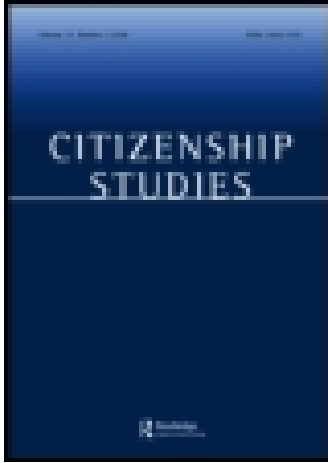


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Introduction: The People's Republic of China and Hong Kong's New Political Dispensation

PETER BAEHR

This introduction describes some of the background of Hong Kong's current situation, and sets the scene for the papers that follow. More substantively, it examines a debate that has intensified since Mao's death over the nature of the People's Republic of China (PRC). What kind of state is it? Where is it heading? Does it yet permit an embryonic 'civil society'? We will see that Sinologists and other commentators have different answers to these questions, a dissonance that reveals how fast the PRC is changing. Even so, these changes do not as yet suggest that the PRC is moving in a liberal or democratic direction. The dangers for Hong Kong's freedoms are evident. The Chinese Communist Party leadership has a notably extractive, utilitarian view of Hong Kong's value. Such a view not only rules out freedom as self-mastery ('positive' liberty); it also curtails the freedom that Hong Kong's new institutional arrangements are supposed to enshrine: freedom from interference ('negative' liberty). As recent events have shown, the PRC retains the capacity and will to overrule arbitrarily the decisions of Hong Kong's courts. In turn, this reveals the key weakness of a view of liberty that concentrates on the area of its exercise as distinct from its source. Hong Kong's political liberties are perpetually vulnerable so long as they depend on the Sovereign's authoritarian toleration. The absence of republican freedom (as nondomination) is the Achilles heel of the 'one country, two systems' formula.

One house cannot hold two masters.¹

Background

The retrocession of Hong Kong to Chinese sovereignty on 1 July 1997 was a regional event of global importance. This is not simply because Hong Kong is the vaunted crossroads of Asia and the West; it is also the site of a political experiment whose outcome will have major consequences for both domestic Chinese politics and the world order. Within the domestic politics of the

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People's Republic of China (PRC), capitalist Hong Kong assumes significance in the struggle between reformists, pursuing marketization and limited devolution ('federalism'—*liansheng zizhi*—remains an unacceptable concept, redolent of 'warlordism' and 'feudalism'), and traditionalists still committed to a command economy centred on State Owned Enterprises (SOEs). In the geopolitical sphere, Hong Kong is also vital for the Chinese leadership: both in its ambition to found, or recover, a 'Greater China', and, concomitantly, to persuade Taiwan to accept incorporation into the PRC. Should Taiwan continue to rebut the 'one country, two systems' model that was originally invented for it,² force is another compelling option. In that case, the United States, as a Pacific Oceanic power, could be implicated in a major conflict. More generally, because Hong Kong's peculiar status is recognized by an act of Congress (1992), as well as by independent representation in many international economic and social policy forums, what happens to this unique city-state cannot be a matter of global indifference.

This much is obvious to even the casual observer of recent events. More complex is the anomalous context in which these events are now unfolding.

Hong Kong currently stands between two sovereigns (Pepper, 1996). On the one hand, it is no longer part of the United Kingdom, its inhabitants no longer 'subjects' of the British crown. Unique in the history of British decolonization, Hong Kong was handed to another power, rather than being granted independence and allowed to chart its own course within, or outside of, the Commonwealth. Even so, Hong Kong residents still live under an institutional structure that retains key features of the old system: this is evident in the common law, in education, the civil service, in the relationship between churches and the state, in civil society. Such a legacy embraces the vital distinction between 'private' and 'public' realms that since classical times—the Greek *polites* and the Roman *civis*—has been the cornerstone of citizenship as the Occident has understood it. Originally, this distinction was a 'republican' rather than a 'democratic' or 'liberal' invention. Through it, such writers as Machiavelli, Harrington and Montesquieu sought to dignify the political realm not only by distinguishing it from the household, but also from ecclesiastical types of authority (Baehr, 1998, pp. 29–88). Republican thinkers also sought to make other distinctions, some of which have now become opaque to the Western tradition (for instance, the theory of 'virtues' and the *bonus vir*), others which have become fundamental to it: notably, the separation of powers. In contrast, while China is referred to as a People's *Republic*, it is a republic without republicanism as the western experience knows it (Zarrow, 1997).³ Moreover, the *people* in this republic are an entity not to be empowered with rights—which might constitute claims against the state—but to be benevolently administered in a 'people's democratic dictatorship'. To be sure, Hong Kong was itself until recently a territory 'benevolently administered', and people's rights of representation were (and continue to be) narrowly circumscribed. As Yash Ghai argues below, the British colonial system paved the way for many of the PRC's own restrictive political practices in Hong Kong. Yet the position of Hong Kong, as a Crown Colony of Britain, brought with it a rule of law and an independent judiciary, a free

economy, an uncensored media and a civil society that have no parallel in the PRC.

On the other hand, while Hong Kong is no longer British, neither is it on a par with other Chinese regions and provinces. Formally and constitutionally, of course, there is no question as to whom the new sovereign is; in daily life and practice, there is more ambiguity. Opinion surveys have consistently shown that the majority of Hong Kongers see themselves as more sophisticated, more 'Western' than their mainland counterparts, as 'Hong Kong people' rather than 'Hong Kong Chinese'. Though now *in* the PRC it is arguable whether most Hong Kongers yet feel part of it. (Hence the muted patriotism that was evident at the time of the handover, much to the consternation of some Chinese commentators, and the remarkable victory of pro-democracy forces in the May 1998 elections for the Legislative Council).⁴ Ambiguity is even cast in constitutional terms: most Hong Kong residents are now deemed 'citizens' of the PRC—a citizenship based primarily on ethnic criteria—but the Special Administrative Region (HKSAR) in which they live is authorized under the Basic Law, Hong Kong's mini-constitution promulgated on 4 April 1990, 'to exercise a high degree of autonomy and enjoy executive, legislative and independent judicial power' (I:2). How is such autonomy to be defined? What *actual decisions* does it permit and what forbid? At what point does the *autonomy* of the HKSAR become incompatible with the *sovereignty* of the Chinese state? An additional and unprecedented element of this autonomy is the retention of a capitalist system which has lent Hong Kongers an identity historically distinct from the Chinese mainland. Hong Kong's phenomenal economic growth, the current economic downturn notwithstanding, has been largely fuelled by those who, since 1949, sought to escape the PRC's communist system and who still remain hostile to it. How is this Hong Kong identity to be reconciled with a state deeply suspicious of the West, and determined to impede its political and cultural 'internationalization'?

Students of culture and politics have long recognised the importance of liminal situations like these: in the interstices of political and economic transformations, new hybrid forms of political and social life are born (Weber, 1995). Moreover the political anomalies of Hong Kong are made more complex not only by its unusual mix of 'geographical' and 'functional' constituencies, but also by a metamorphosis taking place within the nation-state of which it is part: the shift away from Maoism. Where will these changes lead? To what extent is Hong Kong becoming a beacon for Chinese reformers and dissidents? How, under the SAR, is Hong Kong citizenship developing? What are the features peculiar to it? Can the liberties and the rule of law, which in Western countries are a corollary of citizenship, survive the handover? How is civil society changing in Hong Kong and how might it be expected to grow in the rest of China?

These and other questions are addressed in this special issue of *Citizenship Studies*. It has been written by authors who wish to contribute to the growing cross-cultural debates on citizenship by elucidating pertinent aspects of the Chinese case; who are keen to encourage a dialogue between scholars of Asia and of the West; and who believe that such an exchange is inhibited by the

necessarily specialized character of the extent China journals. Though we expect the papers to be of interest to Sinologists, they are not our main audience; for this reason an Appendix ('Hong Kong Chronology') is attached that will help nonspecialists to navigate a region that may be unfamiliar. In this dialogue, Western scholars would do well to remember that their own traditions of citizenship are multiform and contested: Greek and Roman, Renaissance and Enlightenment, Federalist and anti-Federalist. Citizenship has been invoked coercively as a doctrine of super-obligation, and as part of a libertarian discourse of freedom. Between these poles lie many gradations and nuances. It would be naive to expect that the meaning and practice of citizenship, as it unfolds in China, will be any less complex.⁵ More than this, early modern Western paradigms of citizenship were themselves in part formulated through a contrast which pitted liberty against barbarism, an anti-model in which first Ottoman rule, then Chinese 'despotism' assumed a prominent place.⁶ The study of Hong Kong, within the context of the PRC, is likely to extend our knowledge of this part of the world, help us reexamine aspects of Western history, and offer an expanded vision of the possibilities of citizenship itself.

To expedite this study, the editor asked the contributors to explore such issues as the meanings of patriotism to Hong Kong people, and the origins and structure of their political participation. Drawing on the research conducted by the Hong Kong Transition Project team, Michael DeGolyer examines the various 'contours' of ambivalence that characterise Hong Kong attitudes to the PRC and to the patriotism it expects of them. While DeGolyer finds that 'the economic performance and competence of the local government' preoccupy Hong Kongers more than issues of national patriotism, he, like Janet Scott and Lo Shiu-hing, is careful to chart native political involvements and concerns. The view is still widespread that strongly materialistic attitudes in Hong Kong are inconsistent with political commitment and participation; the contributors to this volume often caution against this simplistic equation. Scott's ethnographic research reconstructs the initial, local forums in which Hong Kongers acquired their political skills; Lo examines the manner in which colonial subjects began to develop the qualities of citizenship in the embattled, twilight years of British rule. Hong Kong has also a particularly vibrant civil society. Most of the contributors, in one way or another, stress its vitality, but Beatrice Leung's paper focuses on an institution of special importance: the Roman Catholic Church. Consisting of about a quarter of a million locals, and 100,000 temporary residents, in a total Hong Kong population of 6.7 million people, Roman Catholics make up a sizeable constituency with markedly democratic leanings. In addition, Catholic organizations have historically played a major role in providing social services, and, even today, Catholic primary and secondary schools are responsible for teaching a quarter of the HKSAR's students.⁷ Presently, the leadership of the Church in Hong Kong (which, as Leung shows, is much more active than its counterpart in the neighbouring Macao) has been contesting the 'interpretation' provided by the standing committee of the National People's Congress (the PRC's still token 'parliament') of a Basic Law provision that, according to the Hong Kong Court of Final Appeal (CFA), entitled mainland-born children of Hong Kong permanent residents to live in the

HKSAR. The standing committee's interpretation overruled the Hong Kong CFA. The background to that judgement and its dire implications for the rule of law are touched on by Yash Ghai. Ghai is also less sanguine about Hong Kong's civil society than the other contributors to this volume.⁸ While he accepts that Hong Kong possesses many private, voluntary institutions in education, health, sports and confessional matters, he doubts their efficacy as checks on government. Many of them, moreover, have little interest in either democratization of human rights. As such, their political importance should not be overestimated.

In the remainder of this introduction, I tackle two themes that help contextualize the other papers that appear below: first, the debate over the nature of the modern PRC, within whose political house Hong Kong is now forced to dwell; second, and relatedly, the kinds of freedom that Hong Kongers are allowed under their new political dispensation.

What Kind of State is the PRC?

'Totalitarian' No Longer

During the Cultural Revolution of 1966–1977, the Chinese state lay in the grip of a movement committed to perpetual revolution; determined to eliminate 'objective' enemies; and devoted to reshaping human nature itself through ideology and terror. The similarities with 'totalitarian' regimes were often noted. Since the assumption to supreme power by Deng Xiaoping in 1978, China has assumed a configuration that is much more difficult to classify. The opposition to Deng's reforms, openly orchestrated after his death in 1997 by high-ranking party officials such as Deng Liqun, and canvassed in such journals as *Zhongliu* (Mainstream) is unthinkable under a totalitarian regime where all organs of debate, within and outside the movement, are prohibited. Unthinkable too are petitions issued by dissidents like Qin Yongmin demanding the full democratization of Chinese society, or public attempts by human rights' activists to take to court party officials who abuse their powers. In a fully-fledged 'totalitarian' system like Stalinism or National Socialism, there simply are no public dissidents; there are only the murdered bodies of former victims. The reform through labour-camps, the *Laogai*, for all their brutality, are not concentration camps in the totalitarian sense: most opponents of the current regime emerge from the labour-camps alive, following some years of incarceration. Frequently, their identities are known. In Nazi Germany, by contrast, the target of persecution and annihilation was a *category* of individuals, non-Aryans, the vast majority of whom were perfectly compliant and who, given the opportunity, would have colluded with the regime. The synchronization of all walks of life is attenuated in modern China: the monopoly of the Party must not be openly challenged, but the southern, coastal provinces increasingly go their own way, as do many thriving private enterprises. The police and security apparatus remain key instruments of repression, but neither of them is more powerful than the People's Liberation Army (as, for instance, the SS formations were in relation to the *Wehrmacht*; or the Cheka and its derivatives were *vis-à-vis* the Soviet military). University and other intellectuals are subject to the indignities of state censor-

ship, required to be part of the process of ‘ideology construction’, enjoined to promote ‘spiritual civilization’ in China: and, the attempt to soften the impact of market reforms, reaffirm the virtues of frugality and selflessness, and establish ‘socialism with Chinese characteristics’ (the constellation of capitalism with one-party rule). Nonetheless, some academics can travel outside their country for intellectual exchanges. The goals of regional expansion remain—and remain dangerous—but this is not an ideology of world domination.

A People’s Democratic Dictatorship?

If the PRC is not totalitarian, how one might best conceptualize it? All of the extant alternatives, official and analytical, are unsatisfactory but, as we shall see, this is itself telling. Consider the self-definition of the PRC to be found in the 1982 Constitution (the fourth since 1949). Article 1 of that Constitution describes the PRC as ‘a socialist state under the people’s democratic dictatorship led by the working class and based on the alliance of workers and peasants’. It continues, ‘The socialist system is the basic system of the PRC. Sabotage of the socialist system by any organization or individual is prohibited’. The fundamental political principle governing this state is ‘democratic centralism’ (Article 3, para. 1), Leninist code for the monopoly of political power by the Chinese Communist Party (CCP). The CCP is given that privilege and obligation, its own Constitutional preamble of 1992 explains, because it is ‘the vanguard of the Chinese working class, the faithful representative of the interests of the people of all nationalities in China, and the force at the core leading China’s cause of socialism. The party’s ultimate goal is the creation of a communist social system’. And the means to reach that goal—specified in the preambles of both the PRC and CCP constitutions—is ‘socialist modernisation’, a kind of modernization that simultaneously opposes ‘bourgeois liberalization’ and upholds the ‘four cardinal principles’ of the state: ‘the socialist road, the people’s democratic dictatorship, leadership of the CCP, and Marxism–Leninism–Mao Zedong Thought’.

It is worth reminding ourselves that, unlike their Western counterparts, the PRC and CCP constitutions followed the Soviet model in ascribing provisions for both the rights of citizens and the *duties* that correspond to these rights. Chapter III of the Basic Law carries a similar rubric, but dramatically scales down what these duties are to ‘the obligation to abide by the laws in force in the HKSAR’ (Article 42) Such a linkage enables the authorities to check or undermine legally the paper liberties of citizens by invoking the obligations that are being, so it can be claimed, irresponsibly discharged or ignored by them in the pursuit of rights. But let us return to the constitutional assertion that the PRC is ‘a socialist state under the people’s democratic dictatorship.’ Even if we accept the obvious objection that the expression ‘people’s democratic’ is pleonastic, might ‘dictatorship’ still be an analytically helpful concept to delineate Chinese rule? There are a number of reasons to conclude otherwise. When Mao (1969) used the concept in his canonical ‘On the People’s Democratic Dictatorship’—the same article in which, incidentally, he summoned the concept of ‘totalitarianism’ against his critics⁹—he did so in a way with clear affinities

to the classic Marxist tradition, which in turn drew on an idealization of ancient Roman precedents. However, the analogy between a dictatorship of the proletariat and the Roman dictatorship was spurious from the beginning. Certainly, the founders of historical materialism conceived of a dictatorship as a crisis form of rule, employing extraordinary powers for a limited duration, and to this extent the broad comparison with the Roman institution of dictatorship stands up. Thereafter it collapses, and not only because of the Marxist contention that dictatorship is required to eliminate the exploiting classes and to superintend the transition from a late capitalist mode of production to at least the first stages of a socialist and classless society. In Roman constitutional theory, and in early republican practice, the dictatorship was an office of an already established government (the Senate) empowered to take drastic action in order to reestablish normal political conditions. The dictatorship entailed the juridical *transfer* of power from the Senate to one of its magistracies. For classical Marxists, in contrast, the dictatorship of the proletariat was supposed to emerge from a *seizure* of power spearheaded by a revolutionary organization; it is was, in a very real sense, the *first* legitimate government. Moreover, the dictatorship of the proletariat is not intended to mark an interregnum designed eventually to reestablish the political *status quo ante* but the first stage in a process the end result of which is the supposed termination of the state itself.

The conjunction ‘*democratic dictatorship*’ may appear to be equally jarring to millennial sensibilities; if so, we need only recall that earlier political writers within the Western tradition—Max Weber, Joseph Schumpeter, Carl Schmitt are prominent examples—felt quite differently. For these and other like minded thinkers, the rhetoric of modern democratic participation conceals a very different reality: political domination by party managers and leaders who, periodically, are either endorsed or ejected by a largely credulous public. To be sure, this has not been the orthodox, liberal interpretation of modern democratic systems in which democracy and dictatorship have been understood as antithetical political formations. Though most modern liberals have recognized that dictatorship may be necessary to protect a democratic state in times of national emergency, they have visualized democracy itself as a mode of representation based on a universal suffrage, party competition, ideological pluralism, religious toleration, and a flourishing civil society. To the extent that one accepts these ingredients as essential to democracy, it will be obvious that mainland China fails the democratic test.¹⁰

But how, then, are we to understand the proliferation in recent years of a number of civic organizations on the Chinese mainland, a development some commentators believe to signal the emergence of an embryonic civil society?¹¹ In fact, there remains a very instructive contrast between these civic groupings and ‘civil society’ as Western intellectuals have conceived it since the late 1970s. Perhaps the most rigorous of recent attempts to define the concept of civil society was offered by Ernest Gellner. In his view, it is to be understood as ‘a cluster of institutions and associations strong enough to prevent tyranny, but which are, none the less, entered and left freely, rather than imposed by birth or sustained by awesome ritual’ (Gellner, 1994, p. 103). Civil society, in this sense, means more than the existence of groups independent of the state; it entails the

freedom of members who compose the group (Chamberlain, 1998, p. 79). Mainland China's civic organizations, on the other hand, are not entered into freely, nor are they strong enough to counteract state tyranny. To begin with, all civic organizations (assuming they are not—like Falun Gong¹²—repressed outright when they show signs of genuine autonomy) are obliged to register and such registration can be very costly. Consider, for instance, the experience of the apparently innocuous Divorced Women's Teahouse, as reported in the *Far Eastern Economic Review* (7 May 1998, pp. 10–12). The Teahouse, a self-help group for divorcees and for women contemplating divorce, ran successfully and smoothly in Beijing until officials compelled it to register or dissolve. The problem was that these options amounted to the same thing. Registration not only entailed finding a government sponsor, and thereby, in effect becoming a state micro-organization; it also required the group to prove it had assets of \$US24,000 (!) in capital reserves, a veritable fortune on the Chinese mainland. Inevitably, the group closed down. Even more restrictive for potential voluntary associations is the prohibition against 'identical or similar social organizations ... [extant] within the same administrative area' (State Council Order No. 43) which, as the same *Review* article points out, outlaws any association that is seen to compete with a government agency already in existence.

There is second reason why it is misleading to compare China's grassroots organizations with a genuine 'civil society' (embryonic or otherwise). Those civic bodies most likely to flourish on the mainland—environmental groupings are a case in point—do so because it is in the interests of the government to let them exist. In effect, they become the government's eyes and ears, documenting abuses of local officials, and helping to control them. This is not to belittle the efforts of environmental campaigners in China whose integrity will compare favourably with any of their Western counterparts. It is only to say that such organizations are not suppressed because of their role as state proxies. Third, even where there is a level of autonomy, as in the operations of Beijing's Centre for Legal Culture (though this organization was also compelled to register in 1995) such independence is extremely precarious. Organizations such as these do not know what their fate will be from day to day. Doubtless, they have sprung from the same impulses that gave life to Western civil society. What they experience, however, is not freedom, but, at best, authoritarian toleration and state sufferance.

In the last few paragraphs, I have been questioning the self-description of the PRC as a 'people's democratic dictatorship.' I have argued that the concept is historically incoherent, politically tendentious and that what democracy appears to exist in the shape of civic associations is, for the moment, largely illusory.¹³ But perhaps all I have done is to labour the obvious, and what I have missed is the grain of unwitting truth in the PRC's self-description, namely, that it is a dictatorship but in the modern Western, pejorative sense of that term. Yet even this will not do.¹⁴ Dictatorships are typically associated with military rule—for instance, the *junta* dictatorships of South American states—but while the People's Liberation Army is a powerful political and economic¹⁵ actor in mainland China, it does not rule the country. Further, though the modern concept of dictatorship implies a lack of democracy, and to that extent is an

appropriate description of the Chinese political system, it also suggests a vertical, highly centralized and concentrated mode of control—by an individual or a small group of individuals over a mass of largely powerless, atomized subjects—conspicuously absent from the PRC. China is ‘a continental superstate consisting of thirty administrative units, five autonomous regions, twenty-two provinces, and three self-governing megacities, each with an average of 40 millions inhabitants. The most populous province, Sichuan, has 110 million inhabitants, and least populous region, Tibet, has 2.2 million’ (Kemenade, 1998, p. 257). To this we might add, that China is a country slightly smaller than the USA, but which houses a fifth of the world’s population (on current projections China’s population will amount to almost 1.5 billion people by 2010); has a coastline of 14,500 km; borders on 14 independent nations; contains 55 ethnic minorities; and possesses eight distinct and mutually unintelligible languages (*The Economist*, 30 January 1999, pp. 77–79).

Rule by clique—say, the current seven member Standing Committee of the Politburo—is just not possible in a country of this scale and complexity. It is true that the PRC is a unitary rather than a federal state, and that the transfer of functions to various provincial, county and city local organs has often been subject to the chaotic zigzags of Chinese politics: notably, the periods of state retrenchment that followed the decentralization initiatives of 1957 and 1964. Despite this, local power has remained strong both in enhancing the reach of the state and curtailing it. Up until recently, the most important form of decentralized political power was the so-called *danwei* or bureaucratic unit, responsible for employment, welfare, registrations of birth and deaths, and a myriad of other monitoring functions by means of which the Chinese people in effect policed each other. Moreover, the raising of tax revenue has traditionally been the job of the provincial governments. Reversing the situation typically found in most other countries, where the central government collects taxes and then distributes a portion of them downwards to the lower authorities, PRC revenues have traditionally flowed upwards from the provinces. This system is now being radically restructured because of the fiscal crisis it has caused, aggravated by the tendency of local authorities to appropriate increasingly bigger shares of what they should be relinquishing to the central government (Lam, 1999, pp. 220–21, 257). But as so often with the PRC, attempts to regain central control often exist in tension with other state initiatives that have created the conditions for local independence. An instructive example is the establishment in the 1980s of the ‘household responsibility system’ that has gradually replaced the tyrannical peasant communes. By legitimating once again the family farm, and by allowing peasants to sell produce in excess of the quota imposed on them by the state, a free market has flourished, and been followed by the associated growth of ‘township and village enterprises’, quasi-free market engines of the ‘commercialization and industrialization of the rural areas’ (Kemenade, 1998, p. 264).¹⁶

Authoritarianism and its Modes

Faced with these kinds of incongruities, and dissatisfied with the portmanteau ‘one-party state’ (since the PRC has been that from the beginning),¹⁷ commenta-

tors have sought to provide other designations of the modern Chinese chameleon: 'developmental dictatorship' (Gilley, 1998, pp. 264–65); 'neo-conservatism with Chinese characteristics' (Lam, 1999, p. 5); 'authoritarianism' (Huntington, 1991, pp. 12–13, 110, 301–2; Chen and Deng, 1995);¹⁸ 'fragmented authoritarianism' (Lieberthal, 1995, pp. 169–70; Lieberthal, 1992); 'postmobilization authoritarianism' (Nathan, 1997, pp. 61–2). There is no space here to examine these alternative formulations at length, but three salient observations can be made about them. First, because concepts like 'developmental dictatorship' and 'authoritarianism' are frequently applied to other Tiger states (Mallet, 1999, pp. 56–94), either now (Singapore, Malaysia) or previously (Taiwan, South Korea) there is the danger of eliding current Chinese conditions with those experienced elsewhere; through a kind of political teleology, unconscious or explicit, China is then expected to follow paths others have forged. Such an assumption leads Francis Fukuyama (1992, p. 34) to claim that 'after the events of 1989, China has become just another Asian authoritarian state'. On such an account, totalitarianism has largely disappeared from the globe (North Korea is the exception), and authoritarianism as it exists in such states as the PRC is in deep crisis. Suffering from a fatal deficit of legitimacy among elites, masses and especially youth, bereft of a single mobilizing ideology, and hence unable to control the thought of its populations, the CCP's days are numbered. From totalitarianism, then, to authoritarianism and onwards to liberal democracy. Only events can prove or disprove this kind of schematic, homogenising, thesis, but its premature acceptance is likely to blind us to the unique features of the Chinese case with which many Sinologists have been grappling since 1949.¹⁹

Indeed, and this is the second observation, it is precisely to chart the originality of the (post-Mao) PRC, that other concepts, notably 'fragmented authoritarianism', were coined. The expression denotes a Chinese polity characterized by overlapping 'vertical and horizontal bureaucratic domains' in which 'officials of any given office have a number of bosses in different places'. The byzantine aspects of a 'matrix' of governance compounded by 'ideological deflation, growing corruption, and petty despotism' (Lieberthal, 1995, pp. 169, 180) are made more complex still (and more subterranean), by the added distinction between political 'organizations' (various committees and their rule-bound, instrumentally rational behaviour) and political 'institutions' (durable and conduct-shaping practices and relationships, often of a highly personalized nature) that comprise the Chinese state.

Kenneth Lieberthal, who is primarily responsible for introducing the notion of 'fragmented authoritarianism', has accumulated an impressive body of information identifying the many organizations, institutions and *xitongs* (bureaucracy clusters) that direct Chinese political life, and the mode of bargaining that typifies them. Yet he has been among the first to acknowledge the many limitations of a model that purports to show, first, 'that authority below the very peak of the Chinese political system is fragmented and disjointed'; and, second, that such structurally based fragmentation had become 'increasingly pronounced' under Deng's economic reforms (Lieberthal, 1992, p. 8). For other research indicates that Deng's reforms brought a greater concentration of power

than Lieberthal believed likely and, with it, more brute compliance and less bargaining.²⁰

A third comment to be made about the profusion of new political terms is that, whatever their analytical power, they have become reflexively absorbed by factions within the Chinese state itself. It is not just that CCP leaders are frank admirers of the Singapore example. It is also that western concepts have been put to use by those engaged in redefining the character and possibilities of the PRC. In one of those fascinating examples of cultural import and adaption, Samuel P. Huntington's notion of 'authoritarianism' (in Huntington, 1968) became a focus of debate among some Chinese reformers just before the tanks were turned on the Beijing protestors in June 1989.²¹ The discussion arose specifically in the context of thinking about the growing social crises of unemployment and inflation that Deng's reforms had unleashed, and the split that had opened up in the 1980s between those who sought to retrench Communist party power (conservatives whose exemplar was the premier Li Peng) and those intellectuals around Zhao Ziyang, then General Secretary of the CCP, and one of Deng's anointed successors (later purged) who counselled change—though not democracy.²² For many of the reformers, immediate democracy along Western lines was impracticable given the current conditions of China; for others it was undesirable more generally. But this did not mean that the country could not transform itself. What was required was a mode of governance, itself perhaps transitional in nature, between traditional autocratic rule and democracy. That mode, argued writers like Wu Jiaxiang, the young political scientist who had worked under Zhao's auspices in the party's Research Bureau, was a stage of 'neo-authoritarianism'. Invoking Huntington's theory of the stages of modernization, while at the same time glossing on his ideas, Wu argued that China needed a 'strongman', forceful enough to thwart those within the party that took advantage of Deng's decentralization to line their own pockets and establish their own power bases, while at the same time giving the forces of liberty the leverage to create a more modern and free society. Such a view was anathema, it should be added, not only to the conservative party elders, but also to many Chinese intellectuals pressing for immediate democratic change: talk of a 'strongman'—even in the incarnation of Zhao Ziyang—raised concerns about a dictatorship, while talk of stages of modernization implied that democracy would have to be postponed indefinitely.

The understandable impulse of the social scientist confronted with the plurality of terms that I have briefly outlined is to adjudicate between them or combine their insights into a new casuistry. For the student of political thought, however, a different conclusion may well be drawn. The salient point that flows from my review is not that Sinologists are incompetent at describing the PRC adequately, but that lexical confusion is itself a documentary source in its own right: a symptom of the pace at which events, themselves informed by the normative vocabularies actors employ, are moving in China. As such, conceptual dissonance is exactly what we would expect.²³ Since the PRC is developing features impossible under Maoism, Hong Kong is afforded some hope that its precarious freedoms will be retained. For the moment, however, the HKSAR is immensely vulnerable, for reasons I will now explore.

What Kinds of Liberty Do the ‘Citizens’ of Hong Kong Enjoy?

When Hong Kong reverted to Chinese sovereignty, commentators and citizens alike wondered how long its freedoms would survive. Some predicted impending doom. Others insisted that scenarios of calamity would, by weakening resolve, actually help provoke it.²⁴ Still others looked on with stolid resignation, waiting to see what ‘events’ would bring. For China’s rulers, meanwhile, Hong Kong constituted an unprecedented challenge. How was Hong Kong—an economically flourishing and socially dynamic outpost of British colonial rule, accustomed to the rule of law (and to common law adjudication), and harboring a civil society of great diversity—to be accommodated within the very different structures of the PRC? Relatedly, how were Hong Kong’s great wealth and energy to be mobilized for the project of Chinese modernization, without the Special Administrative Region becoming a ‘political city’ infesting the mainland with the ideas and practices of ‘bourgeois’ liberty?

Leading mainland Chinese politicians entertain two salient attitudes toward Hong Kong. The first is patriotic. The cession of Hong Kong Island and the Kowloon peninsula to Great Britain in the ‘unjust treaties’ of 1841 and 1860 may appear to western eyes as remote events of little contemporary significance. But to the mainland Chinese themselves this loss of territory became a highly emotive symbol of national incompetence, of the far greater humiliations that followed, as other Western and Japanese powers increasingly pressed for their own territorial and commercial concessions, and of the beginning of the end of the Qing dynasty (1644–1911). Hong Kong’s return to the motherland promised to conclude that dismal chapter of Chinese history—much more so than the return of Macao in December 1999, because of the violent circumstances that attended the birth of Britain’s Crown Colony and the subsequent rapacity it triggered (Welsh, 1996, p. 2).

The second prominent attitude among Chinese rulers toward the HKSAR is frankly extractive and utilitarian.²⁵ It is starkly epitomized by the remark of the ‘secretary’ (*mishu*) of a member of the Politburo to the Dutch journalist Willem Van Kemenade in the spring of 1993, that ‘Except for a handful of patriots, Hong Kong has never shown any loyalty to the Communist party. Its only goal was to make profits. It doesn’t deserve our love ... It is simply a concubine ...’ (Kemenade, 1998, p. 58). Hong Kong’s singular importance lies in its contribution to China’s prosperity, to the transformation of China into a *fu-qiang* (rich and powerful) country. This purely instrumental view of Hong Kong is more than simple economism for, as Michael Yahuda (1996, p. 121) points out, continued economic growth and expansion are today the lynchpins of the CCP’s legitimacy. Economic failure is likely to exact a high political price. Nor should we suppose more generally that a state’s fiscally extractive relationship to its population is, of itself, inimical to the practice of citizenship. In the early-modern European case, citizenship was revived as a legal status precisely *because* seventeenth- and eighteenth-century centralizing monarchs were seeking ‘more productive and dynamic economies from which they could skim off ever greater revenues to finance their bureaucracies and military operations’ (Gordon, forthcoming). Citizenship was a standardizing category that these monarchs

employed to override noble and estate exemptions, and hence to tax the whole population. It preceded mass democracy by at least two centuries. Nonetheless, it is striking how often Hong Kong is depicted by Chinese officials as having only a derivative, rather than an intrinsic, value. The clear implication is that its liberties are dependent on good behaviour and the continued benefits the HKSAR confers on the mainland.

We get a vivid sense of this mind set in the revealing insider's account by Wong Man Fong of the origins of the 'one country, two systems' formula and its cognates. For Wong, an erstwhile senior official of *Xinhua*, the New China News Agency (NCNA), and an active player on the key committee whose job was to work out the institutional character of Hong Kong's transition, the 'really brilliant and remarkable' policy was the corollary of the 'one country, two systems' idea. The notion of 'Hong Kong people ruling Hong Kong' expresses 'the full confidence of the central government in the people of Hong Kong' (Wong, 1997, p. 40). Yet when we ask just whom these Hong Kong people are, it is evident that they exclude everyone unacceptable to the mainland. Moreover, Wong's estimate of Hong Kong is based exclusively on utilitarian criteria. The 'key reason China will allow Hong Kong to maintain its capitalist system is because China needs to do so'. Hong Kong must 'be useful to China'. 'As long as Hong Kong remains advantageous to China, China's policy toward Hong Kong will not change' (Wong, 1997, pp. 41, 121, 163). Though Hong Kong's 'functions' for China include acting as a conduit of information, everything is subsidiary to the task of providing revenue, as the architect of the 'one country, two systems' policy, Liao Chengzhi, once reminded NCNA cadres. Wong (1997, pp. 40–1) records him as saying that 'the first consideration regarding Hong Kong was money, the second was money, and the third was also money'.

*Three Concepts of Liberty*²⁶

China's uncompromising determination to regain its coastal redoubt meant that no serious Hong Kong politician, from the democratic or any other camp, ever called for the territory's 'independence' (though British negotiators did seek, unsuccessfully, to change the desideratum of 'a high degree of autonomy' to the superlative 'highest'). Since 1982, Percy Cradock (1996, p. 53) recalled, 'the Chinese [were] adamant that the future of Hong Kong could only be decided between London and Peking'. Hong Kong's fate was to be the consequence of others' decisions. Those subject to the jurisdiction of the Basic Law, Hong Kong's constitution, are not Hong Kong 'citizens' but 'residents,' who in turn are either permanent or nonpermanent. Hong Kongers of Chinese 'nationality' are citizens of the PRC.²⁷ The category of Hong Kong citizen itself does not exist. The best hope of those who would legally become 'residents' of the HKSAR on 1 July 1997 was to guard the many liberties that the Basic Law appeared to enshrine. Articles 25–42 of the Basic Law guarantee, among other things, equality before the law; rights to vote and to stand for election; freedoms of speech, publication, association, and assembly; liberties to join trade unions and to strike; personal inviolability; privacy and freedom of communication

(subject to public security considerations). Armed with such rights and freedoms, opponents of the CCP aspire to democratize gradually the political structure of Hong Kong. That these rights and freedoms would be difficult to preserve once the British had left, no one doubted. But that they could plausibly constitute the basis of democratic reform at all, depended on a background assumption of what ‘liberty’ actually meant.

Clearly, it could *not* mean in the Hong Kong context what Isaiah Berlin (1998), in a seminal discussion, referred to as ‘positive’ liberty. On this account, whose paradigmatic expressions Berlin found in Rousseau and the Jacobin–Marxist tradition, to be free is to be the master of one’s own destiny, though this is typically coupled with the postulate that it is the collectivity, rather than the individual, that is the final arbiter, and definitive source, of how real liberty is to be practiced. Rousseau explained this famous paradox by distinguishing between human agents in their dual persona as individuals and as citizens. As individuals, people are likely to have selfish and idiosyncratic interests, aware of the costs, and disconsolate about the burdens, that attend the social compact. However, this loss of ‘natural liberty’ is more than compensated for by the acquisition of ‘civil liberty’—the freedom of being a full and active member of the public body—not only because selfish interests are typically no more than appetites that enslave us to our whims, but also because true freedom, and a moral personality, reside in ‘obedience to a law which we prescribe to ourselves’. The locus of that law is the Sovereign, to which individuals alienate their ‘original rights’ and ‘natural liberty’ in the process of becoming citizens. The result is a situation in which ‘Each of us puts his person and all his power in common under the supreme direction of the general will, and, in our corporate capacity, we receive each member as an indivisible part of the whole’ (*Social Contract*, Book I, Chapters 6–8).

For those who subscribe, broadly or narrowly, to this idea of political freedom, the chief mechanisms for transforming the selfish individual, who mistakes wants for needs, personal gratification for public welfare, have been education²⁸ or the edicts of a civil religion. Since people are often unaware of their real interests, as children are unaware of what can harm and what can benefit them, it is vital that the public authority, and the more virtuous citizens who exemplify it, help inculcate the requisite virtues. Faced with recalcitrance, perversity, and egoism—confronted, in other words, with a feral reversion to ‘natural liberty’—individuals will be compelled to bow to the general will and to the law that is its expression. Being divided against themselves, people can be ‘forced to be free’ because freedom consists in the rational recognition of one’s corporate belonging as a citizen, and one’s participation in the public body. It does not consist of following one’s own ‘natural’ preferences, a pursuit that it is ultimately damaging not only to the collectivity but to the individual himself.

It is obvious that this kind of ‘positive liberty’, however reminiscent of some aspects of CCP ideology,²⁹ is unavailable in Hong Kong, not only because of its peculiar electoral system, and the limited mode of political participation this allows, but because, under the Basic Law, the HKSAR is ultimately subject to *another* Sovereign, the PRC itself. For Rousseau, this would have been tanta-

mount to 'despotism'. But if positive liberty is a misnomer in the Hong Kong case, what about 'negative liberty'? Is this what the Basic Law enables? In large measure, it would appear to do so. Negative liberty, like its 'positive,' activist counterpart, can be conceived in a number of complementary ways. But it is typically associated with a liberal view of freedom as individual independence, particularly within the private sphere, the exercise of rights designed to forestall state encroachment, and the ability to be represented, subject to various constraints, by those more politically competent or more economically dispensable than oneself (see Constant, 1988, pp. 317, 326).³⁰ This kind of liberty is 'negative' in the sense that it implies freedom *from* unreasonable constraints on, or obstacles to, the pursuit of individually chosen projects; its chief demand is to be left alone. In John Stuart Mill's formulation, the point was to recognize that 'Over himself, over his own body and mind, the individual is sovereign' (Mill, 1971, p. 263). As such, people should not be interfered with so long as their actions do not interfere with the sovereign choices of others. Negative liberty encourages pluralism because it accepts the multiplicity of valid human goals and inclinations, and the incompatibility of freedom with 'an exclusive form of social existence' (Talmon, 1970, p. 84).

Liberty as non-intervention is what the 'one nation, two systems' and the 'high degree of autonomy' formulae purport to uphold. So does the Basic Law; Article 39 asserts, 'The rights and freedoms enjoyed by Hong Kong residents shall not be restricted unless as prescribed by law,' and the law, as we have seen, formally stipulates a number of rights.³¹ The problem, however, is that negative liberty is itself consistent with 'some kinds of autocracy, or at any rate with the absence of self-government'. For negative liberty:

is principally concerned with the area of control, not with its source. Just as democracy may, in fact, deprive the individual citizen of a great many liberties which he might have in some other form of society, so it is perfectly conceivable that a liberal-minded despot would allow his subjects a large measure of personal freedom. The despot who leaves his subjects a wide area of liberty may be unjust, or encourage the wildest (sic) inequalities, care little for order, or virtue, or knowledge; but provided he does not curb their liberty, or at least curbs it less than many other regimes, he meets with Mill's specification. (Berlin, 1998, p. 201; cf. p. 234)³²

The fragility of negative liberty is evident, then, inasmuch as it is politically compatible with a non-liberal state whose ruler may or may not *choose* to act in a liberal manner. Everything hangs on the arbitrary will of the sovereign himself, a prospect that is especially alarming in the turbulent PRC. As the constitutional scholar Fu Hualing has noted, Mao's 'rule by man' has not been replaced by the 'rule of law' but by the 'rule *by* law,' a principle harking back to the days of the Chinese Legalistic (*Fa Jia*) school, and in which primacy is placed on the severe enforcement of clear and codified state edicts. But codified regulations do not in themselves imply the practice of freedom, and it is notable that when Jiang

Zemin talks of human rights at all, he does so ‘solely in terms of what the state does for people, while Westerners refer to freedom from the state’s interference’.³³ Or, more accurately, Westerners when they are using the concept of freedom in its ‘negative’ sense, for there is another, ‘classical republican’ notion of liberty that has recently been resuscitated by Western thinkers, and that is highly pertinent to Hong Kong’s situation.

We can forego an extensive historical analysis of classical republicanism as a discourse, or series of discourses.³⁴ An adaptation of ancient Greek, but especially Roman political theory, ‘classical republicanism’ is generally associated with the Florentine Renaissance—its locus classicus is Machiavelli’s *Discourses*—the anti-Hobbesian arguments of English seventeenth-century ‘Commonwealthmen’, and theoretical currents in the French and American revolutions. For our purposes it is sufficient to note three fundamental principles of the republican view of politics. The first entails a conception of authentic political life as active self-governance. This amounts to the belief that the welfare of the commonwealth cannot be left to rulers and their courts (or to educators) but must involve the efforts, energy and, ideally, the *virtus* of the citizens themselves. On such an account, a state that acts rightly is one that reflects, or at least is genuinely responsive to, the will of the community, such a will being expressed through deliberative and executive organs. Vital to such arrangements is the ability of individual citizens to play a role in the making of the law that will bind them to their polity and that will protect ‘their lives, liberties and estates’ (Skinner, 1998, p. 20).

Second, republicans contend that individual freedom is impossible without a *civitas libera*, a free polity, or, to be more specific, that each implies the other. For without individual freedom, a polity cannot be said to have the rational consent of the governed, while without a free polity, individual liberties are at the mercy of the sovereign’s arbitrary inclinations and prerogatives. The third principle of republican political thought concerns the definition of liberty itself. Republicans articulate an expanded notion of freedom in which the absence of dependency—‘nondomination’ in Philip Pettit’s (1997a, pp. 61–6; 1997b, pp. 51–109) language—is at least as essential, if not more essential, than non-interference in the lives of the governed. The reason for this we have already seen: non-interference (‘negative liberty’) is actually compatible with a despotic order so long as the latter elects not to invoke its sanctions; in that case what citizens precariously enjoy is freedom on sufferance, authoritarian toleration. But where an authority is in a position to undermine the liberties of citizens, even if it does not choose to exercise that power, citizens generally live a craven life of servitude knowing full well what can happen to those who earn the despot’s displeasure. Instead of virtue, ‘corruption’ is rampant. People display the odious characteristics of obsequiousness, sycophancy, and cowardice. They are fearful to anger, and determined to appease or curry favour with, those on whom their fate depends.

It is the absence of formalized republican principles and institutions, deliberately downplayed for most of the colonial era, that make Hong Kong so vulnerable to CCP abuse³⁵ and pressure: disturbingly evident in the Court of

Final Appeal's acceptance, in December 1999, of the validity of the Standing Committee of the National People's Congress's 'reinterpretation' of the abode laws.³⁶ It has surprised some observers that Hong Kong democrats like Martin Lee and Szeto Wah, vocal campaigners for the release of mainland Chinese human rights activists, express dismay when the CCP discharges a major dissident such as Wang Dan and sends him abroad. The reason for this dismay is that people like Wang are not set free *in China*, an action that would really symbolize an improvement in the human rights situation there. Instead they are 'traded' as a commodity in Sino-American relations. In effect, they are exiled—the ancient method of revoking citizenship. For residents of Hong Kong, the situation is incomparably better. The press remains free, civil society flourishes, dissent can be legally expressed. But, as republican theory would lead us to expect, the very presence and power of the PRC mean that all freedoms are tenuous and permissive. The result is the notorious 'preemptive cringe' of senior Hong Kong officials who, anticipating Beijing's disapproval, take rapid steps to forestall censure that has yet to actually materialize (Mirsky, 1999, p. 33). The key weakness of a government that has no party base of its own is that it must constantly look over its shoulder to Beijing for support. It becomes a client of the sovereign, not an independent and equal actor. Symbiotically, the opposition to Tung in the Legislative Council is stymied by its inability, thanks to a rigged electoral system, to secure democratic change. The result is a type of configuration that Max Weber (1994) once described as 'negative politics'. On the one side: rulers who are not vocational politicians, accountable to their constituency and accustomed to fighting with words to win support for their policies, but who are instead unelected officials, disinclined to the inconveniences that attend public debate, and preferring to work in secrecy. On the other side: a frustrated and angry opposition, able to highlight social and political ills, but with no means to cure them, a situation that is conducive to a veto mentality and obstruction.³⁷ Hong Kong's political situation is thus unstable though—not yet—catastrophic.

Notes

1. Wong Kam-chau, on the Hong Kong government's decision to seek an 'interpretation' from the Standing Committee of the National People's Congress on the right of abode controversy, and thereby undermine the judgement of the Court of Final Appeal. Quoted in the *South China Morning Post*, internet edition, 14 June 1999. On the right of abode fiasco, see Yash Ghai's contribution to this special issue of *Citizenship Studies*.
2. Former President Lee Teng-hui's declaration on 9 July 1999, that Taiwan and the PRC henceforth adopt 'state to state' relations, was a formal abandonment of the one-China policy which the PRC itself adamantly refuses to renounce. A convenient fiction, the one-China policy has allowed Taiwan (the Republic of China) and the mainland (the People's Republic of China) to pretend that both are committed to the same goal of reuniting China, but differ on the means to do so, and on the kind of political status quo that will be established thereafter. 'State to state' relations is code for outright Taiwan independence. Beijing's response to this 'splittism' has been unequivocal. Affirming that Taiwan will never become an 'Asian Kosovo' (in which foreigners decide its political fate), Jiang Zemin remarked: 'We must initiate a tough response against Lee Teng-hui's challenge. National sovereignty

and reunification are non-negotiable principles. We have no room for retreat' (*South China Morning Post*, internet edition, 14 July 1999).

Jiang's 'tough response' was formalized by the State Council on 21 February 2000. Henceforth, a White Paper advised, procrastination by Taiwan's leaders on reunification was no longer tolerable. If such delay continued 'indefinitely,' the PRC would assume the right to use 'all drastic measures possible, including the use of force' to bring the renegade province to heel. (Previously, only a declaration of Taiwan independence or foreign invasion were *casus belli*.) The White Paper was in part contrived to warn Taiwanese voters of the folly of voting for a pro-independence candidate in the Taiwan presidential elections of 18 March 2000 to replace Mr. Lee. It failed. Chen Shui-bian of the pro-independence Democratic Progressive Party secured 39% of the vote. On Chen's attempts, since the election, to mollify the PRC's leaders, see 'Taiwan stands up', *The Economist*, 25–31 March 2000, pp. 23–8.

3. The valuable papers in Fogel and Zarrow (1997) are a vital starting point for understanding the meanings of republicanism and citizenship in China, but they are concerned primarily with the period 1890–1920. In that context, it is worth noting that when republicanism was introduced to China, and then refracted through heterodox–Confucian lenses by thinkers like Liang Qichao and Sun Yat-sen, it was strongly associated with Darwinism. The importance of Darwin in late Qing thought is ably documented in Pusey (1983, esp. pp. 317–70).

4. The arcane electoral arrangements in Hong Kong, expressly designed to secure a majority of seats for candidates sympathetic to the PRC's communist leadership, belie the fact that of the 1,489,707 votes cast on 24 May 1998, around 60% were for politicians from the various democratic parties. A series of analyses of the election can be found in the 26 May 1998 edition of the *South China Morning Post*. For a helpful decoding of the voting system itself, see 'Election daze', *Asiaweek*, 22 May 1998.

Whether the democratic parties will be able to keep up this momentum has become a particularly vexed question following their lacklustre performance in the November 1999 District Election. Martin Lee's Democrats secured only 11 more seats than in the previous district poll of 1994; the pro-Beijing Democratic Alliance for the Betterment of Hong Kong, on the other hand, won 52 more seats. Factionalism within the Democrats, but especially their official support for the Court of Final Appeal's highly unpopular ruling (of 29 January 1999) affirming, among other things, the right of abode for mainland children born before their parents became permanent residents of Hong Kong, contributed to the poor election result. (On the CFA's eventual capitulation to Beijing, see below.) In the Legislative Council elections of September 10th, 2000, the Democrats share of the popular vote fell from nearly 43% (1998) to under 35%.

5. On the mercurial character of citizenship globally, see Turner (1990a, p. 212); compare with Turner (1990b).

6. At the same time, it is important not to caricature as irredeemably hostile the Enlightenment view of Asia. As Melvin Richter (1997) has brilliantly shown, the language of alterity, of 'the Other,' was widely used by eighteenth century thinkers in a polemical, and subversively ironic way, *against the West*. The *philosophes* constructed antinomies of civilization and barbarism, but then went on to show that when it came to barbarism Europe had no peer. Writers like Voltaire, David Hume, and the Abbé Raynal, explicitly criticised slavery, colonialism, religious intolerance, and the missionary activity of the Jesuits. They also often praised China because of its absence of feudalism, its good order, and its civilisation (Voltaire's *Essai sur les mœurs*, 1740–1756, begins with two chapters on China to which he attributes the origins of the arts and high culture).

7. Prominent Hong Kong civil servants and politicians are Catholics; they include both opposition politicians like the Democratic Party leader, Martin Lee Chu-ming, and government officials, such as the Chief Secretary for the Administration Donald Tsang Yam-Kuen. The last governor of Hong Kong, Chris Patten, is also a Catholic but this did not prevent a rift emerging between him and Martin Lee on the pace and nature of democratic change.

8. I am drawing both on Yash Ghai's paper printed below, and on our correspondence.

9. On the problems of applying the concept of 'totalitarianism' to Mao's own regime, see Nathan (1997), Walder (1986) and Shue (1998). See also, on the Chinese case more generally, Gleason (1995, pp. 89–107), and my response to Harry Wu in Baehr (1999a).

10. 'Socialism with Chinese characteristics' is also of little use as a social scientific concept because the expression is at root an injunction, a slogan, at best a project, rather than a rigorous analytical description of a regime type. The phrase itself has decidedly polemical origins. In Deng's formulation, 'socialism with Chinese characteristics' was a strategy designed to promote 'the four modernizations' (of agriculture, industry, national defense, and science and technology), previously vilified by the Gang of Four as 'the

restoration of capitalism' (Deng, 1987a, p. 40). Refuting that conflation, Deng argued that the four modernizations were completely consistent with Marx's view that 'pauperism is not socialism' (Deng, 1987b, p. 96); that poverty was to be eliminated through the development of the productive forces; and that the advanced stage of socialism (communism), in which the social product is divided according to need, must of necessity be preceded by a socialist phase whose principle of distribution is 'to each according to his work'. Communism, Deng continued, presupposed the kind of 'overwhelming material wealth' so far absent in socialist China. If communist abundance was to be attained, it was imperative that anti-scientific and anti-technical attitudes and interdictions be defeated, and that China pursue an 'open door' policy with the capitalist world, welcoming foreign investment, though maintaining state control of the means of production. At the same time, the great inequities of capitalism—particularly its economic polarization—could be avoided by retaining a Marxist system, interpreted and led by the CCP. 'Socialism with Chinese characteristics' thus amounted to a peculiar path of economic development that would raise the living standards of the masses, underwrite the global power of the Chinese state, and show that communist abundance was not a contradiction in terms.

At the 14th Party Congress of 1992, the increasingly hybrid character of the Chinese economy was officially recognized in the label 'socialist market economy', a convenient oxymoron with an appealing flexibility. 'If the breakthrough to the market economy gets bogged down in endless, ambivalent bungling, then the emphasis will remain on the adjective "socialist", whereas if the breakthrough becomes a reality, it will simply be shortened to "market economy.'" In that case, however, it will continue for a long time to be a market based on networks of "special relations" instead of on supply and demand' (Kemenade, 1998, p. 24).

11. The literature is now voluminous, but see Brook and Frolic (1997). A useful, short survey on two kinds of Chinese discourse on civil society (by 'domestic theorists' who understand civil society as a realm to be made by the state in an attempt to create a law abiding, respectful citizenry; by 'exiled intellectuals' who conceive of civil society as a private arena free of state intervention, and, in one version, embracing even the triad societies) is provided in Shu-Yun Ma (1994).
12. This group, claiming a membership of millions, was branded an 'evil cult' by the Chinese authorities and officially banned in July 1999. Significantly, the formal prohibition and anathematization of Falun Gong followed demonstrations by the group (known for its breathing techniques, and advocacy of Taoist and Buddhist moral principles) that took place without state permission. Such a precedent could not, apparently, be tolerated.
13. The extension of so-called village democratization is a more complex issue, on which many hopes are hanging. On recent experiments in village elections, see Willy Wo-Lap Lam (1999, pp. 122–29, 139).
14. The inapplicability of the concept of 'dictatorship' to the Soviet union and its satellites during the 1970s, a period with which modern China is sometimes compared, was explained by Václav Havel (Havel, 1987, pp. 37–41). He preferred the term 'post-totalitarian.'
15. With around 20,000 businesses and a commercial empire estimated to be worth 50 billion yuan (\$US 6.0 billion), the PLA (which includes the air and naval arms of the Chinese military establishment) is in the process of being divested of its profit-making activities. The desire of both the civil government, and of high ranking military professionals, to turn the PLA into a professional fighting force is expediting this transformation. See 'No longer the army's business', *The Economist*, 8 May 1999, p. 34.
16. Susan L. Shirk (1992, pp. 82–3) suggests that administrative decentralization to the provinces has been both been a means of cementing the legitimacy of the Central Committee, while at the same time allowing rival members within the leadership to appeal to their provincial bases so as to gain leverage over the state bureaucracy.
17. For a helpful overview of the various models that were applied to the CCP elite between 1949 and 1980, see Pye (1981, pp. 41–56). More generally, see Perry (1994) on the three approaches (totalitarian, pluralist, state–society) that have dominated three consecutive generations of modern Sinologists. She observes that each of these generations has drawn on models (Soviet, American, and European, respectively) alien to China's own traditions.
18. Other popular concepts such as 'factional politics', or 'clientalism' are often employed not so much as an alternative to authoritarianism but as explanations of, or glosses on, it. Compare, for example, Nathan (1990, pp. 23–37) with Nathan (1997, pp. 61–2).
19. Along these lines Chakrabarty (1992, pp. 1–6) has taxed Eurocentric 'transition narratives', with their themes 'of development, modernization, capitalism', for presenting Indian history as a 'figure of lack', 'inadequacy' and 'failure'. Similar criticisms relating to the Chinese case can be found, *inter alia*, in Tsin (1997, pp. 226–28) and Cohen (1984).

20. See the papers collected in Lieberthal and Lampton (1992). In Lieberthal's introduction to that volume, he explains that the 'fragmented authoritarianism' model appears to work best in regard to economic bureaucracies.
21. Andrew Nathan (1990, p. 222, n. 6) says that, Huntington, in an interview, 'disclaimed the applicability of his theory to China'.
22. For an English translation of the relevant documents, see Oksenberg *et al.* (1990, pp. 125–53).
23. I am drawing on Reinhart Koselleck's pioneering work on the history of concepts (*Begriffsgeschichte*). For Koselleck, shifts and discontinuities in conceptual formation are an index of wider social changes, but are also very much involved in shaping them, since it is through language that agents define, make sense of and contest new situations. See Koselleck (1996) and the lucid account of Melvin Richter (1995).
24. The most rigorous of the doomsday scenario forecasts was offered by Mesquita *et al.* (1996), who applied a version of the expected utility model to post-transition Hong Kong.
25. Which attitude has primacy has frequently been debated, but need not concern us. Still, it is worth noting that when British representatives approached their Chinese counterparts about the expiry of the New Territory lease in 1997, Deng made it plain to Mrs. Thatcher on 24 September 1982, that 'On the question of sovereignty, China has no room for manoeuvre. To be frank, the question is not open to discussion' (Deng, 1994, pp. 23–5). On sovereignty as basic, and non-negotiable (the British had at one time suggested 'divided sovereignty'), see also Yin Qian (1997, pp. 13–14), who argues that 'Beijing considered that any concession on its position on sovereignty would lead to a domino effect', for example, in Macao, Taiwan, Tibet and other 'minority regions'.
26. I am using the three concepts (positive, negative, republican) heuristically. I am not suggesting that they are exhaustive of the notion 'liberty'. Usages in eighteenth-century Europe, for instance, and from which the 'positive' and 'negative' principles of liberty are often drawn, were multiform, overlapping and complex. For a subtle analysis, see the contribution of Ozouf (1989) to his and Furet's *Critical Dictionary of the French Revolution*.
27. I am grateful to Peter Wesley-Smith and Fu Hualing for helping me to understand pertinent aspects of Chinese constitutional law.
28. For a modern adaptation of the theory of positive freedom in which education (in the guise of 'explanatory theory') remains fundamental, see Bhaskar (1989). For a critique of this position, see Baehr (2000).
29. For Margaret Ng (1995, pp. 60–1), the primacy given to so-called welfare or development rights by the 1993 Bangkok Declaration (of which China is a signatory) arises 'from a positive concept of liberty'. The Declaration is reprinted in Davis (1995, pp. 205–09).
30. Constant often counterposed this kind of 'civil' liberty—individual and private—to the political liberty valued by the ancients and taken up with disastrous consequences by the followers of Rousseau. But insofar as 'civil' liberty depended on a state that was not oppressive or prone to 'usurpation', it presupposed a political dimension.
31. More specifically, the second paragraph of Article 39, from which I have quoted, is concerned not with rights as such, but with the restrictions that can be imposed on them. Most of Chapter III of the Basic Law, including the first paragraph of Article 39, establish rights; and the second paragraph of 39 states that the rights cannot be restricted except in accordance with the previous (first) paragraph. That first paragraph refers to the provisions of the 'International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and international labour conventions as applied to Hong Kong'.
32. In a footnote, Berlin (1998, p. 201, n. 3) added that 'it is arguable that in the Prussia of Frederick the Great or in the Austria of Joseph II men of imagination, originality and creative genius, and, indeed, minorities of all kinds, were less persecuted and felt the pressure, both of institutions and custom, less heavy upon them than in many an earlier or later democracy'.
33. Jasper Becker, summarizing a conversation with Fu, in the *South China Morning Post*, internet edition, 26 June 1998.
34. This and the next paragraph draw extensively on Baehr (1999b).
35. Though data from the Hong Kong Transition Project indicate that worries over personal freedom and political stability have dropped among Hong Kongers from 51% (August 1994) to 10% in April 1999. For more details, see Michael DeGolyer's article printed in this issue of *Citizenship Studies*.
36. Henceforth, applicants qualify for right of abode only if one or both of their parents was a permanent resident at the time of their birth. The decision of the five judges of the CFA to uphold the Standing

Committee's June 'reinterpretation' was unanimous. This capitulation has seriously compromised the authority of the CFA to uphold Hong Kong's rule of law and way of life, two putative cornerstones of the Basic Law, and legitimated the power of the Standing Committee of the National People's Congress to extend its writ beyond matters directly affecting the mainland. The 3 December 1999 edition of the *South China Morning Post* has extensive commentary on the CFA's judgement.

37. Tsang Yok-sing, leader of the Democratic Alliance for the Betterment of Hong Kong, expressed this mentality when, in an interview given to the *South China Morning Post* (8 February 1999), he remarked that legislators 'can block all government bills. We can apply the brake, but not the accelerator'. To be sure, DAB, unlike the Democratic Party, is a pro-CCP organization; nonetheless, a prolonged situation of opposition impotence is likely to encourage negative politics more generally.

Weber's own concepts of freedom are perceptively discussed by Kari Palonen, who observes that 'As opposed to the strictly contractualist thinkers, Weber does not defend human rights as limits to politics but understands them as power shares in political action' (Palonen, 1999, 523; cf. 530).

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- (Note: Although in Chinese convention family names precede given ones, some modern Chinese authors adopt the Western, converse, system of naming. This anomaly is reflected in the references that appear below.)
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