South China Sea. Furthermore, an essential component of this strategy seeks to secure the transportation routes of Chinese resources amid fear of potential disruptions to the supply lines that run across the South China Sea. Evidently, development and security are intertwined. Where the development strategy generates economic growth, China’s security one facilitates the latter’s defense through continuous military development.

China executes its security strategy primarily through the expansion of its armed forces. The display of its naval and military capacities is a mechanism of deterrence, preventing others from challenging the Chinese state (Fravel 2011: 307). China is not just preparing itself against regional challenges, but also threats from beyond Southeast Asia. One purpose of such a security strategy is strengthening China’s position in the event of a conflict with the US over Taiwan: if the island nation were to declare independence, China would react—while the US would rush to Taiwan’s aid. The inclusion of this factor in its strategy, despite the general history with Taiwan, stems particularly from the crisis of 1995–1996, when the US deployed two aircraft carriers in an exhibition of its power (Buszynski 2012: 145). Securing this sea, therefore, widens China’s area of control.

Over the years, China has deployed several submarines and destroyers to the South China Sea. In the last two decades, China has intended to develop its navy and establish a system of defense to protect its maritime security and national development. This has included the deployment of four new classes of submarines and six new classes of navy destroyers. Furthermore, the number of aircraft carriers has and is planned to increase: China launched its first domestically built 50,000-ton aircraft carrier in April 2017, and a second one is expected to enter service by 2020 (Martina 2017). The modernization of China’s naval forces includes an adding of attack and nuclear-armed submarines to
the already existent ones. The ballistic-missile-carrying submarines, or SSBNs, are expected to be accommodated in the Yulin Naval Base, China’s military base in the South China Sea (Cook 2017). The development and deployment of various components of the country’s naval force represents an ever-increasing expansion thereof. The enlargement of its naval capacity is a necessary attribute of its power status. As China’s economic power increases, its maritime interests also expand—as does its naval capacity (Buszynksi 2012: 145). Unlike its development strategy, China’s security strategy empowers the state with the instruments to not only defend but enforce its maritime rights. However, as the security strategy comes with a show of force that creates the grounds for interstate confrontation to take place, China’s security strategy essentially takes the shape of an arms race in the face of its own fear of external threats.

Repercussions from the execution of China’s strategies

The strategies exhibit an incessant interplay of development and security. The fruits of development equip China with the tools to strengthen its security capacities; the dependence of security on development indicates the depth of their interlinkage. If neither aspect were attainable, China would face uncertainty, vulnerability, and its position would be enfeebled. Therefore, these strategies reinforce the internal confluence of the security-development nexus. In addition, both the development and security strategies have resultant repercussions that increase the chances of maritime confrontation ensuing and are fuel to the fire of the territorial dispute.

China’s strategies fulfill the internal confluence of the security-development nexus by implementing methods that benefit both aspects. From this standpoint, China attempts to secure its own position economically and geopolitically. However, Chinese strategies are twofold: where one component of the strategy ensures advantages for China, the other protects its interests through assertive measures. The repercussions of these strategies for actors on the receiving end of them cannot be disregarded. When placed in the same arena, other states’ intentions, claims, and presence clash with strategies that are intended to secure the position of China. Therefore, the strategies may harmonize development and security for the state itself, but thwart any consonance between China and other countries through the cacophony produced by these assertive measures and opposing claims delaying cooperation and hindering conflict resolution. In the following section, the case of
Vietnam—specifically within the context of the South China Sea—will illustrate further how the chosen strategies act as enablers for Chinese intentions. Additionally, it will be demonstrated how the assertive measures pursued by China incite foreign-political confrontation—by inhibiting and provoking the claimants involved.

The security-development nexus works to strengthen the position of China. When applied to the region, however, development and security of one party are implicated in those of another as well. The second aspect of the security-development nexus as a modern teleological narrative refers to “a relation of implication across borders” and bridges “the spatial and temporal divergence”: the security and development of one state is enmeshed in the insecurity and lack of development of another (Stern/Öjendal 2010: 18). Therefore, when considering the strategies implemented in the South China Sea, not only is foreign-political confrontation a consequence but the security and development of another state are also threatened. The investigation of these strategies vis-à-vis the case of Vietnam elucidates how security and development concerns are intertwined between both nations as well as the extent to which foreign-political confrontation is induced by the approaches taken.

Vietnam’s Counterstrategies: Attempting to Challenge China

Sino-Vietnamese relations have been tempestuous throughout the course of their history. For centuries, Vietnam’s development has been tethered to the geographic proximity of China. Despite their cultural similarities, Vietnam has spent years resisting Chinese domination at the expense of its own economic development and political compromise. China and Vietnam’s history extends across eras of conflict and cooperation (Ravindran 2012: 112). Although both states continue to improve their diplomatic and economic relations, the territorial dispute over the South China Sea persists as a point of contention. Vietnamese sentiments for China are such that the former would not hesitate to engage in warfare with the latter over the South China Sea (International Crisis Group 2012: 3); distrust of China is deeply rooted among the Vietnamese people (Ravindran 2012: 112).

In the 1980s and 1990s, within the Association of Southeast Asian Nations (ASEAN), the South China Sea dispute was assumed to be an extension of the longstanding conflict between China and Vietnam (Buszynski 2015: 12). Vietnam claims sovereignty over the Paracel and
Spratly archipelagos, based on factors pertaining to its history and economic development, the maritime boundary along the Vietnamese coast, and its own EEZ. Vietnam’s claims over the South China Sea challenge those of China directly. China’s own claims include all areas of dispute stated by Vietnam, with the Vietnamese EEZ falling under the zone segmented by the nine-dash line. This contributes further friction to the already fluctuating and volatile relationship between both states.

Similar to the reasons behind China’s assertions, Vietnam has tightened its grip on its claims due to geostrategic and economic developmental factors. The geostrategic ones are based on Vietnam’s physical features. Vietnam’s geostrategic importance is carved by these features and the vulnerability that ensues from them. Over 3,200 kilometers of coastline stretches along the Gulf of Thailand and the South China Sea, indicating Vietnam’s susceptibility to seaborne attacks. Vietnamese history depicts instances where Chinese dynasties invaded the nation from the sea. A firm grip on the South China Sea equips Vietnam with the necessary foothold to contain China’s superior forces. The two aforementioned archipelagos serve as geostrategically important areas of defense, as Vietnam’s military assets are based there. A loss of control over these archipelagos would expose Vietnam’s sea lanes to external threat and the state would be powerless to resist a military invasion by China. A naval blockade could be imposed on Vietnam by using force on or around the archipelagos (Hiep 2014: 178). The basis for strengthening its defense, therefore, is mostly in response to China’s ever-expanding military capacities. China’s assertive presence and security strategies figure heavily in Vietnam’s geostrategic interests. Subsequently, China’s security strategies have forced Vietnam to fortify its borders due to both previous and potential foreign-political confrontation.

In recent decades, Vietnam’s economic interests in the South China Sea have become prominent as essential determinants of its development strategy. Vietnam’s economic activities were previously limited to the mainland, with wet rice agriculture being of significance (Hiep 2014: 177). In the 1970s, as the dispute over this sea became more apparent, Vietnam was faced with the struggles for independence and national unification—debilitating the state and preventing the pursuit of economic development (ibid.). With a renewed focus on economic reform a decade later, Vietnam recognized the opportunities within the South China Sea and—like China—has focused on fishing and the extraction of oil and gas.

Vietnam’s sea-related industries have since expanded and become vital elements of the economy. Fishery products compose a large part
of Vietnam’s export market. Vietnam’s seafood market is one of the world’s largest exporter of fishery commodities, following China’s (FAO 2016). The state benefits enormously from the South China Sea in this regard, and offshore fishing is said to become its greatest source of marine capture production (Hiep 2014: 182). Similar to China, Vietnam’s fishing fleets operate around the two archipelagos as a “key measure to defend its sovereignty” (ibid.: 182). When considering hydrocarbon exploration, Vietnam’s oil and gas industry has developed rapidly over the years and continues to contribute to the state’s socio-economic development unabatedly. In 2008, Vietnam became a net oil importer, leading to increased investment in and exploration of Vietnam’s continental shelf. Consequently, as the national economy moves to expand, Vietnam—like China—is also recognizing its increasing need for energy.

A parallel to China can be additionally drawn from the specific claims made and strategies employed by Vietnam. China and Vietnam embed the justification for their chosen approaches here in the welfare of their respective states. While both nations base their development strategies on economic growth, Vietnam’s security strategies are formulated in the context of foreign-political confrontation with China, thereby equipping the former with the necessary instruments to protect itself and withstand a conflict over the maritime territory with the latter. As depicted earlier, Chinese strategies—both development and security-wise—contain elements of coercion that are exerted over others. Where China’s security strategy intends to protect the state from any foreign threat, Vietnam’s threat is solely China—reinforcing the idea of the latter being the instigator of hostility. The following section will reconsider China’s strategies, taking Vietnam’s presence and activities in these waters into account, and demonstrate how Chinese definitive measures and demands lead to foreign-political confrontation by inhibiting and provoking its neighbor. In light of the security-development nexus as a spatiotemporal bridge, the section will illustrate how China’s advancement is achieved at the expense of Vietnam. China’s assertive presence hovers over the South China Sea and, as it expands, increases the likelihood and actual instances of confrontation with Vietnam.

**Forcing Foreign-Political Confrontation**

China’s development strategy consists of multiple layers, all of which contribute to the tensions and the likelihood of confrontation. The first aspect to consider is the fishery patrols. These include the supervision...
of Chinese vessels, but also enforce domestic laws and often detain fishing boats. Patrols and fishing bans are examples of China’s assertive stance within this territorial dispute. An increase in Vietnamese fishing activity, along with a strengthened SSRFAB, has resulted in confrontation over the years, leading to the expulsion of many Vietnamese boats (Fravel 2011: 305). Chinese authorities have been accused of harassing Vietnamese fishermen and “attacking” them at sea (Holmes 2016). Furthermore, China has detained and beaten Vietnamese fishermen in the past and continues to confiscate hauls as well as seize their equipment, claiming that Vietnamese vessels are operating in its territory (Reuters 2011).

In 2010, Vietnam demanded the immediate release of nine of its fishermen, who had been detained by China in the South China Sea (Bland/Dyer 2010). A Vietnamese newspaper reported that sixty-three fishing vessels with a total of 725 men onboard had been detained by China since 2005 (TN News 2010). Despite these hostile strategies by its neighbor, Vietnam is not deterred. Instead, the hostilities have led Vietnam to engage in the same form of conduct as flaunted by China. Consequently, a Vietnamese newspaper article reported that the state had driven away approximately 9,700 Chinese fishing boats over the last ten years (TN News 2014). Vietnam also made a “rare” move against its “powerful neighbor” last year by seizing a Chinese ship and detaining its captain and two sailors (Holmes 2016). Overall, Chinese strategies vis-à-vis fisheries have induced confrontation and provoked hostile responses.

The second aspect of the pursued development strategy concerns the resource war over hydrocarbons, because, as noted, China and Vietnam both recognize their increasing energy demand. The former’s exponential economic growth is now accompanied with a need to establish energy security. As stated earlier, China is increasing its offshore production of oil and gas; these activities are supported by methods of policing and coercion similar to those found in the fishing industry. Over the years, China has frequently sabotaged the activities of Vietnam’s oil and gas complex. In 2000, Vietnam augmented its offshore petroleum industry by cooperating with other foreign oil companies. China countered this by issuing eighteen diplomatic objections to the involvement of foreign oil companies and, at a later stage, declared third-party development activities to even be illegal (Fravel 2011: 301). A similar, but more forceful, statement was made at a press conference by a spokesperson of the Foreign Ministry in 2012, who stated that any unilateral action taken in the South China Sea infringes on China’s
territorial sovereignty and jurisdiction, and is thus invalid and illicit (cited in Fravel 2011: 301).

China has resorted to more violent strategies as well. In 2014 a Chinese vessel “intentionally rammed” two Vietnamese ships in the South China Sea, near a Chinese oil rig; dozens of navy and coastguard vessels, belonging to both countries, pervade the area surrounding this oil rig (Reuters 2014), making confrontation likely. In mid-July 2017 Vietnam suspended a gas-drilling expedition in the South China Sea, following threats from China. Days after the discovery of a gas field, Vietnam ordered a subsidiary of the Spanish company Repsol to terminate oil drilling (Hayton 2017). Vietnam notified Repsol executives that China had responded to the expedition with warnings that it would attack its neighbor’s bases in the Spratly Islands unless drilling was halted (Thayer 2017).

In this case, it was China that instigated the confrontation. The strategies pursued have economically manipulated Vietnam and suppressed its development. The analysis of China’s development strategies indicates how possessive the state is over the resources in the South China Sea to the extent of directly sabotaging Vietnamese economic activity. However, these approaches are inefficacious, as Vietnam is not deterred from contesting the stance taken by its northern neighbor. Instead, the actions taken have compelled Vietnam to attempt a retaliatory response. Nevertheless, China’s claims on these waters leave no room for compromise, as the threat of an attack executed by its ever-expanding navy coerces Vietnam into submission.

The likelihood of foreign-political confrontation is heightened through the security strategy pursued by China. The three core components of this approach include the strengthening of the defense of its southern border, preventing disruptions to supply lines, and the establishment of a maritime defense system intended to protect development and ensure security. The analysis of its development strategies shows that China utilizes its naval capacity to deter and protect itself against Vietnam. As indicated, the latter has not been entirely dissuaded from abandoning its claims though. Instead, China and Vietnam have witnessed, between 2005 and 2014, a 167 percent and a 170 percent increase in their military spending respectively (Council on Foreign Relations 2017a). Despite Vietnam’s improved military capacities, Chinese forces still eclipse them. China’s own expansion is testing and trying out new technologies to be implemented as part of its security measures. An accidental announcement revealed a leap in Chinese maritime prowess regarding the development of a long-range quantum magnetometer that can detect submarines from a distance of several kilometers rather
than hundreds of meters; this may relate to the drafting of new laws that require foreign submarines to seek Chinese approval before entering its territory (Hambling 2017). Demanding such approval is not a new tactic: in 2011 an unidentified Chinese warship commanded an Indian navy vessel, situated within Vietnam’s EEZ after leaving one of its ports, “to identify itself and explain its presence in Chinese waters” (Bland/Shivakumar 2011).

Vietnam has hereby been pushed to pursue its own military expansion and gain support from other countries so as to strengthen its position and not fall under the expansive shadow of China’s own forces. Vietnam reached out and offered the US the possibility to stretch its naval presence to Vietnam’s Cam Rahn Bay (Karim 2013). Even though the US had already been involved in the dispute in the interest of guaranteeing its sea lanes and preventing disruption to its commerce, the alliance with Vietnam relates back to China’s security strategies. Vietnam has been stopped frequently and silenced rather forcefully recently, despite its efforts to stand up to China. In the event of a further escalation involving the US, Vietnam’s strong ally will not back down. Overall, US-Vietnamese relations have improved “significantly” (Emmers 2015: 154). The involvement of the US adds further layers of complications to the labyrinthine claims and strategies of the different regional actors involved. The increasing power politics in the South China Sea has pitted two great powers against each other.

While it is stated by scholars that China, “triggered by [the] more proactive efforts by other claimants to legalize their claims” (Johnston 2013: 45–46), has been induced to expand its presence in these waters, this dispute commences first with the security strategies adopted. China has attempted to prevent alliances through its assertive behavior, but resorted to fighting fire with fire—no longer just potentially, but rather in practice too. Unable to control the flames, China is now witnessing an alliance between Vietnam and the US. For the first time since the Vietnam War, the US sent an aircraft carrier to Vietnam as a warning sign to China and a symbol of its flourishing alliance with Vietnam (Sampathkumar 2018). Although Washington is not establishing alliance commitments with Hanoi for historical reasons and is avoiding the further antagonization of Beijing (Emmers 2015: 155), the assertiveness projected by China has forged the start of improved bilateral relations between Vietnam and the US. In essence, security strategies that were supposed to deter competition and contestation have in fact been the catalysts to Vietnamese mobilization, an increased number of stakeholders involved in the dispute, and, therefore, foreign-political confrontation. While a myriad number of such incidences have taken place,
China’s security strategy has transformed the South China Sea into a ticking time bomb—where rising tensions will see conflict an inevitability. Furthermore, China—through its fear of losing control—has descended into a paranoid arms race against its own core anxieties.

The depiction of the chosen strategies through the eyes of China itself, as presented in the previous section, portrays the struggles of a nation attempting to overcome its intrinsic issues of security and sustainable (economic) development. The study of these approaches in the context of Sino-Vietnamese relations indicates how they attempt to suffocate Vietnam and constrain the neighboring state’s movements. The strategies executed in the South China Sea are accoutering China with a hegemonic power status, making the state’s presence in the region the key reason for its volatility.

**Shrinking Vietnam’s Room for Maneuver**

China’s endeavor to consolidate its claims is debilitating the position of other states (Fravel 2011: 299). Any intensified foreign-political confrontation between China and Vietnam would drag in the latter’s allies and produce ripple effects across the entire region. Although war is unlikely to break out, ultimately due to economic interdependence (Karim 2013: 101), the territorial dispute with Vietnam is enervating the Southeast Asian region, generating instability while sustaining power asymmetries. A trend of instigating confrontation and the pursuit of a rigid approach to sovereignty over the South China Sea is particularly evident when considering some of the notable foreign-political confrontation, developments, and events in these waters over the last few years (see Table 1 below). The constant fluctuation in tensions is accompanied by China’s assertive stance and coercive methods for gaining control over this sea while Vietnam attempts to defend its own claims.

However, Vietnam is faced with the overpowering influence and capabilities of China, debilitating the former’s position and deterring other states in the region from challenging the latter. Furthermore, 2018 has been dominated by China’s extensive militarization of these waters. As the situation between the states remains strained, such initiatives will only enhance hostility between the actors involved. The effect on the region correlates with the second aspect of the security-development nexus. That is, the assertive stance taken has pushed China’s security and development to be implicated in Vietnam’s insecurity and inhibited the latter’s development via the South China Sea.
Table III.1: Notable Developments and Events in the South China Sea, Focusing on China and Vietnam between 2013 and 2018

2013: China releases an updated map with an additional tenth dash on the eastern side of Taiwan, and claims the ten-dash line to be its national boundaries without providing coordinates or legal explanation

2014: Chinese vessels and Vietnamese naval ships collide due to an oil rig set up by China in an area claimed by both states; US prepares to ease arms embargo on Vietnam

2015: China’s ambassador to the US claims the patrol of an American warship within twelve miles of Chinese-built islands to be a serious political and military provocation

2016: Vietnam protests deployment of Chinese surface-to-air missiles to the Paracels; China builds aircraft hangars on disputed islands; Vietnam moves rocket launchers into disputed waters

2017: China cancels meeting with Vietnam on South China Sea dispute; China plans to increase patrols in South China Sea; Vietnam urges the ASEAN to take a stronger stance toward China

2018: US sends a naval aircraft carrier to Vietnam for the first time since Vietnam War; satellite images reveal show of force by Chinese navy in the disputed area; following pressure and threats of attack from China, Vietnam halts its South China Sea oil-drilling project; China installs equipment capable of jamming communications and radar systems on Spratly Islands

Source: Author’s own elaboration.

The strategies implemented by China have, therefore, directly impeded the security and development of Vietnam, and increasingly limited its ability to act assertively in retaliation. The definitive position taken by China through its security and development strategies has led Vietnam to involve different actors—ones from both inside and outside the region—resulting in a polarization between these respective stakeholders (Karim 2013). Analyzing the actions and strategies of both countries and the subsequent repercussions from them has illustrated that the spatiotemporal bridge of the security-development nexus connects the security of China to the lack of development of Vietnam, and the development of China to the insecurity of Vietnam. At the expense of China’s own internal confluence, the distance spanned by this
The spatiotemporal bridge has increased significantly. The resultant indirect proportionality produces the necessary conditions for foreign-political confrontation to thrive. As of August 31, 2017, the Global Conflict Tracker has depicted the related status of the South China Sea as “worsening” (Council on Foreign Relations 2017b). The most recent update, on January 22, 2019, deems the conflict status to be “unchanging” (Council of Foreign Relations 2019). That is, although tensions between China and Vietnam have subsided, the former continues to conduct naval exercises in these waters and construct “military and industrial outposts on artificial islands it has built” (ibid.). Therefore, actions taken by China uphold its status as the instigator of confrontation and tensions.

China’s Ascendancy: The Rise of a Hegemon

The effects of China’s development and security strategies have sprouted into a canopy of power politics. As China strengthens its economic and security positions, Vietnam is experiencing the consequences of the power asymmetry created through China’s assertive measures. The power game that has ensued from these strategies will complete “China’s re-emergence as a dominant power” (Kim 2016: 28). The emerging power asymmetry begets the question of the role of China within the region. An article penned in 1994 discusses the idea of China as the hegemon on the horizon, and a threat to East Asian security (Roy 1994). By analyzing the context of China, Roy draws certain conclusions based on the state’s potential. If expansion and development were to continue at the then observed pace, China would only be more assertive and uncooperative. The state was said to have the potential to become a force to be reckoned with.

Having analyzed Chinese strategies in the South China Sea and their effects on Vietnam, both elements of Roy’s assessment are apparent. Therefore, the development and security strategies of China are leading to foreign-political confrontation and strengthening the hegemonic position of this state in the region. Protecting its indisputable sovereignty through these approaches, China is adorning itself with hegemonic attributes. The development strategies of China focus on economic prosperity, while the security ones are predominantly intended to protect current economic interests. Even though China justifies its chosen methods by a stipulated commitment to secure itself from any form of threat, the execution of strategies involving the obstruction of Vietnam’s own developmental pursuits alongside threats of violence
affirm its ultimate supremacy over the South China Sea. These strategies have demonstrated their ability to incite confrontation. China’s disinclination to allow Vietnam to benefit from the South China Sea shows its desire to maintain the status quo. The subsequent escalation of the dispute through the threats made to the Vietnamese state has exhibited China’s hegemony, as well as its bellicosity.

**Conclusion**

The importance of the South China Sea relates to developmental and security concerns, where control of these waters secures China’s position in both regards. This implication of control has shaped the strategies outlined in this essay. Development and security are intertwined, and deeply embedded in the approaches of China. This recognition has helped map the security-development nexus within the state as well as the region. The strategies implemented by China are intended to achieve an internal confluence. The execution of these, however, has demonstrated the connection of China’s increasing security and development to Vietnam’s insecurity and the obstruction of its own progress. Vietnam has suffered at the hands of China’s security measures, resource acquisition, and with its machinations regarding the former’s economic growth, preventing a holistic achievement of development and security. China’s chosen policies strengthen its economic and geopolitical position at the expense of regional stability. Multiple instances involving Vietnam have emphasized China’s growing tendency to force its rights and regulations onto others through strategies that include economic manipulation and military supremacy. The overlapping claims due to China’s nine-dash line will remain the source of recurrent discord and tension between China and Vietnam (Amer 2014: 28–29), and the strategies implemented by the former to defend its claims of sovereignty will continue to lead to foreign-political confrontation.

The fear of losing control is the puppeteer of China, pulling its strings on its path to achieving the desired internal confluence. While security and development are essential to this route, the strategies adopted enhance the ascendancy of the state by preventing the region from dislodging China from its superior position. This trepidation has elongated the spatiotemporal bridge of the security-development nexus. Although economic linkages transcend the geographical connectedness of the region, China’s solitary path of development and security has struck Vietnam between wind and water. The implemented strategies not only incite confrontation but obfuscate the achievement of internal
confluence and strong development and security within the entirety of the Southeast Asia region. As China continues to consolidate its claims, the chasm between it and its neighbors only deepens.

The strategies pursued do not deliberately intend to inhibit other countries from developing, but the protection of Chinese interests at all costs has transformed the quest for energy and national security into a tug of war for power. The firm grip on its claimed territory is causing more assertiveness in strategy implementation. These approaches have enabled China to strengthen its position as the hegemon of the Southeast Asian region, uncompromisingly defending its claims and pursuing its development and security goals. The effects of tensions with Vietnam will eventually and undoubtedly drift onto the shores of other claimants, and their entanglement within this web of dispute will increase. As China continues to implement its strategies and test the malleability of other claims via the showcasing of its economic dominance and military supremacy, confrontation will be inevitable until the power dynamic has shifted wholly to China’s advantage and others have been forced to succumb to its claims.

Based on the conclusions presented in this essay, future research on foreign-political confrontation in East Asia should scrutinize China’s engagement with the other claimants involved and the US in more detail. An analysis of these states will provide further insight into the role of China within this region, the consequences of its rigid pursuit of development and security, and the repercussions from the uncompromising defense of its claims to sovereignty over the South China Sea. Furthermore, as China continues to alienate itself from other claimants, investigating the role of the ASEAN as well as cooperation between states against China’s assertiveness will be vital to the understanding of not just the South China Sea dispute and various other interstate issues within East Asia but overall state behavior at large.
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Chapter IV: Lancang or Mekong? Power Capacities of Thailand and Vietnam in the Lancang-Mekong Cooperation Mechanism

Henning Spreckelmeyer

Introduction

Analyses of conflicts in Southeast Asia almost always focus on China and its assertive power capabilities (Chang Liao 2018), portraying the People’s Republic as the main actor in the region. This is also the case for East Asia’s most important river: the Mekong, on which’s river politics of cooperation and conflict this essay focuses. Chinese officials praise the successful teamwork surrounding the Mekong:

“The river, which plays such a big part in our lives, is a gift from nature and embodies a natural bond of mutual support. It brings the six riparian countries together into a community with a shared future featuring equality, sincerity, mutual assistance and kinship.” (Li 2018)

The reality along the Mekong is characterized however by China’s strategy to ensure greater influence within each of the other riparian states here—Cambodia, Laos, Myanmar, Thailand, and Vietnam—while also only looking at the benefits for itself. China is the “upstream superpower” (Nickum 2008: 227), and its assertive power capabilities (Chang Liao 2018) are also highly effective in issues of river politics. At the same time, some authors (e.g. Biba 2018) are convinced that there is a real chance for balanced cooperation around the Mekong—including a fair distribution of its resources. This conflict between the official peaceful discourse and the hard and beneficial reality for China on the ground is a typical pattern vis-à-vis conflicts in Southeast Asia. In Laos, for example, Chinese construction companies build a 414-kilometer long new railroad line towards the capital Vientiane. The credits for the project should be backed by the state but with costs of over 5.2 billion euro, which is almost a third of Laos’s entire gross domestic product per year, an unsurmountable debt trap for Laos and a dependence on China through harsh lines of credit is more than likely (Zand 2018).

The following essay takes a different point of view on these conflicts in general, and on river politics in particular. It will examine the power capacities of Thailand and Vietnam along the Mekong. This
change of perspective makes it possible to ask questions other than just how responsibly or not China acts in Southeast Asia and toward the downstream countries of the Mekong (Xia 2001). It becomes clear that the strength of China is accompanied by a simultaneous weakness and indecisiveness on the part of the other riparian states along the Mekong. Together with Western powers, they have missed the chance to counterbalance China’s growing influence along the river.

The analysis is knitted around the new cooperation platform that was initiated by China in 2015: the Lancang-Mekong Cooperation Mechanism (LMCM). The platform is already the subject of controversial discussion in water and river politics analytical circles. While some authors point out the benefits, as well as China’s willingness to cooperate on an equal footing with its Southeast Asian neighbors (Biba 2016a; Han 2017), others describe the LMCM as the next example of China’s strategy to maintain influence and to assert its own interests in the region (Luedi 2017). China’s motives span from better regional economic development (Lu 2016) to excluding regional competitors like Japan (Bunyavejchewin 2016). Overall, all analyses start and end with China. Because of this narrow perspective, very little is known about the roles of the other five members in the LMCM and their own respective river politics strategies. It can be assumed, however, that all of the participating states have a high degree of interest in influencing the LMCM agenda according to their own needs. Therefore, the research question of this chapter is: What power capacities do Thailand and Vietnam possess to influence the new LMCM mechanism, and to address their own issues through the LMCM?

To operationalize the possibilities that Thailand and Vietnam have to exert influence on the mechanism, I will use the taxonomy of power elaborated by Barnett and Duvall (2005). Their approach offers a multidimensional conceptualization of power, leaving behind the simplistic notion thereof as found in realism-based theoretical approaches. Taking such a perspective makes it possible to identify power relations within a not yet fully institutionalized and a multidimensional framework like the LMCM.

In my analysis, I will focus specifically on Thailand and Vietnam. Both states have a significant interest in effective management of the Mekong. They depend on the river in many areas. The three biggest national electric power markets of the region are in China, Thailand, and Vietnam, while hydropower generated through damming is a rapidly increasing resource in fulfilling energy demands (Middleton and Allouche 2016). As the last country of the Mekong, situated at the basin of the river, Vietnam is also very dependent on a steady flow of water.
to push back the salt water coming in from the ocean. Thailand is also a cofounder of the LMCM.

First it will be explained why transnational cooperation along the Mekong is necessary, and why at the same time it currently only takes place in a handful of fields. Second, existing cooperation mechanisms and their development over the last few years are described so as to understand the roots of the LMCM. The theoretical concept of Barnett and Duvall is then combined with regional power approaches. In the empirical case study, the institutional and productive power capacities of Thailand and Vietnam will be examined. At the end of the chapter, a short overview is given of why looking at China’s ability to assert power should not be the only way of analyzing conflicts in Southeast Asia.

The Mekong: Chances and Problems of Cooperation

Over the past twenty years, cooperation along the Mekong River became a popular topic of discussion within the academic community. Parallelly, expressions like “water conflicts” or “war about water” became part of the broader media discourse (Chellaney 2011). However, until today, many volatile issues around the world’s twelfth-longest river are still “under the radar” (Luedi 2017). Other conflicts, like in the South China Sea, still dominate the concerns of politicians and the public debate instead.

This lack of attention is problematic, because many issues around the Mekong have profound impacts on the ecological, social, and economic stability of the region—and, indeed, of East Asia as a whole. More than sixty million people depend directly on the lifeblood of the Mekong, by using its aqua resources for fishing, producing energy, or for the delivery of fresh water. One of the biggest issues is balanced dam building along the river. Since the 1950s, China alone has built six dams along the river. Another twenty are planned, as it is China’s national aim to generate 15 percent of its overall energy production from renewables by 2020 (Biba 2016b). At the same time, increasing energy demands have caused all of the riparian states to improve their efforts to develop their hydropower supply from dams (Schneider 2017).

The river is, however, not only a significant resource for energy, but also for food. The delta is the main source of water for Vietnamese rice production. Extracting all of these respective resources from the river cannot be seen separately but must be considered strongly interconnected within a water-food-energy nexus (Biba 2016b). Additionally, the three global trends of urbanization, population growth, and climate
change will increase the challenges vis-à-vis effective cooperation (ibid.). The use and control of resources are strongly connected with security issues. While ten years ago stability and regionalism were the two main characteristics when talking about security along the Mekong (Goh 2007), in the last few years new problems have come up. Drug production and smuggling expand significantly, for example (Luedi 2017).

These selective examples show that there are a number of problems around the Mekong, ones that are strongly interlinked across the six states. Developments in one sector like energy will always affect other ones in multiple ways. Therefore, effective cooperation along the whole river is an absolute necessity. At the same time, the current pushing of dam projects by different states in only a self-centered way illustrates the barriers to cooperation. Like in other policy areas, states are willing to cooperate over soft resources. When it comes, however, to their own fundamental needs, like the securing of energy demands, cooperation becomes much more difficult.

This is not a new insight along the riverbanks of the Mekong. Platforms of cooperation existed already in previous decades, while support came from the riparian states themselves or also from influential players like the United States. Already in 1957, the Mekong Committee was founded under the sponsorship of the United Nations. In 1995, its successor organization, the Mekong River Commission (MRC), was founded by Cambodia, Laos, Thailand, and Vietnam. Simultaneously, the Greater Mekong Subregion Project was launched in 1992 with the assistance of the Asian Development Bank. The aim of the former was to promote better cross-border economic development; China was a member from the very beginning. In the MRC, meanwhile, China was involved but not as a regular member. Since 2015, there has been a new platform in existence for regional cooperation around the Mekong. Under the leadership of China, the aforementioned LMCM was started. This mechanism should support “industrialization, infrastructure construction, upgrading industrial structure, accelerating agricultural modernization, and developing tourism, and have strong complementary advantages” (Ministry of Foreign Affairs of the People’s Republic of China 2016).

The LMCM is already a controversial topic in scientific debates. Biba (2016b) sees the chance for transparency and trust to be increased by the new mechanism. Han (2017) shares this view, and argues that the LMCM is the first new step in cooperation over river politics offered by China since the early years of the new century. He lists also other smaller and larger forms of cooperation, which show China’s
willingness to share information and technology. At the same time, Biba (2018) does not see a real change in China’s river politics over the Mekong before and after the establishment of the LMCM. Lu (2016), meanwhile, identifies three reasons for launching the LMCM specifically now. First, less economic growth ensuing from the benefits of lower tariffs makes it necessary to now find new ways to push the economy forward. One such method would be stronger regional partnerships. Second, from China’s point of view, policy fields like security and social problems must be addressed if economic growth is to continue. Third, stronger regional cooperation is an easy way for China to exclude external competitors. This last argument is also supported by Bunanya-vejchewin (2016). He draws on the regional leader theory to explain how China uses the LMCM to secure its regional influence and to exclude other regional powers like Japan. All of these presented works have in common that they only focus on China’s own motives and behavior, however. So far it is not clear, though, whether the LMCM is able to balance its attendant opportunities and risks successfully—and, further, for all of these riparian states in the same manner.

**Thinking Power in Capacities**

To analyze the role of Thailand and Vietnam vis-à-vis the LMCM, I will, as noted, use the term power in the way that Barnett and Duvall (2005) categorized it. Power is one of the most used tools but also a controversial and heavily contested expression in International Relations. Therefore, it is necessary to combine the setting of the empirical puzzle with an appropriate definition of power. The LMCM is a regional organization in which power is exercised in diverse ways among the six states. Hence, considerations of power must include a regional dimension to them.

As one of the first to do this, Nolte (2006) attempted to combine together different concepts of power and regionally powerful actors. He argues that power in the regional context can only be analyzed by combining power resources and power relations. However, his conceptualization still highlights the material aspects of power, which emphasizes the realistic tradition and is more a compilation of different power concepts. Hanif (2012) traces the span of the debate about regional power along material power resources to the nonmaterial dimensions of power. She suggests that it is more useful to ask how power is implemented than what it is. As such power should be seen as a capacity; this is similar to what Lukes points out, meanwhile: “It implies that power...
identifies a capacity: power is a potentiality, not an actuality – indeed a potentiality that may never be actualised” (2005: 478).

At this point, Barnett and Duvall (2005) come into play. They also recognize power as a capacity but go a step further by analyzing the factors determining this capacity. They define power as “the production, in and through social relations, of effects that shape the capacities of actors to determine their circumstances and fate” (Barnett and Duvall 2005: 39). They look at the social relations through which power works, and the specificity of these relations—through which, effects are produced. Taking this approach into account, it is possible to leave the resource-based, realistic approach behind and to use power in a more differentiated manner. The typology of compulsory, institutional, structural, and productive power makes it possible to examine how the latter is implemented by different actors, and what their strategies for that are.

It is not the aim here to analyze the LMCM through the eyes of all four of these different types of power. Only two will be chosen for the following analysis. The first dimension will be institutional power capacities. The six states currently meet within a new organization, one that is still emerging. Therefore, it is gainful to look at how the processes are built up in which “rules and procedures that define those institutions, guide, steer, and constrain the actions (or non-actions) and conditions of existence of others” (Barnett and Duvall 2005: 51).

As a second dimension, productive power capacities around the establishment of the LMCM will be examined. “Productive power […] is the constitution of all social subjects with various social powers through systems of knowledge and discursive practices” (Barnett and Duvall 2005: 55). The productive approach is used to look at governmental statements and media reports around the LMCM. Thereby, it is also possible to capture a second point that Hanif (2012) identified as a feature of regional power. Powerful regional states have the ability to influence the interests of other actors also beyond their own territories.

**Institutional Power Capacities**

First, I will look at the rules and procedures of the LMCM mechanism and how far they are currently established. Second, the role of the MRC as well as the nature of its founders are considered. Third, Thailand’s and Vietnam’s cooperation around the Mekong within other institutions will be analyzed. The empirical analysis will be added after each part, with an accompanying assessment of the power capacities of Thailand and Vietnam respectively.
Rules and behaviors around the LMCM

Since 2015 two foreign minister meetings and one leaders meeting has taken place regarding the establishment of the LMCM. After the leaders meeting in March 2016, the Sanya Declaration was published. China prepared every meeting, as well as the declaration, and also the concept papers for the LMCM framework. In the declaration it is recorded that: “The LMCM is aimed at building a community of shared future of peace and prosperity and establishing the LMCM as an example of a new type of international relations, featuring win-win cooperation” (China.org 2016).

The LMCM should be a form of South-South cooperation. Therefore, three cooperation pillars are implemented herein: namely, political and security issues; economic and sustainable development; and, social, cultural, and people-to-people exchanges. On the formal level, all members are equal and have the same rights to bring their respective interests into the discussion. However, China especially is pushing forward the initiative, by offering a loan and credit package worth USD 11.5 billion plus a further USD 200 million for poverty alleviation and USD 300 million for regional cooperation (Pongsudhirak 2016). In March 2017 the new secretariat of the LMCM was opened in Beijing. The functions of this body are “planning, coordination, implementation and publicity” (Geng 2017). Three cooperation centers and additional secretariats are planned to be launched soon.

The real work should be organized within lower forms of cooperation, however. First, seventy-eight early harvest projects were announced—with several of them having already taken place. One was an exposition for officials, business representatives, and scholars in Yunnan. Topics were the establishment of new trade parks, but also the development of the Maritime Silk Road (Xinhua 2016). Another example is the proposed scholarships for students along the river, for research projects on better cooperation around the Mekong. For easier coordination, five working groups were formed to discuss the priority topics of interconnectivity, production capacity, cross-border economy, water resources, and agriculture and poverty alleviation (Ministry of Foreign Affairs of the People’s Republic of China 2016).

Unfortunately, so far little is known about the rules and working practices within these groups. The Working Group on Water Resources Cooperation met in February 2017 in Beijing, and was led by the Chinese minister of water resources. One topic was China’s behavior during droughts in the lower riparian states in summer 2016. Especially
Vietnam is, as noted earlier, dependent on a steady flow of water to push back the salty ocean water coming in to the basin. Therefore, China opened the upstream rivers to increase the water flow. In official statements, Vietnam was glad about China’s unconventional reaction to this situation and praised their successful cooperation. However, looking at the situation on the ground on the riverbanks, many problems remained for the population living there—who were not informed in time about the higher water levels ensuing from the upstream release. Hence, the extra water had harmful effects on their agrarian and fishing activities (Wangkiat 2016). This case shows that there is a gap between the officially praised form of intergovernmental cooperation and the (poorly) announced people-to-people approach.

Overall, formal rules and procedures are not very well established yet. The LMCM is more a project-based platform for discussing problems (Middleton and Allouche 2016). Hence, it is not clear what the “conditions of existence” (Barnett and Duvall 2005: 48) are. However, all rules and platforms bear the signature of China. As in its Belt and Road Initiative, China is using its capacities to organize events, determine the agenda, and to create a mechanism on its own terms (Middleton and Allouche 2016). To refer to Barnett and Duvall (2005: 51), China has a degree of dependence on the LMCM as a resource-laden actor. By locating important administrative units like the first secretariat in its own country, Beijing is also able to keep out Western donors by controlling financial flows.

China’s efforts regarding the LMCM mean a loss of power for the other involved countries. They are not investing sufficient resources and capacities in the establishment of the LMCM, and not attempting to live up to the amount of influence that they could potentially have. At the same time, they neglect the establishment of alternatives to the LMCM—in the form of other institutions, as will be explained in the next section.

**Marginalization of institutions**

As mentioned earlier, there is a long tradition of institutionalized cooperation along the Mekong. Different actors have tried to gain greater influence in the region by constituting organizations. One of the oldest and biggest of these is the earlier-mentioned MRC. The aim of the MRC is to set out “a framework for achieving the strategic objectives of Integrated Water Resources Management (IWRM)” (Mekong River Commission 2017). Until today, the MRC has remained more a consultative
platform for discussing technical issues on how to use water resources sustainably. It does not have a comprehensive approach like the LMCM, which tries to include also social and economic dimensions. Furthermore, the MRC has no enforcement mechanism by which to bring the states together, or rules for settling disputes (Han 2017).

One of the biggest problems for the effective functioning of the MRC is that the four members—Cambodia, Laos, Thailand, and Vietnam—are not reliant on the MRC, but instead prefer bilateral negotiations and agreements (Phua 2011). Additionally, at previous points in the MRC’s history, concerns were raised by scholars about the independence of the body and about its means of producing reliable knowledge between the interests of civil society, donors, and governments respectively (ibid.). Another disadvantage that the MRC faces in implementing effective IWRM is the missing membership of Myanmar—and especially of China. While some authors point out China's willingness to cooperate with the MRC in the last few years (Biba 2016a; Han 2017), its nonmember status is nevertheless a significant obstacle to the emergence of an effective cooperation platform. Even though many authors give recommendations on how the MRC could be reformed, there is broader consensus that the body is ultimately a “weak institution” (Han 2017: 34). This insight seems to be shared by the donors to the MRC as well. In February 2016 it was reported that the MRC would face massive financial constraints going forward because of “falls in the value of the currencies of major donors” (Hunt 2016). From a former level of USD 115 million, support is now being cut to USD 53 million for the period 2016–2020 (Kossov 2016). It is said that especially Western donors like the US, European countries, and Japan have recently reduced their spending on the MRC.

What do these various weaknesses mean for the power of the riparian states within the LMCM? The Mekong states have missed the chance to strengthen alternative pathways by which to bring their topics onto the agenda of a strong institution. Supporting and using the MRC as a key organization for cooperation along the Mekong would have made it more difficult for China to implement the LMCM. The MRC could have widened their focus to political and social content too, which is now the approach of the LMCM. Furthermore, safeguarding transparency and ensuring effective operation would have helped build up more trust between the MRC and Western donors. Of course, it is not clear whether China would have accepted a strong MRC or if there was ever a real interest in either Thailand or Vietnam to support and harness it as an effective institution. However, the marginalization of the MRC was not compelled by China but by the founders themselves. Therefore,
establishing an alleged better organization alongside a weak and ineffective MRC was simple to do.

**Relying on other institutions**

Thailand and Vietnam both use many different bilateral institutions and platforms to enforce their interests around the Mekong. In a meeting between the prime ministers of Vietnam and Thailand in August 2017, effective management and sustainable use of the Mekong River were discussed without specifically naming the LMCM or any other organization (Ministry of Foreign Affairs of the Kingdom of Thailand 2017). Furthermore, Thailand promotes cooperation with other states outside the region such as India and the US. Also in August 2017, the 8th Mekong-Ganga Cooperation (MGC) Ministerial Meeting took place. The MGC has six members—Cambodia, India, Laos, Myanmar, Thailand, and Vietnam—and seven areas of cooperation—tourism, culture, education, transport, health, agriculture, and the development of small and medium enterprises. The broader framework aspires to developing economic and cultural connections between India and Southeast Asia. It can be interpreted as one way for India to secure its influence in the region.

Also in August too, a meeting of the Lower Mekong Initiative (LMI) took place. The ministers “re-affirmed their commitment to LMI as a primary driver of Lower Mekong sub-regional economic integration and sustainable development” (US Department of State 2017). Important here is the claim to be the primary initiative promoting economic growth, which would bring it into competition with the LMCM. Again, it also represents an attempt by an external power to be heard in the region.

The lower Mekong countries also cooperate in many ways with Japan, as the foreign ministers meeting—held also in August 2017—between the latter and the Mekong states shows. Japan offered several measures to improve human resources in the region. Additionally, under the framework of the GMS, Thailand is now in the process of establishing new special economic zones (The Government Public Relations Department of Thailand 2017). The GMS has traditionally remained under the influence of Japan, because it is has been facilitated and driven by the Asian Development Bank while the island country has increased its economic and technical support for the GMS ones too. At this point, Bunyavejchewin’s (2016) theory of China’s efforts to exclude foreign powers from the region specifically by using the LMCM...
can be taken up again. Excluding Japan is maybe one of the motivations behind China’s involvement in the LMCM. However, Thailand and Vietnam do not seem to have any great interest in relying on China alone—with the two countries still cooperating with Japan, and using the resources offered to them via the GMS and bilateral connections.

Not only Thailand but also Vietnam uses a number of other institutions and frameworks to fulfill its own aims too. At the end of August 2016, the Vietnamese and Cambodian foreign ministers met and discussed topics concerning, among other things, the Mekong. In the common statement subsequently issued it was noted—but without any mention being made of either China or the LMCM—that:

“Both nations emphasized the importance of sustainable use and protection of water resources in the Mekong River, whilst enhancing cooperation with other countries within the framework of the Greater Mekong Sub-region (GMS), Mekong River Commission (MRC), Cambodia-Laos-Viet Nam Development Triangle, Cambodia-Laos-Myanmar-Viet Nam (CLMV), Ayeyawady-Chao Phraya-Mekong Economic Cooperation Strategy (ACMECS), Association of Southeast Asian Nations (ASEAN), and Asia-Europe Meeting (ASEM), and other international forums.” (Ministry of Foreign Affairs of Vietnam 2017)

The productive fishing system located in the Mekong basin is nowadays in danger because of the upstream construction of large dams. As a result, Vietnam is looking for alternatives; one could be aquaculture. To promote the trade in fish, Vietnamese companies have acquired Russian fish-distribution ones (Hunt 2017). This small-scale acquisition can tell us a lot about the efficiency around the institutions along the Mekong. Vietnam and its economy do not rely on cooperation with upstream countries, but instead try to find different—or at least additional—growth strategies.

The buying of fish-trading companies in Russia and not naming one particular institutional platform in an official statement could be interpreted as ultimately unimportant points. However, in considering all the different initiatives, instances of cooperation, and statements made, a more all-encompassing picture becomes clear. Thailand and Vietnam do not rely on the LMCM. They rather prefer a form of “hedging.” This means that states “cultivate a middle position that forestalls or avoids having to choose one side at the obvious expense of another” (Goh 2005). The concept was first introduced with regard to security politics, but can also be applied to river politics too.
What does the hedging of Vietnam and Thailand mean for the power capacities of these states within the context of the LMCM? Using different organizations, platforms, and frameworks can help expand their power capacities. It makes it possible to stand within socially extended relations with different actors. “Frozen configurations of privilege” (Barnett and Duvall 2005: 52), or the resource advantages of China within the LMCM, can hereby partly be balanced and offset.

**Productive Power Capacities**

Analyzing productive power means to scrutinize what defines “the (im)possible, the (im)probable, the natural, the normal, what counts as a problem” (Hayward 2000: 35). The first aim of discursive analysis is to look at the presented discourse itself. However, discourses are also reproduced by social actors. Hence, social actors have significant influence on what even counts as a problem within a given discourse. In the following, I will focus less on the discourse itself but rather on the involved social actors and how they are able to use different channels to influence their partners.

First, I will look at the public statements published to date around the LMCM. So far, China has dominated the public discourse. The first hint is the name of the framework itself. By bringing in the Chinese name for the river, Lancang, a distinction takes place from the other similar institutions—which are all named after the lower part of the river, the Mekong. This deliberate geographical labeling makes clear who is part of the cooperation and who is not. It is an “effective way for China to discourage Japan’s request for membership” (Bunyavejchewin 2016: 61).

Not only naming is an effective instrument for reproducing discourses but also the simultaneous using of different public channels to share information. China is very active in reporting on the LMCM, while the other five states only name the mechanism a handful of times in the public statements issued by their respective foreign ministries. One example is the coverage about the opening of the secretariat in Beijing. Chinese foreign minister Weng noted how much progress the LMCM had made so far, and what the main topics of discussion are (Xinhua 2017). The press release was quoted in many Chinese English-language newspapers. What is, however, conspicuous is the fact that these statements were also published with the exact same wording in a newspaper in Laos (Vientiane Times 2017). This example shows one specific feature of regional power, as mentioned by Hanif. China can
influence the interests of other actors also beyond their own territories by spreading positive news about the LMCM via the media in other countries. In general much of the information about the LMCM used by scientists working on the topic (including this essay) is based on Chinese government sources (Middleton and Allouche 2016; Han 2017; Bunyavejchewin 2016). Of course, all of these authors strive to shed light on “China’s” perspective and its set of motivations—while no scholar just copies this information uncritically. Nevertheless, this reality shows the capacity of China to determine the public discourse on the LMCM—or, contrariwise, the limited capacities of the other five states to themselves influence it.

This also becomes apparent in the official press releases about the LMCM in Thailand and Vietnam. They represent the views of these two states, but are essentially only copies from the official Chinese statements (Ministry of Foreign Affairs of the Kingdom of Thailand 2017b; Ministry of Foreign Affairs of Vietnam 2016). It does not become clear from these press releases, therefore, what these two countries’ own aims, expectations, and problems are with regard to the LMCM.

Another example of this low level of agenda setting is the coverage of the earlier-mentioned Working Group for Water Resource Management and the Chinese upstream response. The Chinese Ministry for Water Management published a press release about the meeting and former regulations regarding the Mekong. It is said that the meeting was successful, and that “all Mekong Basin countries highly praised and appreciated China’s rescuing actions” (Ministry of Water Resources of the People’s Republic of China 2017). This statement is marked by its highlighting of China’s willingness to cooperate, and the showing of its positive impact on the lower Mekong region. However, as mentioned before, the release of (additional) water actually had negative impacts on fishing and agrarian activities along the river. Subsequently, the behavior of the Thai government was criticized by local authorities because they refused to inform China about the problematic situation on riverbanks affected by the high water levels (Wangkiat 2016). Overall, though, there are only a very limited number of critical articles about the river politics of the Thai government to be found (Ganjanakhundee 2016).

In an official response, the Vietnamese Foreign Ministry thanked China and praised its swift action. It is important to note that China reacted only upon a Vietnamese request for support being made via diplomatic channels. This water management incident and the reactions to it show us three things. First, China does not ignore requests and can react in a cooperative way. It is possible, then, for the other five states
to address problems and expectations, and to put some pressure on
China. Second, this is not really done by these states however. Instead,
they rather follow China silently and do not want to name problems—
as the reactions of Thailand and Vietnam show. Third, the discourse on
the LMCM is very positive. Negative voices—especially from local peo-
ple—are not heard let alone addressed. Overall, the English-language
newspapers in Thailand and Vietnam merely copy almost verbatim the
positive statements of their own government or those from the Chinese
one. Critical articles are rather the exception than the rule. For effective
management, and to successfully fulfill the ambitious approach of the
LMCM, critical opinions must, however, be included in the discourse.

What, then, do these observations tell us about the respective
power capacities of these riparian states concerning productive power?
China’s own views and statements dominate the discourse. Being at the
beginning of the LMCM’s establishment, this is not surprising as China
is the initiator hereof. However, with ongoing cooperation it will be
much easier for the Chinese government to determine the problems to
be solved vis-à-vis the Mekong. The other states involved could poten-
tially change this situation by trying to influence the discourse them-
selves. This does not mean that they must confront China. Also insert-
ing one’s own topics in the public debate is, however, an important task
in securing influence in the long run. In general, all six of these states
must find mechanisms by which to integrate local voices and marginal-
ized discourses in the LMCM if it is to work effectively and sustainably.

Conclusion
This analysis has focused on two often neglected actors in Mekong river
politics: Thailand and Vietnam. By applying the theoretical framework
of “thinking power in capacities” to conflicts in Southeast Asia, im-
portant insights have been gained for the related both empirical and
theoretical aspects. From an empirical point of view, this essay argues
that counterbalancing China in Southeast Asia is indeed possible in cer-
tain policy fields. To achieve sustainable cooperation, Thailand and Vi-
etnam need to be proactive and invest more resources in Mekong river
politics. Many authors underline how assertively China can act in con-
flicts in the Southeast Asian region, especially by leveraging its strong
financial means. A large power imbalance in favor of China can also be
found along the Mekong River. Like in the Belt and Road Initiative,
China exerts major influence on the mechanism by relying on its dis-
cursive power capacities and the ability to establish the formal setting.
However, currently, the LMCM is not as effective as it seems, because of its broad and universal approach. The progress of implementation is rather slow than dynamic, and most of the output is smaller projects underpinned by only a low level of cooperation. Important topics like security or energy supply have not been addressed yet. As a result, this essay cannot give a definitive answer to the question of whether the LMCM will function as an effective instrument for cooperation along the Mekong in future.

It can be assumed, though, that the impact of the LMCM will increase in the coming years. In many official statements China has expressed its desire to push the mechanism forward, and indeed to turn it into a “bulldozer” (Ministry of Foreign Affairs of the People’s Republic of China 2017) vis-à-vis politics along the Mekong. Also, financial investments in and loans for projects along the Mekong have increased strongly since the establishment of the LMCM (Biba 2018).

Yet, this chapter has sought to highlight a different argument. It is not only China’s strength but also the weakness and indecision of the other five involved actors that puts the former in a comfortable position—one that remains unchallenged. Thailand and Vietnam have missed their chance to develop other institutions, like the MRC, to deal with broader Mekong political topics. They have simply accepted the marginalization of the MRC, as Western states have done too. The role of the MRC will be further weakened going forward, instead of it coexisting with the LMCM.

That all said, some forms of counterbalancing do already take place though. Thailand and Vietnam seem not to rely on the LMCM alone, but have both also built up cooperation initiatives with India, Japan, and the US. How effective these projects ultimately are should be the subject of future scholarly research. On the level of productive power, meanwhile, these states have not taken the available opportunities to influence the public discourse on the LMCM. So far, only the voice of China has been noticeable in the media and in public statements hereon.

The case of the LMCM shows how China increases its influence systematically in policy fields that some time ago were not important ones for the country. Other actors realized much earlier the importance of cooperation along the Mekong, and thus established functional mechanisms. At this point it is important to mention that Thailand and Vietnam can still find a way to exert influence in the LMCM and to “gain leverage or countervailing power against the Chinese economic giant” (Renwick 2016: 22). All states need to accept the LMCM as an up-and-coming, important actor. They have to invest capacities in this organization. By promising equal rights to all members, the LMCM can
be a chance for Thailand and Vietnam to influence Mekong politics. Of course, it is not possible to compete with China on financial questions. But the praised equality approach of the LMCM opens up chances to explain and claim their own ideas and needs.

Another inexpensive means of doing this would be to expand these countries’ own productive power capacities. Influencing the public and media discourses is an important aspect of future negotiations. Thailand and Vietnam need to address their own interests around the LMCM via the media—and toward China. Carefully expressed issues or critiques can change China’s behavior, as the case of Vietnamese requests for a higher water level in 2016 has shown. For Thailand and Vietnam, a mix between self-centered agenda setting and the creation of independent networks with the integration of interested partners might be one viable strategy. Of course, all of this will not stop the rise of China as the new superpower in the region. But simply following China, not thinking about alternatives, and forgetting or ignoring the older partnerships (like the MRC) is not the right way to go either.

To aid the further consideration of conflicts in Southeast Asia, this essay has also included several theoretical insights too. First, thinking power in capacities can be a helpful tool to bring together different levels and actors. They offer a differentiated picture on cooperation and conflicts, and do not draw black-and-white conclusions. Therefore this framework should be expanded to other conflicts, and combined with the dimensions of compulsory and structural power. Second, not only from an empirical viewpoint but also from a theory-building perspective, it is necessary to leave behind the often China-centered perspective in Asian conflict studies and to explain the behavior (or inaction) of other states too. The power of certain states not only arises from the country in question itself, its resources, or its geographical position along a river but rather increases with the inability of other states to find ways to counterbalance these strong powers. Hence, this chapter represents a small contribution to overcoming the still-dominant paradigms of realism and one-sided power approaches in research on Southeast Asian conflicts.
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Chapter V: Birds’ Unequal Struggle to Escape the Authoritarian Cage of Governance. Civil Society in China and Taiwan: Does Strength Matter to Achieving Democratization?

Susanne Brunnbauer

Introduction

“Taiwan has remained a high performer in terms of democratic politics and liberal market policies. It continues to enjoy a high degree of stateness, meaningful elections, the absence of undemocratic veto actors, stable democratic institutions and a vibrant civil society, and does extremely well in guaranteeing its citizens political rights and civil liberties.” (Bertelsmann Stiftung 2018a)

“The [Chinese] government tightened the screws on any form of dissent [and it] implemented a series of laws and regulations that further constrain civil and political liberties […] Xi also made it very clear [...] that the CCP stood above the law, thereby legitimizing the use of drastic and illegal measures to intimidate intellectuals, scientists, lawyers and NGOs [...]” (Bertelsmann Stiftung 2018b)

Since many years, Taiwan has established itself within the ranks of consolidated democracies (Bertelsmann Stiftung 2018a; Freedom House 2018). The reaction of the Taiwan government to public protests like the Sunflower Movement in spring 2014—known as “the biggest pro-democracy protest rally in the island’s history” (Rowen 2015: 5), which lasted twenty-four days and remained peaceful throughout—reflects the country’s entrenched democratic status. The claims of more than 350,000 protesters against the Cross-Strait Services Trade Agreement with China in general—due to fears of the future hazardous influence of the People’s Republic of China (PRC) on the crucial third sector in Taiwan—as well as against the closed-doors negotiations of the government in particular were both heard and deliberated (Rowen 2015: 15).

When considering the island as a flagship and textbook example of democratization during the prominent third wave of regime transformations, however, one needs to bear in mind that it only underwent its
democratic evolution in the late 1980s—and that after several years of martial law and the severe repression of local elites (Chien 2016: 31; Wright 1999: 986; Schubert 2013: 514–515; Mayrgündter 2004: 73). A series of favorable events and factors that preceded the opening up of a momentous window of opportunity are what even enabled Taiwan’s transformation. The dangerous vacuum and isolation in the international arena due to the lack of global recognition, the United States’ diplomatic reorientation toward China, as well as the accompanying loss of a permanent seat in the United Nations Security Council forced the rethinking of the composition of ruling elites and empowered the already illegally operating opposition (Merkel 2010: 276; Mayrgündter 2004: 93–94).

In China, on the contrary, political scientists today operate with the notion of “consultative autocracy,” representing a system wherein civil society actors are involved and actively consulted in the public policy process. This happens still only in a very limited manner, however, and without any tendency toward permitting pluralism or endangering the Chinese Communist Party’s (CCP) single-party rule: an “autocracy with Chinese characteristics” (Ang 2018; Truex 2017; He/Thogersen 2010; He/Warren 2011). Over the course of the past few decades, the authoritarian leadership of the CCP has increasingly approved grassroots civic activism and civil society engagement—with more than 650,000 non-governmental organizations (NGO) currently officially operating in the country, while the estimated figure at the end of 2016 reached three million.18 The commitment of the Chinese authoritarian government to democracy and to political activism in particular remains, though, mostly dismissive (Hsu/Chen/Horsky/Stern 2016; Wang 2010: 5).

Today, civil society in the PRC—in particular those parts of it advocating civil rights—faces tighter restrictions than ever before (Kautz/Holbig 2015: 78; Stern/O’Brien 2012: 178). The public announcement of the “Document No. 9” in April 2013 officially confirmed the banishment of expressions like “universal values,” “civil society,” or “freedom of the press” from any public arena (Tomzak 2015: 5; Weyand 2016). Despite this tabooing, NGOs, advocacy groups, and activists have attempted to circumvent the restrictions and “play edgeball” (Li 2012)—but menaces remain ubiquitous (Stern/O’Brien 2012; Kautz/Holbig 2015: 78–79). Fields nonconfrontational and nonthreatening to the regime, like environmental matters, have experienced an unprecedented rise in importance of late and witnessed the explosion of their organizational activities—whereas the available spaces for

18 For an extensive overview hereof, see Hsu et al. (2016).
actors in the human, social, or labor rights domains have been con-
stantly narrowed down since the inauguration of Xi Jinping (Weyand 
2016; Sausmikat 2015; Stern/O’Brien 2012: 178). At the latest since 
under President Jiang Zemin in 1997, civil society in China has been in-
creasingly forced into the “corset” of service provision (Stern/O’Brien 
2012: 178; Sausmikat 2015; Wu 2003: 34–35), with no room left for 
civil liberties. Despite these restrictions, however, grassroots activism in 
China has still simultaneously witnessed an unprecedented boom during 
the last few decades (Stern/O’Brien 2012: 179).

On the other hand, its bordering island Taiwan is celebrated as the 
“first Chinese democracy” (Mayrgündter 2004: 111) and as a peerless 
role model for democratization worldwide (Chien 2016: 31; Wright 
1999: 986). The miracle of the vibrant Taiwanese democracy pathway 
equals a trump card for attracting foreign investment and garnering at-
tention from the international audience (Sausmikat 2016: 2; Gilley 2008: 
15). Even though the “regional domino effect” (Merkel 2010: 17) of the 
third wave of democratization never affected the authoritarian regime 
of China, is there a chance for “spillover” in future at least? In order 
to understand these countries’ striking (non)transformational pathways, 
one has to unravel past starting points and mutual developments; in 
particular, as they could not be more diverse despite their common his-
tory, unresolved and indeed clashing stateness issues (known as the di-
lemma of the “One China Principle”), shared cultural background, re-
gional proximity, and equal post-revolutionary opportunity structures 
(Gilley 2008: 5, 16). Accordingly, despite these analogical primary con-
ditions, the Taiwanese “civic bird”—derived from the popular meta-
phor of the bird in the cage—was historically able to vigorously follow 
the trajectory of democratization, whereas—until today—its Chinese 
counterpart has continued to inch along within a narrow space of au-
thoritarian rule and solid caging bars. The metaphor of the bird in the 
cage is based on the popular impression of the features of the intro-
duced market economy in China, which nonetheless operate within the 
cage of the still-maintained structures of a planned economy (Noesselt 
2012: 216). In the context of this essay, this visual comparison is

19 Government-organized nongovernmental organizations (GONGO) are meant to 
provide controllable solutions aligned with state interests and simultaneously to 
act under the guise of a “bottom-up” civic process. For a detailed analysis on 
these very common “service delivery agencies” in China, see Wu (2003).

20 At greater length, see Gilley (2008: 15–18).

21 From 1949 until today, Taiwan and the PRC have mutually declared themselves as 
the exclusive representatives of China and closely conformed to the maxim of 
“one legitimate Chinese state” (Meseznikov 2013: 14).
transferred to the diverging state-society relations (or rather, bird-cage interplay) of China and Taiwan; thereby it builds on the notion of the “cage of regulations” that the currently ruling president of the PRC, Xi Jinping, has introduced to control civil society (Hsu et al. 2016).

This essay explicitly focuses on the political opportunity structures of those civil society actors in China and Taiwan who either pursued change in the status quo or sought to divert the authoritarian pathway. The discussion is based on a comparative approach of analysis being taken alongside the theoretical reasoning of Wolfgang Merkel (2010) on embedded democracy, as well as the functionalist concept of civil society. Against this backdrop, it focuses on juxtaposing the Chinese and Taiwanese trajectories of (absent) transformation—which seem to differ substantially, despite both countries’ common history as well as similar reform and opening up stimuli after the turmoil of the mid-1970s and the death of the respective leading figures of the day—Mao Zedong and Chiang Kai-shek. Thereby, this essay strives to answer the following questions: What role do diverging conceptions of statehood and state-society relations play regarding the strength and leveraging potential of civil society in China and Taiwan vis-à-vis triggering change? As a logical consequence hereof: What impact did civic engagement have in fostering transformation toward democracy, or in pursuing a deliberative authoritarian pathway from the mid-1970s onward?

**Functions of Civil Society in a Transforming State and Its “Embedding” Role for Democracy**

As previous studies have shown, the diffuse complexity of East Asia as a region calls for the multidimensional study of processes—building therein on theoretical reasoning conducted on a macro as well as a micro level. Hence, the overall institutional state structure has to be explored by simultaneously considering the intentions and interests of all involved actors, and their granted scope of action. In particular, as “system change”—including the shift from an authoritarian toward a democratically grounded political system—seriously affects the future “allocation of values and goods” (Merkel 2010: 21; author’s own translation) as well as power structures within a more or less differentiated society (Mayrgündter 2004: 17; Derichs/Heberer 2013: 7). Undoubtedly in today’s understanding, civil society represents an “arena”—thus, an intermediate sphere between state and privacy wherein primarily collective actors organize and articulate public interests (Bailer/Bodenstein/Heinrich 2008: 237).
This arena remains an indispensable part of a vibrant modern society. Nevertheless, with view to their leveraging potential, civic actions can equally be controversial. Whereas the inherent meaning of civil society is often broadly described as the “space between the state and private activities within the family context” (Heberer 2013: 168), in the early years of the new century Wolfgang Merkel developed a more comprehensive theoretical basis for a functionalist concept of civil society. This is grounded in the experiences of the third wave of democratization on a global scale and combines reasoning on the role of civil society and the transformation of authoritarian systems toward full-fledged democracies (Merkel 2010).22

Merkel considers both levels of analysis—macro and micro—but with a view to the comprehensive system of interactions he differentiates between two specific spheres: namely, “internal and external embeddedness”23 (2004: 43–48; 2010: 67–86). Apart from the socioeconomic context and the international as well as regional setting, civil society acts also as an external enclosing factor for so-called “embedded democracies”. Thereby it is meant to enable, stabilize, and protect the five indispensable partial regimes of democracy, which are for their part internally embedded and strongly interlinked (view Figure 1). Of course, vice versa, civil engagement could also threaten the stability of the partial regimes by being nonparticipatory or noncooperative. Still, the defining and basic functions of civil society are summed up as follows: protection of the individual against unjustified state interference; mediation and equilibrium between the political/nonpolitical spheres; socialization and teaching of democratic thinking; integration of societal interests into the political fora; and, critical and public discourse (Merkel 2010: 36, 125; 2004: 45–47).24

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22 As a point of reference for defining democracy, Merkel draws on the minimal procedural definition introduced by Robert Dahl (1971). For a comprehensive overview hereof, see Merkel (2010: 26–28).

23 Internal embeddedness implies the interdependence of all five (for their part, still independent) partial regimes. Conversely, externally embedded political systems dispose protection from unpredictable disruption and shocks (Merkel 2004: 36).

24 Merkel draws on theoretical assumptions of leading political theorists: John Locke, Charles de Montesquieu, David Truman, Seymour Martin Lipset, Alexis von Tocqueville, and Jürgen Habermas.
In China, a country that at its current stage of development stands at most as a deliberative autocracy,25 all regime levels and subunits are impeded and suspended by the communist-authoritarian party rule of the CCP (Heberer 2013: 43). Thereby, civic political participation only works within a very narrow space of action (ibid.: 41). But, might it provoke system change? To address this, the externally embedding factor of civil society needs to be studied specifically with a view to its transformative potential within the given “corridor of action” available for actively shaping and influencing the political sphere (Merkel 2010: 87–88, 97).26 In order to recapture the diverging pathways in China and Taiwan, the focus of this study here lies in the civic / public sphere and the status of statehood—as well as the mutual dependencies regarding

25 “Deliberative authoritarianism” describes the interlinkage of authoritarian rule and democracy-resembling political devices like elections, consultative forums, reformist legislatures, or better transparency. For more information on these, see He/Warren (2011).

26 Transformation in this sense follows the reasoning of Derichs and Heberer (2013: 18), representing the collapse of the authoritarian system for the benefit of democracy.
democratization and authoritarian consistencies in the two assessed countries.

Inevitably the question arises about the role of legitimacy and consent among the wider public of both types of regime, in China and Taiwan. Unlike democracies, authoritarian regimes cannot draw upon political pluralism—becoming legitimate instead through performance, adaptiveness, and “façade elections” (Derichs/Heberer 2013: 14; Heberer 2013: 116). Therefore, in the view of the ruling elites, changes and challenges to the sustained political order are regarded as severe threats to their own survival, and are thus sidestepped by a reliance on repression, comprehensive control, and far-reaching intersocietal interventions (Merkel 2010: 59–62).

Generally speaking, nevertheless, the socioeconomic development level and contemporary global setting play a significant role for the PRC as well as Taiwan. While Taiwan witnessed an economic rise already under the Kuomintang (KMT) regime (starting in 1947), China would only first take off two decades later. Nevertheless, widely recognized research on the interplay of wealth and democracy with longstanding traditions within the framework of modernization theory has shown that “the more well-to-do a nation, the greater the chances that it will sustain democracy” (Lipset 1959: 75). The triggering role of economic prosperity for democratization has not been proven yet, meanwhile (Bailer et al. 2008: 243). Regarding the countries’ initial integration in world affairs, the status of the island of Taiwan could not have been more restrictive and isolated—rendering the mainland significantly more favorable conditions for its own further opening up in the 1980s. Of course, external promoters of democratization—like international nongovernmental organizations—need to be taken into account; this essay will focus, however, specifically on the internal processes in the two countries.

27 Marxist-Leninist ideology requires the sacrifice and deprivation of society in the present, while promising wealth and freedom for all—though that in some intangible future (Merkel 2010: 59).
<table>
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<th>United States</th>
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<td>Consensus 1992: “One-China Principle”; Taiwan Crisis 1995–1996 Major goals: prevention of Taiwan’s independence and reunification (military means are not excluded in case of any independence attempts by Taipei); 2005 Anti-Secession Law; Pressure against Taiwan’s participation in the international sphere, like in the World Health Assembly or the UN Convention on Climate Change (i.e. veto power in the UNSC)</td>
<td>Consensus 1992: “One China, respective interpretations”; “pragmatic diplomacy” of Lee Teng-hui’s government: Taiwan proactively and creatively advocating for membership in various IOs (adopting different names like “Chinese Taipei” or membership statuses)</td>
<td>During Taiwan Crisis 1995–1996: first open and direct military confrontation with China; “accommodationist approach”: more explicit positioning of Washington regarding US interests in a democratic and self-determined Taiwan against threats of China as rising global power</td>
<td>According to international law: Taiwan remains a stable de facto regime (diplomatically largely isolated, but politically and economically integrated); Taiwan issue regarded as an internal affair of the PRC; 17 countries maintain diplomatic relations with Taiwan; it is the member of 32 IOs (2018), WTO since 2002</td>
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Source: Author’s own elaboration, based on Lee (2003), Lee/Wen (2018), Neukirchen (2005), Wei (2015), and Winkler (2011).

Note: IOs = international organizations
The Question of Cultural Adaptiveness

For the purposes of the following discussion, it is difficult to avoid invoking the vivid debate about a new type of “Asian democracy” and taking Asian values into account in Political Science—which has scrutinized the impact of Confucianism on the specific model of democracy in Asian countries (Derichs/Heberer 2013: 19–20). Yet, is there a need to consider an “outlier” scenario in enclosing Taiwan as an “Asian form of democracy” with respect to any future pathway of China itself? The argument of Merkel, who strongly questions the adaptiveness of the already contested concept of culture and cultural specificities to any political theory of democratization, seems convincing here. Following the reasoning of Confucian ideas—thus, cultural particularities existing within at least some Asian countries—and as the subsequent analysis will also show, the democratization processes witnessed in Taiwan would not have been capable of being triggered by societal pressures alone (2010: 321–322; Sausmikat 2016: 1).

Nevertheless, one has to acknowledge that the Western concept of civil society is indivisible from the idea of societal change and development being initiated in a bottom-up manner—thus occurring without state interference, and “rescuing” the community from arbitrary state rule (Heberer 2013: 168; Syryamkina/ Stupnikova 2015: 190; Wu 2003: 35). Moreover, as Syryamkina and Stupnikova note: “Civil society frequently appears as an extraneous model that is copied in post-socialist countries without paying attention to their own history and traditions” (2015: 190). Following this argument, Bailer et al. (2008) claim that only reliable political structures have a propulsive strengthening effect on civil society. This argument strongly advocates taking a top-down approach, wherein passive civic engagement follows as a response to

28 Relating thereto, Samuel Huntington (1996) argued in his discourse on the “clash of civilizations” that “democratic Confucianism” would be a “contradiction in terms” following the incompatibility of Asian norms, values, and political traditions and the Western liberal understanding of democracy (Merkel 2010: 319).

29 Certainly, the idea of civil society has undergone intense debate within Chinese society during the last few decades. As well, remarkably though, the meaning differs greatly from the Western equation of it with an independent, politically active sphere of society dissociated from any type of state activism (Noesselt 2012: 209–210, 232–233). Gongmin shehui as the “community of the public nation” does not include any questions on power, but entrusts responsibility to all citizens with respect to equally shared public goods (Heberer 2013: 168, author’s own translation; Noesselt 2012: 219).
stimuli initiated by the state itself (ibid.: 238-240). These thoughts require further discussion, specifically by undertaking theoretical considerations of both civil society as a sphere of civic action and of pathways of transformation toward democracy.

In the present case, the considered timeframe spans roughly three decades—starting from the mid-1970s and continuing up to the early twenty-first century. Certainly, however, this outlook offers perspectives with regard to the latest developments of recent years, too. Thereby only decisive points in time in the trajectories of both countries lie at the heart of the discussion, enabling the creation of a holistic picture of the divergent developments under consideration. In this retrospective approach, which aims at considering and reflecting on the prerequisites that emerged during the respective inceptions of the two societies, the lack of statistical data requires the discussion of a wide spectrum of secondary literature instead.

Atmosphere of Change Prefaced the 1980s

Nowadays, Taiwan is proudly praised as the “first Chinese Democracy” (Mayrgündter 2004: 111)—emerging from a vibrant civil society having escaped the authoritarian rule of the KMT regime. However, formerly, KMT autocrats themselves had been forced to flee from their ruling position in mainland China in 1947, in the course of the Chinese civil war then raging. Instead of learning their lessons from this, however, the regime still installed a repressive authoritarian dictatorship grounded in a state of emergency upheld by martial law (ibid.: 114). Without going into too much detail here, the totalitarian regime of Mao Zedong in the PRC between 1949 and 1976 simultaneously left behind even deeper marks and wounds within Chinese society on the mainland meanwhile when tens of millions Chinese citizens lost their lives through mass starvation and persecution during the Cultural Revolution (Heberer 2013: 43–46; Gilley 2008: 2; Goldman/Esarey 2008: 51).

Hence, the death of Mao Zedong in 1976 constitutes an event of the utmost importance for the PRC. Subsequently, the socioeconomic rise of China ushered in a new era of reform and opening under the leadership of Deng Xiaoping—succeeding a decade of extreme political oppression. The transition toward a capitalist market economy became tangible, and the favorable contemporary international setting helped

30 For a more comprehensive overview of the debate in Political Science on the adaptiveness of established theoretical frameworks on civil society to China, see Noesselt (2012: 216–218).
China to gain recognition within the global community; the legitimacy gains of the ruling CCP regime through increasing social welfare were also evident. While the PRC now enjoyed the attention of the US as a result of a shift in the latter’s foreign policy under President Richard Nixon, Taiwan remained in deep isolation (Merkel 2010: 276; Mayrgünder 2004: 93–94).

Initially, even the internal situation did not look promising: like in China, the political scene in Taiwan up until the mid-1970s had been characterized by the harsh, authoritarian “modernizing dictatorship” (Merkel 2010: 267) of the one-party KMT regime. Open spaces for political participation by civil society actors were restricted to KMT-steered state corporatism, and thus practically nonexistent (Meseznikov 2013: 30). Advocacy groups in all spheres of societal life, from farmers associations to trade unions, were integrated into strong and steering state structures—ones anything but independent (Mayrgünder 2004: 69; Derichs/Heberer 2013: 24). However, in parallel to developments on the mainland, the KMT-ruled island—which insisted on its independence from China—was confronted with the death of its leader, Chiang Kai-shek, in 1975 and the subsequent more modest takeover by his son, Chiang Ching-kuo. The change in leadership equally gave rise to the atmosphere of a new departure. While, until then, the legitimacy of the KMT rulership mostly had drawn on continuous economic prosperity, the eternal threat of the PRC, international isolation, nonrecognition, as well as, of course, the ideological foundations adopted in previous periods prior to the Chinese civil war, civil society actors now scented change (Gilley 2008: 16; Merkel 2010: 266–267). Thus, the political system of KMT rule increasingly came under “transformation pressure” (Merkel 2010: 65). Even though the international conditions were more favorable for China, pressure and expectations were equally high in both countries; how could their turnouts following subsequent developments be so antithetical, then?

**Conception of State-Society Relations and Implications for System Change**

Following the outlined reasoning, we now need to take a deeper look into the diverging pathways of Taiwan and China in the course of subsequent years. This includes the comprehensive analysis of the two main levels of involved actors’ interplay: civil society and the state.
Taiwan: Controlled opening to free democratic spirits

What followed after the change in leadership in Taiwan needs to be distinguished out from a sudden change in the system of governance. The period of Taiwanese transition toward democracy extended over a period of roughly a decade (1986–1994), involving constant brokering processes between all involved actors (Merkel 2010: 65). By this, dramatic shifts and any chaos could be averted, and alterations in structures, functions, and attitudes within the state apparatus—but in particular within civil society—were internalized.

Soon, the longstanding socioeconomic modernization and uprising showed their impact within Taiwanese civil society: Members of the emerging middle class, students, young intellectuals, and reformists—who had gained in number during the period of economic prosperity—formed the Dangwai Movement (equivalent to “beyond the party”), claiming a lack of open political spheres for civic participation. This had been preceded by mass protests in Kaoshiung and Taipei, as well as frequent student movements in the late 1970s, which demonstrated the risk-taking of civil society actors—who, at this stage, induced repression and harsh persecution from the government by their actions (Mayrgündter 2004: 94–95, 115). The already slightly tarnished legitimacy of the KMT regime came under further pressure henceforth owing to its own modernization policy, rejuvenation of old cadres, and its promising of events like the release of 3,600 political prisoners by the so-called Clemency Law in 1975 (Mayrgündter 2004: 95–96; Goldman/Esarey 2008: 50; Merkel 2010: 276, 280). In parallel to these internal struggles, the radical pivoting toward China by Taiwan’s strongest ally, the US, in cancelling all diplomatic relations with the Republic of China as well as the abrogation of the US-Taiwan mutual defense treaty—being accompanied by the withdrawal of crucial US support for the KMT government—strengthened the acceptance of KMT “softliners” calling for reform (Mayrgündter 2004: 93–94; Gilley 2008: 13, Lee 2003, 73–75). Even though the US stressed its further commitment to stand up for Taiwan’s security by adopting the Taiwan Relations Act in the same year, which from then on represented the legal framework of US-Taiwan bilateral relations, the formerly guaranteed agreement on mutual defense subsequently became no more than an option and expression of general interest (Lee 2003, 75–76; 160–161).

31 By serving as a US military base during the Korean War, Taiwan had enjoyed the strong support of the superpower until then (Lee 2003: 9; Mayrgündter 2004: 125).
On the island, the de facto approval and nodding through by the dominant softliners around Chiang Ching-kuo, resulting from the lack of internal backing for the ruling elites as well as international isolation, enabled the official recognition of the Dangwai Movement as an independent political party in 1987 (though already tolerated in 1986) (Wright 1999: 997; Lee 2003: 80). The ending of the state of emergency, after thirty-nine years, with the withdrawal of martial law on July 15, 1987 marked the definite loss of power of the KMT and is what induced the shift toward political pluralism in the first place (Mayrgündter 2004: 97; Goldman/Esarey 2008: 50–51). As martial law had served as the legal basis of authoritarian rule, oppression, prohibition of any opposition, and harsh discrimination against the native population, the withdrawal, therefore, equaled an elimination of the legal footing of repressive measures and it made opposition even legally possible (Chien 2016: 24–25; Mayrgündter 2004: 115–116). Alongside these structural changes, the years of 1986–1989 were characterized by the emergence of free political spaces that opened up through the granting of freedom of speech and the facilitation of association, protest, and organization by the softliner KMT regime under Chiang Ching-kuo, and also his successor Lee Teng-hui (Wright 1999: 997).

The consequences hereof have been described by Mayrgündter as a “boom of sociopolitical activities” (2004: 71). Thus, for instance, the number of NGOs exploded; from approximately 11,000 in 1987 to 25,000 in the year 2000 (Sausmikat 2016: 2). By gaining access to the political sphere and oppositional power, the control and balancing function of civil society could proliferate (Mayrgündter 2004: 74; Goldman/Esarey 2008: 49). Labor unions, social organizations, and student movements all formed, and protests arose throughout the country claiming political pluralism and representation (Mayrgündter 2004: 99, 101–102; Sausmikat 2016: 2–5).32 In order to retain control of the opening up processes, the KMT government was forced to enter into direct discussions with the demanding mass of civil society actors. Thereby, the Conference on National Affairs in late June 1990—when civil society actors were closely integrated into the discourse on the reshaping of the Taiwanese political system—became a symbol for the final kicking off of democratic modernization, and for the decisive split from the island nation’s authoritarian past (Mayrgündter 2004: 102–103, 123).

The first universal, free, and fair elections of the National Assembly took place in December 1991; together with the new election of the

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32 For a comprehensive overview of the social movements during the 1980s, see Meseznikov (2013: 32–35).
Legislative Yuan one year later, these “founding elections” solidified democracy and the presidential-parliamentary form of governance in Taiwan (Merkel 2010: 107–108, 110). Only a few years later, during the tough years of the Taiwan Crisis of 1995–1996 and with it the direct confrontation between China and the US-supported island, in March of the latter year the first-ever direct presidential elections took place (Lee 2003: 12). These were remembered by then foreign minister James CF Huang (2006) as:

“a key milestone in Taiwan’s democratization process, especially when one recalls that it was held despite direct threats from China in the form of missiles being test-fired near the major ports of Taiwan. Rather than cower in fear, the people of Taiwan chose freedom and democracy. They safeguarded the success of Taiwan’s first ever direct presidential election.”

The eruption of this crisis abruptly ended a short period of thawing and rapprochement between the mainland and Taiwan during the late 1980s and early 1990s. The cross-strait “1992 Consensus” on the existence of “one China” stemmed from the semiofficial meeting between them; Taipei established the Straits Exchange Foundation (SEF), and Beijing founded the Association for Relations across the Taiwan Straits (ARATS). This oral agreement, however, ended up with two distinct interpretations of “China’s legitimate governing body” emerging between Beijing and Taipei (Albert 2018; Wei 2015: 68–71). Even though the Consensus is known for its core purpose being “reducing mistrust and hostility and opening communication,” in the long run it also enshrined the strong disagreement over—if not outright impasse on—the island’s future status (Tan 2017).

In Taiwan, dividing lines within civil society and on the political sphere remained intense with disputes over the One China Principle. However, open political spaces enabled a peerless broad debate and even the splitting of political parties into factions (Mayrgündter 2004: 77–78; Derichs/Heberer 2013: 31–32). As a consequence, the KMT experienced the fracturing of its own party lines in the late 1990s—resulting in a momentous gain in power by the opposition forces, headed by the Democratic Progress Party (DPP).

It is nonetheless key to note that system change on the island of Taiwan did not automatically entail the substitution of former ruling KMT elites. Quite the contrary, in fact: throughout all initial major democratic elections, the well-established KMT party officials would emerge victorious. In December 1991 still 71 percent of the electorate voted for the KMT; likewise, the parliamentary elections in the
following year had a positive outcome for the ruling elites of 53 percent—31 percent for the DPP (Mayrgündter 2004: 106). Nevertheless, alongside the upheaval with civil society actors, the internal structures and factionalism within the KMT led to cleavages emerging between reformists and old guard party officials (being historically grounded, they were often referred to as “mainlanders”). Only in March 2000 did the first president of the DPP, Chen Shuibian, seize the opportunity and step into office, thereby abrogating decades of KMT rule; “the first Chinese Democracy” (ibid.: 75-76, 111-112; Merkel 2010: 293) stretched out its wings.

Finally, the democratic soft landing in Taiwan followed the lines of an evolutionary pathway that had been initially activated and steered by the rejuvenated reformist ruling elites of the KMT in fact (Merkel 2010: 101, 123). Accompanied by the growth in a critical and venturesome mass of civic actors, the shift started as soon as the KMT government loosened and finally relinquished control over its monopoly on political decision-making processes by entering into negotiations with civil society and, thus, opening up a corridor of action (ibid.: 105, 261; Mayrgündter 2004: 123; Wright 1999: 1007). As soon as a gentle breeze of political and democratic participation was felt by the Taiwanese regime-critical civic actors, going into reverse appeared impossible (Mayrgündter 2004: 95); civil society as a “school of democracy”33 had already taken up instilling democratic thinking and teaching its freed spirits to fly. The retention of power by the KMT leaders, nonetheless, was due to the interweaving of civil society engagement into the political sphere through steadily more relaxed but yet still controlled state corporatism as well as majoritarian consensus about the continued threat of mainland China. In the course of the consolidation of democracy and with the accompanying decrease of potential authoritarian pressures, a vibrant civil society—in the form of unions, NGOs, and a diverse field of advocacy groups—emerged and would enrich Taiwanese political culture to this day (Merkel 2010: 276–277, 315; Meseznikov 2013: 52–53).

33 As promoted by Alexis de Tocqueville (1999).
The inauguration of Deng Xiaoping in 1977 represented the emergence into a new era of unprecedented economic rise, prosperity, as well as liberalization, one that even intensified during the 1980s and sparked visions of a more democratic future for the PRC, too; at the latest as the comprehensive political and social transformation getting underway (Gilley 2008: 2; Heberer 2013: 49, 59–60, 65; The Guardian 2008). Like in neighboring Taiwan, these initial processes were accompanied by the release of thousands of political prisoners, efforts for enhanced political transparency, as well as by the rejuvenation of political cadres and the replacement of old officials with younger, better educated newcomers (Heberer 2013: 48, 66). Undoubtedly international pressures existed for China as well as for Taiwan, but the impact on domestic civil society interests—and, thus, the internal leveraging effect—was nonetheless heavily limited (Gilley 2008: 13).

Internally, nevertheless, a new dynamic and powerful middle class quickly emerged, new forms of civic organization developed, and market diversification as well as the opening up also to international ones all accelerated. Inevitably, claims for political modernization grew stronger (Heberer 2013: 49–50); social changes including pluralization, burgeoning societal autonomy, and economic stability envisaged through privatization triggered in fact a precarious situation of instability and increasing civic demands, though (ibid.: 48, 53, 55–56, 65; Derichs/Heberer 2013: 13). The famous “cat theory” put forward by Deng Xiaoping—“It doesn’t matter if a cat is black or white; as long as it catches mice, it’s a good cat”—stood true in the context of the grand transformation from planned to market economy (Fan 2016, Meyer-Larsen 1993). Hence, the message was clear: legitimacy of the ruling elites was strongly built on the PRC’s economic performance and output, though fully independent from the system underpinning it. Why was this cat not able to open the cage and let civil society fly, however?

Indeed, there had been some optimistic moments: the most prominent one of bottom-up progress in the 1980s was triggered by strongly discriminated against and impoverished farmers resisting the instructions of the ruling elites and returning to individual cultivation and self-employment instead. The subsequent capitulation of the CCP elites, by their agreement not to open “Pandora’s box” and risk instability, showed the potential of the “weapons of the weak” (Scott 1985; Heberer 2013: 57). However, this ultimately proved to be an exception and the result of political uncertainty arising out of the immediate
legitimacy crisis following Mao Zedong’s death, as well as due to the unfamiliar consequences of privatization which implied the increase in autonomy and the strengthening of the individual vis-à-vis the state (Heberer 2013: 57–58, 70; Wang 2010: 22).

From the other—governmental—perspective, the expansion of direct elections in 1979 has to be regarded as an attempt to symbolize proximity to the people and their free choice to participate. This overture represented a putatively appropriate reaction to modernizing pressures, but due to the tight steering of directions, candidates, and the electoral body, traditional party politics were rapidly back on the agenda (Heberer 2013: 121, 130; Gilley 2008: 3, 12).\textsuperscript{34} The break with the old system, basic reforms, and opening up to the international arena all came along with the preservation of the authoritarian one-party rule of the CCP (Heberer 2013: 46; Goldman/Esarey 2008: 49) and—presumably as a consequence of the Maoist Cultural Revolution—correlated with a conception of man not encompassing assertive behavior but rather the adaptiveness of humans to the requirements of their society (Heberer 2013: 44).

In the 1980s, the emerging voices of civil society actors rather belonged to “establishment intellectuals” strongly interconnected with state agency and party officials (Gilley 2008: 9). Relating thereto, the organizational sphere of civil society activism was shaped by the adoption of framework legislation that closely linked social organizations and foundations—the only approved form of organized civic action—to state agencies. Besides this, the “dual management system” introduced in 1988 forced civil society organizations to accept an official state-steered patron too (Wu/He 2013: 5-6). This constriction ensured service provision by civil society actors, and inhibited any violations of well-patrolled “forbidden zones” which included challenges to the One China Principle, the right to practice Falun Gong, and any criticism that might question the hegemony of the CCP (Stern/O’Brien 2012: 174, 176; Heberer 2013: 174; Wu/He 2013: 6).

In China most notably, privatization led to the blossoming of civil society actors in the course of the 1980s and 1990s, but civic activities were initiated, supported, steered, and controlled by the authoritarian rulership of CCP—a “within-regime dynamic,” as Gilley defines it (2008: 10; Heberer 2013: 171). Continuously and unchallenged, the

\textsuperscript{34} Direct elections have been expanded on the smallest unit level, thereby establishing or rather stimulating a controlled form of civic participation. Still, they do not play a significate role for challenging the ruling elites in the Western understanding of electoral implications—even though the psychological function hereof should not be underestimated (Heberer 2013: 117, 126, 130; Gilley 2008: 3).
CCP exhibited control as well as political decision-making and represented the “meta-authority” within the state maintaining its role of absolute leadership by law (Heberer 2013: 74–80; Kautz/Holbig 2015: 83). Under the governments of Deng Xiaoping, Jiang Zemin, and Hu Jintao pragmatism and technocratic thinking dominated the political sphere (Goldman/Esarey 2008: 52; The Guardian 2008). Copying Western thinking was frowned upon, and modernization should occur without any loss of own Chinese identity (Heberer 2013: 40–41).

Civil society, on the other hand, was strongly interlinked with social responsibility and the elimination of injustice, as well as of corruption—the basic “strategy for justification” of the state, as Kautz and Holbig (2015: 83) identify it. Formally, since 1982, the Constitution (Article 35) had guaranteed Chinese citizens freedom of speech, association, and protest, while in reality these rights were swept under the carpet as they remained subordinate to the party’s decisions and sole responsibility for policy interpretation (Heberer 2013: 86; Kautz/Holbig 2015: 84; Gilley 2008: 12). Participation did not aim at “societal emancipation,” but at contributing to the duties and needs of the (state-steered) community (Derichs/Heberer 2013: 27). Tellingly, only in 1995 did Chinese civil society actors first come into contact with the concept of a “nongovernmental organization”—thus, civic units strictly independent from the state apparatus (Wu/He 2013: 7).

Politicians who had fallen from grace like Hu Yaobang in 1987 or Zhao Ziyang in 1989, who for their part had been actively engaged in open criticism of the ideological underpinnings of CCP rule, became victims of the purge (Goldman/Esarey 2008: 49–50)—as their reform ideas went “too far in undermining the party’s rule and [the CCP’s] power” (Heberer 2013: 50). Remarkably, many political activists did not show significant ambitions to turn existing governance structures upside down but rather only to trigger change within the establishment (Goldman/Esarey 2008: 52). Provocative, resilient outsiders to the establishment like the Democracy Wall Movement were rare but nonetheless among the initiators of the large-scale protests in Tiananmen Square (ibid.: 50). The events of June 3 and 4, 1989, nevertheless ought to have had a disabusing effect for civil society actors who formerly had been spoiled by thoughts of further liberalization, opening, and demands for democratization: with might and main the CCP government reasserted its power during the brutal intervention in 1989, which led to more than 2,000 fatalities (Gilley 2008: 3, 8). Even tighter control,

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35 Therefore, Derichs and Heberer introduce the expression of “recruited participation” (2013: 27).
further crackdowns on civil political activism, and greater persecution followed in subsequent years (Goldman/Esarey 2008: 50). After the violent oppression and destruction of these mass movements, the CCP government installed a repressive registration and administration process against any form of civic activism in October 1989; it was meant to fully exert control over civil society operations (Heberer 2013: 175; Goldman/Esarey 2008: 50–51; Noesselt 2012: 218–219). An exit strategy? According to estimates, the number of illegal underground grassroots organizations exceeds, as mentioned earlier, three million today while many nongovernmental forms of civic engagement pretend to have a strictly economic focus (Heberer 2013: 175). Instead of political participation by civil society, politics has become increasingly bound to economic considerations (ibid.: 62); “cadre capitalism” (ibid.: 67, author’s own translation) describes this merging process best.

During the period considered, the CCP (re)established its immanent hegemonic order and power over civil society—answering each new surge of pluralism with repressive and stifling measures. Thus, any coordinated establishment of social or political independent structures remained far out of reach (Goldman/Esarey 2008: 51–52)—personal freedom seemed accepted, rather, on the very individual level of each citizen (Heberer 2013: 52). Following these lines, the legitimacy of the CCP ruling elites has always been based on functional aspects like modernization, development, economic prosperity, and stability (ibid.: 63; Wang 2010: 28). Thereby, the Chinese authoritarian government has indeed been able to “navigate the treacherous waters of the ‘transition zone’” (Gilley 2008: 11) for its own benefit. Whereas the KMT in Taiwan quickly slipped into a serious legitimacy crisis, mainland China under the CCP managed to offset instability by rational, cohesive, and strengthened appearance as well as acting (ibid.: 18).

Besides the events of Tiananmen Square, and due to the persecution of and lack of collective learning processes of critical civic engagement, the exertion of influence of Chinese civil society during the entire period of investigation has ultimately remained limited to active membership in party politics, or “rightful resistance” (Heberer 2013: 129–134) —meaning that even though civil society is still able to voice its disapproval of corrupt and law-breaking local authorities, the legitimacy of the ruling elites per se is not questioned.36 Any controlling and shaping of the political sphere in China has failed to manifest. Moreover, so far, the prediction of former US president George W. Bush has not materialized: “As China reforms its economy, its leaders are finding that

36 For a more extensive overview on rightful resistance, see O’Brien (2013).
once the door to freedom is opened even a crack, it can not [sic] be closed. As the people of China grow in prosperity, their demands for political freedom will grow as well” (US Government 2005: 1728).

As the case of Taiwan has already revealed, political choices, opportunity structures, and feelings of endangerment among the ruling elites exerted considerable weight on the potentiality of civil society and its available corridor of action (Goldman/Esarey 2008: 53–54). In China, meanwhile, the brutal approach of the CCP dispersed any dissent or potentially regime-threatening behavior. Ironically, the introduction of the newest political concept, the “Chinese dream,” in 2012 builds upon the vision of a “harmonious society”—the “new”^37 overarchingly political goal that was first proclaimed during the 4th Plenary Session of the 16th Central Committee in September 2004 (Heberer 2013: 63). However, due to the rise of (nonharmonious) cleavages between civil society demands and CCP adaptiveness, Gilley (2008: 14) brings up the question of an emerging risk of the PRC experiencing a “hard landing” to democracy—or even the development of a “People’s Republic of Chinastan” under the CCP hegemon “where democratic freedom advances barely at all” (Gilley 2008: 14).

Ultimately, the essential task for the PRC’s ruling elites remains the avoidance of any disorder and chaos (Derichs/Heberer 2013: 15). Democracy, as “a system of ruled open-endedness, or organized uncertainty” (Przeworski 1991: 13), would equate to the worst-case scenario for the Chinese political regime. Instead of protecting civil society against arbitrary state rule, then, the crucial dimension of protection lies rather within state power ensuring control and stability (Derichs/Heberer 2013: 17, 22, 24; Heberer 2013: 62; Wang 2010: 27); until today, these increasingly solidified cage bars have proven to be shatterproof.

The Rise of Civil Society in China: The Illusion of a Window of Opportunity for Democratization?

The political system in China still does not permit the breaking down of hierarchies within the state-society structure. Civil engagement widens at all spheres of societal cohabitation; however, only in sectors that function supportively but will never challenge the omnipotence of the

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^37 The novelty of it can be questioned as it reflects the already established and many years practiced political consensus about state-society relations: the role of the state as moral cudgel and spotter of societal discrepancies, and an increasingly economy-oriented focus to development (Heberer 2013: 64, 77).
ruling elites (Heberer 2013: 85; Stern/O’Brien 2012: 179). The resilience of the autocratic system seems to succeed as long as the rulership is receptive and, in a way, responding to societal needs and demands (Derichs/Heberer 2013: 14). Civil society does not seem to be too inherently weak, but rather lacks an available doorway into comprehensively challenging the authoritarian cadres. 38 This reasoning supplements the argument of Gilley that “truly ‘civil’ society is a result of democratization itself” (2008: 19).

Another way of thinking might be to challenge the concept of democracy as a whole. Even though the leadership in Beijing pursues a self-determined path toward democracy, one with Chinese features (Ang 2018), the stability of this form of governance in general still appears attractive (Holbig/Schucher 2016). 39 The rapprochement and reconciliation between the KMT and CCP since 2005, as well as the growing openness of Beijing to dealing with the Taiwan experience as a positive example of transformation, underline this argument (Gilley 2008: 15; Wei 2015). 40

Furthermore, in recent years China has tried hard to improve its international image, permitting civil engagement and even critique of the existing political system in an unprecedented manner. Nevertheless, the ultimate absolute decision-making authority and sole reign of the CCP is not up for discussion or debate. Rather, the contrary is true: any challenge is subject to strict punishment (Tomzak 2015: 4). Unlike the Western understanding of a self-determined, powerful civil society that might even bear responsibility for the transformation of a whole political system, the case of Taiwan’s own systemic change calls for adding in to considerations the triggering factor of a receptive reformist elite. That alongside the external factors of positive socioeconomic development and a supportive international setting, too. The long-lasting survival of the KMT regime in Taiwan demonstrates, nevertheless, that a complete change of elites is not necessarily required. Ruling elites remain the actors of paramount importance to enabling the initiation of change and the broadening of the public sphere of action. In China, the eventual succeeding leadership to Xi Jinping might be favorable to a change in the basis of its legitimacy—thereby allowing the existence of

38 Stern and O’Brien sum this aspect up by quoting the head of a well-known NGO: “We are wearing a sword, but we never pull it out” (2012: 179).
39 For a more extensive overview of the perceptions and role of democracy in the Chinese scientific debate, see Noesselt (2012: 225–228).
40 Chu (2008: 27–46) even argues that CCP rule in mainland China equals the KMT regime of the past, and that the transition to democracy might, therefore, already be on the doorstep.
movements like the New Civil Movement, founded in 2012, (Strittmatter 2014) and consequently opening up a forum for genuine debate.\footnote{Xu Zhiyong, lawyer and founder of the movement (demonstrating peacefully for more transparency and rule of law) has been sentenced to four years in prison, while many other members and supporters of the movement face persecution, punishment, and several years of jail time from the CCP regime, most of them accused of violations of the public order. In 2014 the movement already counted more than 5,000 members in its ranks (an upward trend, too) (Strittmatter 2014; Cui 2014).}

Whereas during the turbulent 1980s Taiwanese civil society benefited from fragile caging bars in the form of a vulnerable state apparatus, the similarly crumbling bars of the Chinese cage would be substituted with new, even thicker ones by the CCP regime. Until today, the young Chinese civic bird—which likewise would have a fantastic voice—only sings the songs that it is allowed to sing, or otherwise faces the threat of harsh punishment. What truth lies, then, in proclamations of dissidents like Xu Zhiyong about the growing unease of the Chinese civic bird and those who perceive “the awakening of civil society in China” despite all of the—even mounting—repression (Strittmatter 2014)? This is a question few if any might dare to answer today, but seemingly the CCP leadership does, indeed, feel increasingly threatened by burgeoning civic activism.

Hence, in the end—while thinking back to the metaphor of Chinese and Taiwanese civil society as the birds in the cage—it seems appropriate to note that, as the “exceptional case”\footnote{“Exceptional” implies the special and remarkable situation of Taiwan as a country, with almost no experience with democracy in previous times (before the 1970s) as well as the most severe limits to political pluralism during authoritarian ones (Merkel 2010: 312).} of Taiwan has shown, it might need an external force—be it the governing elites themselves—to open the small door that frees the struggling spirits and thereby grants them democratic liberation (Wright 1999: 986). Whereas the Chinese bird seems to constantly grow, albeit with no forecasts on how its size might fit into the caging system of authoritarian CCP rule in future, the release of the Taiwanese bird in the 1980s ended up in a full-fledged democracy by the turn of the millennium. It is disputable whether foreign democracy promoters can play a helping hand in opening up a narrow such gap; as the recent restrictive law passed on foreign civil society organizations has proven,\footnote{For a critical overview hereof, as well as a direct reaction to this new legislation, see Makienen (2015) and Hsu/Teets (2016).} the current ruling elite in Beijing is visibly dismissive of—if not outright hostile to—any interference in its internal
issues. Clearly, any changes in the direction of the CCP elites might trigger democratization processes—and yet with them, the “civic window of opportunity” (Merkel 2010: 92) to solidify such democracy will only rapidly close once again.
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Chapter VI: Spaces of Resistance in China: The Weiquan Movement from a Socio-Spatial Perspective

Tobias Bohne

“These spaces are produced. The ‘raw material’ from which they are produced is nature. They are products of an activity which involves the economic and technical realms but which extends well beyond them, for these are also political products, and strategic spaces.” (Lefebvre 1991: 84)

“Space is political!” (Lefebvre 2009: 179, italics in the original)

Introduction: The Ambiguity of Contentious Politics in China

When discussing political activism in China in general and the weiquan movement in particular, the dynamics and theoretical implications of contentious politics playing out in an—sometimes highly ambiguous—authoritarian political setting is the most prominent theme in the academic literature (Fu/Cullen 2008; Fu 2016; O’Brien 1996, 2013). While this focus is insightful for discussing how contentious movements can operate in such a setting and how structural limitations shape the set of political practices available to activists, it does—at least to some degree—also ignore or only implicitly acknowledge the importance of the spatial dimension of political activism. That is, the way in which “space” is utilized and even produced by actors involved in social struggles (Swyngedouw 1997: 141; Delaney/Leitner 1997).

One example of this blind spot in the literature is the unquestioned territorial framing of the space in which movements—such as the weiquan lawyers—operate (i.e. the territory of the Chinese state). As this essay strives to show, space must not be understood as a quasi-natural fixed, one-dimensional, and external structure in which political practices are enacted but rather as a strategic tool in itself to advance interests and secure or challenge power relations. In this sense, the territorial lens through which the weiquan movement is predominantly analyzed here is not regarded as being a “neutral” constant but is understood instead as an outcome of a deliberate political process or strategy; it becomes a part of the political or social struggle itself, and should
therefore be incorporated into the analysis of contentious movements and practices. Discussing the spatial dimensions and spatial practices of the *weiquan* movement (and thus also the Chinese state’s counterstrategies) not only enriches the empirical description of the movement itself but can possibly also uncover broader trends within the “politics of space” in China.

In the tradition of Henri Lefebvre (1991), social space has to be understood ontologically in its amorphous complexity—it cannot be reduced “to a singular principle or all-encompassing pattern” (Brenner 2009: 31). Lefebvre offers his readers a—surprisingly insightful—culinary analogy to further portray his understanding of the complex, ambiguous composition of social space: for him, space is “far more reminiscent of flaky mille-feuille pastry than of the homogenous and isotropic space of classical (Euclidean/Cartesian) mathematics” (Lefebvre 1991: 86).

The political environment in which social activists operate in China is similarly ambiguous. Since the election of Donald Trump as the 45th president of the United States, and especially since the US withdrawal from the Paris Agreement, the public perception of the role that China is currently playing in the international political realm has undergone a significant shift. China has been labeled as a threat to the West (or even the world) for a long time now. An emerging power whose rise will undeniably lead to violent conflict with the Western world order (Mearsheimer 2006); a provider of “rogue aid” (Naim 2007), selfishly undercutting the West’s efforts to improve the lives of people in the Global South; and, a constant security threat preparing for “cyberwar” (New York Times 2013) targeting, among other things, critical infrastructure in Western states.

Now however, it seems, China is—in the public discourse—more often depicted as the global player who is a guarantor of global prosperity, who respects and is thus strengthening global governance institutions meant to facilitate cooperation in the sphere of international politics, and who is at the forefront of the fight for a sustainable, environmentally friendly future. Per the latter, also upholding the Paris Agreement, as the only suitable framework for cooperatively dealing with man-made climate change (Boffey/Nelsen 2017)—that while Donald Trump nominates a climate change denialist to head the Environmental Protection Agency and vocally pursues a nationalist “America First” path as the panacea for all the evil that globalization has wrought. This story of a “good” and globally leading China is obviously also told by Xi Jinping who, for instance, portrayed the country in a speech given at the World Economic Forum in Davos in 2017 as one
of the leading advocates of free trade and globalization, of a stable
global governance regime, and of the Paris Agreement (Xi 2017). As
Xi’s words were openly addressed to the then new president of the US,
and thus to the country that has long been regarded as the global symbol
of freedom, progress, and stability, one might feel like the world has
been “turned upside down” (Momani 2017) compared to even a century
ago.

The perceived reversal of both countries’ images in the realm of
international relations is undoubtedly a simplistic reduction of reality,
however. A striking example of the harsh environment that government
critics in fact face in China, and of the authoritarian character of the
Communist Party leadership, is the case of human rights activist and
Nobel Peace Prize laureate Liu Xiaobo, who was not allowed to receive
adequate medical treatment while serving an 11-year prison sentence.
He subsequently died of liver cancer, under the eyes of the international
community, in 2017.

This episode of recent history points to the ambiguous domestic
and global roles that the Chinese government currently plays: On the
one hand, nongovernmental organizations working in the realm of en-
vonmental protection are relatively free to push for better related
standards in China—even being supported by the Party leadership and
used on the international scale to underline the image of a progressive,
environmentally friendly China upholding the principal of global coop-
eration. On the other, critics of the existing Chinese system who try to
hold the Party leadership accountable for guaranteeing basic human
rights like religious freedom are massively oppressed. Thus, civil soci-
eity’s space for maneuver is highly dependent on the policy field (e.g.
environmental politics) in which it is active—and, according to the ar-
gument of this chapter, the geographical scale and scope too (e.g. inter-
national versus local; territory versus network)—which is the dominant
reference point for civil society action. This essay thus deals with the
strategies used by civil society actors operating in exactly these politi-
cally controversial sites embedded in an authoritarian system.

The underlying research question asks: Which spatial strategies do
weiquan activists use in the setting of an authoritarian state, limiting and
directly obstructing the organization of collective contentious politics?
And, further to this, what can socio-spatial theory tell us about the wei-
quan movement (and, indeed, Chinese politics)? To tackle these ques-
tions, the object of study—the weiquan movement—will first be intro-
duced. Next, the employed theoretical framework—based, as noted, on
Lefebvre’s conceptualization of space—will be discussed in light of the
specificities of the authoritarian setting in which the weiquan movement

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operates. In the subsequent section, the implications of a socio-spatial approach for analyzing the *weiquan* movement will be discussed; this is followed by concluding remarks.

**Law and Contestation in China: The *Weiquan* Movement**

The object of investigation in this chapter is the *weiquan* movement and, consequently, it has to first be introduced by defining what it actually is. Although the convenient label used in the scholarly literature—*weiquan* movement—suggests that we are dealing with a rather clear-cut phenomenon, a homogeneous social entity, the reality proves to be a little more complicated. Entering the discussion on the definitional outlines of the movement by taking a closer look at the etymology of the word *weiquan* already reveals the rather complex nature of this study’s subject matter: for instance, Jonathan Benney (2013: 153–54) states that the term does not really have a fixed meaning and can only be understood on the basis of the context in which the term *weiquan* is employed. While the social-scientific literature generally translates *weiquan* as “rights defense” (Pils 2007: 1225; see also, Teng, Biao 2012: 29, Nesossi 2015: 961) or “rights protection” (Fu/Cullen 2008: 111, 2011: 41), and thus locates the movement within the realm of legal activism (Human Rights Watch 2008: 14), Benney rightly points to the shifts in meaning over time and, related to these, the different dimensions of *weiquan* (Benney 2013: 154). What, initially, was used to describe government action that aimed at educating its citizens in the idea of law (“rights consciousness”) has since been picked up by individual citizens to criticize local government entities who fail to adhere to the laws and principles institutionalized by the central government. Parallely, then, it has developed into a term that describes the work of professional lawyers trying to hold the government accountable regarding its noncompliance with the People’s Republic of China’s (PRC) constitutional law by both legal and extralegal means.

While this detailed reading of the *weiquan* movement is important, and cautions us not to oversimplify a rather complex phenomenon, this essay will still focus on the more narrow understanding of what the *weiquan* movement actually is, as employed by the mainstream literature: the legal realm of *weiquan* lawyering. Nonetheless, the disaggregation of the divergent sets of *weiquan* actors helps us to understand the social and political environments in which *weiquan* lawyering was able to flourish. First, the basis for legal activism is obviously the existence of a legal system; in an authoritarian system, therefore, the idea of the “rule
of law” had to even first be introduced by the ruling elite (Fu/Cullen 2011: 40). The beginning of the reform and opening period, starting in 1978, under the rule of Deng Xiaoping marked not only the restructuring of the economic system but also a change in the official language of the Chinese state—which moved away from the Maoist discourse of “class struggle” and “cultural revolution” and reintroduced, among other things, the idea of “ruling the country in accordance with law” (Teng, Biao 2012: 30) to official statements.

The then beginning juridification of the PRC was accelerated by the international pressure exerted following the Tiananmen Square massacre of 1989 (Fleay 2013: 117). Opening up space for legal activism, and thus laying the foundation for the weiquan movement, were two developments in particular. These were the Law on Lawyers of 1996, which changed their status as “state legal workers” (Fu/Cullen 2008: 124) to independent persons “who are licensed to provide legal services” (ibid.: 124), and the several amendments to the constitution of 1999 and 2004, adding the principle of the rule of law and even the protection of human rights to the Chinese legal system (Teng 2012: 30; Fu/Cullen 2008: 123, 2011: 40).

Second, related to the “opening up” of the Chinese system, the state-sponsored effort to increase the rights consciousness (Teng 2012: 30; Fu/Cullen 2008: 125) of the Chinese people created a social environment in which more and more citizens would come to know their rights and consequently be willing and able to assert them—either individually or with the help of weiquan lawyers—in court (Fu 2016). A third enabling factor is the diversification of the media, especially the rise of online forms—which are harder to control by the authorities, easily and immediately accessible by a growing number of Chinese citizens, and thus help weiquan activists to communicate with and mobilize the Chinese public in order to build up pressure (Teng 2012: 30). Another important driving force accelerating legal reform and legal activism is the economic development of China, which has enhanced the living

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44 It is interesting to note that many weiquan lawyers or activists without a background in law but related to the weiquan movement of the first generation had been socialized in light of the Tiananmen Square incident (Fu/Cullen 2011: 42).

45 According to World Bank data on internet usage, 53 percent of the Chinese population access the web on a regular basis. Looking at Macao and Hong Kong as separate political entities, these numbers go up to 82 percent and 87 percent respectively (World Bank 2017). The data set also indicates a significant difference between rural areas and cities.

46 Randall Peerenboom (2008: 2–7) offers a detailed discussion of the correlation between economic development and that of the legal profession system.
standard of a large part of the population and thus provides the basis on which mobilization can take place (ibid.).

Human Rights Watch defines the weiquan movement as “a movement of lawyers, law experts, and activists who try to assert the constitutional and civil rights of the citizenry through litigation and legal activism” (2008: 14). The clients are, in most cases, ordinary citizens and members of vulnerable social groups who are represented by weiquan lawyers on a regular for-fee basis or, depending on the circumstances, pro bono (Fu/Cullen 2008: 112–114). Another definition also points to the legalistic approach used by rights defense lawyers, but also stresses that weiquan lawyering goes beyond the scope of individual cases:

“Weiquan is a court-centric approach to conflict resolution, through which lawyers choose and exploit individual cases and use legal and extra-legal means to pressure decision makers to maximize the rights and benefits of a client and at the same time to achieve a larger objective.” (ibid.: 112, italics in the original)

Depending on the individual lawyer, this “larger objective” can simply mean the general institutionalization of the rule of law by continuously processing conflicts in the courtroom without changing or criticizing the national law itself, slowly reforming the legal and political system, or nothing less than achieving a fundamental, radical shift toward democracy. Especially the idea that the weiquan movement can be one of the most influential and promising routes toward China’s transition into a constitutional democracy is stressed by some scholars (Feng 2009).

The differing approaches pursued by weiquan lawyers have been picked up on by Hualing Fu and Richard Cullen (2008, 2011), and used to create an ideal-typical typology of actors involved in this heterogeneous phenomenon defined by them, as noted earlier, as the rights protection movement (see Table 1 below; see also, Peerenboom 2008: 8–9). Classified alongside three dimensions—kinds of case, objectives, and their preferred set of methods/their approach (Peerenboom 2008: 8)—Fu and Cullen (2008: 116–123, 2011: 41) identify three types of weiquan lawyer: moderate, critical, and radical.47 Moderate lawyers take on cases that are not very controversial from a political point of view, such as consumer protection or labor rights ones. Their goal is not to challenge the existing legal framework but rather to strengthen it. These lawyers rely solely on legal action taken within the courtroom, and are often organized within the state-sanctioned All-China Lawyers

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47 See Benney (2013: 142–144) for a critical assessment of Fu and Cullen’s typology.
Association (ACLA)—even being supported by the Chinese government itself (Peerenboom 2008: 9; Fu/Cullen 2008: 118).

Actors belonging to the second category are much more critical of the political system, and consequently also take on cases that are politically controversial. This includes those that center around, for instance, freedom of speech or human rights, but which are not explicitly “politically prohibited such as Falungong or to represent dissidents calling for the overthrow of the CCP” (Peerenboom 2008: 8). Hence, the case selection points to the objectives of critical weiquan activists: they are trying to reform the existing legal and political systems, but are aware of the repercussions of directly opposing them. As Fu and Cullen put it: “Critical lawyers, despite their aggressive advocacy and critical stance, prefer institutional transformation. They hope to end the endemic abuses of the authoritarian state by reforming it from within” (2008: 120). Their methods are, accordingly, not limited to the courtroom; they also mobilize people on the streets and cooperate with non-Chinese organizations, but do not cross the line into overt opposition. The critical lawyer’s approach can be situated within the general context of Kevin O’Brien’s concept of “rightful resistance” (ibid.: 127).

Radical lawyers, meanwhile, take up cases that are, as stated above, “politically prohibited” (Peerenboom 2008: 8). Their general goal is to end the current legal and political systems of China by extensively using political means, such as instigating mass protests against the authorities. This approach—which does not solely rely on legal action (moderate lawyers), and tends to value political means higher than when just operating within the existing legal structure to push for change (critical lawyers)—stems from their understanding that “the authoritarian system is the cause of the problem and protecting rights through law makes little sense until the political system is challenged head on” (Fu/Cullen 2008: 122). These lawyers often face severe consequences personally for their actions, for instance daily harassment by the authorities or even incarceration and torture. They are also subject to harsh criticism coming from within the weiquan movement itself, as radical lawyers are—according to more moderate ones—recklessly trying to fight the system without taking the consequences (e.g. a government backlash) into account and/or ignoring pragmatic limits.
### Table VI.1: Typology of *Weiquan* lawyers

<table>
<thead>
<tr>
<th></th>
<th>Moderate</th>
<th>Critical</th>
<th>Radical</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Types of Case</strong></td>
<td>Consumer protection; workplace conditions; day-to-day discrimination by public bodies</td>
<td>Politically controversial cases: religious rights; workers’ rights; human rights</td>
<td>Human rights; democratic rights</td>
</tr>
<tr>
<td><strong>Objectives</strong></td>
<td>Not challenging the political and legal system (main focus on individual cases); improving the operation of the system; promoting the rule of law</td>
<td>Reformation of the system through legal activism in the long run; winning individual cases and advancing reform</td>
<td>Abolishing the existing political and legal systems; individual cases as means to fight the one-party state</td>
</tr>
<tr>
<td><strong>Methods</strong></td>
<td>legal means &gt; political mobilization</td>
<td>Legal and moderate political means</td>
<td>Political action/resistance &gt; legal means</td>
</tr>
</tbody>
</table>


The criticism coming from within the *weiquan* movement is the basis for Eva Pils’ (2007) own discussion of the differences between actors within the movement. Similar to Fu and Cullen, Pils develops a typology that distinguishes between radical/critical lawyers and moderate ones, but draws the line between these groups differently by looking at the reasoning underlying the respective approaches followed by *weiquan* actors. On the one hand, she identifies a “consequentialist” way of thinking—which argues “that the moral rightness of an act is determined by its good consequences” (Pils 2007: 1213). According to this position, legal activists (and, indeed, activists in general) have to take the possible consequences of their actions—like a political backlash, and the violence ensuing after the Tiananmen Square incident—into account and adapt their approaches accordingly. Pils points out that this limits rights protection activists in their range of options, as these are only derived
from the consequences that can be predicted: “Their attitude puts them in danger of blinding themselves to the limits of legal reform in China’s current constitutional and political structure” (ibid.: 1212; see also, Fu/Cullen 2008: 126).

Opposed to such consequentialist interpretations of legal activism, a “deontological” way of thinking, meanwhile, is not concerned with the consequences of one’s action but rather with a “moral ideal” (Pils 2007: 1218). This approach can be understood as being more radical than the consequentialist and “pragmatic” paths, as it does not pay attention to whether rights defense action produces any desirable or at least unharmful institutional reform outcomes. The very reason for even doing \textit{weiquan} lawyering is grounded in the assumption that “unjust State actions must be exposed and criticized as a matter of justice, whatever the consequences for institutional reform” (ibid.: 1286). Hence radical, deontological lawyers are less restricted in their selection of actions by the existing legal and political frameworks, but—as pointed out by moderate consequentialist lawyers—also sometimesinvoke a harsh government backlash as a result.

It is no surprise that critical and radical lawyers cannot operate freely in China, and thus organizing rights activism “in plain sight” is almost impossible (Fu 2016: 2). An attempt by Teng Biao and Xu Zhiyong to form a central organizing platform for \textit{weiquan} activism, in order to strengthen their position vis-à-vis the state, proved to be unsuccessful. \textit{Gongmen}, the name of this platform, immediately came to the attention of the government as it was “insufficiently big and powerful not to be targeted by the party-state” (Benney 2013: 151) and was essentially dissolved in the end. While moderate lawyers can—at least to some degree—operate within and use the resources of the state-sponsored ACLA, critical and radical ones have to resort instead to informal networks to pool their knowledge and resources. The methodological approach of Fu and Cullen (2011: 42) is illustrative of how \textit{weiquan} lawyers organize their actions in decentralized, closed-knit networks rather than in institutionalized organizations: to find interview partners, Fu and Cullen relied on a “snowballing” system; that is, they contacted several well-known lawyers and asked them to reach out to their peers, who should then do the same. Lacking an organizational locus, \textit{weiquan} lawyers are, as this example shows, in touch with one another only through personal networks.
Contentious Politics, *Weiquan*, and Space

Describing the defining features of the *weiquan* movement such as its organization and social practices finally implies looking at the importance of “space” for this movement. This is also reflected in the literature on civil society organizations in authoritarian settings, especially in the context of the PRC. One of the most influential concepts in this regard is O’Brien’s aforementioned one of “rightful resistance” (1996, 2013; O’Brien/Li 2006). Together with Lianjiang Li, O’Brien defines this resistance as follows:

“Rightful resistance is a form of popular contention that operates near the boundary of authorized channels, employs the rhetoric and commitments of the powerful to curb the exercise of power, hinges on locating and exploiting divisions within the state, and relies on mobilizing support from the wider public.” (2006: 2)

This not only resonates with the general mode of “resistance” employed by some *weiquan* activists—using the state’s own commitments to the rule of law and its rhetoric, as well as public outrage, to push for change—but also emphasizes a specifically spatial approach that is located in the idea of “exploiting divisions within the state” (ibid.: 2). As O’Brien writes elsewhere, these divisions predominantly lie in the “central-local divide”—that is, in the competitive vertical differentiation of the Chinese political system (O’Brien/Stern 2008: 14). For instance, *weiquan* activists can use the currently ongoing anticorruption campaign, initiated by the central government itself under Xi Jinping (South China Morning Post 2018), to legitimize and reinforce their legal activism against local cadres with the (sometimes perhaps even involuntary) help of the state.

While rightful resistance is used as a concept to describe contentious practices, Diana Fu’s (2016) theory of “disguised collective action”—a recent addition to the literature—is more concerned with the role that the mode of organization plays for protest movements in authoritarian regimes. Fu is interested in the dilemmas that social movements face in these settings: according to research on contentious politics, a certain degree of institutionalization is needed in order to effectively mobilize aggrieved citizens; forming an organizational platform for, among other things, legal activism on the national scale is, however, almost impossible in an authoritarian environment (Fu 2016: 2, 20). Hence, she observes that less visible informal networks are used to “coach aggrieved citizens on how to contend with state officials through a pedagogical process” (ibid.: 2). Ultimately people do not
perform contentious acts of resistance in the name of an organization, but as atomized individuals who are loosely but invisibly connected through personal networks. This is what she labels disguised collective action.

Both concepts—rightful resistance and disguised collective action—introduce intriguing perspectives on resistance movements in authoritarian regimes, but both nevertheless lack a theoretically grounded understanding of space too. This implicit taken-for-granted use of space is, from a Lefebvrian point of view, highly problematic as it (1) ignores, at least to some degree, the (social) production process of space and (2) reduces space to a dominant, narrowly defined dimension. These two points of criticism are based on the arguments unfolded by Lefebvre, in his groundbreaking work *The Production of Space* (1991 [1974]), and also on other authors’ works engaging with the Lefebvrian notion of space. One of his most cited claims is undoubtedly that: “(Social) space is a (social) product” (ibid.: 26). For Lefebvre, space is not a given, extra-social entity that structures our political practices; consequently, it has to be analyzed by social scientists in a way that takes the process of production itself into consideration (Lefebvre 2003: 87, 1991: 402; see also, Swyngedouw 1997: 141). Space as a result of a production process is thus also an outcome from social struggles; the analysis of this process can, therefore, potentially reveal the power relations inscribed in the historically produced spatial configuration of the present.

Framing space as a process is one important contribution to the discussion on the interrelatedness of society and space; an additional one is Lefebre’s ontological critique of a one-dimensional account of the latter:

“We are confronted not by one social space but by many – indeed by an unlimited multiplicity or uncountable set of social spaces […]. Social spaces interpenetrate one another and/or superimpose themselves upon one another.” (Lefebvre 1991: 86, italics in the original)

Lefebvre illustrates this simultaneously observable multiplicity of spatial principles and dimensions with, as cited earlier, an apt culinary metaphor: “[Social space is] far more reminiscent of flaky mille-feuille pastry than of the homogeneous and isotropic space of classical (Euclidean/Cartesian) mathematics” (ibid.: 86). This is also reiterated in the

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48 O’Brien’s concept of rightful resistance predominantly looks at the interplay of the national and the local scale. Fu focuses, meanwhile, on the spatial dimension of networks.
writings of Neil Brenner, who warns against a reductionist interpretation of social practices through space if the latter is conceptualized as a “singular principle or all-encompassing pattern” (2009: 31).

What do these observations tell us, then, about the weiquan movement in China? First, the processual conceptualization of space implies that it can be used as a strategic tool (Belina 2013a: 131; Jessop/Brenner/Jones 2008: 393; Nicholls 2009: 78; Nicholls/Miller/Beaumont 2013: 1); space can, therefore, be politically produced (Delaney/Leitner 1997). As Lefebvre puts it, and to return to one of the quotations opening this essay: “Space is political!” (2009: 179, italics in the original). Producing space discursively and materially is thus one way to challenge authority; for instance, the Chinese leadership. This strategic use of space is, second, not limited to an abstract unified concept of it but can consist of a combination of different dimensions therein, like the principles of territory, place, scale, and network (Jessop/Brenner/Jones 2008).

The “ways in which geography matters to the imaginaries, practices and trajectories of contentious politics” (Leitner/Sheppard/Sziarto 2008: 158) have been studied by a handful of authors, and a variety of conceptual frameworks have been produced. For instance, Helga Leitner, Eric Sheppard, and Kristin M. Sziarto (2008: 159–165) base their own framework on the idea of “multiple spatialities,” and come up with five distinct but interrelated dimensions of space that become meaningful in the realm of contentious politics: scale, place, network, positionality, and mobility. Others, like Deborah G. Martin and Byron Miller (2003), use space, place, and scale as empirical indicators to analyze the spatial strategies employed by activists. Sometimes, the specific socio-spatial configuration of a particular place is analyzed in the context of social movements. For instance, Walter J. Nicholls (2008) takes a look at the importance of cities in the successful formation of social movements.

In this paper, the well-established TPSN—territory, place, scale, and network—framework of Bob Jessop, Neil Brenner, and Martin Jones (2008) will be used. These four interrelated dimensions are understood “as site, object, and means of social practices” (Jessop 2016: 21). The concept of “territory” is defined by its inherent logic of separating an inside from an outside. Put in strategical terms, territorialization is “the attempt by an individual or group (x) to influence, affect, or control objects, people, and relationships (y) by delimiting and asserting control over a geographic area” (Sack 1983: 56). This perpetual process of (re)producing territory is always structured by social power relations.
“Place” refers to the geographical idea of proximity, the realm of everyday life (Brenner 2009: 36). It is a spatial dimension in which social relations come together in a dense, highly concentrated way (Leitner, Sheppard, and Sziarto 2008: 161). Although places are obviously physically founded, some authors emphasize that the conceptual core of place lies rather in a symbolic and discursive understanding of it (Belina 2013a: 110). Hence,

“Social movements often seek to strategically manipulate, subvert and resignify places that symbolise priorities and imaginaries they are contesting; to defend places that stand for their priorities and imaginaries, and relate to the rest of the world.” (Leitner, Sheppard, and Sziarto 2008: 161–162)

The spatial dimension of “scale” focuses on the vertical differentiation of (social) space; for instance, the differentiation of states into vertically ordered, nested levels of government (national–regional–local) or the relation between the national and the global scales. But scales can also be constructed, and are not limited to nested hierarchies; they can overlap and transgress one another (Brenner 2009: 41–45; see also, Leitner, Sheppard, and Sziarto 2008: 161 and McMaster/Sheppard 2004: 16–19). Scale is especially interesting to look at when it comes to spatial strategies such as “scale jumping,” which is used to frame problems in relation to a number of differing scales. Civil society actors can, for instance, shift a local problem discursively to the national scale, in order to strengthen one’s own position vis-à-vis local elites (rightful resistance) or even produce totally new scales altogether (Leitner, Sheppard, and Sziarto 2008: 160; Cox 1998). As Eric Swyngedouw puts it: “The continuous reshuffling and reorganisation of spatial scale is an integral part of social strategies for control and empowerment” (1997: 141).

As already discussed above, the organization of contestation movements within authoritarian settings is severely limited. The spatial concept of “network” offers a viable way to organize and orchestrate political action. Networks can help “connecting individuals, institutions and activists in different places, for preventing contestations from being contained spatially by stretching them to other places” (Leitner, Sheppard, and Sziarto 2008: 162) and can cut through the stiff barriers of territory— which is generally the locus of state power—as the spatial expression of the hegemony of the state elite. The politics of networking can thus be interpreted as a form of counter-hegemony.
Producing “Spaces of Resistance”: The Politics of Network, Place, and Scale

How, then, do these spatial dimensions come into play regarding the weiquan movement? The above discussed internal differentiation among its lawyers, as observed by Fu and Cullen (2008; 2011) and Pils (2007), is a good starting point for exemplifying a socio-spatial approach to weiquan activism. Especially the deontological way of reasoning and critique (ibid.: 1213) is helpful in this regard. Fu and Cullen (2011: 59) observe a “radicalization” process among weiquan lawyers: while most begin as moderates trying only to reform the legal and political system from within, they become more and more radical as they experience little change in the structures that they are challenging. This process of becoming a radical, deontologically reasoning weiquan activist is, for example, visible in the biography of Gao Zhisheng, who began as “a legal professional believing that there would be a slow and incremental development toward rule of law in China” (Pils 2007: 1226) but who then eventually turned into a radical rights defender in the process of practicing weiquan lawyering. In so becoming, he stopped “appealing to the existing system’s legal institutions” (ibid.: 1212) and also started—as a consequence of no longer taking the existing system seriously—“calling for the creation of a new system” (ibid.: 1212).

If we take seriously the assertion made by Chongyi Feng (2009: 151) that the weiquan movement is one important step in the direction of a transition to constitutional democracy, then this radicalization process is nothing more than a necessary strategic move for achieving this goal. Incremental change towards democracy through legal activism in the sense of rightful resistance (O’Brien 1996; O’Brien/Li 2006)—that is, resistance within the boundaries of existing legal and political settings—is currently unlikely, as the Chinese leadership seems to be more powerful than ever before (see also, Fleay 2013). Playing by the rules could, in fact, also lead to a reinforcement and legitimization of the state’s discourse of it promoting the rule of law^49 (Noesselt 2016: 109–111)—and hence help consolidate the authoritarian nature of the PRC. Weiquan lawyering can therefore only be successful in achieving its goal—that is, the transformation of the PRC into a democratic state (Feng 2009)—if

^49 The interpretation of the rule of law by Chinese authorities differs significantly from the Western, liberal-democratic reading thereof. The major difference herein is undoubtedly the adherence to the principle of the primacy of the Party vis-à-vis the law (Noesselt 2016: 110).
Performing *weiquan* activism as rightful resistance means, in spatial terms, to stay within the scalar differentiation of the national and the local, and to harness the asymmetric power relations and competing interests of both (O’Brien/Stern 2008: 14). While this path of action may potentially lead to a legally achieved positive outcome on the local or even also national scale, the territorially defined idea of a “Chinese” rule of law remains nevertheless unchallenged. When radical lawyers begin to frame their legal action by referring to a universal idea of, for instance, human rights, they are jumping from the territorially defined national scale—which is the spatial site of the existing legal and political systems—to the global one of universalism so as to back their claims.

The importance of territory to the Chinese government is also visible in one of the most widely discussed spaces of *weiquan* activism: the internet (Teng 2012; Hung 2010). For instance, overcoming or challenging the territorially understood legal system is possible by generating pressure on the territory of China through transnationally connecting with NGOs, governments, civil society, and similar abroad, in order to raise awareness of human rights abuses. Connecting with the “outside world” through networking is also useful for obtaining information that is not openly available within the territory of China itself. It is no surprise, then, that the Chinese government attempts to (re-)territorialize the internet by blocking VPNs and other such technologies that allow Chinese citizens to break free of online censorship (Haas 2017).

Transgressing the hegemonic configuration of space by using strategies of networking and rescaling is important, but simply replacing one spatial paradigm with another is—as discussed in regard to Lefebvre’s basic understanding of space—highly problematic (Jessop/Brenner/Jones 2008). The pitfalls of ignoring this point—multiple spatial logics are present at the same time and only become relevant in specific social processes—are exemplified by David Chandler’s (2013) critical account of global activism; that is, activism beyond the territorial state and enacted through, for instance, networks. He concludes that the

“rejection of the formal political sphere, as a way of mediating between the individual and the social, leaves political struggles isolated from any shared framework of meaning or from any formal process of democratic accountability. [...] The rejection of state-based processes, which force the individual to engage with and account for the views of other members of society, is a reflection of a broader
problem: an unwillingness to engage in political contestation.”
(Chandler 2013: 47–48)

Although this critical observation is coined towards contestation activists of the “new left” (ibid.: 34) based in what are more or less democratic systems, the implications of this critique are also important for weiquan activists too: while challenging the state by moving beyond its spatial power structures is of prime importance, a total decoupling from the existing socio- and politico-spatial configurations (e.g. in the sense of “network-centrism”; Jessop/Brenner/Jones 2008: 391) would only serve to undermine the emancipatory potential of spatially sensitive activism.

Another interesting aspect that becomes visible in the light of socio-spatial theory is the importance of specific places. As discussed above, organizing protest or activism in China is highly problematic and only possible via informal networks (Fu 2016). In these, specific places constitute important nodes that reinforce the possibility of cooperation between lawyers (Teng 2012: 33)—by being somewhat “safe” environments for discussing sensitive political and legal topics in person. It is not surprising that most of the weiquan lawyers are clustered in cities like Beijing, being described by Fu and Cullen as “the most tolerant place for people who challenge the government” (2008: 113). Another example of the importance of “place-making” is Hong Kong, which might potentially act as a gateway to the internet due to its territorially defined special status vis-à-vis mainland China.

Conclusion

This chapter has explored the possibilities of a socio-spatial theoretical perspective—stemming from the currently marginal academic field of Radical Geography—on contestation movements in China, specifically the weiquan movement. It strived to be an “essay” in the original sense of the term—an “attempt”—and thus, one might point out, falls short of providing systematic empirical evidence for its claims. Closing this gap is the task for a methodologically sound and empirically rich follow-up study, one that incorporates and elaborates on the ideas unfolded here in a systematic manner.

Nevertheless, I have aspired to show that a socio-spatial approach—used as an interpretative framework—can add another insightful dimension to the research on contestation movements in authoritarian environments in general and on the weiquan movement in particular. In the tradition of Radical Geography, a socio-spatial
framework is not only helpful in analyzing a political or social phenomenon in the sense of an academic task but also in providing insights for practical emancipatory action—that is, to produce “spaces of resistance” challenging the geographies of the powerful (Belina 2013a: 158). By avoiding taking existing spatial configurations and frames as given (e.g. the territorial understanding of the state), scholars can uncover—and thus challenge—the hidden (spatial) strategies (e.g. the territorialisation of the internet) employed by certain actors.

What does this all mean for the weiquan movement, then? First, to effectively challenge the currently existing political system via legal means, a more radical—or at least merely critical approach—is needed, one that openly questions the status quo. This means in spatial strategic terms, second, that the predominant territorial and national interpretation of the “rule of law” has to be challenged by jumping scales and networking beyond the borders of the state itself. Third, Hong Kong or Beijing play important roles as they offer “safe” environments—ones characterized by a concentration of weiquan lawyers—and thus are places in which intense collaboration is made physically possible (for reflections on cities and social movements, see Nicholls 2008). These places can also become important as nodes in networks connecting Chinese weiquan activists with their colleagues abroad.

Furthermore, a follow-up study could also investigate the broader implications of the spatial strategies used by both the weiquan movement and the Chinese state itself as part of general political practice in the country. For instance, one could elaborate on the endeavors of the one-party state to harmonize and homogenize the space that is called “China” (e.g. by territorializing the internet, or physically constructing roads on the peripheries as part of the Belt and Road Initiative). Analyzed in the light of materialist state theory, this spatial strategy of producing an “abstract” space could be interpreted as a “state project” aiming to secure the power of the ruling class. Combined with a Levebrian reading of the inevitable friction between constructed abstract and directly lived space, this tension could be analyzed as a possible moment of contestation (Belina 2013b: 168, 2013a: 75): namely, the source of an emerging space of resistance.

50 “For space ‘is’ whole and broken, global and fractured, at one and the same time. Just as it is at once conceived, perceived, and directly lived.” (Lefebvre 1991: 356; see also, Lefebvre 2003: 94–100).
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Chapter VII: The Chinese Social Credit System: A Magical Tool of Governance in the Big Data Era?

Judith Petersen

Global Governance and Big Data: A Relevant Nexus in Digital Times

“We are at a unique time, when new technologies make it possible to reduce the amount of regulation while actually increasing the amount of oversight and production of desirable outcomes” (O’Reilly 2013: 293).

Big data changes the way societies function and challenges the process of governance as we know it. Theoretically, the global resource of cyberspace—created by interconnectivity in an increasingly digital world—enables people everywhere to access information and exercise their right to freedom of expression. Still, access to digital commons and the degree of freedom of expression within them differs widely on global scale—impacting not only every smartphone user, but everyone who lives in a society shaped by digitalization.

Current developments within the field of artificial intelligence and big data fuel a key debate on how to shape governance mechanisms in the digital era so as to ensure democratic freedoms in the global community. In ten years’ time, the amount of data that we produce is expected to double every twelve hours, being generated by interlinked smart homes, cities, communication systems, and workplaces (Helbing et al. 2017). This data availability, especially through mobile device usage, provides new grounds for decision-making. Therefore, the central question regarding the legitimacy of new governance tools built on big data and cyberspace persists. While coordinated action on cross-border challenges like climate change and innovative ways toward sustainable development are much needed, it is unclear who ultimately decides on complex issues that have global effects.

According to Michael Zürn, the term global governance “refers to the entirety of regulations put forward with reference to solving specific
denationalized and de-regionalized problems or providing transnational common goods” (2012: 730).

Big data might enable regulative procedures. But in times of revolutionary developments in AI, these decision-making processes might not necessarily be democratic. Therefore, it is highly relevant to monitor the processes by which data availability already affects governance tools. Are we going to accept solutions that are purely built on the analysis of our behavior in cyberspace? The United Nations Global Pulse calls the global penetration of mobile phone usage the “most significant change that has affected developing countries since the decolonization movement and the Green Revolution” (2012: 9). Undisputedly, big data and artificial intelligence carry high potential to foster developmental processes. Big data can provide precise assessments of barriers and needs for poverty reduction in rural areas, improve service provision by the public sector, strengthen the climate change resilience of communities, and enable effective infrastructure planning (Cheng 2014: 4). In their 2014 report on big data and development, the UN Development Programme states that:

“The Big Data approach […] would be most effective when the data are voluminous and are representative of the population or subjects that are of interest. In other words, the approach would be most effectual when there is a broad participation by different members of the society in contributing to the collection of data.” (Cheng 2014: 17)

All these criteria are fulfilled where digital services gain importance. But the new technologies also provide governments with the means to nudge citizens toward desirable behavior. Within this dynamic, governance based on big data comes with severe challenges. First, not all factors can be calculated: the complexity of reality trumps the ability of data analytics. Second, high connectivity not only provides the basis for big data nudging, but also entails the danger of hackers taking over governance tools. Third, while algorithms might factor in data from everyone using information communications technologies, they can be influenced due to lacking transparency and democratic control—especially when network providers and search engines hold unique market leader positions (Helbing et al. 2017).

Speaking of digitalization and governance, an increasing amount of coverage in Western media concerns itself with the role of big data in China. Currently, the most featured buzzword on the topic is the Social Credit System—a proposed scheme for evaluating a citizen’s economic as well as social reputation. With a mixture of excitement and terror,
articles draw allegories to a “1984” Orwellian dystopia come true. Also, reference to the popular Black Mirror episode “Nosedive” is seldom missing, in which every interaction in society is controlled by social ratings. The nationwide implementation of a social scoring system by 2020 would provide the Chinese Communist Party with a new level of observation over and control of the Chinese people within the one-party state. Along with AI and the unprecedented registration, processing, and use of personal data as a governance tool, new questions arise also regarding stable rule and legitimacy within the most populous state on earth. According to the 13th Five-Year Plan for Economic and Social Development (13.5), ICT-based systems will play a central role in the maintenance of social stability and future service provision (CC 2016: XVII 72(3)).

According to official documents, the SCS’s goal is to “allow the trustworthy to roam everywhere under heaven while making it hard for the discredited to take a single step” (Economist 2016). Such powerful language combined with the scheme’s dystopian long-term potential tend to cast a shadow over the pilot version’s relatively limited and provisional current state of being. Nonetheless, China has started the most ambitious experiment in digital social control worldwide.

This essay seeks to elucidate the central motivation behind the scheme’s implementation, and its impact on governance tools based on big data. To this end, it embeds the scheme into the context of Chinese politics, something often lacking in Western commentaries. The analysis draws evidence from the case of China to highlight dynamics that are relevant not only on a national or regional but also global scale, too. China is the leading global actor in the application of AI, and the first political system to use big data in a nationwide social credit program, that is built on the world’s highest growth rates in internet usership, the biggest mobile payment market, and further the peerless availability of real-time data. Operating in cyberspace, in combination with the export potential of its technologies, Chinese governance impacts not only Chinese territory but the digital commons themselves. The data gathering, and societal regulation built on it serve as an exemplary dynamic that is not as far from our own lives as we might think. As big data concepts gain influence all over the world, their implications and the gained insights should be relevant to all humans using ICTs today.

52 The famous dystopian novel 1984, first published in 1949 by George Orwell, imagines a mythical regime that spies on all its citizens using omnipresent surveillance. The TV show Black Mirror, developed originally in 2011 by Charlie Brooker, thematizes the relationship and various effects of technology and media on humans and society.
To investigate the dynamics and impacts of Chinese developments on governance tools in the big data era, the essay proceeds as follows. After addressing the contested cyberspace, it traces the distinct legitimacy of Chinese rule and breaks down the role of big data within that context. Following on, it analyzes the SCS on a symbolic and operational level, which ultimately might be nothing more than a logical evolution of previous developments. The essay closes with the scheme’s implications for Chinese development in the years to come, before addressing its impact on other world regions—and on our own lives, as globally connected netizens. The interplay of socio-cognitive sources of legitimacy with the concept of “authoritarian resilience” provide the theoretical grounds for the analysis, which draws particularly on primary sources published by government entities in order to add clarity to the discussion of social credit in China.\(^{53}\) While the developments on Chinese governance tools in the big data era must be embedded into the country’s history and politics, the rationale behind the SCS can teach us valuable lessons that might not be as distinctively Chinese as a first look suggests.

**Moving within a Contested Cyberspace**

“One cannot assume, that [the regime in power] will remain weak and unskilled in the navigation and manipulation of digital communications networks.” (MacKinnon 2011: 34)

Contrary to the popular assumption of “cyber-utopians,” access to mobile technologies does not inherently support liberation and democratization (Morozov 2011: xiv). Despite mobile internet access and new means of documenting occurring scandals on smartphones, cyberspace not only offers a platform for regime criticism but also for regime propaganda, big nudging, and control within repressive regimes. Just one example is the Chinese censorship system, with its self-learning capacities that close loopholes wherever they might emerge (Morozov 2011: 99). In addition to that, online commentators working for the government, simulated grassroots enthusiasm, and trolls against oppositional movements equally use the internet to promote official policies (MacKinnon 2011: 41–42).

\(^{53}\) As the author does not speak Chinese, the following citations either refer to official translations or reliable external ones, such as China Law Translate or China Copyright and Media by Rogier Creemers. Further, this essay focuses on the individual citizens addressed by the SCS. On the economic debate, see for example, Meissner (2017) and Ramadan (2018).
Of course, surveillance and censorship might be bypassed. Confronting key-word-based censorship, netizens use puns and satire to challenge state power via the internet (ibid.). But even though the emancipatory potential of access to information via technology does indeed exist, the growing ability of authoritarian regimes to administer flows of information limits the destabilizing power of the internet and makes it, in fact, a powerful governance tool (Creemers 2017: 86). This not only applies to oppressive regimes, but democracies as well. New governance tools that result from big data and the habitat of cyberspace already impact the way that we see the world. Our past online behavior filters content offerings, and intermediaries thereafter encourage us to consume more of the same content. This echo chamber of the internet endangers the plurality of ideas, as our own “bubble” can be used to manipulate opinions and weaken democratic discourse and participation.

“[…] Algorithms know pretty well what we do, what we think and how we feel – possibly even better than our friends and family or even ourselves. Often the recommendations we are offered fit so well that the resulting decisions feel as if they were our own, even though they are actually not ours.” (Helbing et al. 2017)

China serves as an influential case in rethinking these dynamics. In 2011, Rebecca MacKinnon coined the term “networked authoritarianism.” In the networked authoritarian state, “the single ruling party remains in control while a wide range of conversations about the country’s problems nonetheless occurs on websites and social-networking services” (MacKinnon 2011: 33). The internet serves as an instrument to manage public opinion. Instead of challenging the regime’s power, it offers a feedback mechanism without having to hold elections. This dynamic is important to the discussion of global governance, especially where legitimacy by direct representation is lacking. In Chinese cyberspace, individuals sense more freedom; the state itself does not grant any additional individual rights herein, meanwhile (ibid: 33, 35). Even though there is feedback, no viable opposition can be formed—Chinese governance tools have already adapted to the internet more fruitfully than most foreign observers realize.

In China, the regime’s opinion on the internet is changing. It is no longer distrusted as a force of possible destabilization. Instead, leaders

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54 A current example is the Chinese Me Too debate, which operates in Weibo using aliases such as “rice bunny” (Storfner 2017). Instead of Me Too, bloggers use identical-sounding Chinese characters instead: Mi (“rice”) and Tu (“bunny”).
are embracing it (Creemers 2015). The CCP stresses the importance of internet access and formulates ambitious goals to achieve mobile internet usage of 85 percent by 2020 (CC 2016: I 3 (Box 2)). Further, it is pouring unprecedented resources into the development of new governance tools—building on the digitalization of everyday life. As the internet itself “empowers the strong and disempowers the weak” (Morozov 2011: xvii); it might in fact prolong the CCP’s rule by bolstering its domestic power (MacKinnon 2011: 36).

The Internet Plus Initiative, launched in 2015, the Next Generation Artificial Intelligence Development Plan and the New Cyber Security Law, both promulgated in 2017, are only three of the many documents dealing with these developments. As the country becomes more digitalized, so does control as well. Many of the initiatives to regulate the internet promised an end to economic abuses and infringement on personal liberty, but in fact legitimized tighter government control (Creemers 2017: 98). As set out in 13.5, the Chinese Internet Plus Strategy combines censorship and content monitoring with efforts to insert information technology into most aspects of everyday life (CC 2016: III 14(3)). With the goal to “increase government transparency” (ibid.), the initiative is designed to address problems regarding managing localities and enforcing laws—digitally moving even the most distant cadre close to the capital. “Food security, counterfeiting and local abuse are real issues for Chinese citizens, and if this particular scheme results in more effective oversight and accountability, it will likely be warmly welcomed” (Creemers 2015).

As the CCP considers the interests of the party and of society to be one and the same, instruments of social control can be officially used for political purposes (Economist 2016). In 13.5, the government explicitly formulates the goal to “improve the effective registration of personal internet information and internet real-name authentication” (CC 2016: VI 28(2)). Under the guise of privacy protection and internet security, it fosters effective control mechanisms. China’s big data systems in combination with the SCS are explicitly designed to realize O’Reilly’s (2013) thought from above. Previously, the CCP had to spend huge amounts of money on monitoring and influencing public and private debate in cyberspace (Zhu 2011: 138). But this draining might now be over. Automated social control such as the SCS offers a cheap tool and one that works, furthermore, according to top-down-defined algorithms—constraining the freedom of cyberspace in the name of the people.
The Chinese Context of Legitimate Rule

To understand the rationale behind the SCS in China, it is helpful to look at the legitimacy of CCP rule and the Party’s resilience in staying in power. In the case of China, a piece of conventional wisdom in Political Science does not seem to apply: Despite a growing middle class and continuous economic growth, the authoritarian rule of the CCP remains firmly in place.\(^{55}\) Political reform toward democratization is not in sight, seemingly for years to come. According to Andrew J. Nathan (2003), the Party’s “authoritarian resilience” can be explained by its enhancing of the state capacity to govern effectively through institutional adaptations and policy adjustments. By implementing big data into the tools of governance and changing the narratives of its legitimacy, the CCP creates a viable regime form by maintaining stability without triggering a transition to democracy.

Since the 5th generation of leadership, a profound change in policies can be observed. Instead of ending the era of strongman politics, Xi Jinping is progressively rebuilding a position of powerful leadership for himself by installing mechanisms that might end the traditional weaknesses of authoritarian regimes (Gilley 2009: 19). The official emphasis on the role of the internet, big data, and AI shows the game-changing opportunities that technology provides to the regime: the extension of state power through the appropriation of advanced computational power (Diab 2017: 14). Considering that, I argue—contrary to scholars such as Cheng Li (2012)—that the adaptability capacity of the regime is not at all limited, but instead governance tools are indeed effectively being adapted to the big data era. The SCS is only one manifestation of this evolution, sold within a narrative of security and growth—and with reference to a “harmonious society.”

A brief classification of legitimacy in the Chinese context might clarify how this notion serves as the justification for a scheme that to Western observers seems to be directly adapted from 1984. For a long time now, the CCP has embraced a strategy of performance legitimacy (Zhu 2011: 124). With that, the CCP has pushed to strengthen its power by what Boagang Guo called “utilitarian justification” (2003: 3–4). The concept defines the capacity of the ruler to maintain people’s belief in the ruling authority. According to that, legitimate rule derives from the ruler’s capacity to meet people’s needs and accomplishing goals such as social stability and economic growth (ibid.; Zhu 2011: 124). “Original justification” provides the counterpart to “utilitarian justification,”

\(^{55}\) For an expected threshold point of democratization, see, for example, Huntington (1991).
referring to the origin of the ruling authority. It derives from a divine being, moral character, or the will of the people, providing symbolic legitimacy and moral capital to the political regime (Guo 2003: 3–5).

After Mao Zedong’s death in 1976, the power of charismatic leadership and the original justification for the revolutionary party of workers and peasants eroded (ibid.: 15). The CCP relied on performance legitimacy built on economic success and continuing growth—and the ones who benefited from it were likely to support the regime (Dickson et al. 2017: 135). Due to the financial crisis of 2007–2008, the Party could no longer primarily rely on utilitarian legitimacy. When the “economic miracle” gradually lost its power, and being accompanied by growing social inequality, the built-up performance legitimacy weakened. Despite the remarkable adaptability of the government in Beijing to a changing political environment, it had to diversify its legitimation over time to prevent external challengers emerging (Guo 2003: 10).

In a nutshell, all former endeavors to address the ideological foundations of its legitimacy emphasized the Party’s legitimacy not with reference to the CCP’s revolutionary past, but to the vitality of the CCP resulting from its ability to adapt to an ever-changing environment and to reform itself from within—supporting the arguments made by Guo (2003) and Nathan (2003) regarding the authoritarian resilience of the CCP. Bruce Gilley describes rightful rule as a system “where rightful-ness entails meeting the shared moral standards of a political community” (2009: 5). And here, the official language of trust and harmony docks. In absence of a divine justification, constitutional order, or democratic elections—in combination with declining output legitimacy—the CCP needs another well-built justification for its rule. At this point, the new narrative of building a harmonious society addresses the symbolic level of big data usage for the greater good of society—thereby creating legitimacy for the regime.

As the Party needed new sources of legitimacy and original justification, with the change from the 4th to the 5th generation of leadership a new political narrative emerged (Guo 2003: 3). Confucianism was re-instated: It assumes that people are already malleable without violence being applied, and that education and good role models are enough to achieve desired behavior—making coercion unnecessary (Hartmann 2006: 17). Today, “where Socialism is vanishing, Confucianism flourishes” (Kühnreich 2017). This includes a renaissance of traditional

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56 These included the “Theory of Three Represents” introduced by former president Jiang Zemin, the “Scientific Outlook on Development” by former president Hu Jintao, and the “Chinese Dream” introduced by President Xi.
Chinese culture that holds up as honorable social harmony, group cooperation, and state intervention. As Confucianism supports the acceptance of hierarchical relationships and unquestioned authority, it fosters CCP's leading position within the one-party system and enforces conformity toward its policies (Dickson et al. 2017: 138). The CCP attempts to set up a master narrative to address uncertainty and tensions in China. And one tool within this quest is the SCS, embedded in digital-era politics.

The year 2018 marks the 40th birthday of “reform and opening,” the former paradigm regarding development once innovative. The SCS is the incarnation of an evolutionary process, one that could potentially “take the reform further”—as Xi called for in his 2017 new year’s speech. Over the last few years, Xi has supported an ambitious digital agenda regarding the use of new technologies for propaganda and social control. In the SCS, the Party combines propaganda with the possibilities of big data in order to increase its power to define social, economic, and political life (Creemers 2017: 86, 98). The emphasized goal of the SCS is to induce a societal transformation toward a trustworthy, harmonious, and overall better society by eliminating the untrustworthy elements that endanger Chinese development (SC 2014: II (2)). The scheme aims at creating stability, but without triggering a transition to democracy. It works to the extent that people believe that they benefit socially and economically from the CCP remaining in power. With this dynamic, the SCS incorporates a key cooptation strategy: benefits attained in exchange for regime support (Dickson et al. 2017: 140). And in times of all-embracing connectivity, ICTs provide the exact ground for this evolution of (authoritarian) control.

Big Data and the Chinese Social Credit System

“[The state] will make big data a fundamental strategic resource and fully implement a plan for its development, accelerating the opening, sharing, development and application of data resources […] and bring about innovations in social governance.” (CC 2016: VI 27)

By 2020, there are expected to be 600 million surveillance cameras in China. They analyze crowds, recognize faces, and can directly assign to them gender, name, and ID numbers. The most important investor and customer is simultaneously the state, especially the security authorities (Economist 2016). As the eyes of the state, cameras provide the authorities with every type of information conceivable. “Surveillance and
monitoring are being moved from paper [...] and neighborhood informers to cameras, big data algorithms and cloud storage” (Creemers 2017: 88). Divergent behavior patterns (such as multiple appearances in one place or making an opposing motion when in the middle of a crowd) are marked as “abnormal” and reported. Algorithms predict where the next gathering will happen and use the location of a person to calculate their future whereabouts (Phillips 2018). While the United States is still the global leader in the domain of core research on AI, China is already ahead in the practical application of the technology (Strittmatter 2018). In 2016, China had 1.3 billion citizens, 1.4 billion mobile phones in operation, and over 772 million internet users (CNNIC 2017: 40)—thereby surpassing the numbers of US netizens. Moreover, China has a rapidly growing mobile payment market, with transactions totaling USD 5.5 trillion in 2016 (Mistreanu 2018). An ICT that popular provides AI with huge data streams.

Eventually, China is a social laboratory for a future shaped by big data experimentation built on mass surveillance—with implications for all aspects of daily life. Next to the accessibility and availability of data, due to the mere absence of personal data protection legislation in China the collection and evaluation of it is barely obstructed by legal or privacy disputes. While the current development plan as well as the documents on the SCS promise to “strengthen personal data protection and crack down on the unlawful release or sale of such information” (CC 2016: VI 28(1)), the reality differs. Despite the legislation on cyber security in 2016 in relation to online data, the extension of civil law protection to consumer data in 2013, and the criminalization of the unlawful gathering, receipt, and sale of personal data in 2009, “personal data” in general is not clearly defined. Therefore, effective privacy protections against government surveillance are noticeably absent (Cheng/Cheung 2017: 357, 359).

In 2016, the CCP announced that the SCS would go hand in hand with a series of social and economic initiatives utilizing big data technology as part of 13.5. The message behind this was: life is getting easier and safer, and the economy stronger. The future of AI thus does not seem to lie in Silicon Valley, but in its Chinese equivalent Zhongguancun. Meanwhile, Chinese networked authoritarianism cannot work without the active support of private companies, providing technology

57 In the same year, equivalent US transactions amounted to USD 112 billion (Mistreanu 2018).
and data streams to the CCP (MacKinnon 2011: 37). With large, dominant players such as Alibaba, Tencent, and Baidu, the control over central companies enables the state to regulate most netizens in China (Creemers 2017: 95). And China’s biggest IT companies have already declared that the state can use their technology as well as customer data. In return, the corporations will gain access to previously closed government databases to further develop their algorithms and new business opportunities (Strittmacher 2018).

In China, data can easily be connected to a user’s identity due to a real-name registration system. In fact, in the country users often must provide their official ID number to be able to use both public and private services. This mechanism is to be further extended by registration of fingerprint information on resident identity cards, “bringing about full coverage of citizens’ uniform social credit numbers” (SOG 2016: III (1)) from the top. Therefore, a social credit scheme finds perfect conditions in those created by state and society in recent years (Brühl 2017). In addition, many citizens are particularly open to digital technology. The distribution and commonness of digital services is not only the base for data collection, but also one of the reasons that will make circumvention of the SCS—if eventually implemented—so difficult: the fact of being connected online and using digitalized services for basic essential services is, as noted, an integral part of life in modern China (Ramadan 2017: 98).

While the new developments in AI serve as a story on their own, China’s social credit program links them explicitly with a political process termed “social management” (Hoffmann 2017: 21). The concept integrates several political strands, dating back to the 1970s—from state security to problem-solving to maintaining power. To uphold an effective coercive apparatus, an authoritarian regime traditionally must invest substantial resources in equipment and personnel (Dickson et al. 2017: 127). In the big data era, however, this seems to be changing. Evidently, the CCP saw that potential, prepared for it, and now uses the leverage of exploding big data accessibility in China. E-government projects already commenced in the 1990s and aimed at efficiency and control to facilitate this process.59

58 The three biggest companies in the field are Alibaba (Alipay, Taobao Wang, Sina Weibo, Ant Financials), Tencent (Gaming, QQ Messenger, Snapchat, WeChat, WeChat Pay) and Baidu (Baidu Encyclopedia, Baidu Pay).

59 “The Golden Shield” connected public security bureaus through online networks. In 1995 former president Jiang Zemin put the “informatization, automation, and intelligentization of economic and social management” (Creemers 2015) at the
Rather than embodying new concepts, modern surveillance and the SCS are adding technology and formality to the way in which the party has been operating its monitoring systems of Danwei, Dang’an, and Hukou for years now—thus merely improving the technical side of implementation (Hoffmann 2017: 23). Even though the SCS represents an unprecedented system of social control in scale and technological means, the factors it is built on are already well known. While today files are not kept on paper, the SCS stands on previously built-up flows of data and monitoring instruments—which are now digitally combined into an all-inclusive system. Hand in hand with expanding internet and ICT usage, China’s control in cyberspace develops even further. But how does the scheme appear when going from paper to reality?

The Social Credit System — a logical evolution?

Contrary to the impression produced in Western media coverage, few specifics are known about the SCS. Nevertheless, official plans on the scheme do exist and are publicly accessible. A “Planning Outline for the Construction of a Social Credit System” was released in 2014, and a large quantity of implementing rules and regulations have followed since. The official goal: to build a “socialist harmonious society” (SC 2014: I (2)). According to the government’s planning outline, the system aims to measure and enhance trust between and among government, commercial sectors, and citizens and to “strengthen sincerity in government affairs, commercial sincerity, social sincerity and judicial credibility construction” (SC 2014: Preamble). Officially related to the 12th Five-Year Plan, it is designed to identify “bad” people, companies, and officials—as trust breakers—and to stop them from doing harm—and by that, secure and enhance the governments capacity to rule. Official statements, media reporting on the topic, and actual operationalization vary. To further investigate the SCS, it makes sense to differentiate between the symbolic and operational level of this credit system.

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60 These include, for example, the “Guiding Opinion by the General Office of the State Council on Strengthening the Establishment of the Personal Creditworthiness System” (SGO release No. 98 (2016)). Social credit and related information systems are also a major component of a document published on increasing public security (Hoffmann 2017: 24–25). See also, Meissner et al. (2017: 12).
The narrative of a harmonious society, or the symbolic level

To the CCP, social credit is “an important basis for [...] building a harmonious socialist society” (SC 2014: I (3)). Following the Party’s narrative, the SCS shall “attack all kinds of trust-breaking acts such as swindling and deception” and “raise the sincerity and quality of the entire nation” (ibid.: II (3)). By that, the official framing connects the SCS to the explained Confucian tradition of honesty and integrity, combining it with Chinese socialism. These values are to be rooted in education and practice, based on the notion that “the trustworthy are proud, the untrustworthy are ashamed, and those without credit are concerned” (SGO 2016: II (1)).

Even though the SCS is inspired by financial credit-scoring systems from other world regions, its scope is by no means limited to monetary measures of creditworthiness.61 Within the key official documents on the topic, moral integrity is in fact mentioned more often than financial credit is (Ohlberg et al. 2017: 6). With the help of big data, the SCS shall strengthen confidence in the government by improving its efficiency—for example by taking down companies that sell unsafe goods. One key point in the official narrative is countering existing flaws. Built on “traditional virtues,” official documents stress the “demonstration role of government in sincerity construction” through “honest governing” (SC 2014: II (1)). Records of civil servants are to be included in the SCS, addressing the roots of absent trust and declining legitimacy.

While the first pages of the planning outline refer to anticorruption and safety principles, the document ultimately defines an encompassing control system that “covers all of society” (ibid.: II (1)). As a counterpart to blacklists and punishment to defaulters, positive examples of trustworthiness shall be used to “guide public opinion” and portray trust-keeping as “glorious” (SOG 2016: II (3), V (1)). But these laudations go hand in hand with open demonstration of force, as the plan stresses to “strengthen and perfect mass supervision and public opinion supervision mechanisms” (SC 2014: II (1)). By that, the SCS’s framing conveys a simple message: The person who behaves according to Chinese core values fosters harmony for a better society and has nothing to fear, while every wrongdoer will be strictly punished—according to the Party’s own exercised judgement.

61 The scope of criteria evaluated for rating purposes imposes a wide range of punishments as a result of noncompliance and is built on AI and behavioral real-time data (Ohlberg et al. 2017: 4).
Strong incentives within established structures, or the operational level

On the operational side, the CCP uses the SCS to combine several different efforts into one scheme: improve market security, public safety, and enhance its capacity to rule by increasing integrity and mutual trust within Chinese society. These goals are pursued by four specific tactics: aggregating and integrating information within and across geographic regions and professional fields; creating measures to incentivize “trustworthy” and simultaneously punish “untrustworthy” conduct; increasing reliance on credit evaluations in fields such as employment; and, using the abovementioned mechanisms as well as moral education to foster a trustful environment (SOG 2016: II, V).

By that, the SCS perfectly fits into China’s growing surveillance apparatus in a one-party state, with few checks on its power, a tradition of social control, and—in President Xi—a leader more prone to authoritarianism than his immediate predecessors. As stated before, the main goal of the SCS is a predictable political environment. Like with the increasing number of surveillance cameras in Chinese cities, the SCS reduces privacy in exchange for promised stability. In the same way that cameras monitor the physical activity of Chinese citizens via AI and facial recognition, the SCS supervises digital conduct via real-name registration and big data evaluation (Creemers 2017: 97). To reach its aims, the CCP combines cooptation and coercion in the SCS.

“Society is coopted to participate because the same technology is directly linked to conveniences that improve everyday life […]. Society is coerced to participate, for instance by self-censoring online, because increasingly technology systems are improving the government’s capacity to enforce “responsibility” to the party state.” (Hoffmann 2017: 24)

To integrate the scheme into people’s lives, the SCS provides incentives for people not want to be blacklisted. As an act of prevention, it nudges people into thinking and acting as desired (Mistreanu 2018). As the government struggles with implementing and controlling regulations on the local level, the SCS could become a mighty tool for increasing transparency and accountability. As explained above, this notion is the rather logical progression of an ideology of data use that especially Xi fostered explicitly over the last few years.

Guidelines issued in 2016 reveal the possible everyday life impact of the SCS. Defaulter lists are called “an important component of social-credit information” (Economist 2016) and the “Guiding Opinion”
confirms that financial offences are only one category of wrongdoing. Other “acts of untrustworthiness” include those that “seriously endanger the public’s safety” or undermine the social or economic order (SOG 2016: VI (2)). Such broad categories imply that the system can be used to evaluate and punish dissent, expressions of opinion, and perceived threats to security. Under the pretext of living up to the symbolic promise of harmony, the scheme will comprise comprehensive monitoring of individuals’ online conduct. To monitor the behavior of netizens, the government plans to “forcefully move forward the construction of online sincerity” (SC 2014: II (3)). The planning outline mentions spreading rumors as an example of behavior to be sanctioned (ibid.: II (2)). Most likely, it is this notion promulgated by the official documents that has led commentators to describe it as an Orwellian instrument of individual control.

One must remember, however, that the SCS is not in place yet. Now, pilot credit systems are operated by local government entities as well as eight private companies (Diab 2017: 13). One of the most popular social credit programs is Sesame Credit, which gives an idea of how a nationwide SCS might work.62 Sesame Credit belongs to Alibaba, China’s Amazon equivalent. With over 400 million users, Alibaba’s rating system works with several databases—and constantly adds new sources. For data mining, Sesame Credit draws information from services belonging to Alibaba, such as Alipay. The more you shop, the higher your score—which has the beneficial effect of pushing consumerism in accordance with the official development plan (CC 2016: I 10(3)).

Similar dynamics can be found in other companies too: By 2015, Tencent had already rated the creditworthiness of fifty million consumers using computer gaming data (Cheng/Cheung 2017: 361). The AI and algorithms behind the scores are not openly discussed. As the pilot systems and test regions differ in the application of social credit ratings, we do not yet know how the mandatory system will work exactly. Most likely, the SCS will operate on a “medley of the best features of the existing systems” (Kühnreich 2017). Unlike the German Schufa system, Sesame Credit not only bases your score on purchases but is also comprised of noncommercial factors too. For example, the score includes data from courts and certain debtor registers as well as state-owned data, such as the Dang’an, now short-circuited with data from social

62 Sesame Credit is not the SCS that is planned to be implemented nationwide by 2020. Nevertheless, many reports treat the biggest social credit system in practice as being equivalent to the official plans.
networks via big data technology. Notably, within Sesame Credit the social pressure to behave as desired not only comes from above but from all sides. It is strengthened by the fact that the ratings of friends affect your score, creating incentives to move within trustworthy circles (Brühl 2017).

The SCS Outline and its implementation measures mention the publication of records on “serious discrediting behavior” to generate “social discipline” (Cheng/Cheung 2017: 370), exposing the addressed individuals to public criticism and moral pressure. Via this feedback loop, the interpretation of social credit scores not only affects a process of subject formation but creates social structures—which, in turn, conditions behavior, as the scores are made public (Diab 2017: 17). Next to that, the official “Guidelines on Joint Rewarding and Joint Punishment” explicitly endorse the reuse of disclosed credit information by third parties, encouraging the inclusion of such records in financial credit reports and their analysis in commercial reputation rankings (SC 2016: III (11)-(13), V (26)). Therefore, the intended reeducation is taken care of for the government by friends, neighbors, and relatives who want to maintain a high score themselves. But despite their reach, the existing commercial scoring systems are voluntary—while the SCS will be mandatory.

The SCS is built on a “gamification of trust,” by which people are nudged to fall into line. In her research on the SCS, Katika Kühnreich compares incentive structures to the ones known from computer games (Brühl 2017). Citizens diligently collect points for perks in everyday life, while scoring badly leads to penalties (Lam 2016; Ramadan 2017: 93). The SCS incorporates positive incentives to be observant to the regime’s preferences, by which China has gamified being an obedient citizen with the help of black-and-white lists (SC 2016: IV (1)). Citizens who forfeited their trust must not apply for government jobs, access to insurance and credit is made more difficult or denied, and their children are not to have access to the best schools (See CCGO 2016; SCGO 2016).

On the other hand, good scores lead to favorable credit conditions, promotions, and greater repute (ibid.). The social credit scheme extends

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63 The official wording on this is explicit: “Establish and complete systems for disclosure, exposure, and reporting of individual’s serious untrustworthy acts, relying on the ‘China Credit’ website, to lawfully publicly disclose information on serious untrustworthiness by individuals known by all levels of people’s government, and fully putting into play the function of overseeing societal public opinion, forming a powerful social deterrent” (SOG 2016: VI (3)).
the logic of the Dang’an system to every ICT-connected member of society, promising the fulfillment of middle-class aspirations—backed up with the threat of exclusion, joblessness, or reduced access to public goods (Creemers 2017: 99). What makes the SCS so attractive to the Party is that the effects of it are not immediately perceptible. Due to constant monitoring and automatic evaluation, intervention by the government and the costs of control are reduced. As the regime simply sets the rules by which the algorithms operate, visible interference is minimized (Meissner et al. 2017: 9). By using ICTs, mobile payments, and online services, individuals exchange personal privacy for everyday benefits that might outweigh the perceived losses. High technology guarantees security, without interfering with people’s lives—as long as the addressees act as desired.

Implementing the SCS: Killing many birds — with big data

Looking at the implementation of the SCS, it has been partial, local, and experimental so far—opposing the dominant narrative in the Western media of an operational, compulsive Orwellian apparatus. But the schedule for implementation is tight, as the government wants to see the scheme set up by 2020. Although information on the exact operationalization of the scheme is scarce, current developments offer a glimpse into the operational level. The backbone of the SCS is the National Credit Information Sharing Platform, which has been operating since October 2015 to collect and share data from local and central government as well as from commercial credit-rating companies (SGO 2016: VI (3)). As it stands today, the SCS could indeed become a 360-degree digital-surveillance panopticon.

But it is not a given that there will be a “one number to control them all” universal scoring system. While the documents speak of “a

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64 The current plan sets the following vague goals as to be met by then: (1) fundamental laws, regulations, and standards on social credit are essentially established; (2) a credit-investigation system that covers all of society and is built on sharing credit-information resources is formed; (3) credit-oversight systems are essentially complete; (4) the credit-services market is doing well; and, (5) joint incentives and punishment mechanisms are fully effective (SOG 2016). The project is coordinated by the Central Leading Small Group for Comprehensively Deepening Reforms, headed by Xi himself. The National Development and Reform Commission (NDRC) leads the implementation process in cooperation with the People’s Bank of China (PBOC) (Meissner et al. 2017: 6).

65 Over 80 percent of the data covers information on companies, while 75 percent thereof is publicly available. Nevertheless, exact algorithms and evaluation criteria remain unknown (Meissner et al. 2017: 6).
uniform social credit coding” (SC 2014: V (2)), this is most likely referring to a number for associating together all credit information—with the aim of facilitating the compatibility and exchange of information (Daum 2017). Also, a unified platform where the inputting of an ID number gives you a single score does not seem feasible. In a political system of 1.3 billion people, such a methodology would not work either technically or politically. Alongside this technological infeasibility, there are also the bureaucratic barriers to consider. To operationalize the SCS, cooperation between all levels of government is necessary—which assigns part of the problem (local governments) to being part of the solution (fighting corruption and increasing transparency) (Meissner et al. 2017: 6; Ohlberg et al. 2017: 7). Recent studies have confirmed the current local legitimacy deficit in China (Dickson et al. 2017). The CCP’s strategy to blame local governmental entities for the country’s problems and build trust for the center perpetuates itself within the SCS too. But as the center needs local data, new dynamics of cooperation will need to be developed if the system is to work.

The more realistically implemented version of the SCS is instead expected to expand and automatize existing forms of bureaucratic control, formalizing the monitoring of Chinese citizens already occurring (Creemers 2017: 99). To increase governance capacity, the SCS builds on existing structures such as the Golden Shield Projects as the technological starting point (Hoffmann 2017: 24). There is no single institution organizing the SCS. But given that, as noted, exact algorithms and criteria remain unknown, it is uncertain how to play by the rules of the SCS—as nobody can say what behavior will soon be sanctioned and which rewarded (Meissner et al. 2017: 7). Behind the symbolism, the CCP is expanding the capacity for a regime of social control with exceptionally long tentacles. Many of the elements for this are, indeed, already in place: digital surveillance; a system of reward and punishment; and, the widespread use of digital services, providing a continuously growing database. What remains, then, is to join the pieces together. If (and when) that mission is fully completed, China would come to represent the “first digital totalitarian state” (Economist 2016). One thing is clear, the CCP is planning for the long run: the necessity of training specialists on social credit is emphasized in all official planning documents (e.g. SC 2014: III (3)).

Despite these existing foundations, the SCS nevertheless faces a number of problems: First, the internal power struggle within the Party itself. Security services are based on the power to safeguard the leadership’s authority. “The same resources enabling management of the Party-society relationship can be abused by Party members and used
against others within the Party” (Hoffmann 2017: 25). Alongside that, the first phase of implementation will most likely be far from perfect. A black market that offers people fake online profile details to improve their scores is likely to evolve (Hodson 2015). Similar to developments on social networks like Facebook, where people can buy an increased number of followers and “Likes,” a Chinese market for selling fake trustworthiness will emerge in the early stages. Ironically, this is even fostered by the state itself: “charitable donations” may buy you the trust you need (SOG 2016: IV (3)). Also, people might not be punished or rewarded as intended according to their behavior—which would undermine the system’s credibility, and by that weaken the effects that the CCP is hoping for. The SCS as a tool of authoritarian rule is not likely to be accepted if wrongful ratings determine the futures of unblemished citizens. More likely, the CCP’s legitimacy will decline should the SCS erroneously punish people. While the necessity of credit restoration is mentioned in official documents, until now an actual proposed credit repair mechanism (apart from donations) has been absent (ibid.: I (3)).

Furthermore, technical hurdles exist, such as data quality and the sensitivity of the instruments analyzing it. Projects build on big data all over the world, such as an attempted medical database by Great Britain’s National Health Service, have hitherto failed due to the problem of how to prevent system errors due to incorrect data being entered (Economist 2016). Based on hundreds of data points with no standards of accuracy, transparency, or completeness, credit scores similarly also comprise certain false interpretations and errors (Yu et. al. 2015: 13–14). Further to that, surveillance technology is largely untested on a scale as vast as that of China. The fragmentation of the country’s intelligence agencies would also have to be overcome. Another aspect of implementation is the mentioned dependency of the Chinese state on private enterprises. Companies such as Alibaba’s Alipay, Tencent, Baidu, and the popular dating site Baihe either provide significant elements of the system’s architecture or transpose its regulations into their services (Greenfield 2018). In 2017, the National Bank of China announced plans to introduce its own cryptocurrency and to link it with the SCS (Gruber 2017). This would provide a new level of control to the state, one that does not even require the cooperation of private enterprises. But who defines what is good, and what is to be condemned? It will be the Party itself, consequentially falling short within the biggest transparency scheme of all. The logical follow up question is, who is above the system? If the SCS pursues two goals (social trustworthiness and political control), it is most likely that the first will fail while the second might work out just fine.
Implications for Development in China and Beyond

Contrary to the *Black Mirror* notion of big data as a dangerous weapon of social control, the Party emphasizes the SCS as a panacea for both governance as well as for social challenges. Whether in education, healthcare, or infrastructure, the use of new big data technology is supposed to solve problems, increase productivity, and give new drive to the economy (CC 2016: VI 28 (Box 9)). And, from a developmental point of view, the SCS might indeed have positive implications.

The scheme wants to address the developmental problems that Chinese citizens face, such as financial scams, environmental pollution, and counterfeit products. Using big data as a controlled feedback mechanism, in line with MacKinnon’s networked authoritarianism, the SCS could address corruption—as the center has fewer excuses for being unaware of local abuses (Creemers 2017: 100). Alongside that, companies will have strong incentives not only to comply with existing laws but also to meet the policy targets defined by the central government (Meissner et al. 2017: 2). Nevertheless, a considerable number of firms might not have the capacities to comply with government standards, which contains the risk of economic downturn. Furthermore, the threat of data leakage could lead to economic damage. Also, part of the rationale for the SCS is the need to select suitable candidates. As the decline of legitimacy was partly due to corruption and the nontransparent selection of party officials, the SCS shall be integrated into recruitment processes and by that increase the legitimacy of the CCP’s rule (SC 2014: II (1)). When people see the regime as such, their willingness to comply with its stipulated goals increases (Dickson et al. 2017: 127).

The basis of the SCS meet all the criteria stated by UNDP (2014) on the connection between big data and development. As participation will be mandatory and the use of ICTs ubiquitous, data is collected everywhere. Although an urban bias is to be expected, this does not lessen the developmental potential—as the central issues of Chinese development lie in the fields of urbanization, urban pollution, and migration anyway. The UNDP report identifies three main challenges in using big data for development: accessibility, availability, and reliability. While the first two are unproblematic (due to tight cooperation with private firms and widespread use of ICTs and digital services), the last point picks up on the challenges discussed above. As the government must enhance the quality of the collected data, this might simultaneously lead to positive impacts such as greater reliability of official statistics (Meissner et al. 2017: 9).
Further to that, the system is supposed to provide credit access to hundreds of millions of underprivileged people such as farmers, workers, or students. Within the SCS, their online reputation would serve as a social currency to prove their creditworthiness. Also, the project is a huge economic program—one intended to unleash consumption among some 1.3 billion people in the country (CC 2016: III 10(1), (2)). But also, on the production side of the economy, the demand for new technology—financed by the state—carries economic potential. The trend toward technology is global, making it particularly attractive for China to become a technology leader. Analysts of the think tank Merics observe a high export potential of IT systems and big data solutions. China’s IT-backed authoritarianism is likely to become an attractive role model and technology supplier, and that not only to other authoritarian political systems, should the SCS prove to be successful (Meissner et al. 2017: 10).

These possible benefits at large come at a high cost on the individual level, however. In one way or the other, the SCS scheme touches on almost all aspects of the everyday life of Chinese citizens. The contested marriage market is just one example: Users of Baihe can, for instance, enrich their profile with their Sesame Score, which is increasingly popular with highly scored users (Hatton 2015). According to Kühnreich (2017), a low Sesame Score can already lead to your societal disqualification regarding marriage given the surplus of males on the market (Gruber 2017). Until now, however, the SCS has not received as much attention among Chinese citizens as one would expect. One possible explanation might be that users did not yet realize the effects on their daily life (Ohlberg et al. 2017: 5). Another potential one is that the process of gamification works and falling into line is received as pleasing. Or, the absence of critical comments leads back to (self-)censorship (ibid.: 8)—in the name of governmentally prescribed harmony.

As explained above, the grounds for these developments in China are by no means unique but rather part of a wider global digitalization phenomenon. With the Chinese SCS originally built on ICTs and new credit lines, similar dynamics might follow in other world regions as well. Some 690 million registered mobile money accounts now exist worldwide, representing an increase of 25 percent from 2016 (GSMA 2018). Globally, mobile internet connections are growing rapidly due to affordable smartphones and high-speed networks. According to the association of network operators worldwide, over the last decade global mobile money adoption has been driven by growth in sub-Saharan Africa. Cashless payment methods are highly popular and provide access to micro loans and other digital services. The use of mobile money
accounts that surpass traditional bank ones improves financial inclusion in the region (ibid.).

At the same time, a comparison to China twenty years ago comes to mind. As a matter of fact, the beginnings of the SCS project date back to the development of basic mechanisms for credit rating and information retrieval inspired by the US during the 1990s. Pilot projects in China in the first years of the new century followed; first to increase creditworthiness, second to encompass compliance with contractual commitments (Chen/Cheung 2017: 359). One might say that the governance mechanisms of the Chinese one-party state cannot be compared to democratic East African countries, but another dynamic observed today challenges that view. The access to cyberspace in East Africa has led to a thriving political debate about content regulation on social media. Over the last few years, several governments have harshly sought to contain oppositional voices by imposing taxes and costly licensing fees to better regulate cyberspace. Tanzania has experienced a rapid decline in press freedom since the election of current president John Magufuli in 2015. Within the last year, the country slid by ten places to 93rd in the 2018 Press Freedom Index (RWB 2018). The situation worsened with the adaption of new legislature on online content regulations in 2018. The law impacts everyone who provides radio and video content, bloggers, operators of online forums, online radio or television, and social media account holders. It also creates legal grounds for the removal of content on request from government agencies, without any possibility of appeal (Tanzanian Government 2018). Sold as a tool to address the moral corruption caused by social media and the internet in the country, the legitimization already holds similarities to the Chinese narrative vis-à-vis a harmonious society.

Like the Tanzanian government, its neighbor Uganda has also imposed taxes on social media usage. Uganda targets users rather than content providers, and that for accessing and using social media in general. Officially justified by the need to raise revenue, President Museveni stated his motivation as being to weaken the tendency to use social media “to gossip” when he first set out the taxation scheme (Agence France-Presse 2018). The taxes show that the access and use of platforms such as Facebook, Twitter, and WhatsApp are not understood as issues of rights to freedom of access to information and of expression

66 In Kenya, more than half of the population uses cashless pay via mobile phone, which enables customers to easily transfer money and pay bills via their devices (Reuters 2018). In Tanzania, the new payment methods increasingly enable access to energy in rural communities that can profit from incremental payments and new credit lines via mobile banking (SEPON 2018).
within a common cyberspace. The orderly fee amounts to USD 19.5 a year for daily social media users, which is simply not affordable for most citizens. Concerning the necessary data for imposing the tax, directly charged from your SIM card, it remains unclear how providers distinguish between different types of data—for example accessing social media platforms versus educational websites—without exerting close control over online behavior.

Currently, the mentioned states obviously do not possess the same data processing capacities as China. But with Chinese infrastructure now pouring into African markets as part of its South-South development cooperation, it might just be a matter of time until the necessary technology is exported as part of infrastructure deals 2.0. The earlier-mentioned high export potential of IT-systems and big data solutions is therefore by no means limited to authoritarian regimes but can be adapted to any political system where big data is available.

Conclusion

“We look at exotified foreign nations or speculative futures in order to reflect on our present, but what we take away from it likely says more about us than about the subject of our examination.” (Daum 2017)

Based on the trend of rapid, seemingly unlimited, digitalization in China, the SCS “has the potential to become the most globally sophisticated […] model for IT-backed and big data-enabled market regulation” (Meissner et al 2017: 11). It is a tool to react to social and environmental challenges and steer economic as well as societal behavior into desirable directions—without high costs of repression. On the symbolic level, the SCS is built on the narrative of a harmonious society, legitimating not only the implementation of the SCS but fostering also the authoritarian resilience of the CCP itself. As harmony is once again portrayed as the gold standard of Chinese society, this reference justifies the SCS by supporting the CCP’s own original justification. On the operational level, it seems as if the Chinese state struggles with standardization and transforming governmental and private pilot systems into one scheme. Still, even if just a fraction of the mechanisms in testing are adopted on a nationwide scale enormous power will be granted to the Party. Once a functional infrastructure for data collection and sharing is in place, costs for noncompliance will most likely be too high to bear for Chinese citizens (Ohlberg et al. 2017: 13). All in all, it is far from clear that the SCS will be mandatory by 2020. Nevertheless, the
strong language one finds in official documents and in the projects already in place paints a powerful image of what is most likely to come—even if it is not as surprising as reports sometimes depict.

As the essay has shown, the often-applied allegory to *1984* does not fit. The SCS is not only built on coercion from above, but also uses incentives and social pressure from peers. If everyone avoids negative influences (among friends and family with low scores), this dynamic creates a social management tool that not only works in a top-down manner but also includes a lateral level of control—facilitated by AI, ICT, and big data.

The SCS experiment teaches a globally applicable lesson. We live in a time of big data, of AI, and of technological developments unprecedented in scale and speed. In such a digital age, it would be naive to expect no consequences from these developments for governance tools. While the official narrative speaks of trust, the SCS screams control; but does it really differ that much from our own lives? Rogier Creemers identifies the panic around his research on the SCS as typical of the Western media’s coverage of China (Hodson 2015). “Pretty much anything China does makes people panicked,” he says. “And many times, we don’t recognize that we are doing similar things” (ibid.).

The case of China shows us an authoritarian regime that reinvents itself and its rule with the help of big data. Of course, in China the conditions of the SCS’s development and implementation are enabled by weak rule of law, the lack of an independent judiciary, nontransparent regulation of the telecommunications sector, and feeble political opposition. It is especially the combination of hard power, state survival, and political stability with social nudging and cooption rooted in socialist and Confucian thought that makes the SCS such a powerful tool. Nevertheless, “there is nothing so distinctly Chinese about [the SCS] that it couldn’t be rolled out anywhere else the right conditions obtain” (Greenfield 2018).

Looking at Western democracies, many examples of corresponding developments come to mind. The revelations by former NSA employee Edward Snowden in 2013 and the Facebook scandal concerning Cambridge Analytica that became public in spring of 2018 are just two. Market leader Amazon has been selling AI facial-recognition software to the US police for over two years now.67 Bonus point systems offered by companies such as Payback work on the same principle as the SCS—

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67 The program accesses data selectively, for example to identify people in crowds (Werner 2018).
and people willingly disclose their data.\textsuperscript{68} In another case, the health insurance provider Generali made headlines by giving away fitness bracelets to collect data on workout frequency.\textsuperscript{69}

These developments must be criticized, as any reward system can quickly turn into one of punishment where today’s voluntary users might create the basis for obligation for all later. It is sensors and internet connectivity that possess immense power to influence our behavior. If I do not want to prove my fitness in real-time data exchange, I might have to pay a higher health insurance fee. Even if the allegory of “data as the new oil” flops, it is still a valuable raw material—one that contains power that is accessible to everyone who can process it.\textsuperscript{70} There is, furthermore, an international tendency to try to solve social problems with technological solutions (Kühnreich 2017). Maybe, then, the Chinese government is just a little ahead of us, because it thinks in decades not years?

In the digital era, we are experiencing a changing relationship between humans and technology—which puts pressure on our ethical frameworks to recover lost ground. The previous examples show how civic oversight is sorely lacking. In China, this is hindered by party politics and the virtual absence of privacy policies; in Western democracies, meanwhile, too often a techno-optimist attitude—in which regulation only tends to get in the way—prevents meaningful further discussion (Creemers 2015). Dystopian fictions such as 1984 or Black Mirror have always played a role in us pondering about our own lives from a safe distance (Daum 2017). It is of crucial importance here, however, to go beyond what is happening in China, and discuss how the developments already affect governance mechanisms and thereby our lives in digital times.

Global developments in digitalization and data usage show that former governance mechanisms must adapt to changing ways of accessing and influencing information, making decisions, and doing business worldwide. While the availability of data contains high developmental potential, for example in terms of access to loans, it comes at the cost of transparency. The case of East Africa, especially Kenya and

\textsuperscript{68} Sixty-six percent of Europeans and over 80 percent of North Americans already participate in at least one retail loyalty program, indicating a growing trend (Nielsen 2016: 18, 34).

\textsuperscript{69} The wording differs little from the Chinese narrative: “Generali Vitality is more than an insurance. It’s a program that rewards you every step of the way to a healthier life” (Generali 2018).

\textsuperscript{70} In contrast to oil, data is an infinite resource and unfolds its power by processing and using.
Tanzania, shows an increasingly growing demand for digitalized services. The SCS nevertheless highlights the dystopian potential of our transparency through big data and its effects on citizen’s lives. Big data and AI increasingly shape our society. Using digital services is connected to conveniences in everyday life. In addition, the dangers and negative effects of sharing highly personal information are not immediately perceptible, while big data provides grounds for decision-making without visible interference.

As the case of China shows, the new technologies entail the potential for totalitarian control. Because of this, we must make sure that the benefits of digitalization are not instrumentalized against citizens—not in China, but also beyond. As a way forward, Helbing et al. (2017) propose the decentralization of information systems, greater transparency, user-controlled data filters, supporting diversity, digital-coordination tools, and promoting the responsibility of all netizens. While global governance might increasingly use big data to address denationalized issues, the protection of cyberspace as one of its commons must be a priority. Otherwise, we might not face a SCS as implemented in China, but mechanisms built on AI and data availability that weaken democratic participation alike. It is on us as globally interconnected citizens to educate ourselves and others, foster digital literacy, and to go beyond accepting the conveniences of digitalization.

In the years to come, two key factors will be decisive for further debate. First, the relation between government and commercial actors in China and the exportation of their technologies (Ohlberg et al. 2017: 13), as many of the companies involved will be looking to sell their products abroad, for example to partners such as Kenya, Tanzania, or Uganda. Second, the potential of social media to gamify our conduct through behavioral conditioning and nudging is not only relevant to the case of China but to all users of ICTs and to governance mechanisms of the future. The strategies used in this field can severely affect our access to information and our freedom of expression. Therefore, further discussion on big data and its effects on governance and decision-making is highly needed. Where the SCS might lead in the long run is beyond the scope of this inquiry. The years to come will show to what degree the SCS’s potential makes authoritarian dreams of automatized governance come true—even if the scheme is not as unprecedented or dystopian as certain Western observers might have thought.
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Chapter VIII: Nudging with Chinese Characteristics: An Adapted Approach from the Global North to Achieve a Sustainable Future?

Ramona Hägele

Introduction

“There is no ‘Plan B’ because we do not have a ‘Planet B’. We have to work and galvanize our action.” A well-known statement by former United Nations Secretary-General Ban-Ki Moon (Husain 2015), these somber words summarize the currently experienced pressure on the global environment on the grounds of industrialization, unsustainable consumption and production patterns, air pollution, natural resource exploitation, and the proliferation of other manmade activities that increase greenhouse gas emissions (GHGE). Mainly individuals’ lifestyles and behaviors, such as an increase in living standards globally and a corresponding rise in food consumption, are responsible for this environmental degradation. More precisely, with the ever-increasing use of energy, water, fossil fuels, as well as due to agriculture, deforestation, and animal husbandry, GHGE, air pollutants, and water scarcity have risen substantially over time (Crutzen 2006: 14–15).

These emissions have resulted in global warming, climate change, and environmental degradation (Knoepfel 2002). Therefore, national environmental policies—as well as international agreements—are now attempting to mitigate climate change and environmental degradation. However, due to the ineffectiveness of these national policies and the lack of legally binding international agreements, the planet is still facing unprecedented environmental threats and challenges (Simões 2016).

In addition, environmental problems are associated with the increase in the global population and middle classes—and their growing demands for goods and services, which will significantly increase GHGE. The expansion of the world population to 9.6 billion people by 2050 (UN DESA 2017: 1), and the expected 160 million people per year that will join the middle class globally (Kharas 2017: 13), are set to put further strain on finite natural resources (Ehlers and Krafft 2006: 7). However, the UN underlines that this growing population will hold a leading role in the realization of the 2030 Agenda (UN DESA 2017: 

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1). Therefore, finding drivers and means are extremely important to shape the new middle classes’ behavior toward a more sustainable lifestyle, since they do have a choice to, for example, consume low-carbon products due to their increasing wages (Never 2017a). The emerging middle classes are characterized as new consumers (Schor 1999) since they will purchase luxury goods such as cars, smartphones, and meat, which will significantly increase GHGE. These new consumers will also develop new purchasing behaviors causing increased emissions, especially if they follow the same consumption patterns as the industrialized countries (Kharas 2017: 2). Particularly countries of the Global South, such as the People’s Republic of China (PRC) and India, are facing challenges to maintain their economic growth while preserving the environment and meeting the demands of a growing population and middle class (Bussolo et al. 2007; Davis 2000; Li 2010).

Therefore, a reexamination of traditional policy instruments is necessary in order to implement environmental ones more successfully and so as to galvanize individual action. Governments need to address and meet the growing needs of the middle classes in a sustainable manner. Since governments have committed themselves to implementing the 2030 Agenda, environmental policy is one major policy field that can contribute to the definitive achievement of the related Sustainable Development Goals (SDGs), by creating new approaches. A special focus on individual behavior is crucial, since all persons should contribute to the implementation and achievement of the Agenda as part of its aims to protect and preserve the environment for future generations, for example by reducing their waste and making thoughtful decisions on what to consume (UNGA 2015: 12).

Plenty of research on the emerging middle classes in the Global South and their impact on future consumption trends has emerged over the past two decades (Kharas 2010; Easterly 2000; Banerjee/Duflo 2007; Schor 1999). More recently, and with the adoption of the 2030 Agenda, the focus has shifted to the environmental impact of the middle classes’ consumption (Never 2017a; Ridzuan et al. 2017) and to the influence of sustainable consumption trends (Vassallo/Scalvedi/Saba 2016; Biswas/Roy 2015). Combining this research with theories and concepts from Behavioral Science, such as Political Psychology, can provide insight into why people behave and choose as they do, and also offer policymakers the opportunity to intervene in individuals’

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71 The 2030 Agenda, with its seventeen goals for sustainable development, was first set by the UN in 2015. Resolution A/RES/70/1, an intergovernmental agreement, was signed by 193 countries (UNGA 2015).

72 Henceforth I will use the term “China” to refer to the PRC, mainland China.
preferences (Dolan et al. 2010; Dawnay/Shah 2005; Service et al. 2014). This enables them to shape individuals’ environment-related behavior in the direction of low-carbon and sustainable choices.

Using Behavioral Insights as an Approach to Achieving a Greener Future

Policymakers in industrialized countries already use the insights of Behavioral Science, such as the Nudge Theory, to craft government interventions (Dolan et al. 2010). Nowadays, “nudging” is a well-known approach in the Global North and has been ever since the publication of the influential book *Nudge: Improving Decisions about Health, Wealth and Happiness* by Thaler and Sunstein in 2008. Nudging is a process that modifies people’s behavior without changing their economic incentives (Thaler/Sunstein 2009: 6). The Nudge Theory implies that people are gently pushed in a direction without imposing any restriction on the choices that they make. Therefore, changing the “choice architecture” of humans will lead to more efficient ways of governing (Kosters/van der Heijden 2015: 278). The choice architecture is the environment in which decisions are made (John et al. 2013: 13), which also includes timing and context (Brian 2014: 838).

Thaler and Sunstein advise policymakers to work with individuals’ biases and to anchor their points of reference, so as to create beneficial policies and governance interventions—instead of simply assuming individuals have vast information-processing capacities (John 2016: 119). The knowledge of how individuals make their decisions combined with complementary nudging tools, commonly known as “nudges,” can lead to behavior change—as a number of studies have revealed (Baca-Motes et al. 2013; Benartzi/Thaler 2004; Johnson/Goldstein 2003). Especially for the achievement of the 2030 Agenda’s goals, nudging as governance intervention tool73 in different policy fields—but particularly in environmental policy—could be used to shape individuals’ behavior toward sustainability (Ölander/Thogersen 2014).

However, the use of such insights within the environmental policies of the Global South is still poorly examined. There has been a lot of

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73 In this essay, a “governance intervention tool” is understood as a governance instrument that steers a society through the actions taken by a given government. Thereby I am referring to the “governance” definition of Bell and Hindmoor (2009). They emphasize the state-centric aspects of governance, “in which governments frequently still intervene hierarchically to achieve their policy goals” (ibid.: 158).
research on the implementation of nudging and the use of “behavioral insights” in the politics of several countries of the Global North, such as Australia, Belgium, Germany, the Netherlands, the United Kingdom, and the United States (Dolan et al. 2010; John et al. 2013: 119-123). Detailed analyses of the potential use of nudges in politics or within specific policy fields in the Global South are missing, however. More precisely, focus on environmental policy and complementary fields has been neglected hitherto. Environmental policy has, as such, so far failed to address the correlation between individual behavior and environmental degradation (Simões 2016: 2). Individuals can be agents of environmental change, since their behavior and decisions cause environmental problems; at the same time, however, individuals are key to long-term solutions too.

The lack of attention given to the individual-environment interaction is significant, because knowing about these linkages will provide benefit for environmental policymakers in the Global South. Thus the research gap arising from the neglect of Behavioral Science research in countries of the Global South, as well as a lack of focus on individual behavior within environmental policy, are important shortcomings to be overcome. Combining these findings with the pressing problems of climate change and environmental degradation, the growing middle class in Asia particularly, as well as the ineffectiveness of related policies and the overarching target of achieving the SDGs makes this essay even more relevant. Consequently, it aims to contribute to filling these research lacunae by examining how far China is using behavioral insights and Nudge Theory to implement its own specific environmental policies.

From Econs to Humans: Why Humans Behave as They Do

To comprehend the potential use of nudges in China’s environmental policies, the underlying heuristics and biases on which Nudge Theory is based must be first identified and understood. Policymakers need to know how people think, behave, and make decisions. This is especially relevant if they want to steer behavior in the direction of sustainability (Never 2017b).

The “Dual Processing Theory” states that there are two kinds of thinking. One is an automatic system of thought by which people process information intuitively, effortlessly, emotionally, uncontrolled, and swiftly. The second is a reflective system, which is a rational, conscious, effortful, logical, controlled, and slow way of thinking. The two systems
divide their labor in terms of severity: while the automatic system handles familiar situations, the reflective one manages difficult events that its automatic counterpart cannot process (Kahneman 2011: 33, 38). However, humans often tend to make mistakes when they rely too much on their automatic system and do not use their reflective one sufficiently. From the interplay between the automatic and the reflective systems, heuristics and biases emerge (Thaler/Sunstein 2009: 19–23).

In decision-making processes, three heuristics—representativeness; availability; anchoring and adjustment—and their associated biases can play a key role. “Representativeness,” also known as the “similarity heuristic,” is a process in which people evaluate probabilities—for example, that category A belongs to class B, while connecting their perception of A to their stereotype of B—which often leads to serious misconceptions and biases. The “availability heuristic” is a judgmental one meanwhile. People tend to assess the frequency or probability of an event or a risk, and generally tend to be more frightened or concerned if they can think of one that is familiar to them. Hence biases due to the retrievability of instances, biases of imaginability, or illusory correlation emerge (Tversky/Kahneman 1974: 1124–1128). The third heuristic, “anchoring and adjustment,” describes the tendency to anchor oneself to a given number of computations no matter how unrelated such a pre-given value might be. Typically, the subsequent of such a judgement is insufficient (Kahneman 2011: 152).

Besides the abovementioned heuristics, there are others that influence decision-making too. For example, optimism and overconfidence are pervasive features of humanity (Thaler/Sunstein 2009: 33). They are characterized by the fact that people tend to overestimate their immunity to harm (ibid.). Likewise, loss aversion—the anxiety of losing something and therefore sticking with current holdings—makes it difficult for humans to make a change (Tversky/Quattrone 1988: 719). Such aversion—but also a status quo bias—leads to inertia. This bias is known as the tendency of human beings to maintain their status, since they are too lazy to change certain behaviors (Marcus 2013: 270–273).

All these mental shortcuts and heuristics are used by individuals to simplify their environment. However heuristics can also lead to serious biases at the same time, such as overlooking opportunities or self-delusion (Kahneman 2011: 42). Besides these heuristics and cognitive processes, personality, values, identity, group behavior, attitudes, and emotions all affect decision-making as well and can also lead to biases forming. These heuristics and influences on behavior are also deeply embedded in political life, because these are very human tendencies and have endless reach into all political and social spheres. Since our brains are
capable of shifting from one interpretation to another, we are indeed able to change our behavior from one value, policy, or ideology to another (Marcus 2013: 137). This insight is crucial when it comes to designing governance interventions to consciously influence human behavior. As individuals do certainly have the capacity at least to alter their values, attitudes, norms, and the like, policymakers can draw on that knowledge to help achieve the desired (political) behavior.

This is where Nudge Theory sets in. It tries to understand heuristics, influences on human behavior, and inherent biases in order to change lifestyle preferences toward more advantageous ones by influencing a person’s environment—also known, as noted earlier, as their choice architecture (John et al. 2013: 13). Hereby Thaler and Sunstein (2009: 6–7) as well as Kahneman (2011: 331–332) are critical of the neoclassical concept of *Homo economicus*, and agree instead with Simon’s (1957) concept of “bounded rationality.” In their view, the individual is a person who is unable to behave economically correct; in other words, individuals are not “Econs” (*Homo economicus*), who act in their own best interest, they are “humans” (*Homo sapiens*), who are not as behaviorally consistent as Econs. People generally tend to act in a more generous than selfish way, although they are aware of not acting in their own best interest in so doing (Ariely 2008; Cialdini 2007). This implies that individuals make the wrong decision even when a rational assessment occurs. Nudges can shift this decision-making toward more optimal choices being made.

Since many environmental problems are the result of individuals’ both direct and indirect decisions and behavior, nudging is experiencing growing popularity in policy designs and is seen as an innovative form of governance intervention (Blum/Schubert 2018: 120). Especially, individuals’ consumption patterns and lifestyles are both the core of and the potential solution to environmental problems (Simões 2016: 2). Usually, governments apply ineffective traditional environmental policy instruments—ones that only rely on the reflective system of thinking. Therefore behavioral environmental policies, also known as “green nudges,” are potentially very effective governance interventions that can help achieve pro-environment choices, because they influence the individual’s both automatic and reflective systems and thereby encourage people to voluntarily contribute to protecting the global commons (Michalek et al. 2015: 2, 11; Oullier/Sauneron 2011; Schubert 2017: 331).
The Global Dilemma is a Chinese Dilemma

As mentioned before, since there still exists a research gap in the examination of the use of Nudge Theory and regarding behavioral insights in the environmental policies of the Global South then an analysis of China’s will contribute to this gap’s closing. China serves as a suitable case study here for a number of reasons: First, the government has committed to implementing the 2030 Agenda and thereby to improving, changing, or creating policies for its achievement. By analyzing these new policies, nudging tools may be identified. Second, China is the largest developing country with the world’s fastest-growing middle class and has to meet their soaring demands (Davis 2000; Li 2010). In addition, 60 percent of the world’s people live in Asia—with China being the outright most populous country on the planet (UN DESA 2017: 1). With a growing population and middle class, production and consumption will concomitantly also increase. Thereby, GHGE—and especially carbon dioxide emissions—will rise significantly (Ridzuan et al. 2017).

Third, China has the highest CO₂ emissions worldwide (World Bank 2014). It is particularly the country’s urban middle class rather than its rural population that is responsible for this, due to their burgeoning consumption (Wiedenhofer et al. 2017: 75). This makes effective policies even more urgent. Fourth, as China is currently experiencing pressure from both outside and within the country itself, it needs to adopt a green economy. On the one hand, China is facing domestic pressures—such as a decrease of growth in gross domestic product from 6.9 percent in 2010 to 5.2 percent by 2030 (World Bank 2017; Bussolo et al. 2007: 16). Short-term economic growth is still prioritized in policies overall (Wang/Lin 2010), which is why the country continues to face the challenge of protecting its environment while also sustaining economic progress. The main obstacle for the government to overcome is the possible emergence of a long-term crisis, since the demand for environmental protection is rising and the expenses for fulfilling this environmentalism are higher than the economy can yield (Guang 2017). Moreover, China is facing mounting environmental protests, social unrest (Deng/Yang 2013; Goebel/Ong 2012; Steinhardt/Wu 2015), as well as a growing number of environmental

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74 China is still characterized as a developing country by the World Bank (2018), since: “Its per capita income is still a fraction of that in advanced countries”; “its market reforms are incomplete”; and, fifty-five million people are ranked as poor in rural areas by the Chinese current poverty standard (ibid.).

75 Such growth is the “annual percentage growth rate of GDP at market prices based on constant local currency. Aggregates are based on constant 2010 US dollars” (World Bank 2017).
refugees and internal migrants who have been displaced either voluntarily or involuntarily by ecological problems (Myers 2002: 609).

On the other hand, there is also pressure felt from outside the country. China carries responsibility for global warming and pollution, as its environmental policies have an impact on the whole world (Zhang/Wen 2008: 1249). With increased external leveraging for it to implement environmental policies combined with the expansion of the country’s population and middle class, the Chinese government is obliged to act accordingly. Since 1992, sustainable development has been determined a national strategy of China. However, the country still faces problems in the formulation and implementation of its environmental policies—especially regarding sustainable land use, as well as improvements of its air and water quality (Beyer 2006: 187; Zhang/Wen 2008: 1249). Therefore the government is already trying to contribute to the implementation of the 2030 Agenda, and has initiated domestic efforts so as to tackle climate risks—for example by the achievement of its GHGE reduction targets of 2016 in twenty-seven out of its total thirty-one regions (Stanway 2018).

It has also contributed hereto via its launching of the world’s largest emission-trading system in December of 2017; it was implemented in seven Chinese provinces in 2013, and will significantly reduce carbon emissions (UN Climate Change 2017). However the previous approach of law-based governance, such as regulation and enforcement mechanisms, in the implementation of its environmental policies and laws has not helped achieve sustainable development in China. This is due to weak institutional capacities, strong interest groups, and the ongoing anthropocentric worldview of Chinese society (Wang/He/Fan 2014; Wang 2010: 1207; Marquis/Zhang/Zhou 2011: 45–46). Finally, however, if China’s use of behavioral governance interventions in environmental policy turns out to be successful, their policy implications could be transferred to other societies too (Zhang/Wen 2013: 1249). By using behavioral insights and nudges to formulate and implement its environmental policies more successfully, China could show how a small clipping can contribute to solving a large global problem—and thereby become a global role model.

From a High-Speed, Resource-Intense Trajectory to the Idea of an Ecological Civilization

“Ecological civilization” (shengtai wenming) has been a policy—and simultaneously an overarching strategy—of China’s government since
2007, encompassing numerous plans, laws, and budgets. It can be perceived as a new state of China’s environmental policies, following the scientific concept of “development and ecological modernization” in the early years of the new century. Ecological civilization aims to achieve the alignment of economic development and the conservation of the environment within its home country and society. The notion behind this guiding concept is linked to the objective of achieving a xiaokang (“all-round well-off”) society (Simões 2016: 1).

Ecological civilization can be understood as a “synthesis of new modernization, good environmental governance and [a] revival of traditional ecological wisdom” (Huan 2016: 60). The concept is a genuine transformation from the previous growth model toward the “New Normal” (Geall 2015; Hilton/Kerr 2016), since it reflects the change in the Communist Party of China’s (CPC) understanding of economic growth. While focusing on economic development in the past, the Party is now realizing the importance of sustainability—not only in terms of economic but also of political, cultural, and social development too. These new goals include all citizens and nature, and are supported by strong high-level signals (Meng 2012).

In the following, by analyzing the construction of an “ecological civilization” and by looking at the Environmental Protection Law (EPL) based on the policy cycle, this chapter will examine processes of policy formulation and implementation with regard to the use of nudges and the inclusion of behavioral insights. The goal of achieving an ecological civilization was formulated by the CPC and enshrined in its Constitution in 2012 (Constitution of the CPC 2017: 6). Thereby, the CPC announced that it would lead the way in building a socialist society existing in accordance with harmony between humankind and nature (ibid.). Further, “[i]t shall strengthen the philosophy underlying ecological civilization that nature should be respected, adapted to, and protected” (ibid.: 6). The government has announced that it will use a top-down design by improving existing regulations, laws, and policies (Simões 2016: 3).

Analyzing documents such as the “Central Document Number 12 – “Opinions of the Central Committee of the Communist Party of China and the State Council on Further Promoting the Development

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76 The “New Normal” not only refers to a shift in the economic development model, but to a revision also of China’s governance model by transforming state-society interactions and central-local relations (Noesselt 2017: 322). In a rhetorical sense, Chinese leaders use the term ‘New Normal’ to increase their legitimacy and “to calm people’s concerns regarding the unpredictable outcomes of currently occurring deep reforms and restructuring processes” (ibid.: 323).
of Ecological Civilization” of 2015 (henceforth, Central Document), the reports of the 18th and 19th Party Congresses (2012 and 2017 respectively), and the report on environment and development by the China Council for International Cooperation on Environment and Development (CCICED 2016), it becomes clear that the Chinese government particularly targets individual behavior. This it does by formulating and applying non-regulatory policy instruments, ones that can indeed be categorized as nudges. In addition, a combination of traditional governance interventions and nudges can also been identified herein.

The government especially focuses on public information campaigns that are used as a policy intervention to encourage individuals to voluntarily change their behavior, and which as such can be categorized as informational nudges. China’s Minister of Ecology and Environment Li Ganjie announced in 2012 that information columns were to be set up in the media so as to inform the public on environmental policies, laws, and regulations, since education is key to environmentally friendly decisions being taken. “[T]he seeds of ecological civilization [shall be planted] in industries, companies, schools, communities, and families” (Li 2012), who are all the core audiences of informational nudges. In the Central Document, individual and public participation, the role of environmental nongovernmental organizations, as well as greater environmental transparency are heavily promoted by the government. Besides this, nationwide environmental disclosure is announced as set for future implementation (Xi 2017: 46; CPC and State Council 2015; Geall 2015).

Further, a combination of social and informational nudges becomes visible. Green, circular, and low-carbon developments can, according to the narrative promoted by the CCP, be achieved through manmade restoration, education, healthy lifestyles, public awareness, and building a resource-conserving and environmentally friendly society (CPC and State Council 2015: 1–3). The report of the 17th Party Congress already announced the implementing of policies dealing with the reshaping of consumption patterns (Huan 2016: 53), ones helpful in nudging the Chinese middle class toward sustainability. Besides this, shifting to a water-saving society is called for. Together with the promotion of increased research and new technologies to save energy, the CPC and the State Council aim to steer the public toward energy conservation and emission reduction (CPC and State Council 2015: 6–8). Also, pollution prevention and control should ensure human health and safety in the long run, as well as harmony between man and nature.

Further, a system to enable public interest litigation is announced as being established (ibid.: 11, 19). The promotion of ecological
civilization by the government, for example through speeches, can be categorized as an informational nudge in itself. Li (2012) summons citizens to “live and consume in a moderate rather than excessive manner”. All these repeated connotations aim to inform individuals on environmental issues while simultaneously nudging them toward environmentally friendly behavior by targeting their values, norms, attitudes, emotions, and even their identities. Through informational nudges and the simplification of language, repeated statements, and increases in ease and convenience, the governmental plans and reforms—as well as environmental information—are made understandable and accessible for citizens. Furthermore, they reduce barriers and decrease complexity.

Besides this, Chinese policymakers frame the concept of ecological civilization in positive terms by visualizing an improved quality of life, prosperity, and livability for citizens, and use the Chinese cultural identity and the prospect of personal prosperity to contribute to the heuristic of anchoring (CPC and State Council 2015: 1, 3). Thereby, emotions and affects—as well as attitudes—are targeted in order to anchor the positive connotations of ecological civilization. With the availability of digital communication services, broadband, and cell phone subscriptions growing in China (ITU 2017), the government is able to use state-owned media and social media channels to frame and prime information with which to motivate its citizens to achieve this ecological civilization—for example via WeChat (Wang 2017).

These informational nudges, such as energy and low-carbon campaigns (CPC and State Council 2015: 8), educate citizens about their environmental impact through their consumption patterns and behaviors, which can lead to a change in individuals’ unsustainable decisions and lifestyles (Simões 2016: 3). The implementation of these informational and simplification nudges targeting the heuristics of anchoring, availability, loss aversion, status quo maintenance, and overconfidence are—along with the framing of information itself—already in place (Lee and Park 2011). The website of the Ministry of Ecology and Environment (MEE 2018) provides real-time access to information on environmental quality in different national regions and cities, for example regarding air pollution.

In addition to informational campaigns and environmental disclosure by the state media and the government, slogans connected with ecological civilization are already seen on the streets in big and bold letters—targeting the human heuristic of availability, so as to trigger individuals’ attention (Geall 2015). Such instruments also include the labeling of energy efficiency and the certification of organic, low-carbon, and recyclable products (CPC and State Council 2015: 15), which can
be categorized as green nudges. Thereby, these green nudges avoid engaging the automatic system of thinking and consumers are nudged to think more carefully about their purchasing decisions (Schubert 2017: 331–333). Moreover, the (beginning) implementation of the announced environmental interest litigation can already be seen in the opportunity for citizens to comment on draft laws, such as the one on “environment” taxes (Geall 2015), which outlines new ways how the individual could participate in the achievement of an ecological civilization. Thereby, subject and object can switch around: citizens can become the deliverer of cues and politicians can become the new recipients. Hereby citizens can improve policymakers’ decisions, and understand their subsequent ones more comprehensively too (Cottam et al. 2004: 3; John 2016: 115).

Alongside the use of informational nudges, simplification, and framing, the Chinese government also addresses social norms. To shift society toward being an environmentally friendly one (Constitution of the CPC 2017: 7), a realignment of norms and values—and therefore behavioral change—is required. The eighth section of the Central Document focuses on “accelerating the cultivation of good social morals” (CPC and State Council 2015: 18) so as to promote ecological civilization, and aims for instilling core socialist values. Also, Xi’s (2017: 46) intention is to involve everyone in improving the environment. The CPC announced the active nurturing of an ecological culture through guiding and mobilizing the whole society, via the national education system as well as the instruction of officials. Further, the CPC will “expose negative examples” and “resist and oppose all forms of extravagance” (CPC and State Council 2015: 18–19) regarding consumption and polluting behavior.

These policy formulations can be categorized as social nudges, since they aim to influence norms, identities, values, and attitudes. Formulations such as “guide consumers,” “families must carry out,” or “mobilize the public” (ibid.: 18) reveal paternalistic approaches. The use of such words can be understood as a discursive tool of the CPC to nudge Chinese citizens toward sustainable development, since attitudes are subject to change through external influences—such as social norms, peer pressure, or new information, for example via new laws (Cottam et al. 2004: 37). The “Chinese Dream,”77 together with a harmonious society and an ecological civilization, shapes attitudes among Chinese citizens.

77 The Chinese Dream was adopted as a slogan by Xi Jinping in 2013, and aims at “national rejuvenation” (Xi 2017: 64), including prosperity for all, socialism, and with it only being achieved by collective effort (Wang 2014).
citizens by altering pro-environment social norms. People already follow and identify with the articulated vision of a positive and future-oriented society, as Li (2012) elaborated in his aforementioned speech. Social nudges can lead to new pro-environmental norms and values through situational burdens, such as peer pressure and changes in a group’s behavior and identity—targeting the heuristics of adjustment, status quo bias, and anchoring (Cialdini 2007; Cottam et al. 2004: 37, 57).

Furthermore the execution of trading energy-use, carbon-emission, water, and pollution rights is planned and will be permitted nationwide (CPC and State Council 2015: 15; Khan/Chang 2018: 6). These trading schemes can be categorized as a combination of voluntary incentives and treasures, since those individuals who do not consume much can trade their rights herewith. Other consumers have the incentive to reduce their pollution outputs meanwhile, because they can avoid paying the tax by not generating pollution (Thaler/Sunstein 2009: 189). Another voluntary incentive—in combination with traditional treasure governance intervention instruments—can be found in the fifth section of the Central Document, where the improvement of environmental quality is targeted. Therein the government announces its granting of subsidies and financial incentives to those engaged in ecological protection. Such economic stimuli can also achieve environmentally friendly behavior. By adjusting the prices of goods and services depending on their environmental impact, eco-friendly decisions can be manifested. The CPC emphasizes financial and other incentives, such as ones for low-carbon products like electric vehicles. These are already partly implemented; for example, the government has waived the 10 percent purchase tax for such vehicles (CCICED 2016: 16; CPC and State Council 2015: 10, 15).

The Environmental Protection Law: A Milestone in Chinese Environmental Policy after Twenty-Five Years of Stagnation

Similarly, different types of nudge have been found in the EPL too. The law of 1979, revised in 1989 and again in 2014 by the National People’s Congress, aims to protect and improve the environment, prevent and control pollution, promote ecological civilization, and to safeguard public health (EPL 2014). Special focus is drawn to the individual level, especially to local officials—since they are key to improving and implementing environmental protection schemes (Yang 2014: 535). The law
is a contribution to the achievement of an ecological civilization, since environmental protection is a core strategy by which to construct such an entity (Huan 2016: 54). In addition the law is also intended to contribute to the winning of Beijing’s “war on pollution,” which aims to reduce air pollution and improve air quality (Ker/Logan 2014).

As policy analysis regarding the formulation and implementation of the EPL shows, one of the seminal revisions has been the announcement of environmental disclosure policies—this can be categorized as an informational nudge. Chapter five of the law explicitly targets individuals by announcing “the right to obtain environmental information, participate [in], and supervise the activities of environmental protection” (EPL 2014: 11). Thereby, citizens, legal persons, and organizations will receive environmental information—such as on national environmental quality—as disclosed by the government. Public participation and the right of citizens to actively participate in environmental protection demonstrates the government’s recognition that it needs public involvement to support its environmental protection efforts. In addition, a legal basis has been established to allow for citizens’ public interest litigation (Ker/Logan 2014).

Consequently, the dissemination of knowledge about environmental protection as well as related laws and regulations is announced as to be carried out by educational departments, the news media, grassroots organizations, and other social entities (EPL 2014: 2). The provision of this knowledge can be categorized as an informational nudge and simplification, since it informs citizens about their rights while simultaneously allowing them to understand complex laws and regulations. Therefore, the heuristics specifically of availability and anchoring are targeted. In addition, the possibility of public interest litigation illustrates the exchange of subject and object as well as top-down and bottom-up approaches, whereby politicians themselves can become the new recipients hereof.

Moreover, monitoring of environmental information can be categorized as an informational nudge since it aims to inform individuals on environmental quality. Article 17 of the EPL declares the establishment and improvement of the environmental monitoring system. Hereby standards are formulated, organized within a network, managed in monitoring posts, and shared within an information system (ibid.: 4). The implementation of a national monitoring system is already in progress. The budget of the Ministry of Environmental Protection (MEP) was in 2015 mainly spent on constructing the national environmental monitoring web (Zheng/Kahn 2017: 87–88). These informational nudges, achieved through environmental disclosure and monitoring, make
citizens aware of climatic conditions in China (as well as of effects on humans) and may change attitudes, identities, and values toward pro-environmental behavior in the long run.

Besides informational nudges and simplification, the EPL uses social nudges in its formulations too. Attention is drawn to an individual’s environmental and polluting behavior. Local officials, operators of enterprises, public institutions, as well as citizens are all required to protect the environment. Especially, “[c]itizens shall enhance environmental protection awareness, adopt low-carbon and energy-saving lifestyles, and conscientiously fulfill the obligation of environmental protection” (EPL 2014: 2). Further, the government “encourages and guides citizens, legal persons, and other organizations to procure environmentally friendly products and recycled products” (ibid.: 8). In addition, citizens are called on to abide by the separation of waste and the implementation of environmental protection measures.

The incorporation of environmental protection awareness in schools’ and educational departments’ curricula can be categorized as a social nudge, since norms and values are the targets of change here. Environmental protection awareness is announced as intended to be cultivated among students (ibid.: 2), which clearly entails a shift in behavior, personality, and attitude. Moreover, individuals are entitled to report and complain about ecological damage or pollution by any individual to the authorities. If local officials fail to fulfill their responsibilities, citizens can report it to a higher level of government (ibid.: 12). The targeted social norms can then lead to peer pressure and social comparisons aiming to induce a shift toward environmental protection; for example, if some citizens report on environmental pollution then other respective group members will follow suit and thereby create new pro-environment norms. Decisions can be affected by a group’s behavior (Cialdini 2007), which can in turn be transformed into norms (Feldman 1984). Group members can impose sanctions for any violations of environmental protection and, consequently, individuals may change their ways so as to meet the group’s standards (Cottam et al. 2004: 65–70).

Furthermore, voluntary incentives are found in the EPL (2014: 3). Here, the government claims to “give awards to units and individuals that have made outstanding achievements in protecting and improving the environment” (ibid.: 3). Further economic rewards are granted if individuals, enterprises, or public institutions achieve a reduction in pollution beyond statutory discharge standards (ibid.: 5). These rewards can nudge individuals towards pro-environment behavior, since they have an interest in avoiding costs and receiving gains (Huddy/Sears/Levy
A combination of voluntary incentives, traditional authority, and treasures as governance intervention can be found in Article 59 of the law. Here, polluters who refuse to pay a fine for the illegal discharge thereof face an additional daily financial penalty (EPL 2014: 13). This article targets the heuristic of loss aversion, since individuals are threatened by a higher punitive sentence. Since individuals are more anxious about losing something, the polluters are more likely to pay the fine than to risk the daily financial penalty (Tversky/Quattrone 1988: 719). Furthermore, the article can also be categorized as framing, since it targets the automatic system and the heuristic of loss aversion by stating its goals in terms of economic losses instead of gains (Grüne-Yanoff/Hertwig 2016: 156).

Additionally, a combination of social nudges, voluntary incentives, and authority was found in the law. The establishment of an accountability and performance evaluation system regarding environmental protection targets the individual behavior of local officials. The outcomes from local officials’ actions are made public (EPL 2014: 6). Previously, promotions for local officials had only been linked to their success in furthering economic growth (Marquis/Zhang/Zhou 2011: 42). However, since the announcement of the envisaged ecological civilization, meeting pollution targets has also been included in the local official’s performance review—being further reinforced by the EPL (Khan/Chang 2018: 9). Hereby such officials are assessed on their environmental performance, which shifts the incentives that they have toward environmental protection (Ker/Logan 2014). Officials will be held accountable if they do not pay sufficient attention to this when in office (Zhang 2015).

These performance targets are found to be more effective than laws in motivating local officials to implement environmental protection measures. If these incentives fail and local officials violate environmental protection laws, sanctions are imposed—such as administrative punishments by environmental protection departments (Ker/Logan 2014). Especially, local officials with environmental protection responsibilities “shall be given a demerit, a serious demerit, […] be demoted, […] or be dismissed, and the primary persons in charge of the relevant departments shall take the blame and resign from office” (EPL 2014: 15) when they violate the requirements of Article 68. These include the failure to investigate acts of discharging pollutants, the concealment of environment-related illegalities, and the nondisclosure of environmental information (ibid.). This lifelong accountability system will also have an effect on an official’s chances of promotion, since environmental black marks will stay on her or his work record (Geall 2015). Also, officials
who are already retired are still held accountable for environmental pollution or damage that occurred on their watch. In 2015, indeed, thousands of people suspected of environmental crimes were arrested by the Chinese police (Blanchard 2015). The same applies to enterprises and public institutions too, since they are to be held responsible for violations of environmental laws and regulations (EPL 2014: 6, 9, 12).

The environmental performance assessment especially targets the heuristics of loss aversion and status quo maintenance. Since local officials are more afraid to lose their position and status they will probably aim to achieve the pollution targets (Grüne-Yanoff/Hertwig 2016: 156). Alongside this combination of incentives (promotions) with authority (sanctions) (Blum/Schubert 2018: 188), social nudges are found as well. Since local officials are no longer only promoted due to economic achievements, but due also now to performance in environmental protection and accomplishments regarding pollution targets, social comparison mechanisms emerge between local officials. As mentioned earlier, such peer and social comparison pressure can transform social norms (Feldman 1984) and ultimately help achieve behavioral change (Cottam et al. 2004: 65–70).

**Nudging with Chinese Characteristics**

Although the terms nudging, Nudge Theory, or behavioral insights were not found in Chinese policy papers, reports, or speeches given by governmental representatives, the analysis of China’s environmental policies revealed the employment of these concepts all the same. As shown, China uses these concepts to formulate and implement its environmental policies. This fact was discovered in the two research units related to these policies, namely ecological civilization and the EPL. Looking at classification in terms of different types of nudge, their applied heuristics, influences on behavior, and implementation instruments, China draws on the following to formulate and implement its environmental policies.

However, the Chinese government still uses mainly traditional governance interventions such as treasure and authority—or a combination of these traditional tools and nudges—to formulate and implement its environmental policies. This can be declared “nudging with Chinese characteristics.”
<table>
<thead>
<tr>
<th>Type of Nudge</th>
<th>Heuristic(s)</th>
<th>Influences on Human Behavior</th>
<th>Implementation Tool(s)</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social nudge</td>
<td>Status quo; adjustment; anchoring</td>
<td>Social norms; social identity; peer pressure/ group behavior; attitudes; values; personality</td>
<td>Information; priming; social comparison</td>
<td>Exposure of negative examples regarding pollution and consumption behavior; accountability and performance evaluation system*</td>
</tr>
<tr>
<td>Simplification/increases in ease and convenience</td>
<td>Loss aversion; status quo; availability</td>
<td>Attitudes; Values</td>
<td>Reducing barriers; simplifying laws and regulations; decreasing complexity; structure complex choices</td>
<td>Simplifying product information (eco-labels)<em>; easy language and repetitions in the constitution, EPL and the Central Document; possibility of public interest litigation</em></td>
</tr>
<tr>
<td>Voluntary incentive</td>
<td>Loss aversion; status quo maintenance</td>
<td>Attitudes</td>
<td>(Financial) incentive</td>
<td>Incentives to purchase electric vehicles; under penalty of daily fines*</td>
</tr>
<tr>
<td>Informational nudge</td>
<td>Anchoring; overconfidence; availability</td>
<td>Attitudes; identity</td>
<td>Disclosure policy; informing people about the nature and consequences of their own choices</td>
<td>Informing the public on ecological civilization and its related policies, laws, and regulations; environmental monitoring; information on environmental quality</td>
</tr>
<tr>
<td>Framing</td>
<td>Loss aversion; Anchoring; Availability</td>
<td>Attitudes; emotions and affects</td>
<td>The way in which information is presented/ framed</td>
<td>Telling people how much money they would lose by a daily fine if they do not pay their previous fee*; Framing the construction of ecological civilization in terms of prosperity and a better quality of life</td>
</tr>
</tbody>
</table>

Source: Author’s own elaboration, based on the findings of Benartzi and Thaler (2004; see also, CCICEC 2016; Constitutions of the CPC 2017; Costa and Kahn 2010; Cottam et al. 2004; CPC and State Council 2015; EPL 2014; Goldstein/Cialdini/Griskevicius 2008; Johnson/Goldstein 2003; Khan/Chang 2018; Kosters/van der Heijden 2015; Li 2012; Schubert 2017; Sunstein 2014; Thaler/Sunstein 2009; Xi, 2017; Zhang 2015; Zhang 2018; Zheng/Khan 2017). Note: * denotes a combination of different nudges or a combination of nudges with traditional governance intervention instruments, such as authority or treasure.
Conclusion

China draws on behavioral insights and Nudge Theory to implement its respective environmental policies. The government mainly uses social and informational nudges, voluntary incentives, framing and simplification, as well as combinations of traditional governance intervention tools to formulate and implement its various policies in this field. The outputs of the applied behavioral insights and nudge-based environmental policies are predominantly voluntary incentives and the provision of information aiming to change the behavior of individuals. So far, incentives on low-carbon products—for example electric vehicles, emission-trading schemes, and grant awards to individuals for outstanding achievements in environmental protection, as well as informational nudges—have contributed to increased green awareness, public participation, and greater public trust.

Moreover, it has been found that China intends to meet the SDGs of the 2030 Agenda specifically by building an ecological civilization. Special focus herein is drawn to individual behavior, since everyone can contribute to implementing and realizing the Agenda’s goals. Therefore, the government is trying to reduce manmade pollution, shift unsustainable consumption patterns, and mobilize its citizens. Nevertheless, the Chinese leadership still predominately calls on traditional governance intervention tools (namely authority) such as command-and-control regulations. If behavior does not conform to the stipulated regulations, then sanctions will be imposed—a demonstration of the government’s use of nudging with Chinese characteristics.

However, China’s environmental governance system is still under transformation given its current move away from top-down and command-and-control regulations. A decentralization of environmental policymaking has been identified, since local officials now assume increasing environmental responsibilities. Moreover, market-based approaches as well as the inclusion of citizens and NGOs in environmental policies are increasing. Environmental protection is now considered in such market-based approaches, via subsidies, incentives, taxes, and fees. Additionally, civil society inclusion and participation has increased through environmental information, the possibility existing to report on environmental protection or violations, and public interest litigation.

By examining China’s environmental policies, evidence for the systematic application of Nudge Theory by the Chinese government was not discovered. Terms related to Nudge Theory or behavioral insights were not discovered in official documents either. This leads to the conclusion that governmental representatives might not even be aware that
they are using Nudge Theory when formulating and implementing these soft, nonintrusive, and nonregulatory governance intervention instruments. Therefore, it remains unclear whether—to address, in conclusion, the title question opening this essay—the Chinese government has indeed adapted the nudging approach from the Global North to help the country achieve a sustainable future.

Although China still faces challenges to meet the 2030 Agenda, achieve sustainability, and realize a greener future, the country has nevertheless made remarkable progress in its recent environmental policies. The transformation thereof, alongside the aspiration to construct an ecological civilization, reveals China’s commitment and genuine intention to protect the environment while pursuing economic and social progress. The use of behavioral insights and Nudge Theory is compatible with the aimed for socialist modernization with Chinese characteristics. Bridging traditional cultural values with contemporary Behavioral Science practices, could lead to China assuming a pioneering role on the environment globally. In any case it has already gained an international energy and climate leadership role with the withdrawal of the US from the Paris Agreement.

Consequently, the Chinese government can contribute the knowledge and experience gained from its environmental policies, using therein behavioral insights and Nudge Theory, to other countries of the Global South too. The Chinese can thus share their innovation, implementation techniques, and lessons learned, which other countries could transfer to their own respective policies so as to successfully implement the SDGs. Thus China’s rise “suggests grounds for optimism that [it] will promote ecological civilization globally” (Gare 2012: 11), also by applying nudging with Chinese characteristics—as the best approach to saving our “Planet A.”
Bibliography


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