

RESEARCH ARTICLE

# Ideological and Cultural Policy as Speech Policy: An Overlooked Aspect of Free Speech in China (1940s–2000s)

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## Abstract

Free speech scholars have been preoccupied with laws, regulations, judicial opinions, and other traditional “legal” materials. However, this article examines an often-overlooked object in at least studying China’s speech rights—the ideological and cultural policy of the party-state. The party-state’s ideological and cultural policy has not only, for better or worse, profoundly shaped speech rights in China; and more significantly and paradoxically, it also contains the seed that might promote China’s speech rights in the future. The party-state has had a long and deep-rooted tradition of promoting a democratic culture; by tracing the development of this tradition from the 1940s to the 2000s, this article argues that it may provide a new context and angle for thinking about people’s right to cultural construction and perhaps free speech in general in China.

**Keywords:** free speech; ideological and cultural policy; speech policy; Chinese Constitution; cultural construction

## 1. Introduction

For years, when conceiving free speech, legal scholars have been preoccupied with laws, regulations, judicial opinions, and other traditional “legal” materials, for those have been viewed as the main source in shaping free speech rights.<sup>1</sup> This mindset makes a lot of sense in most places around the world. By no means, this paper plans to challenge it.

Yet, when studying free speech in China, this paper wants to bring in something novel or even alien: the ideological and cultural policy of the party-state. This kind of policy has long been excluded from free speech thinking; nonetheless, this paper will demonstrate that bringing in this kind of policy and examining it in terms of speech policy can shed some new light on thinking of free speech in China.

To elaborate, ideological and cultural policy is important in studying China’s free speech, for two reasons. First, for better or worse, they have profoundly shaped speech

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<sup>1</sup> Another reason that could account for this overlook is that free speech thinking has been predominated by the so-called “politico-centralism.” It conceptualizes free speech primarily as a political right and mainly focuses on political speech and certain political values that free speech may advance. In spite of their profound political implication, since the ideological and cultural policies do not directly target political speech, they tend to be overlooked by free speech scholars. For more discussion of this “politico-centrism,” see Balkin (1995, pp. 1985–86); Balkin (2004, pp. 1–58).

rights over the course of history. Unlike most Western countries, not until very recently has the law been a major tool in shaping free speech as well as other rights in China. Instead, different kinds of policies formulated by the party-state have played the role usually played by laws in other countries. Policy at this level is by no means the “non-substantive documents” (空头文件; *Kong Tou Wen Jian*) drafted and released by bureaucracy. Certainly, one can argue that this kind of policy may have restricted more speech than it protected, but one cannot deny its profound and substantial impact.

Second, and more significantly, the ideological and cultural policy contains the seed that might promote China’s free speech in the future. As I have argued elsewhere, the Chinese Constitution embodies a dual ideal—the Chinese people should be masters in both political and cultural areas (Zuo, 2016, pp. 187–244). To further this dual ideal, Articles 35, 41, and 47 are forged to constitute the complete “free speech clause” under the Chinese Constitution. While Articles 35 and 41 guarantee the right to political speech, Article 47 explicitly safeguards citizens’ right to cultural construction, which explicitly says:

Citizens of the People’s Republic of China shall enjoy the freedom to engage in scientific research, literary and artistic creation, and other cultural pursuits. The state shall encourage and assist creative work that is beneficial to the people of citizens engaged in education, science, technology, literature, art, and other cultural activities.<sup>2</sup>

This dual ideal, especially “the people should be masters in cultural area,” reflects and echoes a long and deep-rooted tradition in China’s ideological and cultural policy of promoting a democratic culture. This is why Article 47—the right to cultural construction clause—has been included in the Chinese Constitution. It envisions that ordinary Chinese people can participate in cultural construction. As discussed later, this tradition has both positive and negative sides, and has its ups and downs. By tracing the development of this ideal from the 1940s to the 2000s, this article tries to demonstrate that it may provide a new context or angle for thinking about people’s right to cultural construction and perhaps free speech in general in China.

This article also acknowledges the limitation of examining the party-state’s ideological and cultural policy through the lens of free speech. First, it is understandable that many may feel that it is alien or counter-intuitive to connect free speech and the party-state’s policy. Besides the preoccupation with traditional legal materials, another reason explaining lawyers’ inattention to ideological and cultural policy is that this kind of policy has long been viewed as anti-free speech. Indeed, as we will discuss later, the party-state’s ideological and cultural policy could be and has been restrictive. But this only tells half the story. In fact, the ideological and cultural policy of the party-state could also have a positive or even pro-speech aspect. The party-state may not have a good record in protecting free speech in terms of Isaiah Berlin’s negative liberty in the political area; nonetheless, it has the tradition and potential promoting it as positive liberty in the cultural area. This positive or activist aspect embodies the ideal that the party-state should promote a democratic culture that is “of the people, by the people, for the people.” If fully and sophisticatedly understood and utilized, this ideal and tradition can support and encourage speech, especially the cultural ones in China.

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<sup>2</sup> Xianfa, Art. 35 (1982) (China) (“Citizens of the People’s Republic of China shall enjoy freedom of speech, the press, assembly, association, procession and demonstration”). Xianfa, Art. 41 (1982) (China) (“Citizens of the People’s Republic of China shall have the right to criticize and make suggestions regarding any state organ or state employee, and have the right to file with relevant state organs complaints, charges or reports against any state organ or state employee for violations of the law or dereliction of duty, but they shall not fabricate or distort facts to make false accusations”).

Second, the influence of this kind of policy should not be exaggerated. Ideals and words in the text do not guarantee the protection of rights in reality. Although it has long been promised by the Chinese Constitution, the protection of people's speech rights has largely remained insufficient. The Constitution is like the script of a play: no matter how brilliant the text is, it still needs actors to bring it to life. The two vital actors in this regard are the party-state and the ordinary people. As Owen Fiss once summarized, the perspective that Westerners are most familiar with is bottom-up (Fiss, 1986, pp. 500–1). Especially with regard to rights protection, no matter the rights of African Americans, women, or LGBT groups, people in the West have learned from their history that victories are mainly won from the bottom up (Ackerman, 1991, pp. 3–33; Ackerman, 2014, pp. 1–19; Siegel, 2006, pp. 1323–420; Eskridge, 2002, pp. 2062–407). To a great extent, this is also the case for China. The Chinese people are no doubt the most important actors in fighting for speech as well as other rights. My earlier work has analyzed this aspect, especially regarding how the Internet and other new technologies have empowered ordinary Chinese citizens and promoted their rights in cultural construction and dissemination (Zuo, 2017, pp. 43–98). Yet, the sole bottom-up perspective may explain Western experience well but, in China, the combination of bottom-up and top-down has always been the key to success. Stressing the central importance of the bottom-up arrangement, however, does not mean neglecting the other actor. By focusing on the ideological and cultural policy of the party-state, one major purpose of this paper is to approach this often-overlooked and oversimplified actor from a new perspective.

This paper proceeds in two parts. The first part examines Mao's era, which spans from years prior to the founding of the People Republic of China (PRC) to Mao's death in 1976. This period gave birth to the basic idea and framework of the Communist Party of China (CCP)'s commitment to promoting a democratic culture. The second part focuses on the years from 1976 to 2011. It covers Deng Xiaoping's era, Jiang Zemin's tenure, and most of Hu Jintao's presidency. To prevent the Cultural Revolution from happening again, the party-state has adopted a series of de-ideologized policies exemplified by Deng's "No Dispute" policy. Although it has successfully assisted China in shifting its focus from ideological struggle to economic construction, the party-state has gradually given up its duties and commitment in culture. These de-ideologized policies thus have left a great vacuum in culture and value in contemporary Chinese society. Signalled by the Sixth Plenum of the 17th Party Congress, it seems that the party-state has decided to confront China's cultural vacuum and picked up its duties in cultural construction. Although this is beyond the scope of this paper, the last part also touches upon whether the revival of this tradition could serve as "a usable past" that could shape today and our future; and, if yes, how should we make the most of it?

## 2. The birth of the tradition: Mao's era

For the purpose of discussion, Mao's era will be divided into three major phases. The first phase is the time prior to 1949. This was a period of time in which the CCP had not taken power, but important ideas had already been conceived and developed. In particular, Mao's two famous essays—"On New Democracy" (Mao, 1975, pp. 339–82) and "Talks at the Yan'an Forum on Literature and Art" (hereinafter "Talks") (Mao, 1967c, pp. 69–97)—have established the fundamental direction and framework of China's future cultural policy. The second phase is 1949–66. This pre-Cultural Revolution age, especially its first decade, was a golden age in early PRC history. Economically, after the completion of the socialist transformation, China initiated and successfully finished its first "Five-Year-Plan" (Spence, 2013, pp. 484–93). Politically and ideologically, the overall atmosphere at that time can be largely depicted as loose and open. The "Two Hundreds Policy," which probably is the most

“speech-friendly” cultural policy in PRC history, was also formulated in this phase. But, as the later analysis shows, there was also a “time bomb”—the concept of “struggle” (usually appears in the context of “class struggle”)—embodied in the CCP’s policy, which could lead to great uncertainty and capriciousness. Finally, the third phase focuses on the Cultural Revolution and other movements. It shows that, when this “time bomb” exploded, the “struggle” escalated to “war,” when different voices and views suddenly transformed from “contradictions among people themselves” into “contradictions between enemy and us.” This eventually caused the madness and stifling atmosphere during the Cultural Revolution.

## **2.1 Before 1949: “On New Democracy” and “Talks at the Yan’an Forum on Literature and Art”**

Before coming to power, the CCP had long been a separatist regime that hibernated in the losses plateau in northern China, which struggled to survive the siege of Kuomintang (KMT), the invasion of the Japanese army, and frequent ambush by local warlords. Besides safety issues, sometimes even life essentials such as food and clothing could be a huge problem in the CCP’s revolutionary base area.

Yet, even under such a perilous circumstance, the CCP never stopped considering the problem of culture. The CCP’s understanding of culture before 1949 is best elaborated by Mao Zedong’s two famous essays—“On New Democracy” and “Talks at the Yan’an Forum on Literature and Art.” Basically, “On New Democracy” and “Talks” answered two fundamental questions: (1) how does the Party envision the role of culture; (2) what is the CCP’s ideal of culture? These two articles have determined the direction and outlined the framework of China’s future cultural policy.

The first thing that deserves readers’ attention is the time at which these two essays were written and published. As the editor’s note in *Selected Works of Mao Zedong* indicates, “On New Democracy” was published in January 1940 and “Talks at the Yan’an Forum on Literature and Art” was delivered in May 1942. In other words, when these two articles were published, China was still at war against Japan. China did not defeat Japan until three years later; the CCP’s victory over KMT in the civil war was even more remote. Nonetheless, it was exactly at this early stage that Mao and his colleagues had already begun to plan for the future of China’s culture.

This reflected how the CCP conceived the role and importance of culture. For the Party, culture has never been a luxury that people enjoy when a revolution succeeds. Quite the contrary—culture was one of the most important battlefields for winning the revolution. The revolution in culture could not wait until revolutions in other areas were complete; instead, it was an essential and inseparable part of the whole project. The CCP’s revolution would definitely fail if they failed in the cultural area. In this sense, pondering the problem of culture at this stage was not only about planning things in advance. Rather, it was directly linked to realizing the Party’s most important goals—winning the war against Japan, fighting with KMT, and, most importantly, establishing a new China. Only from this perspective could people more or less apprehend why the Party took the problem of culture so seriously. Such an attitude toward culture has largely been inherited by the Party ever since; this is also where the ideal of “people should be masters in cultural area” came from.

### **2.1.1 What is the role of culture?**

Just as the Constitution requires that people should be masters not only in the political area, but also in the cultural area, both “On New Democracy” and “Talks” identified culture and politics as two pillars of the Party’s undertakings. Such an understanding is first evidenced in the original title of “On New Democracy.” According to the note of *Selected*

*Works of Mao Zedong*, “On New Democracy” was originally entitled “The New Democratic Politics and the New Democratic Culture” and it was written for the first issue of the magazine called *The Chinese Culture* (中国文化; *Zhong Guo Wen Hua*).

The juxtaposition of culture and politics in the original title sends a clear message. As we know today, “On New Democracy” was Mao’s most comprehensive account of the CCP’s agenda and blueprint. It described what a new China would look like. In subsequent years, Mao never wrote any essay that was as systematic and as thorough as this one. By putting culture and politics together, Mao implied that the two most important constituents of a “new China” were culture and politics. A new China was a China with a new culture and new politics. “On New Democracy” further elaborated the role of culture as follows:

For many years we Communists have struggled for a cultural revolution as well as for a political and economic revolution, and our aim is to build a new society and a new state for the Chinese nation. That new society and new state will have not only a new politics and a new economy but a new culture. In other words, not only do we want to change a China that is politically oppressed and economically exploited into a China that is politically free and economically prosperous, we also want to change the China which is being kept ignorant and backward under the sway of the old culture into an enlightened and progressive China under the sway of a new culture. In short, we want to build a new China. Our aim in the cultural sphere is to build a new Chinese national culture. (Mao, 1975, p. 340)

The above paragraph explains the role of culture and its relationship with politics more clearly. Simply put, the Chinese revolution was twofold. It embodied two major aspects. On the one hand, it was targeted at concrete areas such as politics and economy, as the Party wanted to overturn the old regime and establish a new model of economy and distribution. On the other hand, it also concerned the cultural area. The revolution led by the CCP was not just another dynastic change, which has frequently occurred in Chinese history. Instead, as the Preamble of the Constitution declared, the revolution that the Party planned to bring about was “a great and earthshaking historical change.”<sup>3</sup> One major reason why it was “a great and earthshaking historical change” is that this revolution included a revolution in China’s culture. As Mao put it: “Our aim in the cultural sphere is to build a new Chinese national culture” (Mao, 1975, p. 340). Without a new culture, the Chinese revolution was incomplete.

“Talks” echoed the same understanding of culture. Here, Mao proposed his famous metaphor of “the two fronts.” At the very beginning of “Talks,” Mao pointed out that “[i]n our struggle for the liberation of the Chinese people there are various fronts, among which there are the fronts of the pen and the gun, the cultural and the military fronts” (Mao, 1967c, p. 69). The “cultural fronts” and the “military fronts” had been highlighted as two key fronts of the Chinese revolution. If we accepted Carl von Clausewitz’s famous saying that “War is merely the continuation of politics by other means,” then military struggles belonged to political struggles in a broad sense. Therefore, the fronts of the gun or the military fronts can be viewed as a part of the political fronts. Just like a new China was a China with new politics and new culture, the struggle “for the liberation of the Chinese people” also had cultural fronts (the fronts of the pen) and political fronts (the fronts of the gun). To build a new China, the Party and the Chinese people had to fight and win on both fronts. This is why Mao emphasized that China “must also have a cultural army, which is absolutely indispensable for uniting our own ranks and defeating the enemy” (Mao, 1967c, p. 69).

<sup>3</sup> Xianfa, preamble (1982) (China).

The parallel between culture and politics was a recurring theme in the Chinese revolution. Even after the revolution had succeeded, Mao still reaffirmed this twofold requirement in his famous “The Chinese People Have Stood Up” speech at the First Plenary Session of the Chinese People’s Political Consultative Conference on 21 September 1949 (Mao, 1977f, pp. 15–18). After summarizing the achievements of the revolution and outlining the future plans, Mao passionately concluded his speech by proclaiming:

An upsurge in economic construction is bound to be followed by an upsurge of construction in the cultural sphere. The era in which the Chinese people were regarded as uncivilized is now ended. We shall emerge in the world as a nation with an advanced culture. (Mao, 1977f, pp. 15–18)

As we see, in Mao’s speech, economic construction replaced the position of military struggles. This is primarily because, since the war had ended, the latter one should give way to the former one. But, no matter whether during war or peacetime, the central importance of culture remained unchanged. After the founding of the PRC, though economic fronts may have replaced the fronts of guns, the cultural fronts were still at the centre. To advance the ideal of making China “a nation with an advanced culture,” there had to be an “upsurge” in cultural construction. This is why the Chinese Constitution embodied “the people should be masters in the cultural area” ideal and forged the right to cultural construction clause. But this promise was not easy to fulfil. The later history demonstrates that, although China had created extraordinary achievements on economic fronts, challenges from the cultural fronts are what China is still facing even today.

### 2.1.2 What is the CCP’s ideal of culture?

Let us now turn to the second question: What kind of culture does the CCP try to promote? “On New Democracy” answered it straightforwardly: it must be “a national, scientific and mass culture” (Mao, 1975, p. 380). This section will discuss these three features in an orderly way.

First, “On New Democracy” defines “a national culture” as follows: “It opposes imperialist oppression and upholds the dignity and independence of the Chinese nation. It belongs to our own nation and bears our own national characteristics” (Mao, 1975, p. 380).

In short, a national culture is “our” culture. It is a culture that belongs to China, not any other country. In speaking of “our culture,” Mao did not say it in the abstract. He was arguing against two specific views. Mao’s first target was the view of “wholesale Westernization” held by bourgeois intellectuals represented by Hu Shih (Mao, 1975, p. 380). Influenced by the May Fourth Movement and the New Culture Movement, these Westernized intellectuals commonly held a quite negative and hostile attitude toward traditional Chinese culture. As the name of the New Culture Movement indicates, its adherents believed that what China needed was a “rebuilding of civilization.” Their solution to rebuild China’s culture was to completely “transplant” the advanced culture and knowledge from the West. The leaders of the CCP may have shared the same sceptical attitude toward a traditional culture with these liberal intellectuals; they may also have shared the same ambition to “rebuild” China’s culture, but they rejected “wholesale Westernization” because it would give up “the dignity and independence of the Chinese nation” and lose “our own national characteristics.”

Mao’s second target is more important and subtler. If the first view can be labelled as “Americanizing” China, the second view attempted to “Soviet-Unionize” China. At that time, such a view was widely shared by the CCP leaders represented by Bo Gu and Wang Ming. With the *Comintern* and Soviet Union having their back, this group of people formed a formidable force within the CCP. Mao vividly called these people “the returned students

(from the Soviet Union)” and labelled their views as “subjectivist attitude” (Mao, 1967b, pp. 20–1), “stereotyped Party writing” (党八股; *Dang Ba Gu*), and “foreign stereotype” (洋八股; *Yang Ba Gu*) (Mao, 1967a, pp. 53–68). These “returned students” genuinely believed that copying the Soviet Union model was the best solution for the Chinese revolution.

Despite their great respect and admiration for Stalin and the Soviet Union, to a certain degree, Mao and his colleagues were, first and foremost, nationalists and patriots rather than communists. The freedom and independence of China are what drove them to sacrifice and fight. By no means would they allow China to turn into another satellite state of the Soviet Union. In essence, Mao and his colleagues rejected any attempt to “Westernize” China—and neither “Americanization” nor “Soviet-Unionization.” Given how powerful and influential the Soviet Union and Stalin were in the 1940s, fighting with this second view was much harder than fighting with the first one. In fact, the entire Yan’an Rectification Movement, which had begun two years later, can be seen as another attempt to purge the second view from Party members’ minds. In Mao’s own words: “In applying Marxism to China, Chinese communists must fully and properly integrate the universal truth of Marxism with the concrete practice of the Chinese revolution” (Mao, 1975, p. 380). Respecting China’s cultural construction, Mao firmly believed that “Chinese culture should have its own form, its own national form” (Mao, 1975, p. 381). Thus, the requirement for “a national culture” guaranteed that China’s new culture had to be independent and “our” culture.

Second, what is a “scientific culture”? According to “On New Democracy,” it is a culture that “stands for seeking truth from facts, for objective truth and for the unity of theory and practice” (Mao, 1975, p. 381). This Party jargon and rhetoric may cause some obstacles for readers to apprehend. In fact, “a scientific culture” would be easier to understand by referring to its opposite: “the unscientific culture.” Since Mao defined “the unscientific culture” as “feudal and superstitious ideas,” accordingly, a scientific culture should be a modern or advanced culture (Mao, 1975, p. 381). The dichotomy between scientific/unscientific cultures is actually the tension between an old culture and a new culture. If the core of a “national culture” is “China vs. West,” then the focus of “a scientific culture” is “old vs. new” or “traditional vs. modern.”

Yet, what is noteworthy is that Mao’s view on traditional culture was actually well balanced here. Although admitting that the old culture contained “feudal dross” and “the decadence of the old feudal ruling class,” Mao highly praised that, during the long period of Chinese history, “a splendid old culture was created” (Mao, 1975, p. 381). More significantly, Mao emphasized that China’s new culture had to be “developed out of her old culture” (Mao, 1975, p. 381). Both the Party and the people should “respect our own history and must not lop it off” (Mao, 1975, p. 381). In other words, to create a scientific culture, China should first have a “scientific” and “balanced” attitude toward the “old” culture. The Chinese leaders have returned to this “scientific” attitude in recent years. In particular, at the commemoration of the 2,565th anniversary of Confucius’s birth, when Xi Jinping emphasized that “the CCP is no history or culture nihilist” and people should hold “a scientific view on the traditional culture of the nation” (Xi, 2014), he restored Mao’s idea of “a scientific culture” in “On New Democracy.”

Third, and most importantly, this new culture had to be a mass and democratic culture. If the first two requirements of “national” and “scientific” were created to refute certain views, then the concept of “mass culture” was inherently developed from the CCP’s commitment to egalitarianism and mass line (see Lieberthal, 2003, p. 70). It is an ideal that grows intrinsically rather than a requirement imposed externally. In “On New Democracy,” Mao defined mass culture as: “It should serve the toiling masses of workers and peasants who make up more than 90 percent of the nation’s population and should gradually become their very own” (Mao, 1975, p. 381).

This definition actually contains two stages of developing a mass culture. First, a mass culture is a culture that could “serve the mass.” It requires that the vast majority of Chinese people, not critics or scholars, should be the prime objective of cultural creation. But this is just the first stage. Second, and more importantly, a mass culture must eventually become the people’s “very own.” People should not be satisfied with the role of readers, audience, or bystanders. Rather than just passively receiving and accepting what is “served” to them, people themselves should actively participate in creating their own culture. In other words, a mass and democratic culture means “a culture of the people, by the people, for the people.” Serving the people is just the first stage; the ultimate goal is to make the culture “by the people” and “of the people”—a culture that becomes “their very own.” The Chinese Constitution has crystallized this requirement into the “the people should be masters in the cultural area” ideal.

“A mass culture” is also the main theme of “Talks.” The whole article began by asking the following question—“literature and art for whom” (Mao, 1967c, p. 75)? Mao’s answer was that our literature and art should “serve . . . the millions and tens of millions of working people” (Mao, 1967c, p. 75). For Mao, “the problems of working for the masses and how to work for the masses” was “the crux of the matter” (Mao, 1967c, p. 75). Having all the CCP leaders and leftist cultural elites sitting together for 21 days, the one and only topic of the Yan’an Forum on Literature and Art was: how to better serve the people.

Yet, as many readers may have noticed, “Talks” only focused on one aspect of “a mass culture”: a culture for the people. One explanation is that this was due to the low educational level of the entire Chinese population at that time. In “Talks,” Mao identified the “masses” as “the broadest sections of the people, constituting more than 90 percent of our total population, are the workers, peasants, soldiers, and urban petty bourgeoisie” (Mao, 1967c, pp. 76–7). Given that China’s illiteracy rate was more than 80% back in the 1940s (State Council Information Office, 2016), the vast majority of “the masses” identified by Mao were illiterate, let alone well educated. To serve such a constitution of population, it was reasonable to treat “serving the people” as a priority. This is also why Mao spent so much time discussing the balance between “raising standards” (提高; *Ti Gao*) and “popularization” (普及; *Pu Ji*) (Mao, 1967c, pp. 80–6). Criticizing artists who focused too much on “raising standards” and complaining that the mass could not appreciate their works, Mao underlined that “popularization” was the more pressing task. “The prime need,” Mao said, “is not ‘more flowers on the brocade’ but ‘fuel in snowy weather’” (Mao, 1967c, p. 82).

On the other hand, “Talks” did expose one major limitation of the CCP’s cultural policy. While “the people should be masters in the cultural area” meant promoting a culture “of the people, by the people and for the people,” when realizing this ideal, the party-state tends to focus on serving the people and lacks a clear vision of how to promote a culture “of the people” and “by the people.” This limitation may not have been so prominent then, but it has become increasingly salient and pressing now.

## **2.2 1949–66: “letting a hundred flowers bloom and a hundred schools of thought contend”**

### **2.2.1 A brief introduction to the “Two Hundreds Policy”**

After 1949, the CCP finally got the chance to realize their ideal. While busy at consolidating power and carrying out economic and land reforms, the party-state never forgot its commitment to creating a democratic culture in China. To let the people truly become the masters in cultural areas, the policy of “letting a hundred flowers bloom and a hundred schools of thought contend” (the “Two Hundreds Policy”) was formulated.

“Letting a hundred flowers bloom and a hundred schools of thought contend,” especially its second half, was originally used to describe the free and robust atmosphere during the Spring and Autumn (春秋; *Chun Qiu*) and the Warring States period (战国; *Zhan*

Guo). This period of time gave birth to great thinkers such as Confucius, Mencius, Han Feizi, Laozi, Zhuangzi, and Mozi, as well as influential schools of thought such as Confucianism, Legalism, Taoism, and Mohism (Mao, 1967c, p. 82). People commonly credit this great flourishing of culture to the atmosphere that allowed “a hundred schools of thought content.” By branding their cultural policy as the “Two Hundreds,” the party-state clearly hoped the culture of new China could be in full blossom again.

Given the CCP’s deep commitment to egalitarianism and cultural democracy, the launch of the “Two Hundreds Policy” was not too surprising. It had naturally and logically grown from the CCP’s agenda and ideals. In particular, the party’s “mass line” (群众路线; *Qun Zhong Lu Xian*) especially emphasized the extreme importance of mobilizing the masses and encouraging people’s participation. When applying these ideas to the cultural area, empowering the people and allowing them to freely develop their creativities and faculties became a natural choice. The aim of the “Two Hundreds Policy” was exactly to release people’s creativity and vitality.

The “Two Hundred Policy” was first proposed by Mao Zedong as the guideline for governing the areas of culture, art, and science at an enlarged meeting of the Politburo on 28 April 1956. On 26 May, the then head of the party’s Propaganda Department, Lu Dingyi, introduced this new policy to members of the Chinese Academy of Sciences (CAS) and China Federation of Literary and Art Circle (CFLAC). Lu’s full speech was later published in *People’s Daily* on 13 June (Lu, 1957, pp. 1–34).

In Lu’s speech, he explained the “Two Hundreds Policy” as containing “freedom of independent thinking, of debate, of creative work; freedom to criticize and freedom to express, maintain and reserve one’s opinions on questions of art, literature or scientific research” (Lu, 1957, p. 7). Lu spoke highly of “letting a hundred schools of thought contend” appear in the period of Spring and Autumn and the Warring States, praising that it created “a golden age in the intellectual development of China” (Lu, 1957, p. 4). The party-state introduced the “Two Hundreds” because “history shows that unless independent thinking and free discussion are encouraged; academic life stagnates” (Lu, 1957, pp. 4–5). At last, he argued that today’s circumstance was more favourable for promoting the “Two Hundreds Policy” than 2,000 years ago because Chinese society was “in turmoil” during the period of Spring and Autumn and the Warring States but, in present-day China, “the people have won a world of freedom for themselves” (Lu, 1957, p. 5).

The most authoritative account of the “Two Hundreds Policy” still came from Mao. In his famous essay “On the Correct Handling of the Contradictions among the People,” Mao systematically articulated the “Two Hundreds Policy” (Mao, 1977c, pp. 408–14). As Franz Schurmann pointed out, the theory of “contradictions” (矛盾; *Mao Dun*) is “the central idea of the thought of Mao Zedong” (Schurmann, 1968, p. 53). Based on the dichotomy between the contradictions among the people (人民内部矛盾; *Ren Min Nei Bu Mao Dun*) and the contradictions between ourselves and the enemy (敌我矛盾; *Di Wo Mao Dun*), Mao discussed 12 separate but interrelated issues, which included eliminating the counter-revolutionaries, the co-operative transformation of agriculture, the intellectuals, and China’s path to industrialization, etc. The entire eighth section was devoted to the “Two Hundreds Policy.”

For Mao, “the Two Hundreds” means “different forms and styles in art should develop freely and different schools in science should contend freely” (Mao, 1977c, p. 408). This attitude, as Mao stated, should be “the policy for promoting progress in the arts and sciences and a flourishing socialist culture in our land” (Mao, 1977c, p. 408). To freely develop and contend requires reducing political intervention to a minimum. As Mao put it:

It is harmful to the growth of art and science if administrative measures are used to impose one particular style of art or school of thought and to ban another. Questions of right and wrong in the arts and science should be settled through free discussion in

artistic and scientific circles and through practical work in these fields. They should not be settled in an over-simple manner. (Mao, 1977c, p. 408)

In Mao's view, the theoretical foundation of the "Two Hundreds Policy" was:

A period of trial is often needed to determine whether something is right or wrong. Throughout history, at the outset, new and correct things often failed to win recognition from the majority of people and had to develop by twists and turns through struggle. Often, correct and good things were first regarded not as fragrant flowers but as poisonous weeds. (Mao, 1977c, p. 408)

As many readers may have noticed, Mao's argument was similar to the rationale of the market-place of ideas theory, which will be analyzed in the next section. Our focus here is that, while stressing the importance of "a period of trial," Mao did not even try to hide his firm belief in Marxism-Leninism as the universal truth (Mao, 1977c, p. 409). It then begs the question: Why do people still need the "Two Hundreds Policy" when they believe they have already found the truth? Mao framed this inquiry as: "People may ask, since Marxism is accepted as the guiding ideology by the majority of the people in our country, can it be criticized?" (Mao, 1977c, p. 410).

Mao's answer is yes. This is because Mao not only viewed the competition among different ideas as inevitable; he in fact welcomed competition and struggle. In other words, even if there had been a panacea that could make everyone in the world accept Marxism immediately, Mao would not have wanted people to take this pill. For Mao, competition and struggle were good for truth; the truth could only get stronger and more powerful through this process—"they need to temper and develop themselves and win new positions in the teeth of criticism and in the storm and stress of struggle" (Mao, 1977c, p. 410). Calling ideas that did not win out from the struggles "plants raised in hothouses," Mao believed that these ideas were "unlikely to be hardy"—"if correct ideas are pampered in hothouses and never exposed to the elements and immunized against disease, they will not win out against erroneous ones" (Mao, 1977c, p. 411). In short, by allowing the truth to be tested and forged from struggle, the "Two Hundreds Policy" will produce the truth that can survive and prosper in the real world, not the "truth" that grows in the "hothouse." The "Two Hundreds Policy" functions like "vaccination": it will strengthen instead of weaken the force and power of truth.

The above reason is what Mao used to convince his reluctant colleagues to accept the "Two Hundreds Policy." "Carrying out the policy of letting a hundred flowers bloom and a hundred schools of thought contend will not weaken, but strengthen, the leading position of Marxism in the ideological field," Mao repeatedly persuaded other party leaders (Mao, 1977c, p. 410). People always say tolerance usually comes from full confidence. What was behind the "Two Hundreds Policy" was the CCP's full confidence in their ideals and beliefs; unfortunately, however, the CCP lost this attitude in later years.

### 2.2.2 The "time bomb" in the "Two Hundreds Policy": the class struggle

Many Western readers may find the "Two Hundreds Policy" familiar. To a certain degree, it is indeed similar to the rationale of Holmes's theory of the market-place of ideas.<sup>4</sup> The underlying rationale of the "Two Hundreds Policy" is that "a period of trial" and "struggle" is needed to determine right or wrong and to distinguish "fragrant flowers" from

<sup>4</sup> *Abrams v. United States*, 250 U.S. 616 (1919).

“poisonous weeds.” This is very close to Holmes’s famous saying: “The best test of truth is the power of the thought to get itself accepted in the competition of the market.”<sup>5</sup>

There are two major resemblances between the two theories. First, both Mao and Holmes justified their theories on the grounds that they could finally lead to the truth. The focus on truth in the market-place of ideas theory needs no explanation, for another name of this theory in America is precisely the “searching-for-truth” theory (Stone et al., 2008, pp. 9–10). Respecting the “Two Hundreds Policy,” telling the difference between right and wrong as well as “fragrant flowers” and “poisonous weeds,” also equals discovering the truth. Truth is the very value or purpose that both the “Two Hundreds” and the market-place of ideas theory try to advance.

Second, the “Two Hundreds Policy” and the market-place of ideas theory envision speech rights largely based on an imagined process. For Mao, this process is “a period of trial” and “struggle”; for Holmes, it is an “experiment” and “competition.” Mao took Copernicus’s theory of the solar system and Darwin’s theory of evolution as two prime examples of how “fragrant flowers” eventually defeated “poisonous weeds” through the process of “a long period of trial” (Mao, 1977c, p. 408). One could imagine that these two instances could also fit in Holmes’s theory: the “truth”—heliocentrism and the theory of evolution—ultimately became accepted through competition in a market-place of ideas.

Yet, my aim is to uncover the one subtle but profound difference between the two theories that would enable us to understand the “Two Hundreds Policy” better. This difference lies in how Mao and Holmes envisioned the basic model of their theories. As we have discussed, Holmes constructed his theory on the metaphor of “experiment” and “competition.” For Holmes, “experiment” was “the theory of our Constitution”; and market competition can best describe the dynamics among different views and ideas. But “experiment” and “competition” were not Mao’s conceptualization. In contrast, Mao based the “Two Hundreds Policy” in the context of “class struggle.” He viewed “struggle” as “the law of the development of truth”:

What is correct invariably develops in the course of struggle with what is wrong. The true, the good and the beautiful always exist by contrast with the false, the evil and the ugly, and grow in struggle with them. As soon as something erroneous is rejected and a particular truth accepted by mankind, new truths begin to struggle with new errors. Such struggles will never end. (Mao, 1977c, p. 409)

The difference between “experiment” and “struggle” is not just rhetorical; instead, they represent two fundamentally different ways of conceptualizing the dynamics of speech rights. This difference must be understood in light of Mao’s dichotomy between “contradictions among people themselves” and “contradictions between enemy and ourselves.” (Let us not forget that Mao formulated the “Two Hundreds Policy” in the essay entitled “On the Correct Handling of the Contradictions among the People.”) On the one hand, “experiment” is a neutral concept. It is what researchers and scientists do every day in their labs. The concepts of “experiment” and “competition” do not presuppose an enemy to fight with. Different ideas and speakers are like sprinters of a 100-metre race: they are competitors to others, but not enemies. To borrow Mao’s concept, “experiment” and “competition” are essentially “contradictions among people themselves.”

But the idea of “struggle” is different, especially when it appears in the context of “class struggle.” Though not as combative as “war,” “struggle” is much more antagonistic than “experiment” or “competition.” Different people and ideas that struggle with each other might not necessarily be enemies; but, if the situation escalates and the class struggle emerges, their relationship could transform into a relationship between “the enemy and

<sup>5</sup> *Ibid.*, p. 630.

us.” Thus, the greatest danger posed by “struggle” is its subtle nature as well as its connection with the idea of class struggle. It can move in either direction: if handled well, the struggle could be a more robust and vibrant form of “experiment” or “competition.” But, if it is not handled well, the struggle could turn into class struggle and a “war” between the enemy and us. In this sense, the idea of “class struggle” is a time bomb embodied in the “Two Hundreds Policy.” No one knows when it will explode.

Unfolding this “time bomb” is helpful in understanding the party-state’s cultural tradition in general. Due to the central place of “struggle” and “contradictions” in the CCP’s ideology (Schurmann, 1968, p. 53), it could partly explain the root of the uncertainty and capriciousness of the party-state’s policy. As analyzed above, struggle is an idea that swings between “competition” and “war.” When it stays closer to the “competition” end, different voices would be allowed or even encouraged because they all belong to “the contradiction among people themselves.” But, when it moves to the class struggle or “war” end, everything would become “the contradictions between enemy and us.” Building on such an unstable foundation, no wonder a “speech-friendly” policy such as the “Two Hundreds Policy” could sometimes suddenly turn into suppression.

Furthermore, the ideas of “struggle” and “contradictions” also explain how the party-state envisions speech rights. From the perspective of the party-state, speech rights are the kind of rights that can only be enjoyed by “the people,” not “enemies” and “counter-revolutionaries.” If the situation is still a “struggle” instead of “war,” unpopular and unorthodox voices could be allowed and protected because they are still “contradictions among the people.” One has the right to speak as long as he is treated as one of “the people.” On the other hand, if the “struggle” escalates into war, the contradictions then become those between “the enemy” and “ourselves.” At this point, the “Two Hundreds Policy” is not applicable, and freedom of speech must also be abridged. In responding to criticism of “uniformity of public opinion,” Mao clearly stated:

Indeed this is true, our system does deprive all counter-revolutionaries of freedom of speech and allows this freedom only among the people. We allow opinions to be varied among the people, that is, there is freedom to criticize, to express different views, and to advocate theism or atheism (i.e., materialism). (Mao, 1977a, p. 172)

Mao put this even more frankly in “On the Correct Handling of the Contradictions among the People”: “As far as unmistakable counter-revolutionaries and saboteurs of the socialist cause are concerned, the matter is easy, we simply deprive them of their freedom of speech” (Mao, 1977c, p. 410). In sum, under the concept of “struggle” and the dichotomy between the two contradictions, there is no free speech for “enemies.”

### 2.3 1966–76: the Cultural Revolution

The Cultural Revolution is the most notable example of the “explosion” of the “time bomb.” But, prior to it, there had already been several “small-scale” explosions.

In 1951, the CCP launched the “Thought Reform Movement” among intellectuals and scholars, which was aimed at getting rid of the bad influence of “old thoughts” (e.g. feudalism and capitalism) from their minds (Fairbank, 2006, pp. 359–64). In the same year, the party-state started another campaign to criticize the film *The Life of Wu Hsun* (武训传; *Wu Xun Zhuan*). The CCP, especially Mao himself, denounced the movie for it “fanatically to spread feudal culture” (Mao, 1977d, pp. 57–8). In the editorial that he wrote for *People’s Daily*, Mao pointed out: “The appearance of the film ‘The Life of Wu Hsun’, and particularly the spate of praise lavished on Wu Hsun and the film, show how ideologically confused our country’s cultural circles have become!” (Mao, 1977d, p. 57). Moreover, in 1954–55, the party-state waged two more campaigns to criticize the so-called “bourgeois idealism”: one

was targeted at Hu Shih and Yu Ping-po (Mao, 1977b, pp. 150–1) and the other focused on the counter-revolutionary Hu Feng clique (Mao, 1977e, pp. 176–82). And, as we all are aware of today, the “Two Hundreds Policy” was directly followed by the “Anti-Rightist Campaign” (MacFarquhar, 1966, pp. 261–91).

Enumerating these examples is not accusing the CCP of “saying one thing but doing another.” In fact, from the party-state’s point of view, these instances may have been consistent and coherent. All movements could be justified once the “struggle” escalated into “war” and everything became a “contradiction between enemy and us.” As long as the party-state still conceptualized the cultural area in terms of “class struggle,” the uncertainty and capriciousness seemed to be evitable. No one knows in which direction the “struggle” was moving and when it would move. This time bomb eventually led to the advent of the Cultural Revolution.

Two key phrases in understanding the Cultural Revolution are “take the class struggle as the key link” and “the proletarian dictatorship over the bourgeois.” Both phrases presuppose a clear enemy—the bourgeois. The class struggle between the bourgeois and the proletariat was a life-and-death war between the enemy and the people. Since Mao had increasingly believed that the new China was not totally controlled by the people, he reached the conclusion that the contradictions between the enemy and us still dominated the entire nation. The war, therefore, had to be waged to suppress and eliminate the enemy. Mao’s misjudgement turned Chinese society into a battlefield of total civil war.

The main reason for the radicalness of the 1975 Constitution is that the idea of “the people are masters of the country” was replaced by “proletarian dictatorship over the bourgeois in superstructure.” The ideal of “the people are masters of the country” only requires the people to master their own affairs. Like the idea of “competition,” this ideal does not presume the existence of an enemy. To manage their own affairs, people certainly will have different or even conflicting views on almost any subject, but all these differences and tensions belong to “contradictions among people themselves.” Therefore, they can be allowed and encouraged. However, once “the proletarian dictatorship over the bourgeois” replaced “the people are masters of the country,” “struggle” thus escalated into “war,” and every difference and conflict became “contradictions between enemy and us.” Rather than empowering the ordinary Chinese people, radical provisions such as the “Big Four Freedoms” were created to fight against “enemies.” From senior Party leaders to millions of ordinary citizens, they lost freedom of speech as well as other rights as soon as they were labelled as “enemies.”

Mao’s era left China with a mixed legacy. It contained some “good” or “pro-speech” aspects such as the commitment to democratic culture and the “Two Hundreds Policy.” But it also included some “bad” or “anti-speech” elements such as the idea of class struggle. When talking about inheriting tradition, Chinese people like to say: “Disregard the dross and pick the essence” (取其精华去其糟粕; *Qu Qi Zao Po, Qu Qi Jing Hua*). This is the same challenge as China was facing in dealing with Mao’s legacy: How to continue pursuing the ideal to promote a democratic culture while defusing the “time bomb”? The next section will explore how China “disregards the dross and picks the essence” in the post-Mao era.

### 3. The decline of the tradition: the Reform Era

This part focuses on 1976–2011, which covers Deng Xiaoping’s era, Jiang Zemin’s tenure, and most of Hu Jintao’s presidency. This period has been commonly called “the Reform Era” (Lieberthal, 2003, pp. 123–5). As “the great architect of the Reform and Opening Up,” Deng Xiaoping’s influence was profound. So, as the title of Ezra F. Vogel’s book suggests, this period can also be called “Deng Xiaoping’s Era” (Vogel, 2011, pp. 184–98). Since Mao’s

death in 1976, what China has undergone is no less than a revolution. This transformative period directly gave birth to the China that we live in today. This part examines the party-state's cultural and ideological policy in the Reform Era.

### 3.1 Deng's era: the policy of "no dispute"

#### 3.1.1 The positive consequences: shifting the focus from class struggle to economic construction

The Cultural Revolution is the key to understanding the Reform. One major goal of the Reform was to correct the wrongs of the Cultural Revolution and to prevent it from happening again. Thus, how the Party leaders conceived the Reform was heavily influenced by how they diagnosed the mistakes of the Cultural Revolution.

What had caused the tragedy of the Cultural Revolution? Both senior Party leaders and ordinary Chinese people believed that it was due to the idea of "class struggle" and endless ideological fights (Sixth Plenary Session of the 11th CPC Central Committee, 1981). So putting an end to "class struggle" became their prescription logically. In the historic "Resolution on Certain Questions in the History of Our Party since the Founding of the People's Republic of China," this prescription was phrased as "to disregard the slogan 'take class struggle as the key link'" and to make "the strategic decision to shift the focus of work to socialist modernization" (Sixth Plenary Session of the 11th CPC Central Committee, 1981). In short, if the idea of "class struggle" was the root of the Cultural Revolution, then eliminating it is defusing this bomb.

Since the Cultural Revolution was diagnosed as "over-ideologization," de-ideologization became a natural choice for reform (Wang, 2009, pp. 3–18). The most notable example in this regard is Deng Xiaoping's "No Dispute Policy" (不争论; *Bu Zheng Lun*). Deng Xiaoping, a pragmatist, briefly explained this policy as follows: "'No Dispute' is my invention, so as to have more time for action. Once disputes begin, they complicate matters and waste a lot of time. As a result, nothing is accomplished. No dispute; try bold experiments and blaze new trails" (Deng, 1994, p. 362).

The above statement tells us two things. First, Deng was very proud of his "No Dispute Policy." He explicitly declared this policy as his own "invention," which was a quite rare act for Chinese leaders. Second, this short statement was selected from the essay entitled "Excerpts from Talks Given in Wuchang, Shenzhen, Zhuhai and Shanghai," which was the very last essay of the *Selected Works of Deng Xiaoping*. In other words, this came from Deng's very last published speech. And he used this opportunity to stress the importance of "No Dispute."

As a cultural and ideological policy, "No Dispute" bears at least two meanings. First of all, it applies to controversies over specific policy questions. For example, respecting questions such as the special economic zones and the household contract responsibility system with remuneration linked to output, "No Dispute" requires people to give more time and patience to novel ideas and methods. To use Deng's own words, "No Dispute" means being allowed to "try bold experiments and blaze new trails." Second, and more broadly, "No Dispute" should also be the basic principle and philosophy that governs the cultural area. To avoid triggering another wave of ideological fight and class struggle, "No Dispute" means to deliberately put these problems aside. As Deng explained, "No Dispute" demands that people do NOT argue about fundamental ideological questions such as "whether we are taking the Socialist road or the Capitalist road" (Deng, 1994, p. 362). Questions concerning fundamental cultural and ideological problems should be put aside or left undecided. To a certain extent, "No Dispute" is a slogan that best characterized Deng's mindset and thinking. Deng's other famous sayings, such as "It doesn't matter whether the cat is black or white, as long as it catches mice" (不管黑猫白猫,抓住耗子就是好猫; *Bu Guan Hei Mao Bai Mao, Zhua Zhu Hao Zi Jiu Shi Hao Mao*) and "Crossing the river by feeling the stones" (摸着石头过河; *Mo Zhe Shi Tou Guo He*), shared the same pragmatist and de-ideologized wisdom.

The benefits and achievements of the “No Dispute” policy are obvious. First and foremost, since “No Dispute” has enabled China to concentrate on economic development instead of ideological struggle, it has built the foundation of China’s tremendous economic growth in past decades. Without “No Dispute” paving the way, China’s economic “miracle” would not have been possible.

Behind “No Dispute” is the shift in the way in which the party-state builds its legitimacy. Economic growth has replaced the utopian ideal and become the new source of legitimacy of the Party’s ruling (Guo, 2003, p. 25). In the post-Mao era, the CCP did not advertise itself primarily as a force that leads the Chinese people to realize the revolutionary ideal anymore. Instead, the CCP has become the one who can best develop economy and has created China’s economic “miracles.” As sociologist Zhao Dingxin has argued, China’s regime has undergone a transformation from an ideology-based revolutionary regime into a performance-based authoritarian regime since Mao’s death (Zhao, 2009, p. 422). This new legitimacy, as Zhao named it, is “the performance legitimacy” (Zhao, 2009, pp. 416–33; Chen, 1995, pp. 1–6). A more vivid expression of this “performance legitimacy” is another famous Deng saying—“Development is the absolute principle” (发展才是硬道理; *Fa Zhan Cai Shi Ying Dao Li*).

Besides economy, the policy of “No Dispute” also created a “Thaw” in post-Mao China. As discussed earlier, control and suppression usually occurred when a struggle had escalated into a war between the enemy and us. Therefore, ending “take class struggle as the key link” defuses this “time bomb.” Since the party-state does not conceptualize the problem of culture in terms of “class struggle” anymore, it has become extremely hard to turn the cultural area into a battlefield again. It has at least reduced the possibility of suppression. When Deng re-emerged after the Cultural Revolution, carrying out deregulation and de-ideologized reforms in areas of culture, art, education, and academics quickly became his top priority (Vogel, 2011, p. 197; Deng, 1984c, pp. 101–16; Deng, 1984b, pp. 119–26). Deng’s aim was clear: the inference and intervention of the state must be reduced to the minimum. In his “Speech Greeting the Fourth Congress of Chinese Writers and Artists,” one of Deng’s most important works in this regard, he sharply criticized the over-ideologized control on cultural and artistic construction during the Cultural Revolution:

The preposterous ways of Lin Biao and the Gang of Four undermined the Party’s leadership in literature and art and destroyed their vitality. In the production of literature and art, which involves complex mental labor, it is essential that writers and artists follow their own creative spirit. What subjects they should choose for their creative work and how they should deal with those subjects are questions that writers and artists themselves must examine and gradually resolve through practice. There should be no arbitrary meddling in this process. (Deng, 1984d, p. 206)

“No arbitrary meddling” captures the essence of Deng’s deregulation policies. Just like his deregulation reforms in economic area, “No Dispute” asked the government to stay back in the cultural area, too. Moreover, Deng actually tried to restore Mao’s pre-Cultural Revolution position. When proposing the “Two Hundreds Policy,” Mao criticized that using “administrative measures” to “impose one particular style of art or school of thought and to ban another” was “an over-simple manner” and that “the questions of right and wrong in the arts and science should be settled through free discussion in artistic and scientific circles and through practical work in these fields” (Mao, 1977c, p. 408). Likewise, Deng conveyed almost the same idea when he emphasized the importance of the “vitality” and independence of writers and artists as well as the uniqueness of “the production of literature and art.” “No arbitrary meddling” warns the state not to settle the problem of culture in “an over-simple manner.”

Guo Moruo, the then president of the CAS, famously used “a spring of science” to praise the robust and open atmosphere created by Deng’s Reform in 1978. To an extent, Deng’s “Thaw” was not only “a spring of science,” but also “a spring of culture and art.” It saved China from stifling and tightened air during the Cultural Revolution. Even today, many scholars and intellectuals still view the 1980s as the most tolerant and free time in history since 1949.

### 3.1.2 *The negative consequences: a vacuum in culture and values*

Unfortunately, while defusing the bomb, the party-state has overdone the de-ideologization. The “No Dispute” policy gave rise to a maybe unintended but far-reaching consequence—it has left a huge cultural vacuum in contemporary China. Since the beginning of “No Dispute,” the party-state has largely given up on its duties and commitment to cultural construction. Worried that bringing the problem of culture back to the stage would lead to another Cultural Revolution, the party-state would rather err on the side of inaction. In the Reform Era, the party-state did not have the ambition to promote a democratic culture. The problem of culture has not only been deliberately put aside; in fact, it has been largely overlooked and forgotten. When the old culture collapsed but there was no new one to fill in for it, a huge vacuum thus appeared.

Before the emergence of this vacuum, China had always had a common culture to support and unite the entire society. In traditional China, Confucianism had played such a role by providing the sources of norms, values, and ethics that guided the lives of ordinary Chinese people for more than 1,000 years (Qu, 2011, pp. 226–79). Yet, after the late Qing Dynasty, the Confucian tradition was first severely undermined by the May Fourth Movement and the New Culture Movement (Fairbank, 2006, pp. 266–9), and then was finally buried by the communist revolution (Fairbank, 2006, p. 393). In retrospect, whether Mao as well as the pioneers of the New Culture Movement should have taken such a hostile attitude towards Confucianism is debatable. But there is one thing for sure: the CCP quickly and successfully established a new culture, which was based on socialist and communist ideals, to replace the old one. In other words, Mao never left a vacuum in culture after he destroyed the old one.

As analyzed earlier, Mao’s revolutionary ideal was not only an arrangement for economic and political institutions (e.g. People’s Communes and Co-Operation in Agriculture); it also established a new system of culture. This new culture not only included various forms of artistic and cultural works; it was also a whole new set of norms, ethics, and values. It defined who the Chinese people were and what their way of life was. There have been many pieces of literature that have uncovered the connections and similarities between Marxism and Christian theology (see Lowith, 1949, pp. 33–51; Lowith, 1964, pp. 235–377). To a certain degree, the role of communism in Mao’s era was indeed similar to that of religion: it not only provided a set of moral standards and principles that guided everyone’s daily lives; it also promised a utopia—the realization of communism—that people were willing to believe and sacrifice. Today, many old Chinese people are still lamenting Mao’s years, partly because that was a time at which people had faith, ideals, and higher moral standards.

The end of the Cultural Revolution, however, officially declared the bankruptcy of this utopia. Someone might even predate its collapse to Lin Biao’s death after his fleet in 1971 (Spence, 2013, p. 555). Severely suffering from the chaos and tragedy of the Cultural Revolution, both senior Party leaders and ordinary Chinese people lost their faith in the Maoist utopian ideal. As a result, “Resolution on Certain Questions in the History of Our Party since the Founding of the People’s Republic of China” pronounced that the CCP’s focus had shifted to economic development. Since economic growth had replaced utopian ideal as the new source of legitimacy, the CCP did not have any strong incentive to invest

in cultural construction. Just like the slogan “Development is the absolute principle” illustrated, the party-state envisioned the reform and development as a panacea—they hoped economic growth could eventually solve all problems.

But money or economic development is not the solution to all problems. The old culture collapsed, but a new culture did not emerge from the transformation. A cultural and moral vacuum thus appeared. Given that China had been a country that lacked either a religious tradition or an American-style “civic religion” in the Constitution, it became especially difficult for China to find the new source in order to reconstruct its culture and value. At a higher level, the Chinese people did not have an ideal or faith to believe in and pursue; at a lower level, China lacked a value system that could provide people with ethics, morals, and norms in everyday life. Consequently, “put money above everything else” (一切向钱看; *Yi Qie Xiang Qian Kan*) had become many people’s motto.

In the meantime, rapid economic growth had drastically increased the income inequality and enlarged the gap between rich and poor as well as urban and rural areas (Roberts, 2014; Wong, 2013). All these finally gave rise to the pervasiveness of materialism, consumerism, and nihilism in contemporary Chinese society. In the years before the COVID-19 pandemic, the most prominent images of Chinese people in Western media probably showed either wealthy Chinese women purchasing luxury handbags at Hermes or Chanel stores or billionaires buying luxury apartments in Manhattan or California. According to some surveys, China had become the most materialistic country in the world (IPSOS, 2013). More than 71% of Chinese people said that they gauged their success significantly by the things they owned (IPSOS, 2013). In India, which ranked at No. 2 in the survey, the number was only 58 % and, in the US, the number was 21% (IPSOS, 2013). Moreover, around 68% of Chinese interviewees claimed that they “feel under a lot of pressure to be successful and make money,” which also ranked at No. 1 among all surveyed countries (IPSOS, 2013).

Many authors and observers began to use Mark Twain’s “the Gilded Age” to describe this transformative China (Yin, 1994). Some concluded that China’s moral crisis had “no end in sight” (Ci, 2014, p. 24). For them, China’s transition in the post-Mao era may have been politically in order, but definitely was “moral disorder” (Ci, 2014, pp. 24–36). This was also the time when all kinds of religions or even cults burgeoned and spread rapidly in China. Since the party-state no longer provided culture and value, people could only look for other sources.

The party-state was not unaware of this vacuum. They made at least two major moves as a response. First, the Party launched the Anti-Spiritual Pollution Campaign in the early 1980s (Gold, 1984, pp. 947–74; Larson, 1989, pp. 37–71). As the name of the campaign indicates, the CCP waged this movement because the leaders of the CCP believed that a large number of populations had lost their faith in socialism and the communist ideal, and had been “polluted” by bourgeois ideas. Thus, the purpose of this campaign was to eliminate “un-Marxist” or bourgeois tendency from people’s minds. As a campaign, “the Anti-Spiritual Pollution” was controversial and, to a certain degree, could not be said to have been successful (Vogel, 2011, pp. 563–8). But the party-state decided to wager that such a campaign proved that the vacuum in culture and value was severe enough. On the other hand, the failure of this campaign also revealed the party-state’s incapability and powerlessness with regard to culture and ideology at that time. In a sense, they could only play defence instead of offence.

The party-state’s second move was the introduction of the idea of “spiritual civilization” (精神文明; *Jing Shen Wen Ming*). According to Deng’s account, “spiritual civilization” included not only “education, science and culture,” but also “communist thinking, ideals, beliefs, morality and discipline, as well as a revolutionary stand and revolutionary principles, comradely relations among people, and so on” (Deng, 1984a, p. 348). As we see, under the name of “spiritual civilization,” Deng in fact tried to propose a

new system of culture and value. In the CCP's vocabulary, "spiritual civilization" usually accompanied "material civilization" (物质文明; *Wu Zhi Wen Ming*), which mainly refers to the development of economy and welfare. Coining the concept of "spiritual civilization" demonstrated that the party-state had realized that merely focusing on economic development ("material civilization") was not enough.

"Spiritual civilization" thus served as a warning or reminder. It implied that, while focusing on building "material civilization," we should never forget or ignore "spiritual civilization." Or, as Deng put it, in balancing the relationship between material civilization and spiritual civilization, we must be "doing two jobs at once and attaching equal importance to each." Such an emphasis on "doing two jobs at once and attaching equal importance to each" was a recurring theme in the third volume of *Selected Works of Deng Xiaoping*. Deng's heavy emphasis demonstrated the great severity of the cultural vacuum.

### 3.2 Jiang and Hu's era: following Deng's path

After Deng's retirement in 1992, both of Deng's successors—Jiang Zemin and Hu Jintao—largely followed Deng's path. As a result, focusing on economic construction and implementing the "No Dispute" policy was still the main theme.

Economically, both Jiang and Hu adhered to Deng's instruction of "taking the economic construction as the center." China's has continued to grow fast during Jiang and Hu's decades, with roughly an average 10% GDP growth per year (Worldbank.org, 2022). More significantly, for the first time, "the socialist market economy" was recognized and written down in the Party's official document in the 14th National Congress in 1992 (Jiang, 2006c, pp. 210–54). Market economy—an idea that seems to be alien to the orthodox Maoist understanding of socialism—officially became one of the CCP's ultimate goals. Equally importantly, in 1997, the 15th Party Congress decided to incorporate "Deng Xiaoping Theory" as one of the Party's "guides to action" into the Constitution of the CCP. Deng Xiaoping Theory, the theory and justification of China's Reform, had begun to enjoy the same status as Marxism-Leninism and Mao Zedong Thought. All the above signalled that the shift from "class struggle" to "economic construction" had been finally consolidated.

Culturally and ideologically, Jiang and Hu followed the spirit of "No Dispute" too. Interestingly, people even find two catchphrases that are similar to "No Dispute" to characterize Jiang and Hu's presidencies. The catch phrase that describes Jiang's years is "making money quietly" (闷声大发财; *Men Sheng Da Fa Cai*), which has already become a meme on the Chinese Internet. It came from famous leaked footage in 2000 that recorded Jiang Zemin's criticism of a Hong Kong journalist. Enraged by the journalist who kept asking whether the central government had already picked Tung Chee-hwa as chief executive before re-election, Jiang unhappily told the journalist that she clearly needed to learn an important lesson from the Chinese tradition. "There is an old Chinese saying: making money quietly," Jiang said. This sentence quickly became a meme in Chinese cyberspace, for it vividly captured the subtle atmosphere of Chinese society.

In essence, "making money quietly" implies that asking "unnecessary" questions is a waste of everybody's time and doing harm to everyone. On the contrary, people could all benefit if everyone keeps their mouth shut. In a sense, "Making money quietly" shares the same wisdom with "No Dispute." "Making money" equals focusing on economic construction; and "being quite" can be interpreted as asking people not to dispute for "unnecessary" cultural and ideological questions. Put together, both Deng's "No Dispute" and Jiang's "Making money quietly" tell people: saying or debating things that are unnecessary is doing people no good. In contrast, keeping your mouth shut and focusing on making money (developing economy) would make everyone's life better.

So is Hu Jintao's "*Bu Zhe Teng*" (不折腾). "*Bu Zhe Teng*" probably is Hu's only phrase that has been widely quoted and speared by ordinary Chinese people. Literally, "*Bu Zhe Teng*"

means “no trouble-making” or “no Z-turn.” Hu used this phrase in his opening speech at the Meeting Marking the 30th Anniversary of Reform and Opening Up, the highest-level conference that the CCP held to celebrate Deng Xiaoping’s Reform. Hu summarized “*Bu Zhe Teng*” as one of the most important lessons that China had learned from the past (Hu, 2009). In Hu’s view, the endless class struggle and ideological fight during the Cultural Revolution was no doubt “trouble-making.” And taking “Z-turn” refers to picking up the issues that have been deliberately put aside and retrogressing to the Cultural Revolution again.

In this sense, “*Bu Zhe Teng*” echoed the instruction of “No Dispute” and “Making money quietly.” Hu defined Mao’s death as a time at which “the Party and the nation had to make political decisions and the strategic choice vital to the fate of the Party as well as the nation” (Hu, 2009). Hu highly praised that, at this historic moment, Deng Xiaoping and other Party leaders correctly repudiated the slogan “take the class struggle as the key link” and made “make economic development the central task of the Party” (Hu, 2009). To “realize our ambitious plans and end goal,” Hu stressed that “*Bu Zhe Teng*” should also be the spirit that we must resolutely follow and push forward (Hu, 2009).

While following Deng’s “No Dispute” policy, Jiang and Hu realized China’s cultural vacuum and the need for cultural reconstruction. Like Deng’s “spiritual civilization,” they have each taken actions to improve the situation. The most prominent example in Jiang’s era was the launch of “the rule of virtue” (以德治国; *Yi De Zhi Guo*) in 2000. After the official report of the 15th Party Congress first incorporated “rule of law” in 1997 (Jiang, 2006b, p. 28), four years later, Jiang further developed his ruling philosophy into “combing rule of law and the rule of virtue together” (Jiang, 2006a, pp. 199–201). Jiang’s highlight of virtue and the moral dimension of governance are of great significance. And this significance must be understood along with the concept of “rule of law.”

For years, China has held a narrow understanding of “rule of law.” “Rule of law” has been viewed basically as a necessity for market economy—the most famous version of such a view is economist Wu Jinglian’s “the function of rule of law is escorting the market economy” (Wu, 2007, pp. 97–108). So it would be much easier for the CCP leaders to accept “rule of law,” at least their understanding of “rule of law,” because this concept can contribute to the central task of the party-state—economic construction. In contrast, virtue or moral has been treated as something alien or even contradictory to rule of law and market economy. To a certain degree, “rule of virtue” is an unpopular concept that could be attacked by people who come from both left and right. For example, if someone talks about “virtue” or “rule of virtue,” he might either be attacked by the Marxists for advocating for feudalistic morals or be criticized by liberal-minded people for supporting “the rule by man” (人治; *Ren Zhi*). Thus, it was very novel and even courageous for Jiang Zemin to propose the idea of “rule of virtue.” It showed that the CCP leaders had gradually realized that good governance and legitimacy did not merely come from economic growth; the cultural and moral dimension of governance should not be neglected.

Similarly, Hu Jintao’s “Eight Honors, Eight Disgraces” and incorporating the Core Socialist Value into the 2018 Constitutional Amendment should also be understood from this perspective. Our discussion focuses on the former one here. “Eight Honors, Eight Disgraces” has aroused controversy since the day it was born. When the state has to wage such a massive campaign to “market” these most basic values and norms, it shows that the value vacuum and moral decay in today’s China are clear and present. However, just like the unpopularity of “spiritual civilization,” one may wonder how likely it was that these kinds of top-down efforts to impose culture and value on people could succeed.

To sum up, the legacy of the Reform Era is twofold. On the one hand, by officially ending “take class struggle as the key link” and shifting China’s focus to economic construction, the party-state has successfully defused the time bomb and created China’s economic miracles. On the other hand, however, the policy of “No Dispute” has led the party-state to

give up its duties and commitment in cultural construction. The tradition to promote a democratic culture has been lost. It has created a huge vacuum in culture and value in contemporary Chinese society.

#### 4. Epilogue

As China continues developing, its cultural vacuum has become increasingly salient. Contemporary China is like a giant who stands on only one foot: the bigger he gets, the more unstable he is. Internally, present-day China lacks enough innovative and inspiring cultural and artistic works in areas such as literature, music, film, and painting; the entire society lacks a common culture that could serve as the source of values, ethics, and norms. Externally, the vacuum in culture is also exemplified by the absence of “soft power.” As a “world factory,” while “Made in China” products are shipping everywhere, the “exports” of Chinese culture and Chinese cultural products are disappointing. The Chinese culture lacks a clear image. It fails to answer what is China’s aspiration and commitment; it is about who we are and what we stand for; it is also about what is the Chinese way of life. So far, the party-state can still build its legitimacy on economic development but, if China’s rapid economic growth cannot continue one day (this might have already occurred), where will the new source of legitimacy come from?

In 2011, the CCP held the Sixth Plenum of the 17th Party Congress, which pronounced the “Decision on Major Issues Pertaining to Deepening Reform of the Cultural System and Promoting the Great Development and Flourishing of Socialist Culture” (“Decision on Cultural Construction”) (Sixth Plenary Session of the 17th CPC Central Committee, 2011). It is the very first time that the CCP chose “culture” as the topic for a Plenum. Moreover, on 15 October 2014, Xi Jinping convened a new Forum on Literature and Art in Beijing (Xi, 2017, pp. 343–51). From its name and topic to its form, this conference imitates Mao’s Yan’an Forum in 1942. To a certain degree, these instances may indicate that the party-state has decided to confront the problem of cultural vacuum in contemporary China. Culture may have been back in the centre again. The Decision on Cultural Construction and the Talk at the Forum on Literature and Art in Beijing have set the tone for past years. The latest 20th Party Congress, especially its emphasis on “cultural confidence,” “people-oriented socialist culture,” and “ignite the cultural creativity of the entire nation,” basically echoes the above two documents (Xi, 2022). In the foreseeable future, the direction and framework of cultural and ideological areas will likely still be set by them.

This process—China’s long march towards cultural reconstruction—is still developing. Nonetheless, the trend is discernible. By tracing the top-down ideological and cultural policy of the party-state, this article demonstrates that “the people should be masters in the cultural area” is not merely a noble ideal written in the Chinese Constitution; instead, it is deeply rooted in the party-state’s tradition of promoting a democratic culture. Of course, the possibility of revival does not promise a free market-place of ideas in China. But “don’t be too optimistic” does not mean that people should be pessimistic. As analyzed earlier, uncovering this tradition can first help us recognize the two roles that the party-state can play vis-à-vis personal rights. Isaiah Berlin famously distinguished two kinds of liberty: negative liberty and positive liberty (Berlin, 1970, pp. 118–34). While the former refers to the absence of obstacles, barriers, and constraints—the freedom from something—the latter is the possibility of acting in such a way as to take control of one’s life and realize one’s fundamental purposes—the freedom to do something (Berlin, 1970, p. 169). In light of Berlin’s dichotomy, the duty of the party-state can also be divided into two categories. On the one hand, the state has negative obligations and duties to leave people alone and not to interfere. On the other hand, its positive or activist duties also necessitate the state to help and support citizens to exercise their positive rights (Moller, 2015,

pp. 30–41). In Owen Fiss’s words, the state should meet its duties to facilitate, subsidize, and encourage (Fiss, 1996, pp. 27–9). In light of these two roles, at least in the cultural area, though China may not have a good record of complying with its negative duties, it nonetheless has had a strong tradition and commitment to fulfilling its positive duties. Given this, our mission to promote the right to cultural construction and free speech in general also becomes “twofold.” While supervising the party-state to comply with its negative duties, at the same time, we should make it fulfil its positive duties and obligations. Unfortunately, the oversimplified libertarian mindset usually focuses too much on the first task but largely overlooks the second one.

At the outset of this article, I suggested that, in order to achieve something in China, the combination of top-down and bottom-up is essential. Rather than simply rejecting anything proposed by the party-state, we should realize that, other than enemies, the state could also be the friend of free speech (Fiss, 1996, p. 2). A smarter and more pragmatic attitude is to take full advantage of what the party-state has promised and try our best to hold them to their promises. Yet, emphasizing the party-state’s positive duties does not mean that we can sit tight. As this article has demonstrated, the most the party-state can do is create a culture “for the people”—the party-state can do no more than set the stage and create the condition. Borrowing the words from the party-state, the best the government could do is to “create a positive atmosphere of encouraging cultural creation through society” (Sixth Plenary Session of the 17th CPC Central Committee, 2011). However, “the people are the deepest source of strength” in cultural construction, and the key is to “unleash the creativity and vitality of the people” (Sixth Plenary Session of the 17th CPC Central Committee, 2011). A democratic culture—a culture of the people, by the people, for the people—can and should only be created by people themselves. How to unleash the creativity and vitality of “We the Chinese People” in cultural reconstruction is a question posed both to the party-state and people themselves.

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