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The Unfreedom of Wage Labour
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概念社會運動視野下的群體性事件研究
謝君雨



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謝君雨 將於今年6月份從中國人民大學國際關係學院政治學與行政學專業本科畢業，為中國人民大學國際關係學院政治學系研究助理，政治學本科班學習委員，研究領域為比較政治學。曾出版學術文章「從革命黨到執政黨的轉型—中共八大到十七大黨代會報告以及歷年文章的文本分析」貴州；《貴州社會主義學院學報》2011年第四期。

A Defence of Relational Concept of Equality

Chan Ka Ming

The Chinese University of Hong Kong

Abstract Upon the debate concerning equality, there are two main strands of thought. One is the luck egalitarianism and the other is the relational conception of equality. Their key contention rests on how certain choices can justify inequality. In this essay, I attempt to defend the latter conception. Firstly, I will clarify the content and desirability of the relational conception, arguing that it is anchored on the conception of equality which has its social and political dimension, rather than fetish on certain distributive pattern that reflects choices purely. Secondly, I will draw into luck egalitarianism as comparison in order to demonstrate its problems regarding the metaphysical status of category of choice and would argue how it fails to satisfy the ideal of equality. Lastly, I will articulate the significance of choice and unchosen circumstances within the framework of relational conception of equality and reply to the possible counter-argument.

Introduction

Not every theory that favors equality in some respect is best interpreted as being motivated, ultimately, by a conception of what equality requires.¹

The above quote written by Samuel Scheffler in his article “What is Egalitarianism?” certainly reveals the contemporary debate about two diverse conceptions of equality. In his article, Scheffler aspires to argue that distributive conception of equality, which is the luck egalitarian interpretation of the ideal of equality, is not persuasive and even implausible. In terms of distributive conception of equality, Scheffler conceives that it often focuses on something which should be allocated or distributed equally. Though there are internal discussions on candidates for equalization (e.g. welfare, resources, access to advantage etc.), the luck egalitarian problematique does not deviate. The investigation on the correct metric of equality among luck egalitarian is always conducted on the basis of refining its choice and circumstance distinction approach, in which different advantageous

1. Samuel Scheffler, “What Is Egalitarianism?,” *Philosophy and Public Affairs* 31, no. 2 (2003): 17.

and disadvantageous outcomes would be channeled under the suitable heading to check whether redistribution is required. For the sake of argument, the core idea of luck egalitarianism can be summarised as this: inequalities deriving from people's voluntary choices are acceptable, whereas inequalities deriving from unchosen features of people's circumstances are unjust.²

However, Scheffler does not find this distributive conception of equality convincing. He considers that the kernel of the value of equality should lie on a normative conception of human relations, instead of merely focusing on ascertaining what should be distributed equally.³ Thus, according to Scheffler, the primary concern of equality is to ensure that social, political and economic arrangements can be compatible with that conception.⁴ At this point, I want to unfold the definition of relational conception of equality that Samuel Scheffler has been defending persistently throughout his works. Regarding relational conception of equality, it claims that (1) equality should be interpreted as an ideal governing relation in which people stand to one another. And in view of this, (2) human relations must be conducted on the basis of an assumption that *everyone's life is equally important, and that all members of a society have equal standing*.⁵ In my opinion, these two premises are of utmost importance if one tries to discern and develop the relational conception of equality.

In this essay, I am going to defend the relational view. My essay is organised as follows. In section I, I will clarify the definition of relational conception of equality more meticulously so as to consolidate the view that the relational conception is anchored on the conception of equality as a social and political ideal. Based on this clarification, I will then tease out the implications about both the moral responsibility that we owe to each other and the social form derived from this moral responsibility. And I will attempt to infer the desirability of the relational conception. Next, in section II, I will draw into the distributive conception as comparison in order to demonstrate that any desirable form of egalitarian principles should root on the normative

2. Ibid., 5.

3. Ibid., 31.

4. Ibid.

5. Ibid., 22.

ideal of human relations, instead of the metaphysical status of category of choice. Within this discussion, I will illustrate that luck egalitarian who adopts the metaphysical distinction between voluntary choices and unchosen circumstances as distributive principle is problematic. Accordingly, I will argue that the luck egalitarian distributive principle fails to express and ensure moral responsibility that we owe to each other in two ways. They are “starting-gate constraint” and moralism. To make it clear, the kind of moral responsibility that we owe to each other which I will specify is equal self-respect. In short, in this section, I will assert that the choice and circumstance distinction approach cannot realise the moral responsibility mentioned above. Finally, with the clarification and comparison as background, I will articulate the significance of choice and unchosen circumstances within the framework of relational conception of equality in the last section, and reply to the possible counter-argument to the relational conception of equality in section III.

I hope all the arguments I am defending for will make it clear that any desirable egalitarianism ought to be founded on social arrangements in which individuals relate to others with an equal standing. From my point of view, the relational conception of equality can embrace this notion, but not the luck egalitarian.

I

As I have noted, Scheffler has been arguing for the relational conception of equality throughout his recent articles. In “Choice, circumstance, and the value of equality”, he claims that participants within a particular relationship must work out the conditions for themselves in order to judge whether the relationship is egalitarian or not. To correspond to that, he depicts certain conditions of a relationship that can be described as egalitarian in nature. Firstly, the divisions of authority and labor involved in a relationship must be established by every participant for themselves. Secondly, they must also establish the patterns of mutual dependence that will characterise their dealings among themselves. Lastly, participants must determine how a relationship of equals can be sustained though there is role

differentiation.⁶ This portrayal of the conditions underlying an egalitarian relationship is really helpful in providing guidance for us to master the relational conception of equality, of which concerning with the relationship that members within a political society owe to one another.

If we use this portrayal of the conditions underlying an egalitarian relationship as lens to inspect the definition of relational conception of equality I have articulated in the introduction, it would be clear how equality can be understood as a moral ideal, a social ideal and a political ideal as outlined by Samuel Scheffler. In terms of moral ideal, it declares that all individuals are of equal worth and that there are some claims that people are entitled to demand on others simply based on virtue of their status as persons.⁷ Regarding equality as a social ideal, it asserts that human society must be arranged as a cooperative institution among equals, in which each member possesses the right to have the same social standing.⁸ In the matter of political ideal, it emphasises the claims that citizens are entitled to make on each other simply by virtue of their status as citizens, without the necessity of giving a moralised account of their particular circumstances.⁹ That is to say, the political ideal stresses on the significance of the rights acquired in view of a person being citizen *per se*, regardless of one's social circumstances (i.e. social class, religious or ethnic affiliation, or ascribed identity) and natural endowments (i.e. talents, decision-making skill, charisma).¹⁰ Pulling all the threads together, we can discern that relational conception of equality does not seek to eliminate all the undeniable differences on the morally arbitrary factors among individuals, especially personal traits, abilities, and other circumstances that cannot be taken away.¹¹ In my opinion, the relational conception abstains from neutralizing the "brute luck" is not merely due to its impossibility, but also due to its implausibility. It is because, according to the relational view, equality should concern primarily the preservation of its own fundamental

6. Samuel Scheffler, "Choice, Circumstance, and the Value of Equality," *Politics, Philosophy and Economics* 4, no.1 (2005): 18.

7. Scheffler, "What Is Egalitarianism?," 22.

8. *Ibid.*

9. *Ibid.*

10. *Ibid.*

11. *Ibid.*, 21.

normative vision of a society in which all members should be secured with equal worth and an equal standing, instead of entangling with the undeniable contingencies among people.¹² This promise on the equal moral worth of a person and equal standing towards one another, with the proper social and political arrangements anchored on this promise, truly grants the moral force of the relational conception of equality. And the pledge on equal footing within a society marks precisely the ultimate difference between the relational conception and the distributive conception—therein lays the account why the former conception is more convincing than the latter.

Based on the above clarification, we can now move on to the implications about the relational conception of equality regarding both the moral responsibility and its putative social form. In point of moral responsibility, the relational view would beyond dispute take John Rawls' defensive account on responsibility as its starting point, which aims at responding to the conservative challenges in terms of the causes of inequality and about the reasons for which individuals are held accountable.¹³ In *A Theory of Justice* Section 17, Rawls argues that none of the morally arbitrary factors mentioned before, including natural talents and traits of character, can individuals plausibly be held responsible.¹⁴ On the strength of this claim, he thus deems that it is no more justified to hold an individual responsible for economic inequality which may be attributed to their unchosen circumstances than it is to hold one responsible for his own unchosen circumstances *per se* that we do not deserve due to their moral arbitrariness.¹⁵ And the entire defensive argument is expressed as follows:

There is a natural inclination to object that those better situated deserve their greater advantages whether or not they are to the benefit of others. At this point it is necessary to be clear about the notion of desert. It is perfectly true that given a just system of cooperation as a scheme of public rules and the expectations set up by it, those who, with the prospect of improving their condition, have done what the system announces that it will reward are entitled to their advantages. In this sense the more fortunate have a claim to their better situation; their claims are legitimate expectations established by social institutions, and the community is obligated to meet them. But

12. *Ibid.*, 21–22.

13. Scheffler, "Choice, Circumstance, and the Value of Equality," 8.

14. *Ibid.*, 7.

15. *Ibid.*

this sense of desert presupposes the existence of the cooperative scheme; it is irrelevant to the question whether in the first place the scheme is to be designed in accordance with the difference principle or some other criterion.

Perhaps some will think that the person with greater natural endowments deserves those assets and the superior character that made their development possible. Because he is more worthy in this sense, he deserves the greater advantages that he could achieve with them. This view, however, is surely incorrect. It seems to be one of the fixed points of our considered judgments that no one deserves his place in the distribution of native endowments, any more than one deserves one's initial starting place in society. The assertion that a man deserves the superior character that enables him to make the effort to cultivate his abilities is equally problematic; for his character depends in large part upon fortunate family and social circumstances for which he can claim no credit. The notion of desert seems not to apply to these cases. Thus the more advantaged representative man cannot say that he deserves and therefore has a right to a scheme of cooperation in which he is permitted to acquire benefits in ways that do not contribute to the welfare of others. There is no basis for his making this claim.¹⁶

In this passage, John Rawls is actually trying to dispute against the conservative objection that those who are relatively well-off deserve greater economic advantages than they would be assigned by difference principle or any other candidate principle of justice.¹⁷ In fact, we can witness that Rawls has made four claims in response to this objection. First of all, he argues that although individuals are entitled to whatever economic advantages just institutions have led them to expect, the legitimacy of such expectations itself must attach on a prior conception of justice.¹⁸ That means there cannot be any appeal to institutional expectations, no matter legitimate or not, that can justify disapproval to the difference principle or any other candidate principle of justice.¹⁹ The second claim holds that individuals do not deserve their natural abilities and personal traits.²⁰ In consequence, the third claim asserts that the relatively well-off do not deserve greater economic benefits because those advantages are acquired by their undeserved natural abilities and personal traits.²¹ The last claim declares that, since the

16. John Rawls, *A Theory of Justice* (Cambridge, Massachusetts: Harvard University Press, 1971), 103–04.

17. Samuel Scheffler, "Justice and Desert in Liberal Theory," *California Law Review* 88, no. 2 (2000): 974–75.

18. *Ibid.*, 975.

19. *Ibid.*, 981.

20. *Ibid.*, 975.

21. *Ibid.*

relatively affluent do not deserve their natural abilities and personal traits, they are not entitled to claim that they deserve the establishment of institutions that would reward those who possess such undeserved natural attributes.²²

This elucidation on the moral arbitrariness of natural attributes and social contingencies is significant for us to discern the picture about the notion of moral responsibility under the framework of the relational conception. From above, we can understand that the reason why Rawls draws on the moral arbitrariness of natural attributes and social contingencies. The rationale behind is never because Rawls is aiming at extinguishing all the "brute luck" ultimately.²³ Instead, as I mentioned before, the rationale is to undermine the conservative enterprise arguing that those who are more talented or hard-working deserve greater economic benefits, for this conservative argument is actually justifying "the system of natural liberty" that permits people to compete with each other within an unregulated market, with minimal moral demand requiring individuals simply to respect others' basic liberties and formal equality of opportunity.²⁴ But after all, Rawls has wittingly shown us that the conservative challenge is morally unauthentic because the distribution of the morally arbitrary factors has no moral ground. What is more important, the conservative challenge is morally spurious in the sense that it is inconsistent with the idea that individuals should have equal standing within a society.²⁵ Hence, we can interpret this defensive argument concerning moral responsibility is in fact founded on a vision that we want to ensure that all citizens can relate to one another as equals within the social and political arrangements, and that we take seriously the interests to develop and pursue our irreducibly heterogeneous rational life plans are of equal importance within a fair cooperative framework.²⁶ At this point, we can thus articulate the connection between the relational conception of equality that argues equality as moral, social and political ideals and Rawlsian view about moral responsibility regarding the morally arbitrary factors.

22. *Ibid.*

23. Scheffler, "What Is Egalitarianism?," 25.

24. *Ibid.*, 25–26.

25. *Ibid.*, 26.

26. *Ibid.*, 25–26.

To put a step further, such vision of relational conception of equality is actually constituted by the idea that we are morally bound to ensure that others, like us, can enjoy *an equal degree of self-respect*. For the definition of self-respect, I would like to introduce the one written by Rawls, expressed as follows:

We may define self-respect (or self-esteem) as having two aspects. First of all, as we noted earlier, it includes a person's sense of his own value, his secure conviction that his conception of his good, his plan of life, is worth carrying out. And second, self-respect implies a confidence in one's ability, so far as it is within one's power, to fulfill one's intentions. When we feel that our plans are of little value, we cannot pursue them with pleasure or take delight in their execution. Nor plagued by failure and self-doubt can we continue in our endeavors. It is clear then why self-respect is a primary good. Without it nothing may seem worth doing, or if some things have value for us, we lack the will to strive for them. All desire and activity becomes empty and vain, and we sink into apathy and cynicism.²⁷

From this definition, it is at once clear why I claim that we are morally owed to each other with equal self-respect. It is because only under a condition of equal self-respect can individuals, who are taken to have the capacity for a sense of justice and a capacity to develop, pursue and revise his rational life plan that is the foundation to his own good, stand as free and equal. Therefore, the fundamental aim of relational conception of equality is to identify a distributive scheme that is best suited to safeguard this moral obligation that we owe to one another, but never fetish on a single distributive pattern showing little or even no concern on this moral requirement.

After teasing out the moral responsibility that we owe to one another, we can indeed speculate the general picture of the social form of the relational conception of equality without many difficulties. By means of taking equal self-respect into account, it follows that we should limit the forms of hierarchy and the degrees of inequality that justice permits so that the confident sense of our own worth can then be sought.²⁸ In another word, the social form derived from this moral responsibility must not be a rigid hierarchical order since a society structured by hierarchical distinctions, which can tolerate patterns of deference and privileges, would certainly bring about a devastating

27. Rawls, *A Theory of Justice*, 386.

28. *Ibid.*, 107.

constraint on human freedom.²⁹ More than that, the patterns of deference and privileges that are entrenched into different social and political arrangements would undeniably distort people's attitudes toward themselves, encouraging an implicit sense of superiority, and most importantly, diminishing self-respect of those who are lying at the base of the hierarchical order.³⁰ Hence, the social form derived from this moral responsibility of equal self-respect ought to be a modern democratic society in which citizens relate to one another as equals. It is because a society being a fair system of cooperation among free and equals can, on the one hand, meet the requirement of equal self-respect by allowing normative convergence among individuals to pursue their undeniably heterogeneous conceptions of the good even though their values and moral outlooks may diverge distinctively with that of others.³¹ Besides its pluralistic character, an egalitarian society, in which enhancement on freedom of interpersonal exchange and truthful relations among people is possible, can on the other hand guarantee mutual respect and self-respect of its members.³² As such, an egalitarian society which does not undermine self-respect will never compromise human flourishing.³³ I think these are the values of relational conception of equality that account for its desirability. Yet, I do have reservation whether the distributive conception of equality can acknowledge the above notions. Next, in the following section, I am going to demonstrate how luck egalitarian reliance on the metaphysical status of category of choice would violate self-respect, thus making it indefensible and morally undesirable.

II

In his article "On the Currency of Egalitarian Justice", G. A. Cohen praised Ronald Dworkin's luck egalitarian scheme had made a smart move within the current debate about egalitarianism, saying that "Dworkin has, in effect, performed for egalitarianism the considerable service of incorporating within it the most powerful idea in the arsenal of the anti-egalitarian right: *the idea of choice and responsibility*".³⁴

29. Scheffler, "Choice, Circumstance, and the Value of Equality," 19.

30. *Ibid.*

31. *Ibid.*, 18.

32. *Ibid.*, 19.

33. *Ibid.*

34. G. A. Cohen, "On the Currency of Egalitarian Justice," *Ethics* 99, no. 4 (1989): 928.

This comment truly expresses the luck egalitarian vision towards the ambitious and affirmative role of responsibility. Contrary to the defensive argument of responsibility, the affirmative argument asserts that the design of social and political institutions should be arranged in accordance to the principle of responsibility.³⁵ Regarding principle of responsibility, it is actually defined by Brian Barry as “the principle that unequal outcomes are just if they arise from *factors* for which individuals can properly be held responsible, and are otherwise unjust.”³⁶ Endorsing the principle of responsibility as fundamental norm of political morality, luck egalitarian takes voluntary choices as the *factor*. With this interpretation, it thus follows that inequalities deriving from individuals’ voluntary choices are acceptable whereas inequalities deriving from individuals’ unchosen circumstances are unjust. However, I assuredly think that this core idea of distributive conception of equality misrepresent the nature of egalitarianism. For the sake of arguing that luck egalitarian has misconceived the value of equality, I will demonstrate two major problems encountered in the luck egalitarian principle due to its commitment on category of choice. The two problems are “starting-gate constraint” and moralism. In the course of justification, my focus is luck egalitarian’s failure to recognise equal self-respect, let alone to say ensuring it.

To begin with, let’s imagine the state of affairs if we apply the luck egalitarian principle perfectly to our daily experience. Suppose an uninsured driver carelessly makes an illegal turn causing him a traffic accident, and he is heavily wounded. Then, the pedestrians at the scene call the medical centre and report the responsible agent of the accident. When the medical technicians arrive and discover that the driver is uninsured, they can justifiably deny the driver from any urgent medical aid, for the faulty driver chooses not to purchase the insurance scheme.³⁷ Yet, we surely do not find this abandonment of negligent victims morally plausible. It is morally implausible in the sense that we would not give the status of choice this kind of degree of difference and significance, as a matter of life and death.³⁸ To make this argument

35. Scheffler, “Choice, Circumstance, and the Value of Equality,” 8.

36. Brian Barry, “Does Responsibility Undermine Equality?” (paper presented at the Workshop in Law, Philosophy, and Political Theory, University of California, Berkeley, March 20, 2003).

37. Elizabeth Anderson, “What is the Point of Equality?,” *Ethics* 109, no. 2 (1999): 295.

38. Scheffler, “What Is Egalitarianism?,” 18.

more striking, let’s assume there is another insured passenger in the car is also heavily wounded. In this case, would we argue that there is obligation to save the passenger only, but no obligation to rescue the negligent driver and leave him to death? The answer is absolutely not. I think the rationale supporting our moral sentiment can be explained by the fact that luck egalitarian refusal to offer aid to victims of bad option luck is actually depriving the victims with equal respect and concern.³⁹ To put it another way, the treatment of luck egalitarian, in all conscience, excludes a sector of citizens (uninsured citizens) from enjoying the social conditions of freedom (urgent medical aid), for it is their “mistakes” for losing them, no matter how negligent the mistakes are.⁴⁰

In response, luck egalitarian may argue that the government can resolve this problem by establishing an insurance scheme. That is to say, based on the assumption that all citizens are equally likely to suffer from brute risks (car accident), luck egalitarian would demand the government to protect all citizens for whatever brute risks they would have insured themselves against.⁴¹ Applying the insurance scheme to the above example, that means the faulty driver can be discharged from his personal responsibility for not buying insurance, and then pay back the corresponding money to the insurance scheme.⁴² Nevertheless, this response is still problematic. It is because this insurance scheme has assumed that the government is the sole agent to provide insurance for all citizens. If the government withdraws from it and allows private insurance companies to offer insurance schemes on equal and affordable terms within the market, the problem on rescuing oneself from brute risks through purchasing insurance is at once reduced to the matter of choice again (choose to buy or choose not to buy).⁴³ As a result, the hard-line luck egalitarian is then compelled to claim that the faulty citizens who “imprudently” fail to purchase the private insurance have no claim to demand the society to rescue them from brute risks.⁴⁴ Therefore, luck egalitarian must resort to a mandatory insurance

39. Anderson, “What is the Point of Equality?,” 295.

40. *Ibid.*, 289.

41. *Ibid.*, 292.

42. *Ibid.*, 295–96.

43. *Ibid.*, 292.

44. *Ibid.*

scheme so as to bail the negligent victims out of the disastrous risks, even at the expense of paternalism.⁴⁵

What is more fundamental is that, we can somehow catch sight of the “starting-gate constraint” internalised within the luck egalitarian approach in the above example. In the course of my demonstration, the luck egalitarian surely holds an egalitarian view that guarantees equality of something, but only *ex ante*.⁴⁶ In other words, luck egalitarian always believe that there should be distribution of something equally before one starts making choices, no matter it is neutralization of natural traits or welfare. But once after that equal distribution, the society has no obligation to give any provisions for its citizens for their voluntary choices, regardless of the significance of the choices.⁴⁷ Even if there is generation of substantial inequalities in individuals’ destinies in which they voluntarily chooses, the extremely badly off has no claims of justice on others.⁴⁸ It is because, according to luck egalitarian, once the gate is opened (equal distribution on something), all individuals have no claims to one another on redistribution, except for their disadvantages are caused by unchosen circumstances. This problem of “starting-gate constraint” can be clearly illustrated in the following thought experiment.

Suppose there is a society in which metaphysical status of category of genuine voluntary choice is possible. In addition, all citizens are of equal social circumstances and natural traits. This imaginative society is probably the utopia to some luck egalitarian.⁴⁹ After all these settings, citizens are allowed to lead their lives in accordance to their own genuine voluntary choices. But then after a few years, 1% of the citizens

45. Ibid.

46. Ibid., 300.

47. Ibid.

48. Ibid.

49. This metaphysical picture will be especially seductive to a faction of luck egalitarian, like G. A. Cohen. As he once noted, “Equality of access to advantage is motivated by the idea that differential advantage is unjust save where it reflects differences in genuine choice ... but it is not genuine choice as such ... which the view proposes to equalise. The idea motivating equality of access to advantage does not even imply that there is such a thing as genuine choice. Instead, it implies that if there is no such thing, because, for example, “hard determinism” is true, then all differential advantage is unjust ... my view tolerates the possibility that genuine choice is a chimera”. See G. A. Cohen, “Equality of What? On Welfare, Goods and Capabilities,” *Recherches Economiques de Louvain* 56 (1990): 381. Therefore, I suppose Cohen must be willing to accept all the implications derived from this thought experiment, in which genuine choice is possible.

lives in an extremely badly off condition, with their incomes not even enough for their survival, whereas others’ living standard remain more or less relatively well-off. One would wonder what moral ground can luck egalitarian appeal to in this situation. They must then “bite the bullet”, claiming this formidable outcome is totally justified and there is no obligation for the remaining 99% of citizens to redress for this 1% badly off. It is because the core idea of the distributive conception of equality is that inequalities deriving from individuals’ voluntary choices are acceptable while inequalities deriving from individuals’ unchosen circumstances are unjust. From this seemingly seductive thought experiment, it is obvious that luck egalitarian has assumed that the “prudent” will avoid such dreadful state of affairs from happening by purchasing insurance. However, the imprudent badly off who do not follow suit may become wretched, simply because they do choose mistakenly for some options.⁵⁰ Therefore, the problem of “starting gate constraint” is fatal to the distributive conception in the sense that after the moment where there is equal distribution of something, all individuals are then atomised with no citizens are responsible for others’ fates. In consequence, the luck egalitarian society, in which there is no morally binding force that we owe to one another, can justifiably deprive the extremely badly off with equal respect and concern. I don’t think the majority of mankind will in any way concede to this moral outlook that cannot guarantee equal respect. But unfortunately, as we have seen so far, the conformation of distributive conception is exactly expressing no concern on how to govern the relations in which people stand to one another, but merely fetish on an equal distribution of some particular morally arbitrary factors. This conception of equality is undoubtedly a wrong interpretation on egalitarianism.

In defence of relational conception of equality, I believe any compelling and morally plausible interpretation of equality should of course take consideration about how we should relate to one another. It is because citizens’ material prospects are profoundly intertwined with one another through their common and effectively unavoidable

50. Under this metaphysical society context, “prudence” and “imprudence” will never be categorised under the heading of natural traits. Actually, the adjective “prudent” is simply used to describe those who have purchased insurance in order to prevent some dreadful state of affairs from happening. They arrive at this decision by rational choice mechanism in accordance to their own situations, with its logic identical to a computer program.

involvements within the economy, political and legal arrangements.⁵¹ These sets of fundamental framework are truly establishing and regulating the composition and the founding rules of our social cooperation. As far as social cooperation is concerned, citizens' prospects are connected in three important ways. First of all, citizens' productive contributions are mutually dependent, for each citizen's capacity to contribute to the society depends on the contributions of others.⁵² Secondly, the economic value of an individual's talents is socially determined.⁵³ It is due to the fact that the economic value of our natural talents depends heavily on the number of people with similar talents and on the needs, preferences, and choices of others. Lastly, people's expectations of material gain are connected since any decisions to allocate economic benefits to one person or class would in some ways give out economic implications for other persons and classes.⁵⁴ For all these reasons, therefore, it is evident that the allocation of limited resources cannot break away from a depiction about a fair social framework in which citizens are of equal worth and also of equal standing.⁵⁵ But then, as we have seen so far, the distributive conception of equality has hastily abandoned the debate about how we should stand in relation to one another. Rather, it just focuses on the "questions about the extent to which people should be required to bear the costs and allowed to reap the rewards of their own choices, about the extent to which people should be compensated for, and prevented from profiting from, unchosen personal characteristics, and about whether people's values, preferences, talents, and character traits should, for distributive purposes, be treated as aspects of their choices or numbered among their unchosen circumstances."⁵⁶ At this point, the luck egalitarian cannot deny it has simply ignored the fact that all its primary concerns are indeed anchored on conditions and situations about how we should live together.⁵⁷ That is to say, the interest of luck egalitarian outlined above are actually issues concerning the kinds of burdens that we are willing to share with others and others are able to share with us, and

51. Scheffler, "Justice and Desert in Liberal Theory," 985.

52. Ibid.

53. Ibid.

54. Ibid.

55. Ibid.

56. Scheffler, "Choice, Circumstance, and the Value of Equality," 21–22.

57. Ibid., 22.

also issues concerning the kind of benefits we aspire to be able to retain for ourselves while others can retain theirs.⁵⁸ And in order to answer such questions, the luck egalitarian has no choice but to determine the kinds of relations in which we should stand with our fellows—thereupon must we resolve them through portrayal of the conditions underlying an egalitarian relationship mentioned at the beginning of section I (i.e. when and on what terms we hope to share with one another's fate, when and on what terms we want to face the future alone).⁵⁹ However, the distribution conception fails to give any account about the significance of living together as equals in its enterprise, for its distributive scheme lies solely on a metaphysical distinction between choice and circumstances and thus on the idea of equal treatment and equal concern, even at the expense of equal self-respect.⁶⁰

Apart from the problem of "starting-gate constraint" that will put equal self-respect at stake, the choice and circumstance distinction approach adopted by luck egalitarian would also generate moralism upon which equal self-respect is endangered. In the matter of moralism, it is a moral failing with stubborn obsessions on the oversimplification of complex circumstances.⁶¹ Putting this notion under the political context, it implies that the society may neglect legitimate claims or interests, for the moralistic atmosphere would bring about a tendency making individuals are always prone to moral judgments, no matter the

58. Ibid., 22.

59. Ibid.

60. Ibid., 22. It is worth noting that luck egalitarian tends to argue distributive egalitarianism should follow from an abstract conception of equal worth of individuals or from the principle that a government that a government should treat its citizens as equals. For instance, the prominent luck egalitarian, Ronald Dworkin, writes "I have been studying the idea of equality beginning in a principle—the abstract egalitarian principle—that states the idea in its most abstract form. This principle stipulates that government must act to make the lives of citizens better, and must act with equal concern for the life of each member." Accordingly, he claims that all of our arguments about justice "must be capable of being understood as arguments about what equal concern really means or comes to." See Ronald Dworkin, *Sovereign Virtue* (Cambridge, Massachusetts: Harvard University Press, 2000), 131 and 184. Nevertheless, I doubt whether Dworkin's ideal of equal concern, which conceives equality as special virtue that governs the equal treatment of citizens, should be the ideal of equality. The reason for my reservation is because the ideal of equal concern is not by itself incompatible with social hierarchy, nor does this ideal support the equal distribution of power. In my opinion, equality should be a normative ideal of human relations. Without this vision, the sovereign claimed by Dworkin will become a formal notion, as demonstrated throughout this thesis. See Samuel Scheffler, "Equality as the Virtue of Sovereigns: A Reply to Ronald Dworkin," *Philosophy and Public Affairs* 31, no. 2 (2003): 204–06.

61. Ibid., 14.

judgments are misplaced or not.⁶² In the following passage, I will prove that the above description about moralism is properly another fatal point making luck egalitarianism morally implausible.

In reality, by common sense, even though the outcomes are identical, we cannot easily judge whether they are derived by voluntary choices or unchosen circumstances, or mixed of the two. But once we apply luck egalitarian principle that aims at eliminating the effects of brute luck on distribution, an individual would then often look inwardly to their claims on disadvantages. That means one's appeal for compensation must frequently, if not persistently, depend in the light of the sources of disadvantage in different aspects of the self.⁶³ Since it is difficult to know whether a citizen's badly off outcome that he is appealing to egalitarian redress is derived on the basis of his own will or unchosen traits of his talents and social circumstances, luck egalitarian will thus strongly advise the citizens to trace back their decision processes to see if their claims are really legitimate.⁶⁴ To play safe, it follows that the luck egalitarian society cannot avoid scrutinizing different advantageous and disadvantages outcomes in accordance to their suitable heading for redistribution. To be sure, this kind of scrutiny measure is very intrusive and strongly undermines individual's self-respect, as shown by Jonathan Wolff.

Imagine in the luck egalitarian society, there is going to be a bureaucrat of the "Ministry of Equality" visiting your home every Friday and conduct a detailed survey for your family unit. For instance, he may ask, "Dear sir, you applied for a job a few days ago but you failed to get this opportunity. Was it because of your natural talent? Or was it due to the fact that you had chosen not to work hard in your school life? Can you show me some evidence about your answers..." And after all these lengthy enquiries, the data collected is then assorted so that the economic benefits and disadvantages can be redressed in the name of unchosen circumstances or brute luck. Let us put aside the huge amount of administrative cost and other technical problems, does this stifling distributive scheme convince you? Probably not, for these welfare-qualifying examinations are really undermining citizens'

62. Ibid.

63. Scheffler, "What Is Egalitarianism?," 21.

64. Ibid.

claims to equal self-respect. As we have witnesses, this putative luck egalitarian distributive scheme accompanying by these welfare-qualifying examinations would beyond dispute induce citizens both to look inwardly at the deepest aspects of his identity (i.e. which aspects should be categorised into choice whereas other aspects into brute luck), and to arrive at heavily moralised decisions about the level of responsibility he should bear for his own disadvantage.⁶⁵ In addition to that, for those who are applying for the welfare benefit must in fact be forced to reveal most of their personal facts even though the scrutiny process is demeaning, shameful and humiliating.⁶⁶ In consequence, the scrutiny will on the one hand undermine equal self-respect, since the citizens with low natural talent or unfavorable traits must always stress on these unchosen contingencies throughout their lives in order to appeal for his badly off outcomes. What is more important, the stifling effect derived from the distributive scheme would, on the other hand, cause citizens to renounce their claims to assistance for their misfortune, even if the claims are in fact legitimate. In other words, under this heavily scrutinised arrangement, some citizens are not able to satisfy the equally legitimate interest all of them ought to have in developing their rational life plans which is constitutive to their own good, and definitely is the prerequisite of self-respect.⁶⁷ Therefore, the above luck egalitarian distributive scheme that tracks the distribution of contingencies without any breathing space will compromise the status of some citizens as equals.⁶⁸ For all these reasons, I doubt whether the luck egalitarian distributive scheme which would lower the relative respect standing is morally desirable.

Up to now, we can summarise that the luck egalitarian, being the ardent supporter of the affirmative account of responsibility, would suggest that individuals must always bear the full cost of one's own voluntary choices. But unfortunately, the affirmative account of responsibility adopted by the distributive conception of equality will give rise to two problems that will undermine equal self-respect, which are "starting-gate constraint" and moralism, thus making it unattractive.

65. Ibid.

66. Jonathan Wolff, "Fairness, Respect, and the Egalitarian Ethos," *Philosophy and Public Affairs* 27, no. 2 (1998): 114.

67. Scheffler, "What Is Egalitarianism?," 26.

68. Ibid.

Admittedly, any plausible political and moral framework cannot deny the moral weight of choice. Nevertheless, in our daily life, we intuitively would not appeal for compensation merely for badly off outcomes that derive from unchosen circumstances in the name of equality, but not for other disadvantages that result from our voluntary choices, regardless of the relevant notions of choice and moral responsibility understood. Hence, in the last section, I will attempt to tease out the rationale behind for this intuition through revealing how the relational conception of equality accounts for the significance of choice.

III

At the first place, I would like to trace back the origin of the luck egalitarian strands in Rawls's thought. By making clear my disagreement with its misinterpretation on Rawls, it would be very helpful to articulate the moral ground of the above-mentioned intuition.

According to the luck egalitarian interpretation on Rawls, it usually argues that Rawls's conception of justice is incompatible to his own original insight. One aspect of this argument is well developed by Will Kymlicka, claiming that the principles of justice does not give special provisions to those having special medical conditions which are unusually costly even though those special medical needs are resulted from bad brute luck, for Rawlsian enterprise merely takes social primary goods, such as money, into consideration in assessing individuals' well-being.⁶⁹ Therefore, Will Kymlicka asserts that the difference principle allocates equal amount of social primary goods as being equally well-off to two individuals, even if one of them is in normal health whereas the other person is of special medical needs.⁷⁰ Undeniably, this criticism is a brilliant attack on Rawls's difference principle, but then, what I concern is Rawls's note-worthy response to this criticism which may help us to better understand the relational conception of equality.⁷¹

69. Will Kymlicka, *Contemporary Political Philosophy: An Introduction* (New York: Oxford University Press, 2002), 73–74.

70. *Ibid.*, 71.

71. Here, I am just revealing the luck egalitarian challenge to Rawls's difference principle and his tentative lines of response. The rationale behind is to tease out a charitable account on how the relational conception of equality would consider the significance of choice and unchosen circumstances from Rawls's response. In no way does it follow that I am defending the difference principle. Moreover, it is subject to interpretation what kinds of principle of justice can best embrace the idea of relational

In response to this challenge, Rawls concedes that the society should give extra provision to those with special medical needs, but this extra provision should be executed only until “the first problem of justice” has been tackled, which concerns the relations among “citizens who are normally active and fully cooperating members of society over a complete life”.⁷² The reason explaining this priority of “the first problem of justice” is his ideal assumption that all citizens have physical and psychological capacities within an essential minimal degree that enable them to be fully cooperating members of society, which is of prone to challenges.⁷³ All in all, Rawls has noted that the aim of responding to the problem of special medical need is to “restore people by health care so that once again they are fully cooperating members of society”.⁷⁴ Undoubtedly, I acknowledge that this response may not be quite satisfactory not merely for luck egalitarian, but also for most defenders on the relational conception of equality. Nevertheless, I think the aim noted here should not be dismissed hastily as a comment solely for responding the problem of special medical need, and thus detach from the Rawlsian enterprise. Rather, it is of fundamental importance in expressing the notion on how the relational conception of equality discerns the significance of choice and unchosen circumstances.

If we look at the aim noted by Rawls more carefully, the aim of securing individuals to be fully cooperating members in fact lays claim to an independent standard for deciding which kind of disadvantages ought to be compensated.⁷⁵ By adhering to this standard, we can infer that some citizens' disadvantages should not be redressed even though they are resulted from bad unchosen circumstances. For instance, the relational conception will refute some luck egalitarian claiming that individuals' expensive taste, which is turned out from unchosen features of their upbringing, should also require compensation. It is because whether this kind of preference is satisfied or not is unimportant for all free and equal citizens to cope with being a fully cooperating member of society. Therefore, even though a citizen's expensive taste is resulted

conception of equality.

72. John Rawls, *Collected Papers*, edited by Samuel Freeman. (Cambridge, Massachusetts: Harvard University Press, 1999), 259, 368.

73. John Rawls, *Political Liberalism*, (New York: Columbia University Press, 2005), 183.

74. *Ibid.*, 184.

75. Scheffler, “What Is Egalitarianism?,” 30.

from unchosen features of their upbringing, the society owes him no compensation.⁷⁶ By the same token, the relational view will deem that some individuals badly off outcomes should require compensation even if they are resulted from bad voluntary choices.⁷⁷ Just like the case of special medical need, the relational conception of equality based on this moral standard will assert that citizens should be given with medical aid even though their need for medical care are results of bad option luck.⁷⁸ In my opinion, the rationale behind is to ensure other normally active citizens can still relate to the wretched individuals as equals by being a fully cooperating member of society, in which equal self-respect can be guaranteed. This rationale will be evident if we contrast this standard employed by the relational view with the luck egalitarian concern delineated from the example of uninsured driver, in terms of significance of choice. From this contrast, it makes us wonder, “Should we offer voluntary choices this kind of moral weight that can even outweigh the moral importance of enabling the wretched individuals to participate in the scheme of social cooperation?” If the answer is yes, that means we are going to accept the luck egalitarian conclusion that those wretched individuals, whose situations are resulted from negligent bad option, can be excluded from the scheme of social cooperation. In other words, the luck egalitarian conclusion is actually asserting that those wretched individuals can never have claims to be fully cooperating members of society anymore even though the exclusion is meant to deprive them with equal standing and also equal self-respect—but this tragic exclusion is simply due to negligent bad choices. Therefore, I don’t think the luck egalitarian concern can in any way look more appealing than the standard adopted by the relational view.

In retrospect, this argument concerning the empowerment to those deprived for the purpose of becoming fully cooperating members of society is exactly coherent with Rawls’s emphasis that

76. Ibid. My main focus here is whether redress for expensive tastes is one of the necessary condition for enabling citizens to participate into the scheme of fair social cooperation. Of course, I am well aware that there are internal debates among luck egalitarian whether expensive taste should be categorised under the heading of choice or unchosen circumstances. See Ronald Dworkin, “What Is Equality? Part 1: Equality of Welfare,” *Philosophy and Public Affairs* 10, no. 3 (1981): 228–40.

77. Ibid.

78. Ibid.

his account on primary good as basis for interpersonal comparisons is appropriate only under the context of social justice.⁷⁹ It is because, from Rawlsian perspective, the context of social justice is so special in the sense that “interpersonal comparisons must be capable of providing grounds for adjudicating among conflicting claims in a way that all citizens are recognise as fair”.⁸⁰ And what makes shares fair is to ensure distributive scheme can allow free and equal citizens to develop and pursue their undeniably heterogeneous conceptions of the good under a social arrangement that not merely embraces the ideal of reciprocity, but also the ideal of mutual respect.⁸¹ Here, the bridge linking Rawlsian original consideration on the usage of primary goods and the argument concerning empowerment to those deprived for the purpose of becoming fully cooperating members of society is clearly this point: insurance on equal self-respect. And this promise on equal self-respect precisely constitutes the core idea about how the relational conception of equality discerns the significance of choice and unchosen circumstances.

Up to the present, the luck egalitarian and the conservative may certainly challenge that the relational conception’s redress scheme will in a way subsidise people’s choices. For example, suppose two people (X & Y) are of equal natural talent who share the same social background, and are granted with equal distribution of resources (e.g. same quality and equal amount of land). Yet, they choose their fates differently, with X wants to play basketball most of the day and only works long enough at his land merely for fulfilling his desired lifestyle. On the other side, Y chooses to become a gardener, and thus fully utilises the land by planting a garden to produce and sell vegetables for him and others.⁸² After a few years, one can speculate that Y must probably owe more resources than X. Through this example, they may probably criticize, “Would the distributive scheme of the relational conception require Y to subsidise X, even though we know perfectly well that X

79. Ibid., 28. This claim is well founded as Rawls states clearly, “Primary goods are not... to be used in making comparisons in all situations but only in questions which arise in regard to the basic structure. It is another matter entirely whether primary goods are an appropriate basis in other kinds of cases.” See Rawls, *Collected Papers*, 364.

80. Ibid.

81. Ibid.

82. Kymlicka, *Contemporary Political Philosophy: An Introduction*, 72–73.

prefers greater leisure to greater amount of resources and chooses to work less?" In response, I think the relational conception will argue that its distributive scheme must acknowledge the necessity of attending to the undeniably differing contingencies of individuals' situations.⁸³ That means, based on the core idea of relational view, agents can always claim equal rights as citizens, but the interpretation and application of those rights can often subject to the special different agents.⁸⁴ In other words, provided that the status of equal respect is satisfied, there can be agent-relative reasons that can account for economic disparity. Hence, it is noticeable that the relational conception distributive scheme can be compatible with differential treatments or allocation of shares, which are corresponding to the agent-relative reasons that are linked to the agents' respective interests.

If we see through the lens of agent-relative argument and return back to the above counter-argument, the one of the suitable agent relative reasons for justifying different allocation of resources can be sacrificial of leisure time. Admittedly, I am here simply giving an outlook about agent-relative reasoning, and I must concede there are, of course, more to be investigated about the issue. Nevertheless, I just want to make clear that, in the end, the relational conception distributive scheme is founded on a morally-based ideal of human and social political relations which can guarantee equal self-respect, and it is undoubtedly distinctive from that of distributive conception whose ideal form is reflecting a metaphysical distinction between individuals' choices and their unchosen circumstances.⁸⁵

Conclusion

In defending the relational conception of equality, my primary aim is to reinforce the idea that equality should be conceived as a normative ideal of relations. From this perspective, equality should be interpreted as an ideal governing relation in which people stand equally to one another, instead of focusing on an abstract conception of equal worth of persons. Accordingly, I have argued that the relational conception of equality employs a defensive account of responsibility

83. Scheffler, "What Is Egalitarianism?" 22.

84. Ibid.

85. Ibid.

which asserts that moral arbitrary factors, such as natural talents and social circumstances, cannot plausibly be account for the primary cause of inequalities. Moreover, I have also proved that this defensive account on responsibility is founded on a vision that we have equally important interests to develop and pursue our rational life plans which are our conceptions of the good within a fair cooperative framework. And such vision adopted by the relational is actually constituted by the idea that we all have claims to enjoy equal self-respect and others are required to discharge this obligation, and vice versa. For all these reasons, the social form derived must not be a rigid hierarchy, but rather a society of equals with its distributive arrangement anchored on this normative notion.

My secondary aim is to exhibit the unattractive point of the distributive conception of equality. I have argued that the distributive conception endorsement about the affirmative account on responsibility is ill-conceived. As we have seen so far, by imitating the conservative's benchmark on the direct consequential linkage between choice and responsibility, the luck egalitarian has to bear the problems of "starting-gate constrain" and moralism, with both of them undermining equal self-respect. Through drawing the distributive conception of equality as comparison, we can witness that a compelling and morally desirable interpretation on egalitarianism should not be a self-standing distributive formula, of which without a normative vision of society. It is because this normative vision inevitably structures the degree of moral responsibility on the notion of choice.

Nevertheless, it does not mean that the relational conception does not take the status of choice seriously. In view of this, my last aim is attempting to give an account about the morally relevant factors in discerning the significance of choice under the relational conception enterprise. In fact, as we have seen, the relational conception of equality does not found the locus of its distributive scheme on the distinction between choices and circumstances. Rather, its distributive regime embraces the notion of enabling individuals to participate in the scheme of social cooperation, in which all members can have an equal standing and thus equal self-respect. Once this normative notion can be fulfilled, it can allow agent-relative reasons as ground for justifying economic disparity.

After reading this thesis, I think the reader will be convinced that the ideal of equality should be interpreted in a way that can identify a distributive scheme best suited to safeguard equal citizenship in social and political arrangements, but never fetish on a single distributive pattern that cannot correspond to the status of citizens as equals. The former interpretation, I think, can only be satisfied by the relational conception of equality.

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Abstract During the 1980s, there is a fierce debate between liberals and communitarians concerning two intertwined issues, namely the notion of free person and the state model that substantiate this notion. This essay passes judgment on this old debate. In the first part of this essay, I stand along with liberals, arguing that the free person is anchored on the importance of capacity for rational revisibility and is thus desirable. On this regard, I reply to the validity challenge and desirability challenge posed by communitarian. Yet, in the second part, I claim I do have reservation about whether the free person can be actualised through the state neutrality thesis suggested by most liberals. My reservation is based on the fact that this thesis has unfoundedly presumed an adequate range of meaningful options can triumph out in cultural marketplace. In view of this, alternatively, I propose a moderate perfectionist state is more competent in satisfying the idea of free person.

Introduction

In retrospect, the Liberal-Communitarian debate prevailed during 1980s is located upon two major battlefields. The first line of intellectual conflict is drawn on the relationship between the self and its ends. For one thing, the communitarian's suspicion is triggered by the Rawlsian idea of free person committed by liberals, which asserts every individual is always free to question existing social practices and opt out of them once they think those practices are no longer worth pursuing.¹ One of the head figures of communitarian camp, Michael Sandel, criticises this liberal conception of self, whose identity is never tied to aims and interests, has ruled out all constitutive ends, and is thus invalid because it does not correspond to our self-perceptions.² This validity challenge also comes along with the undesirability challenge because of its community

1. Will Kymlicka, *Contemporary Political Philosophy: An Introduction* (New York: Oxford University Press, 2002), 221.

2. Michael Sandel, "The Procedural Republic and the Unencumbered Self," *Political Theory* 12, no. 1 (1984): 86.

implications. That is, if a person is permitted to opt out all constitutive communal values, which can only be found within pre-choice social practices that the self is already embedded, the self would probably be devoid of social content. In sum, communitarian camp holds that being a free person is tantamount to treating ourselves simply as an empty "unencumbered self".³

The other line of intense conflict concerns the social conditions for the effective exercise of personal autonomy. The liberal camp pushes forward a neutral state, which signifies any state's policies should not be anchored on any conceptions of good life though they may be valuable. This does not imply liberals disagrees citizens having an interest in leading a good life. Instead, it is because our highest-order interest, the rational revisibility on what is valuable in our lives, is denied once the state enforces certain view of good life on citizens. A neutral state should thus play the role limited to safeguarding citizens' capacity for examining the value of different conceptions of good, and to offer a fair distribution of rights and resources so that they can pursue their conceptions of good.⁴ In other words, neutral state should leave the promotion of good life to cultural marketplace. Whereas the communitarian camp forthrightly supports public ranking on value of different ways of life and promoting worthwhile conceptions of good. This promotion is not taken arbitrarily. Quite the contrary, the common good that defines a community's "way of life" is regarded as a tangible conception of good life and lays down the standard for public ranking.⁵ That is to say, a communitarian state would advocate citizens to adopt conceptions of good that corresponds or contributes to this common good and discourage those inconsistent to it.

One should not consider these two major lines of arguments are parallel. Quite the other way, they are intertwined together very tightly. It is due to the fact that without the understanding of the self, the picture of the state cannot be delineated. On the other hand, if the state model does not conform to the idea of the self and is wrongly mapped, the self can hardly be actualised. In this essay, I am going to pass judgment on these two lines of arguments. In section I, firstly, I will clarify the content

3. *Ibid.*, 86–87.

4. Kymlicka, *Contemporary Political Philosophy: An Introduction*, 217–18.

5. *Ibid.*, 220.

and articulate the justificatory foundation of the notion of free person more meticulously. Secondly, I will reply to the two possible counter-argument mentioned above, so as to indicate the critique on the free person made by communitarian is misguided. I shall argue the idea of free person is anchored on the *importance of capacity for rational revisibility* that communitarian can hardly repudiate, if not impossible. Eventually, based on my vindication on free person, I will tease out the desirability of the liberal conception of self and claim that being a free person is one of the necessary constituent to our well-being, so as to consolidate its appeal. Next, in section II, I will first of all point out a neutral state cannot satisfy the requirement demanded by the notion of free person. For, in my opinion, most liberals are too optimistic that an adequate range of meaningful options can presumably triumph out in cultural marketplace, without any state assistance and collective deliberation. So, in the second place, I will display how this assumption cannot afford to be challenged in two respects, namely, the need of state assistance to conserve a social structure that provides people with meaningful options, and the need of shared forums for collective evaluation on these options. To conclude this section and essay, I shall suggest, alternatively, a moderate perfectionism can better accommodate the social circumstance required by the liberal conception of self. Under this moderate perfectionist state, no citizens are ever coerced to adhere to any conceptions of good while the state can and should promote conceptions of good in accordance with the notion of free person. In another word, this moderate perfectionist state rests solely on and can better conform to one pillar, which is free person, our highest-order interest.⁶

I. Foundation of Free Person

To commence our investigation on free person, the starting point is undoubtedly the characterization of original position at the heart of the idea of primacy of justice proposed by John Rawls. In the original position, what Rawls invites us to do is to presuppose we are all candidates behind the veil of ignorance whom justice is the first virtue and then to

6. To make it clear, the moderate perfectionist state model is similar to the communitarian state only in terms of public ranking and promotion of good. What they differ is the benchmark of promotion of good. Within a moderate perfectionist state, the promotion of meaningful options is not grounded on any common good, but simply on the idea of free person alone.

imagine what principles we would choose to rule our society. Behind the veil of ignorance, candidates are denied to two kinds of information. First is the position in society they will occupy, and the second is their own conceptions of the good.⁷ The ignorance of the latter information is the source that irritates the emergence of communitarian camp and that should be our prime focus. At this point, one may wonder how the denial of knowledge about conceptions of the good connects, first, with the primacy of justice, and second, with the notion of free person. Only by answering to these two tightly binding questions can we catch sight of the trace for the first major line of argument.

The link between ignorance of conceptions of the good and primacy of justice is as follows. According to the formulation on primacy of justice, it avows that no demands of other political and social values should ever be allowed to override justice, to wit, the rights of each citizens can never be sacrificed for the sake of other goods. In addition, the idea of primacy of justice should not be merely understood as the claims of right taking precedence over good, but also, justice has a categorically privileged and independent standing with respect to any other interests or goals.⁸ This assignment of moral primacy to justice is far from trivial since Rawls wishes to distinguish his deontology liberalism from other teleological traditions based on two fundamental grounds. Firstly, it is not difficult to envisage that if justice is identified with the contribution of social welfare (goals), one would be hardly pressed to discharge his obligation by acting unjustly rather than justly on the account of maximizing the contribution of social welfare. Thus if justice is so identified, it would make the priority of justice contingent.⁹ Secondly, in case of justice makes reference to certain conception of the good, we cannot avoid the consequence that this kind of priority of justice will become oppressive by coercively enforcing that specific conception of good upon citizens who adhere to other conceptions of good.¹⁰ For example, suppose catholic religion is considered as a kind of good while atheism not. Then state X imposes its policy favoring and encouraging the catholic

7. Sandel, "The Procedural Republic and the Unencumbered Self," 86.

8. Stephen Mulhall and Adam Swift, "Sandel: the Limits of Liberalism," in *Liberals and Communitarians*, 2nd ed., (Cambridge, Mass.: Blackwell, 1996), 42.

9. Ibid., 42–43.

10. Ibid., 43.

way of life and in the meanwhile suppresses the atheist way of living. It certainly imposes unfair constraints or even prohibition to those atheists pursuing their own life. Therefore, in light of the unqualified obligations and prohibitions entailed in teleology, Rawls's derivation of principles of justice no more presumes and rests on any ultimate conception of good life for human beings.¹¹ Through sketching the above contour, we can now comprehend the relationship between the normative significance about the ignorance of conceptions of good within the characterization of original position and the rationale about his attribution to justice an absolute moral primacy.

So far, one might not yet feel the stifling political atmosphere of the liberals-communitarian debate as the above account is simply prelude of the first intellectual conflict. Also, one may question what does the primacy of justice anchor on? The answer seems ready to come out at one's call—free person. So, by articulating the link between ignorance of conceptions of the good and the idea of free person, we can witness how these three threads are pulled together and how the two camps are at grips.

Actually, the ignorance of conceptions of the good and the notion of free person is two sides of the same coin. As mentioned before, Rawls is always committed that his derivation of principles of justice should not presuppose any particular interests or goals; otherwise primacy of justice will be at stake. Beyond dispute, Rawls's attribution of foundational primacy to justice sheds light on his understanding about what really matters to human personhood. For him, *what is of prime significance is never the conception of the good one has but rather something that lies behind those conceptions*, to wit, our freedom to frame, revise, and rationally pursue those conceptions.¹² Without any doubt, it is this capacity for rational revisibility that constitutes free person. As he says in his revised version of *A Theory of Justice*,

The case for the two principles can be strengthened by spelling out in more

11. John Rawls, *A Theory of Justice*, (Cambridge, Mass.: Belknap Press of Harvard University Press, 1999), 491. Using this contrast between deontology and teleology, we can now discern why Rawls has to say "we should therefore reverse the relationship between the right and the good proposed by teleological doctrines and view the right as prior."

12. Stephen Mulhall and Adam Swift, "Introduction: Rawls's Original Position," in *Liberals and Communitarians*, 2nd ed., (Cambridge, Mass.: Blackwell, 1996), 6.

detail the notion of a free person. Very roughly the parties regard themselves as having a highest-order interest in how all their other interests, including even their fundamental ones, are shaped and regulated by social institutions. They do not think of themselves as inevitably bound to, or as identical with, the pursuit of any particular complex of fundamental interests that they may have at any given time, although they want the right to advance such interests (provided they are permissible). Rather, free persons conceive of themselves as beings who can revise and alter their final ends and who give first priority to preserving their liberty in these matters. Hence, they not only have final ends that they are in principle free to pursue or to reject, but their original allegiance and continued devotion to these ends are to be formed and affirmed under conditions that are free. Since the two principles secure a social form that maintain these conditions, they would be agreed to rather than the principle of utility. Only by this agreement can the parties be sure that their highest-order interest as free persons is guaranteed.¹³

So, it is crystal clear that, in deliberating justice, what is constantly on Rawls's mind is the foundational substance that the free person anchored on, which is our freedom to make choices and to change our decisions, but not the conception of good that one chooses. However, even if Rawls propounds that being a free person is our highest-order interest, this suggestion is surely not very agreeable. It is due to the fact that the notion of free person necessitates the human subject having absolute priority to ends. And this is exactly what communitarians pay close attention to, the bone of our contention.¹⁴ As well said in the introduction, their objection runs in two dimensions, validity and desirability, on the idea of free person whose identity is never tied to any interests or goals. In the coming part, I am going to refute the communitarian challenges and display their weaknesses, so as to vindicate the idea of free person.

The communitarian camp raises the validity challenge because it deems that the relationship between the liberal conception of self and ends violates our moral experience. The communitarians dispute on this issue by bringing up the concept of constitutive ends, which stand for the interests or goals that are so essential without which I cannot understand myself.¹⁵ Sandel criticizes the notion of free person has not taken

13. Rawls, *A Theory of Justice*, 131–32.

14. The phrase always cited by communitarian camp that provokes the first line of argument is, "the self is prior to the ends which are affirmed by it; even a dominant end must be chosen from among numerous possibilities." See Rawls, *A Theory of Justice*, 491. Later, I will demonstrate how the entanglement solely on this phrase would make communitarians lose sight of the foundation of free person.

15. Sandel, "The Procedural Republic and the Unencumbered Self," 86.

this concept into account because liberals have assumed that no ends can integrate into the self's identity. And he has clearly delineated the relationship between the free person or unencumbered self and the ends as follows,

Now the unencumbered self describes first of all the way we stand toward the things we have, or want, or seek. It means there is always a distinction between the values I have and the person I am. To identify any characteristics as my aims, ambitions, desires, and so on, is always to imply some subject 'me' standing behind them, at a certain distance, and the shape of this 'me' must be given prior to any of the aims or attributes I bear. One consequence of this distance is to put the self itself beyond the reach of its existence, to secure its identity once and for all. Or to put the point another way round, it rules out the possibility of what we might call constitutive ends.

Hence, what animates Sandel's objection is his idea that the self is at least partly constituted by ends. In sum, to accept Rawlsian free person is similar to approving seeing myself as always a thin shape pure subject owning no ends, which is incoherent to our daily normal self-perception. This critique on free person, seemingly, suits our intuition. However, I consider it is misleading, let alone to say it misses the whole point why Rawls has to lay out the notion of free person.¹⁶

Notice that this critique focuses merely on how the assignment of self is reducibly absolutely prior to one's interests or goals. Yet, it certainly loses sight of the moral implication of the assignment. This blindness is quite critical because the essential argument of the free person is definitely not that we can perceive ourselves as prior to ends. Instead, what Rawls advocates, as I put forward earlier, is that we should view ourselves to be prior to ends, *on the basis that all interests or goals ought to be under scrutiny, to wit, none of them should be excluded from possible re-examination*.¹⁷ This scrutiny process is unquestionably to express our capacity for rational revisibility, to exhibit our freedom to revise, to pursue or to reject our original devotion to certain ends. And in order to make sense of the scrutiny process, one should be capable of comparing his present encumbered self with other motivations he now possesses, so that he can judge which options would be considered as more valuable for him.¹⁸

To elaborate more, I think the communitarian has wrongly inter-

16. Ibid.

17. Kymlicka, *Contemporary Political Philosophy: An Introduction*, 225.

18. Ibid.

preted Rawls as having assumed an unencumbered self in developing his idea of free person. It is because the scrutiny process, making use of the notion on self prior to ends, in evaluating our life is simply a process of practical reasoning. That is to say, when the free person is exercising the capacity for rational revisibility, he is always comparing the worth of his present self who must possess an end with other potential encumbered selves.¹⁹ In this sense, a free person is never unencumbered.

Thence, communitarians should not take the notion of "self being independent and prior to ends" literally, or else we would leave a larger moral picture unseen. This moral picture shows us forthrightly that the distance required in keeping the free person independent and prior to ends is never to keep us always unencumbered. Instead, this distance is necessary because it can keep us always clear-headed that we should not renounce our capacity for rational revisibility, resulting in some particular ends can be taken as granted and exempted from re-examination.

With this explanation as background, I do not think communitarians would insist the relationship between liberal conception of self and ends violates our self-perception. If so, I fear their rebuttal is based on the fact that they do not take the capacity for rational revisibility seriously, if not turning a blind eye to it. Yet, despite my first response succeeds, some communitarians will still firmly claim that there are in faith some constitutive ends within our pre-choice social practices in which the self is already indulged. And the undesirability challenge continues to run since the idea of free person extracts us from our social roles and relationships within these pre-choice social practices, inducing us to become an empty self. I do think this worry is pretty sensible. But then, to construe the freedom to frame, revise, and rationally pursue our ends in that way is to mistakenly perceive how liberals make use of our capacity for rational revisibility.

In fact, the undesirability challenge, believing the free person as an empty self, comes from the other head figure of communitarian camp, Charles Taylor. In his ground-breaking book *Hegel and Modern Society*, he writes, "complete freedom would be a void in which nothing would be worth doing, nothing would deserve to count for anything. The self

19. Ibid.

which has arrived at freedom by setting aside all external obstacles and impingements is characterless, and hence without defined purpose.”²⁰ So, what constitutes Taylor’s fear is he foresees that the free person would exercise his rational revisibility in a casual manner, at a venture. And this casual exercise entails communal implication because the liberal conception of self can reject all pre-choice communal values in which the self has already been embedded, judging them as arbitrarily given. Accordingly, he says, “authoritative horizons of life, Christian and humanist, are cast off as shackles on the will. Only the will to power remains.”²¹ In other words, the core argument for this undesirability challenge is in twofold. First, free person is always already embedded in a social matrix consisting pre-choice social practices embracing communal values. Second, free person will exercise his rational revisibility hastily so that he would reject all communal values, inducing him to become an empty self.

Replying to the first point, I doubt if any liberals will reject the free person requires a social matrix. For, liberals do acknowledge the fact that a free person can never be self-sufficient and is always embedded in a social matrix. It is because the social matrix provides the free person resources to acquire the awareness of different perspectives about well-being, and to acquire an ability to examine these perspectives critically.²² In short, only with the existence of the social matrix can we explore, examine and evaluate what is valuable in our shared communal values. Hence, there is no contradiction between communitarians and liberals on the existence of social matrix, but then, what highlights their difference is their viewpoint on social matrix. Within the horizon of free person, no shared communal values should be taken for granted and could be escaped from questioning their values, so as to ensure the free person can lead his life from inside.²³ Nonetheless, communitarians give an unclear account on how a person should deal with communal values, seemingly to assume some communal values possess authoritative horizons and should not cease to exist. Let me illustrate this difference through

20. Charles Taylor, *Hegel and Modern Society*, (New York: Cambridge University Press, 1979), 157.

21. *Ibid.*, 159.

22. Kymlicka, *Contemporary Political Philosophy: An Introduction*, 216.

23. *Ibid.*

the case of attending University Lecture on Civility (*Boqun Dajiangta*).

Suppose attending the monthly University Lecture on Civility has communal values in reinforcing our CUHK communal identity and this social practice has existed for half a century. In this case, liberals would assert that our freedom to choose in attending the lecture, even it is a pre-choice social practice, is the source that motivates us to have confidence in considering it as worthwhile thing in our lives, taking pride and pleasure by participating in it. This avowal is due to liberals affirmation on a valuable life must be led from inside. If it is the other way round, let’s say the bureaucracy of CUHK constrains us to sit at New Asia campus for two hours, I do not think even communitarians would recognise our lives will be better. Through this example, what I wish to demonstrate is certainly not to conjecture unfairly that communitarians would coerce us to adhere to certain communal values, but rather to make it clear that even though there are some pre-choice social practices possessing communal values, our capacity for rational revisibility serves as the monitor for their worth as well as the bridge that binds these communal values with our lives, inducing us to see them as valuable. Whereas the communitarian is inconclusive to the relationship between self and communal values, seemingly to assume some pre-choice social practices do possess communal values and one must resolutely pursue them in order to fulfill the authoritative horizons of life, without discussing the sources of this obligation. Indeed, I agree there are communal values that are worth pursuing, but the moral basis should be our freedom to choose. And if Taylor hopes to make the communitarian camp more appealing, he has to give us a conclusive instruction on how a self relates to the pre-choice communal values in the communitarian kingdom, specifically, the moral basis of that link, not simply declaring communal values can satisfy the authoritative horizons of life and we are thus obliged to pursue it, turning down any freedom to choose or reflection.²⁴

Perhaps, communitarians do concede the liberal way in judging the worth of communal values. What baffles them is the manner the free

24. I am aware that the substance that make authoritative horizons of life “authoritative” can be grounded not on power, but, for instance, on wisdom of experience, loyalty. These elements can truly contribute to communal values. Yet, once again, my point is, our freedom to choose to pursue certain values is the foundation which manifest its worth in our lives, no matter they are “authoritative” or not. See Samuel Scheffler, *Equality and Toleration*, (New York: Oxford University Press, 2010), 287–331.

person exercises his rational revisibility. Thereupon, we now move to the second point.

In consideration of this point, communitarians are alarmed that the free person would abuse the freedom of choice warranted by rational revisibility for its own sake, and would arbitrarily exercise his rational revisibility. In consequence, the free person would reject all communal values, inducing him to become an empty self. My answer to this point is unequivocal; it overlooks the liberal defense for this freedom. In defending the importance of our capacity for rational revisibility, liberals are actually taking our task and life projects seriously. The weight given to our task and life projects is clearly noted in the quote written by Rawls. That is to say, the concern for our freedom to pursue or to reject ends, whether they are communal values or not, is always attached on the liberal acknowledgment of the significance of our life projects. It is this liberal acknowledgment that elucidate to us why they place the capacity for rational revisibility as our highest-order interest, for, once our ground projects contribute to our well-being, we should have led them from inside. This self-determination can only be achieved by granting us the freedom to form, revise, and act on our ground projects. Hence, liberals would not regard our capacity for rational revisibility should be exercised for its own sake, making ourselves empty.²⁵

After the above vindication against the communitarian challenges, the desirability of free person is at once obvious because the capacity for rational revisibility is at bottom one of the necessary constituent to our well-being. The desirability of free person can be summarised as follows. Firstly, with this capacity in hand, it prompts us to become aware of one's present pursuit and would chart a course of consequences when we abandon our present projects and chase for other possible options.²⁶ This comparing and re-examination process should not be taken lightly since it is the only way to see which valuable choices contribute to our well-being. Secondly, the exercise of this capacity induces us to identify with

25. Kymlicka, *Contemporary Political Philosophy: An Introduction*, 222. Note that my argument should not be subjected to the interpretation which claims that the more we exercise our capacity for rational revisibility, the worthier our well-being are. On the contrary, if a person is always changing his ground projects, I do have reservation whether he would be seen as leading a valuable life. Thus, this quantifiable interpretation is in vain.

26. Joseph Raz, *The Morality of Freedom*, (Oxford: Clarendon Press, 1986), 382.

and be loyal to our chosen life projects. When one is being manipulated or constrained to pursue some interests or goals, even they are worthy in the eyes of others, he would be alienated from them.²⁷ Beyond dispute, a person, who is being denied the freedom of choice, is incompetent at taking pride and pleasure for his action, let alone to say the action contributes to his well-being. This point is clearly shown through the case of attending University Lecture on Civility. Lastly, one would not count himself as well-being until he is the author of his own life. Thus, one must be the "self-originating source of valid claims", and leading a life from inside can only be accomplished by the notion of free person. All these advantages can fill up the vacancy why Rawls emphasises that being a free person is our highest-order interest, and thus, granting justice such a primacy position.²⁸

For the sake of argument, I have restricted my discussion about liberal conception of self mostly within a metaphysical level in the first section. However, the notion of free person surely has its political dimension, to wit, how the state should ensure the social conditions for effective exercise of rational revisibility, which is the focus of the coming section.

II. State Model of free person

As I pointed out in the introduction, a large part of liberals believe the notion of free person is best fit by a neutral state that is shaped as though the characterization of the original position, ignoring all conceptions of the good.²⁹ It is due to the fact that, once a state imposes certain conception of good life on its citizens, our capacity for rational revisibility on what is valuable in our lives would be at stake. This does not mean that they disagree that people should lead a worthwhile life, but they just differentiate sharply and deeply between the role of the state and civil society, claiming social associations in civil society can, and probably should, actively promote different varieties of conceptions of good

27. Ibid.

28. John Rawls, "Kantian Constructivism in Moral Theory," *Journal of Philosophy* 77, no. 9 (1980): 543.

29. To avoid confusion, I do acknowledge not all liberals identify themselves with a neutral state model. Yet, some key figures of liberal camp, for example, Ronald Dworkin and Thomas Nagel, do favor the state neutrality thesis and that explains why I think displaying the defects of it, which is the main task of section II, is both necessary and significant.

in cultural marketplace whereas the state should withdraw.³⁰ The role of state should be limited to allocating fairly the social primary goods which are necessary for the free person to pursue their commitments, so that they can have resources to form, revise and pursue their own particular of conception of the good.

So, the state neutrality thesis should be understood in terms of justification which requires the state to have no public ranking of value of different ways of life. In another word, this thesis cannot be otherwise understood as neutral in terms of effect, which assures all conceptions of good can fare up at the same degree, regardless of how costly and unattractive they are. Kymlicka has splendidly teased out the moral implication when the state is neutral in terms effect and explain why defenders of state neutrality thesis would not accept neutrality of that sense, he contends,

[T]his sort of neutrality is quite illiberal, since it would both restrict freedom of choice, and violate the requirement that people accept responsibility for the costs of their choices. Any society which allows different ways of life to compete for people's free allegiance, and which requires people to pay for the costs of their choices, will seriously disadvantage expensive and unattractive ways of life. Liberals accept, and indeed value, these unequal consequences of civil liberties and individual responsibility. Hence liberal neutrality is neutrality in the justification of state policies, not in their consequences.³¹

Having this account in mind, we should discern that the state neutrality in terms of justification is in actuality suggesting that free person have to accept their responsibility of choices for their pursuits in cultural marketplace completely. At first sight, this line of thought concerning the responsibility of free person seems to fit in with our intuition. It is because if my pursuits are the result of my exercise of capacity for rational revisibility, I am of course fully responsible for my pursuits and it would be quite odd to deny the responsibility for them. But when one takes a closer look to the term of responsibility of choice in the state neutrality thesis, it is in dual character-- we are not just responsible for our own pursuits in the cultural marketplace, *but also for those of others', no matter*

30. Joseph Chan, "Legitimacy, Unanimity, and Perfectionism," *Philosophy and Public Affairs* 29, no. 1 (2000): 6.

31. Social primary goods are goods that are directly by social institutions, like income and wealth, opportunities and powers, rights and liberties. See Kymlicka, *Contemporary Political Philosophy: An Introduction*, 218–19.

how inconsiderate they are. Notice that this twofold character of responsibility of choice in the state neutrality thesis cannot be separated, and is still valid even if others' pursuits have reduced significantly and sharply the range of meaningful options such that we are being denied the proper social conditions for the exercise of capacity for rational revisibility by the negative externality of their pursuits. It is hereupon I find the state neutrality thesis faulty and thus deem that a neutral state cannot always satisfy the social conditions demanded by free person.

In my opinion, this weakness is affiliated with the optimistic assumption embedded in the state neutrality thesis, that is, an adequate range of meaningful options would perpetually flourish in cultural marketplace, without any state assistance and collective deliberation. In the coming part, I will display the tension between this assumption and free person in two aspects, firstly, the need of state assistance to conserve a social structure that provides people with meaningful options, and secondly, the need of shared forums for collective evaluation on these options. But before starting my analysis, I have to make one point clear. The state neutrality thesis and I both agree that becoming a person requires an adequate range of meaningful options for the effective exercise of rational revisibility. Our fundamental difference only lies on how these social circumstances can be achieved.

Talking about the first aspect, let us be reminded that the obligations of the neutral state, no matter withdrawing from imposing the conception of good or distributing the social primary goods fairly, are all the time founded on the liberal respect for free person. In consequence, state neutrality thesis manifests that leaving the promotion of conceptions of good to cultural marketplace alone can best protect the notion of free person, for its non-coercive and voluntary character makes it strong enough to ensure the persistence of an adequate of meaningful options, even without any state assistance.³² Yet, I am not very convinced by this distinction of role between state and civil society in promotion of conceptions of good since this distinction, as a matter of fact, draws a static picture on the social condition for free person by presupposing optimistically an adequate range of meaningful options can always flourish in cultural marketplace, and thus has not taken the malfunction of cultural

32. Chan, "Legitimacy, Unanimity, and Perfectionism," 29.

marketplace into account.

Admittedly, there is no proof that can guarantee people can always opt for meaningful options even in conditions of freedom. In consideration of this, Joseph Chan exquisitely points out how the optimistic presupposition in the state neutrality thesis is unfounded by surveying the mechanism of our daily choice, he says,

People's choices are often influenced by factors other than the appreciation of the intrinsic merit of options: for example, the unwillingness to bear the cost of developing one's ability to differentiate the good from the bad, personal prejudice, weakness of will, peer-group pressure, difficulty in obtaining relevant information, manipulation or deception by others (sales or media), and so forth.³³

In view of his observation on our shortcomings in deliberation, he thus concludes, on condition that (1) meaningful options do not always triumph over the less meaningful or even meaningless options and (2) cultural marketplace or voluntary pursuits does not for all time sustain meaningful options, it is necessary for the state to shoulder a perfectionist responsibility.³⁴

Very likely, apologetics of the state neutrality thesis would not oppose preserving an adequate range of meaningful options on the account of substantive exercise of free person's rational revisibility, enabling all of us being the self-originating source of claim. The solution is through granting subsidies to those pursue perishing valuable options by neutral state. However, they would insist the evaluation of these options should still take place in cultural marketplace, outside the coercive state apparatus, in order to avoid the fulfillment of social condition for free person becoming a matter of state. I am strongly against this defensive approach.

It is because if the promise of free person is the fundamental concern state neutrality thesis, why should the neutral state intervene only at such a critical moment at which the free person is ultimately denied its suitable social condition, instead of reinforcing the social condition day by day? More importantly, why should the state neutrality thesis hesitate to set the notion of free person as the benchmark of public ranking on state policies? I cannot think of any reason except its unfounded as-

33. Ibid., 30.

34. Ibid.

sumption which presupposes cultural marketplace can perfectly function in driving out less meaningful and meaningless options and its abhorrence on the coercive nature of state. Nevertheless, both suppositions are hardly justified as it should be evident the defects happen to the state can also happen to cultural marketplace. For instance, power domination, manipulation, coercion and the degeneration of meaningful options can also happen no matter the neutral state intervenes or not.³⁵ In addition, it is quite feeble to claim a state must be coercive in nature and would harm the effective exercise of rational revisibility of free person once it intervenes, regardless of the content and method of intervention. Contrariwise, the cultural marketplace and the state are never disconnected and independent, and the relationship between them is not necessarily antagonistic in nature but can be supportive in remedying the former's defects.³⁶ I shall return to this point later when I discuss the moderate perfectionist state model. Before that discussion, let us move forward to the second aspect of our analysis, the need of shared forums for collective evaluation on these options.

Up to the present, defenders of state neutrality thesis may argue, in anticipation of shortcomings of our judgment in cultural marketplace, a non-state forum can refine and even resolve the problems of cultural marketplace. To elaborate more, by not cutting off from collective deliberation, free person would not judge pursuits merely by his isolated perspectives and this collective deliberation process in a non-state forum would thereby tend to stimulate a free person chasing for meaningful pursuits. As a result, an adequate range of meaningful options can be guaranteed, even without relying on state forums to evaluate the good.³⁷ I affirm with the advantages of this remedy but it is sure enough insufficient since it takes the shared forums for collective evaluation of pursuits for granted.

Let us assume the idea that a collective deliberation process can very often induce us choosing meaningful pursuits is unproblematic, I

35. Ibid.

36. It is worthy to note that if a state must be coercive in nature in the eyes of state neutrality thesis, its first reply in rescuing the tragic social condition through subsidy is also self-defeating. Moreover, I wonder how any state can be legitimate in offering a fair distribution of rights and resources if it must be coercive in nature.

37. Kymlicka, *Contemporary Political Philosophy: An Introduction*, 251.

believe wholeheartedly it is still necessary for the state neutrality thesis to answer why free person will always spontaneously come into collective associations and deliberations. Undoubtedly, the state neutrality thesis would provide the free person components to express practical reason for their deliberation on their pursuits, such as freedom of association, speech and fundamental liberal rights.³⁸ However, the provision of opportunities for collective deliberation in evaluating on the worth of pursuits has not assured us that free person will automatically form and associate with others to give rise non-state forums. And what probably follows, in the event of not having public forums to provide sufficient resources for practical reason in judging the worth of our pursuits, is free person may incline to accept existing social practices without further reflection and thus indulging in false deception thinking himself requiring certain non-self-originated pursuits.³⁹ Therefore, if a state does not hold all free persons together to evaluate and pursue the good, I fear free person will always be isolated in deliberating their pursuits, not simply causing meaningful options unlikely to flourish forever in cultural marketplace, but also the free person can seldom lead his life from inside.

After reviewing the weakness of the optimistic assumption in state neutrality thesis from two aspects, it is salient that the deep distinction between state and civil society in promotion of conceptions of good cannot stand for long in protecting the social condition demanded by free person. Up to now, one may ask, what other possibility do we have in protecting the realization of free person, except state neutrality thesis? Perhaps, by confronting the unfounded distrust of state we can guided to search for a desirable and viable alternative state model in promising the endurance of the notion of free person, namely, moderate perfectionism.

To avoid any ambiguity, what I mean by moderate perfectionism is a state model in which no citizens are ever coerced to adhere to any conceptions of the good and the state can and should promote conceptions of the good in accordance with the notion of free person in the meanwhile.⁴⁰

38. *Ibid.*, 250.

39. *Ibid.*

40. For those who are familiar to moderate perfectionism, it is clear that I have poured a different content into the term, which is not alike with that of Joseph Chan. In his article, he has argued that the state should promote some goods, like agency goods or prudential goods, which can cut across all culture. And he has also declared that he does not view personal autonomy as our highest-order interest. But in my moderate perfectionist regime, I have set the notion of free person as the benchmark for promotion

My suggestion is, in conscience, based on the observation that not all state intervention in cultural marketplace would undermine people's exercise on their capacity of rational revisibility, but rather, can also aim at enabling this capacity to persist through providing and promoting a proper social condition for free person unceasingly.

Putting it concretely, a moderate perfectionist state would achieve this aim through non-coercive measures, for instance, granting subsidies, tax exemptions, establishing collective deliberation platform and civic education, such that different pluralistic worthwhile pursuits can always prevail. Thus, a moderate perfectionist state would never be intrusive with regard to people's exercise of rational revisibility.⁴¹ In doing so, the free person would for all time have ample resources in finding his allegiance and to reflect whether he should continue to commit to these ends. In addition to that, a moderate perfectionist state would not be the primary and direct body responsible for promoting different pluralistic worthwhile pursuits. Rather, it adopts a multcentred approach, which permits voluntary assemblage to hold an important position in forming valuable communal pursuits. In effect, the state in the moderate perfectionist scheme would cautiously assist those associations to promote those goods, and the degree is according to the need of particular cases.⁴² After all, the ultimate concern of moderate perfectionism is whether a person can be shunned from the malfunction of cultural marketplace, and hence secures us an adequate range of meaningful options to lead our lives from inside.

In the end, in order to consolidate the appeal of moderate perfectionism, let me close this section by responding to one particular challenge. That is, some may still under the impression that my suggestion is too trivial to be interesting, for there is no significant differences between the state neutrality thesis and moderate perfectionism. I unreservedly refute this line of thought.

Comparing these two state models, it is apparent that the neutral state is rescuing the free person only at the critical moment when the free

of good. So, even if the outcome of promotion of goods between us is equivalent, the line of thought that justified that promotion is quite different.

41. Chan, "Legitimacy, Unanimity, and Perfectionism," 15.

42. *Ibid.*

person is thoroughly being denied the proper social condition for effective exercise of his capacity for rational revisibility. On the other hand, the state in moderate perfectionist scheme is never a night watchman, and always offers an optimal environment demanded by free person through setting the notion of free person as the supreme bar on public ranking of state policies. So, state perfectionism distinguishes itself a more appealing position in terms of accommodating the desirable social condition for free person by, firstly, ranking different conceptions of good with reference to idea of free person in the political realm. The second distinction concerns the scope and power of the state. Consider the case of economic life of our society. If some categories of labor involve too long working hours and are mind-numbing, e.g. street cleaning, which in consequence sharply reduce the opportunities for our exercise of the capacity for rational revisibility, a moderate perfectionist state would have the duties and power to restrict and distribute them as fairly as possible.⁴³ On the contrary, the state neutrality thesis has never taken care of this scope from this horizon. This blindness does not occur coincidentally, rather it is because of its fundamental sharp distinction between the role of state and civil society. For, if advocates of state neutrality thesis have observed there is structural deficiency embedded in economic life of civil society that would regularly cripple our effective exercise of capacity of rational revisibility, I do not think they would shape a neutral state with such limited power, dealing with such a limited scope.

Based on these two contrasts, it is crystal clear that a moderate perfectionist state would take up a stronger role and larger scope where cultural marketplace fails. Besides, the intervention is never arbitrary, but rather uses notion of free person as reference point to rank different state policies. Therefore, the moderate perfectionist state model can better conform to and rests solely on one pillar, free person, which is our highest-order interest.

43. *Ibid.*, 18–19. For sure, I am not insanely arguing for elimination of all low-quality jobs, which is indeed impossible. Instead, I propose the moderate perfectionist state has the obligation and legitimacy in reducing or distributing those low-quality jobs fairly, or at the very least seeking to provide compensation for those citizens working on them. This proposition, which state neutrality thesis must be indifferent to, is clearly based on our concern for providing the free person ample opportunity (time) to exercise his capacity for rational revisibility.

Conclusion

Throughout this essay, I am dealing with two major connected themes of the liberal–communitarian debate. They are respectively the relationship between the liberal conception of self and ends, and the social condition demanded by free person. In the first half, by articulating the implication of primacy of justice, I have enthusiastically defended the moral foundation of notion of free person, which is our capacity to frame, revise, and rationally pursue different conceptions of good. Besides, I have proved in detail how the idea of free person does not fall into the communitarian challenges, no matter regarding its validity and desirability. That is to say, I have justified that being a free person actually matches our moral experience and is never an empty unencumbered self since the idea of free person is attached to the liberal concern about the worth of our life projects, which can only be found in social matrix. To put a step forward, I have lastly teased out the desirability of the capacity for rational revisibility and claim that becoming a free person is one of the necessary conditions for our well-being.

In the second half, I declared that the state model of free person cannot be a neutral state. In this part, I have first of all delineated its assumption, which presupposes an adequate range of meaningful options can automatically prevail in cultural marketplace, is certainly unfounded. Then, I have assessed the disadvantages and loopholes of state neutrality thesis from two aspects, to wit, how a neutral state cannot face firmly with the problems concerning the need of assistance and shared forums. After assessing the state neutrality thesis cannot conserve a desirable social condition for free person, I have in the end suggested an alternative that is more competent in serving this role, namely, moderate perfectionism. In this last part, I have expounded and justified how a moderate perfectionist state, using the notion of free person as the benchmark of public ranking on policies, would undertake a stronger responsibility and a more expanded-scope approach for preserving and promoting a pluralistic social condition, and thus is more qualified than neutral state in satisfying our highest-order interest.

After reading this essay, I think the reader will be convinced that our capacity for rational revisibility, which is the highest-order interest for human personhood, is the foundation of free person. And if one wish-

es to actualise the free person flawlessly, what we need is never a neutral state, but rather, a moderate perfectionist scheme.

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The Unfreedom of Wage Labour

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Abstract This essay visits the long neglected topic, the freedom status of wage labour. In the eyes of rightists, they always deem working class is perfectly free for workers are the self-owner of their labour power. Yet, in this essay, I would prove how the libertarian line of thought is untenable. Firstly, I am going to show even if I affirm the rights definition of freedom, proletariats are rendered unfree due to the weaknesses of Nozickean proviso in justifying initial privatization. Secondly, I will argue wage labour *per se* is unfree though privatization of means of production can be justified and this conceptual movement is accomplished by identifying freedom with non-domination. Lastly, I am going to reply a challenge concerning class ascent, which libertarians deem is a means to freedom. In response, I would unfold the idea of collective unfreedom embedded in that mechanism.

Introduction

OWNER. Get off my land!

TRESPASSER. What makes it yours?

O. I bought it from Smith.

T. How did Smith get it?

O. His father willed it to him.

T. And how did Smith senior come to have it?

O. It belonged to Alley Oop, who gave it to Smith senior in payment for services rendered.

T. How did Alley Oop get it?

O. He seized it and successfully fought for all comers.

T. Well, I wasn't born soon enough to be one of those comers, so I'll fight you for it now.¹

By no means is the above dialogue trifling. For one thing, this quarrel can only arise under the context of capitalist mode of production since what characterises capitalism is the separation of masses of people from

1. G. A. Cohen, *History, Labour, and Freedom: Themes from Marx* (Oxford: Clarendon Press, 1988), 253.

any control of means of production, and in this case, land.² As a result, the mass of population, who are being denied to the direct access to the means of production, can only make a livelihood by selling their labor power. So, the motivation that drives the trespasser, who is very likely a member of proletariat class, to harry the landowner and to occupy his land is far from obscure—he cannot survive, no wonder his gloomy situation is due to unemployment, lack of shelter, lack of food, etc. Anyhow, with a piece of land in hand granted by landowner, the trespasser's urgent need can be resolved mostly, regardless of whether he returns to the wage labour market or not. Yet, the dispute is never that simple. The landowner can certainly consult the fiercest defenders of private property, Robert Nozick, for what is to be done before calling the police. In consideration of this, Nozick would probably ask the trespasser, “putting history aside, could private property be legitimately formed?” To put it more precisely, his question is, is there any other moral grounds, except brute force, which can justify the initial appropriation of an unowned land?

Indeed, throughout his book *Anarchy, State, and Utopia*, Nozick attempts enthusiastically to vindicate absolute private property ownership by appealing to the right of self-ownership, using his proviso as abridgment.³ If this justification on the initial acquisition of private property succeeds, any redistributive measure, which are unwarranted by one's consent, would be violating his self-ownership, rendering him unfree. He is rendered unfree because, according to Nozick, once one is the rightful owner of his own person, he should have absolute freedom to control how he uses his talent and labour, and thus the things produced by his talent and labour. Hence, in the libertarian scheme, the scope and nature of freedom is always a function of right of self-ownership.⁴ Applying this rights *definition of freedom* into the short story, the ending of the dispute would be extremely cruel.⁵ First thing, so long as the landowner

2. Chris Harman, *Zombie Capitalism: Global Crisis and the Relevance of Marx* (Chicago: Haymarket Books, 2010), 40.

3. Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974).

4. G. A. Cohen, *Self-ownership, Freedom and Equality* (New York: Cambridge University Press, 1995), 67.

5. In the matter of rights definition of freedom, one is unfree only when others prevent him from doing what he has a right to do, so that the other people would have no right to prevent him from doing it as a result. Thus, under this definition of freedom, interference is not a sufficient condition of unfreedom. And the rights definition of freedom is contrasted with the neutral account of freedom that asserts one is unfree whenever someone interferes with his actions. Combining the rights definition of freedom with a

passes the proviso demanded by Nozick in justifying the initial acquisition, the landowner, representing most capitalists, can in conscience expel the trespasser right away by calling on state apparatus, since the trespasser has wrongfully intervened the landowner's freedom. On the other hand, the empty-handed trespasser, who is no longer entitled to claim for access to any means of production, has to concede that he is nevertheless self-owner of his labour power, and is, therefore, free in Nozickian sense.⁶ In another word, no matter how hard-pressed a proletariat is, he still has the freedom to choose which capitalist in selling his self-owned labour power to and he is in no circumstances being forced to enter into any contract. What is more, on condition that he enters a contract voluntarily, the proletariat has to bow to the oppression in workplace without any complaint, for he has the very freedom to withdraw his labour power at any time.

Admittedly, this libertarian judgment, deeming wage labour as perfectly free, demands a response from leftist, whose fundamental concern is wage labour. This response should not make use of the language of equality, but rather, the language of freedom, so as to knock down the libertarian camp exhaustively. And that is exactly the task of my essay—to manifest the unfreedom of wage labour. It is organised as follows. In section I, I am going to show that even if I affirm the rights definition of freedom, proletariats are rendered unfree. This step is achieved by, first of all, unfolding the weaknesses of Nozickian proviso in justifying initial privatization of unowned properties in three respects: (1) “first come, first served” doctrine, (2) insensitivity and indifference to power relation, and (3) irrelevance and disrespect of right of self-ownership. Then, I will articulate how these three weaknesses embedded in Nozickian proviso contradict the right of self-ownership thesis correspondingly. This section is what I called the internal critique of libertarianism, which focuses on how proletariats are unfree even if one accepts the self-ownership

moral endorsement of private property, it would warrant the landowner and the police in preventing the trespasser from using the landowner's private property since the act of trespass constitutes interference against the landowner's moral right to his property and hence restricts his freedom. Whereas the interference against the trespasser would not be counted as a restriction of his freedom since he has no moral right to claim that land. Nonetheless, this rights definition of freedom concerning the private property is tenable if and only if Nozick can justify one can claim moral right to initially unowned resources. See Cohen, *Self-ownership, Freedom and Equality*, 59–60.

6. Cohen, *Self-ownership, Freedom and Equality*, 68.

thesis. Next, in section II, I will argue wage labour per se is unfree even though privatization of means of production can be justified, and this conceptual movement is accomplished by identifying freedom with non-domination, i.e. to move from an internal (freedom as self-ownership) to an external (freedom as non-domination) critique of libertarianism. So, firstly, I will draw on G. A. Cohen's notion of cleanly generated capitalist relationships, in which everyone owns privately an equal quantity of means of production originally but still leads to a wage labour system eventually. Then, I will contrast the identification of freedom with non-domination with that of freedom with right of self-ownership, in order to show that the former identification is more comprehensive than the latter in judging the freedom status of wage labour. Through this contrast, I will vindicate that the working class, though their right of self-ownership is fully expressed in such a society, are all the same unfree because they would still be under the domination of the dictatorship of capitalists in workplace on two major dimensions, which are respectively decision-making structure and division of labour. Thirdly, I am going to further criticise the limitation of rights definition of freedom by teasing out the implications of what leftists mean by "proletariats are forced to sell their labour power" when they use this notion to cry out the unfreedom of wage labour. In the end, in section III, I am going to reply a challenge concerning class ascent. The defenders following this line of thought asserts there are always mobility opportunities for proletariats to escape their unfree destiny, and accordingly, they believe no proletariats are forced to sell their labour power. In response to this, I will refute their challenge by unfolding the idea of collective unfreedom embedded in the mechanism of class ascent.

I

As I have said earlier, the libertarian assertion on the freedom of proletariat in terms of right of self-ownership is directly linked to its justification on absolute property rights over unowned means of production. So, in order to repudiate this assertion, we must start from articulating how Nozick legitimises the initial appropriation of unowned resources in our world, seeing whether its moral ground is rock solid or not.

Above all, the central idea of Nozick's Entitlement Theory is the thesis of self-ownership. This thesis exalts that we are the morally right-

ful owner of our person and powers, and in consequence, that we are morally free to exercise those powers as we wishes, as long as we do not use them against others.⁷ At first sight, it certainly lures the romantic appeal of anarchism since this moral view on person can derive a strong indictment against a paternal state on the issue of legal regulation of sexual behavior, drug use, and individual life styles.⁸ However, from my point of view, to derive absolute private property ownership from the thesis of self-ownership is a different matter. Actually, in bridging the gap between right of self-ownership and property ownership, Nozick has drawn on John Locke's proviso in declaring "the crucial point is whether an appropriation of an unowned object worsens the situation of others".⁹ For those who are clear-headed, it is at once obvious that this "enough and as good left over" proviso has left lots of space on the interpretation concerning what should count as worsening another's situation.¹⁰ Of course, Nozick is very conscious of this void and has accordingly restricted the scope of interpretation by adding the following statement,

A process normally giving rise to a permanent bequeathable property right in a previously unowned thing will not do so if the position of others no longer at liberty to use the thing is thereby worsened.¹¹

With this additional statement, the content of the proviso is more specific and the requirement to pass the proviso can be formulated as follows: When someone wishes to appropriate an object O, which was unowned and available to all, *its withdrawal from general use should not make others' prospects worse than they would have been had O remained in general use.*¹² Thereby, the proviso is beyond dispute fulfilled if nobody's position is made worse at all than it would have been had O remained unowned. However, when one takes a closer look to the proviso, one might nose out that it can also be fulfilled in a much looser fashion: So long as somebody's position is in other ways sufficiently improved to counterpoise that worsening, the proviso is nevertheless fulfilled, even

7. Ibid., 67.

8. Thomas Nagel, "Libertarianism without Foundation," *The Yale Law Journal* 85, no. 1 (1975): 138.

9. Nozick, *Anarchy, State, and Utopia*, 175.

10. Cohen, *Self-ownership, Freedom and Equality*, 75.

11. Nozick, *Anarchy, State, and Utopia*, 178.

12. Cohen, *Self-ownership, Freedom and Equality*, 76.

if his position is in some relevant ways worsened.¹³ Apparently, it is this latter annotation which I find the Nozickean proviso spurious and drives me to judge that libertarian fails to bridge the enormous cleft between absolute property ownership and right of self-ownership. In the coming part, I will use a thought experiment to demonstrate that, upon the legitimization of absolute private property ownership through Nozickean proviso, the right of self-ownership can be taken out of consideration, or more strongly, the self-ownership thesis is totally irrelevant to the legitimization.

To start with, let us envisage a lonely planet in which only two self-owning persons exist and everything non-human is under general use. These two guys, Benny and Leo, draw sustenance from the land without obstructing the sustenance-drawing activity of the other. Benny is capable of getting m from the land whereas Leo is capable of getting n , where $m \geq n$, and assume the italic small letter represents number of bushels of rice. We can infer that m and n represent what Benny and Leo are able to obtain under general use of the external resources through exercise of the personal powers each owns. Suppose one day, Benny appropriates all the land, or an amount that leaves Leo not being able to live off. Benny then offers Leo a salary of $n + p$ ($p \geq 0$) which Leo perforce accepts while Benny gets $m + q$ ($q > p \geq 0$). It should be noted that Benny gains more than Leo in any cases and there is a rise in output in virtue of the fact that Benny is a good organiser.¹⁴ Does Nozickean proviso allow Benny's appropriation?

To check whether Benny's appropriation fit well with the Nozickean proviso, we must look at Leo's condition, to wit, we must compare his condition under general use of the external resources with that under Benny's appropriation. In faith, Benny's appropriation passes perfectly the Nozickean proviso since we only count on the increase in number of bushels of rice obtained by Leo. Now, in order to reveal the weaknesses of Nozickean proviso, let us turn the tentative planet in the opposite way, that is, to allow Leo being the person of appropriation of all the unowned resources. In effect, there can be three possible outcomes as shown in the table below:

13. Ibid.

14. Ibid., 79.

Table 1. Number of Bushels of Rice Benny and Leo will Get under Common Ownership or Different Scenarios of Appropriation

	General use of external resources	I. Benny's appropriation	II. Leo's appropriation		
			(a) Leo's talent = Benny's talent	(b) Leo's talent > Benny's talent	(c) Leo's talent < Benny's talent
Benny gets	m	$m + q$	$m + p$	$m + p$	m
Leo gets	n	$n + p$	$m + p$	$m + p$	n

Consider II (a) in which Leo is as good as Benny in organizing agriculture. Leo could have got an additional q , and paid Benny only an additional p . Ironic enough, in this case, Leo can also satisfy the proviso impeccably and can thus appropriate the same resources as that of case I.

By this inversion of situation of Benny and Leo, we can immediately testify the absurdity of the Nozickean proviso. Firstly, Nozick now shoulders the burden to provide justification for the "first come, first served" doctrine, for it is doubtful why Benny has the right to coerce Leo to accept his appropriation even if the self-owned power (talent) of Leo is equal to his.¹⁵ Secondly, in judging whether Benny's appropriation satisfy Nozickean proviso, the proviso has never taken the disadvantage to Leo of being absolutely subject to Benny's command into account. That is to say, the proviso is always insensitive and indifferent to the value concerning the power relation in which Leo and Benny stand to each other after appropriation.¹⁶ Notice that this insensitivity and indifference continues to run no matter the self-owned power of Benny is higher than or equal to that of Leo.

Up to now, loyalists of Nozick might argue, Benny and Leo may appropriate the unowned resources together and have common ownership, only on condition that their self-owned power is equal. Yet, the libertarian apologists would insist case I to persist, for Benny really has a better self-owned power than Leo in upgrading Leo's living condition in this case. I call this defense into question because I do not think the self-ownership thesis is ever in Nozick's mind at all when he justifies initial acquisition using his proviso.

Let me illustrate this point by supposing that Leo alone is a good organiser, and Benny once again has appropriated the unowned resources

15. Ibid., 80.

16. Ibid.

before Leo. Then Benny suggests that Leo himself designs an optimal division of labor for the same $n+p$ wage. Since Leo no longer has the resources to make his livelihood, he is forced to accept this deal. Without further ado, the fatal weakness of Nozickean proviso appears. Truly, Benny's appropriation satisfied Nozickean proviso, however, it is nobody but Leo who has increased the productivity. What follows is Benny can perform no labour and enjoy the fruits of Leo's labour. By means of this example, we have witnessed a disagreeable situation in which we can disregard the talent of appropriator when privatization generates additional value to both agents. In turn, what the appropriator has to do is not to exercise his self-owned power in adding value to the unowned resources, but simply to safeguard the value of the unowned resources is added and not to deprive other agents' prospects at the moment of appropriation. Therefore, we can at last refute the legitimacy of the Nozickean proviso by adding the third point, that is, the self-ownership thesis is of no significance in justifying initial privatization.¹⁷ Rather, its fundamental concern is solely the fact whether the appropriator has fulfilled the requirement of the proviso, which is pulling up other agents' living condition at the moment of appropriation in comparison with that under general use of the external resources (i.e. whether Leo gets an additional salary p).¹⁸

Pulling all three threads together, the linkage between the Nozickean mode of private appropriation and the unfreedom of wage labour is now vividly portrayed correspondingly. Firstly, in view of the unjustifiable "first come, first served" doctrine, Nozick can never again declare that the existing proletariats, who will have been too slow or will have been born too late to privatise anything, are free in the sense of being the self-owners of their labour power.¹⁹ These proletariats have

17. It is noteworthy to indicate that, in judging whether an appropriation passes the Nozickean proviso, Nozick has actually drawn a static picture by merely comparing the living condition of other agents at the short instance of appropriation with that under general use of the external resources, but never with the relative living condition after certain period of appropriation. Nozick seems to assume that other agents' prospects must flourish after any appropriation. But this assumption is totally unfounded because other agents, who no longer have any means of production, are perpetually under the command of the appropriator and would most probably become seriously worse-off after certain period of appropriation. Unfortunately, Nozick has never offered us any rectification mechanism for this tragic situation of private appropriation.

18. Cohen, *Self-ownership, Freedom and Equality*, 82.

19. *Ibid.*, 114.

just grievance to press because, once the unowned means of production is comprehensively privatised by those who are fast enough before they do, they do not have the same starting point relative to those illegitimate landowners regarding the opportunity on initial appropriation of means of production. And in order to make a livelihood, the belated proletariats would have no choice but to sell their labour power. As a result, these belated proletariats, no matter how high are their natural attributes with respect to those of appropriators, are definitely being forced to enter the labour market since a section of the population has already controlled all the means of production. Thence, the libertarian assertion, claiming that the proletariats are always free as self-owner of labour power, is partial for it has abstracted the background by not spelling out the transaction of labour power into wage is under a circumstance in which the belated proletariats cannot have anymore unowned resources to appropriate.²⁰ For this reason, the belated proletariats are unfree in the sense that they are being completely denied the opportunity to exercise their self-owned power to acquire unowned resource in the first place.

Secondly, one may also harbor suspicion about the effect on the freedom status of proletariat when Nozickean proviso only employs the potential proletariats' material welfare as benchmark in comparing their living condition before initial appropriation with that at the moment of appropriation, but is insensitive and indifferent to the value concerning the power relation in which proletariats and capitalists stand against one another after appropriation. That is, the power difference between appropriators and the potential proletariats after privatization can be so discrepant that, though the positions of potential proletariats are not worsened at the time of appropriation, they are afterwards permanently living at the mercy of capitalists and are thereby unfree. Conceivably, the defenders of Nozick would oppose this line of thought by contending once again that these later-propertyless proletariats would continue to possess themselves entire, and for this reason, they can dispose their labour power freely. Yet, this response is self-defeating due to its ignorance of fact. It is owing to the fact that, in actuality, the sale of labour power in exchange for wage by proletariats is endless as long as they do not possess any means of production, or else they cannot survive. In

20. Allen E. Buchanan, *Marx and Justice: the Radical Critique of Liberalism* (London: Methuen, 1982), 54.

other words, notwithstanding their living standards are promoted, the proletariats can never dispose their labour power in a circumstance that is independent of the capitalists, not to mention this kind of dependency would give rise to an enormously imbalanced power relation between proletariats and capitalists. Therefore, even given we embrace the rights definition of freedom, the proletariats are nonetheless rendered unfree because of this proletariats' perpetual dependency on capitalists, to wit: the self-owned labour power of proletariats is never theirs, but rather, capitalist-owned, forever and ever.

Now, before moving on to the last point, I wish to convince readers why mass of population are easily forced to enter the labour market under Nozickean mode of private appropriation by adding a transitional remark about the baseline of comparison in Nozickean proviso.

If we return to the formulation of Nozickean proviso and take a closer look, it is not difficult to observe that the benchmark to pass the proviso cannot be much lower. In conscience, it is fair to say Nozick really inclines to employ the notion—“*had O remained in general use*”—as the sole reference point to justify initial acquisition since, in the section previous to the manifestation of his proviso, Nozick asks us, “Is the situation of persons [potential proletariats] who are unable to appropriate (there being no more accessible and useful unowned objects) worsened by a system allowing appropriation and permanent property?”²¹ And his proviso does employ the baseline of comparison derived from this question afterwards. Yet, the baseline of comparison is questionable since it has the upshot that, in assessing whether initial appropriation is justified, the counterfactual situation relevant is only one in which an unowned object would have continued to be accessible to all.²² Undeniably, this baseline of comparison in determining the legitimacy of an initial appropriation is too lax. Indeed, my disagreement is based on the fact that, in the event of the power difference between appropriators and potential proletariats is so great as described above, there is no guarantee that the

21. Nozick, *Anarchy, State, and Utopia*, 177.

22. Cohen, *Self-ownership, Freedom and Equality*, 78. For sure, there are other counterfactual situations, such as public property ownership, communal property ownership or semi-capitalist property ownership, that one can make use of in assessing whether initial appropriation is justified. Of course, I am not saying these ownership models must be justified, but rather, laying down an unavoidable question for Nozick, that is, why he can uncritically restrict the range of permissible comparison and simply bring forward the general use of unowned resource as the only counterfactual situation relevant for comparison in his proviso.

potential proletariats would never be seriously deprived and far worse off than they would have been under the general use of resource.²³ However, the Nozickean proviso, which is insensitive and indifferent to the power relation, in fact allows a section of population to appropriate all unowned resources if only nobody has any reason to prefer its remaining in general use. In consequence, a large mass of population, who is too inactive or late to appropriate the unowned means of production, would easily be coerced to enter the labour market and sell their labour power without their consent. Through articulating the problem concerning the baseline of comparison in Nozickean proviso, it is more salient why the design of Nozickean proviso is liable to forcing a mass of population into labour market. Besides, from this remark, one is now able to infer the last connection between Nozickean mode of privatization and unfreedom of wage labour.

The third linkage can be delineated by asking why the notion “had O remained in general use” in Nozickean proviso is from the start owned by no one. Somehow, we usually take this assumption for granted, yet, this negligence will lead us to lose sight of how the proviso breeds coercion on the potential proletariats. To illustrate, let us return back to our tentative planet and focus on case II (b). In this case, Leo can straightaway appropriate all unowned resources by offering Benny $m+q+r$ bushels of rice and becomes landowner. But suppose Leo does not want to appropriate the resources for, so to speak, he thinks Benny should make a livelihood not at his mercy, or let's say, he just inclines to be a friend of Benny under a non-capitalist production relation. Thus, he does not exercise his self-owned talent, although his organizing skill is higher than that of Benny. Can the Nozickean enterprise promise Leo's generous wishes? I doubt. It is because, from the third weakness of Nozickean proviso I have teased out, the fundamental concern of Nozickean appropriation is never the self-ownership or will of others, but merely the fact whether the appropriator has passed the proviso, and in this example, that is, whether Leo benefits as a result at the time of appropriation. In view of this, Benny can forthrightly appropriate all the unowned resources unilaterally once he satisfies Nozickean proviso by offering Leo an additional salary p . So, it is perspicuous that the Nozickean mode

23. Ibid.

of privatization undoubtedly allows appropriators (Benny) being against all the wishes of others (Leo), no matter the self-owned power of the appropriators is higher than or equal to that of potential proletariats.²⁴ And if libertarian really upholds freedom in terms of right of self-ownership, why can Nozick simply focus on the self-owned talent and wishes of the appropriators, but can disregard entirely those of the potential proletariats? This asymmetrical respect of self-owned talent and wishes denotes unequivocally the last kind of unfreedom of wage labour. It is because all persons in the Nozickean utopia, who cannot forbid the appropriators to acquire resources, cannot fully control the fashion about how to use their self-owned power on the unowned resources before capitalist mode of production arises except to use it in appropriation as fast as possible; otherwise they would become proletariats.

So far, we have seen how the Nozickean mode of privatization contradicts his rights definition of freedom due to the three weaknesses embedded in his proviso in forcing mass of population into the wage labour system. On this basis, the libertarian claim that declares proletariats are free in terms of being self-owner of their labour power is hardly convincing as the self-ownership of proletariats is never fully expressed during the course of initial appropriation. Thus, I fear that the libertarian would have to concede its error concerning the justification of private property. Yet, the loyalists may still confidently question, what if there is a regime in which everyone owns privately an equal quantity of land and can fully express everybody's right of self-ownership? Suppose wage labour emerges in that society, can we still regard the proletariats as being unfree under a wage labour system? If yes, what is the nature of this unfreedom? To answer these questions, we must proceed to section II.

II

To begin with, let me draw the contour of the society described above

24. Beyond all question, the picture is fundamentally different if the resource is owned in common since there is democratic device of consensual agreement which would take into account the will of Leo about how to make use of the unowned resources. So, if joint ownership rather than no ownership is the starting position, then Leo has the right to forbid Benny to appropriate, even if Leo would benefit by what he thereby forbids. The rationale for the ban can be grounded on the good reasons mentioned above. In addition, Leo would neither be forced to enter the labour market nor be forced to appropriate resources, and he can thus control the fashion about how to employ his self-own power on the resources. See *Cohen, Self-ownership, Freedom and Equality*, 83–84.

by using G. A. Cohen's notion of cleanly generated capitalist relationships. In the society of cleanly generated capitalist relationships, every candidate is allowed to possess an equal amount of means of production. Through putting their labour to the means of production, they get the respective labour fruits and they are then allowed to transact permissively in which there is no force or fraud involved. After a certain period, some candidates, who spend a lot or not talented enough, lose all their means of production and must work for other candidates in exchange for wage. In brief, in such a society, there are always capital-lacking proletariats on one side and capital-endowed capitalists on the other, but the capitalist relationship is cleanly generated in the sense that the differential endowment is the outcome of a history which starts with equal amount of means of production in a context of self-ownership.²⁵ In another word, these cleanly generated capitalist relationships are produced solely from greater frugality and/or talent of those who come to control all the means of production, and there would be certainly no provision of welfare and redistribution that are unwarranted by consent.²⁶

In effect, the libertarian assertion, claiming proletariats are free for being self-owner of their labour power, can now seemingly stand firm since the problem about the Nozickean initial appropriation is dismissed and what is left is in faith merely a capitalist mode of production purely generated from the upshot of all candidates' self-owned power. Facing this hypothetical circumstance, we can no longer appeal for the account of unfreedom in section I and this surely troubles us. So, with what moral ground can we leftists continue to argue the proletariats are still unfree under wage labour system in such cleanly generated capitalist relationships? In my opinion, the possible way out is to identify freedom no more with right of self-ownership, but with non-domination.

To avoid confusion, I have drawn on the definition of domination written by Iris Marion Young in her book *Politics of Difference*, as she puts,

By domination I mean structural or systemic phenomena which exclude people from participating in determining their actions or the conditions of their actions. Domination must be understood as structural precisely because

25. *Ibid.*, 161.

26. *Ibid.*

the constraints that people experience are usually the intended or unintended product of many people, like the actions which enable the judge's power...The structured operation of domination whose resources the powerful draw upon must be understood as a process.²⁷

Thus, the prime focus of freedom as non-domination would be “what people are doing, according to what institutionalised rules, how their doings and havings are structured by institutionalised relations that constitute their positions, and how the combined effect of their doings has recursive effects on their lives”.²⁸ Comparing it with the libertarian rights definition of freedom, the latter identification of freedom is truly less comprehensive in evaluating an individual's status of freedom since it merely fetishes on whether an individual possesses self-owned power or not, but loses sight of the manner of how he exercises his self-owned power. Putting this contrast back to the context of wage labour, it means the libertarian identification of freedom tends to preclude deliberating about what proletariats are doing in the workplace, how their power positions standing against capitalists, whether there is bias within the institutionalised rules of workplace, and so on and so forth. In short, in judging whether proletariats are free under wage labour system, freedom as right of self-ownership entangles only on the proletariats' possession of their self-owned labour power, but is blind to the process after they sold their labour power to capitalists. Contrarily, according to freedom as non-domination, proletariats are not viewed as being free simply on the ground that every worker, who is the self-owner of his labour power, is formally free not to enter a contract with capitalists. This identification of freedom is absolutely against such atomic perspective in judging the freedom status of workers. Instead, it would adjudicate the freedom status by scrutinizing on the structure of capitalist relation of production, and examining whether proletariats are being inhibited or prevented from participating in determining their actions or the conditions of their actions in their workplaces.²⁹

With this elucidation about the content of freedom as non-domination, we can at present respond to the challenge posed by libertarian

27. Iris Marion Young, *Justice and the Politics of Difference* (New Jersey: Princeton University Press, 1990), 31–32.

28. *Ibid.*, 25.

29. *Ibid.*, 38.

concerning cleanly generated capitalist relationships. For one thing, we can assert that the libertarian query has not taken into account the structural effects of each candidate's contractual exchange that they cannot foresee or intend, and to which they might not agree if they could.³⁰ The structural effect is obvious: the establishment of wage labour that is full of dominance which is manipulated by capitalist class alone. Therefore, we can all the same proclaim the proletariats are morally unfree owing to the domination embedded in wage labour system, albeit right of self-ownership is fully expressed under such cleanly generated capitalist relationships. In the coming part, I will point out the domination of the wage labour on two tightly intertwined dimensions, which are respectively decision-making structure and division of labour, so as to substantiate my claim that wage labour is *per se* unfree.

Talking about the issue of decision-making structure, one should notice that the operation of decision-making structure would reproduce distributive inequality and unjust constraints on people's lives.³¹ And what is more fundamental is, one should pay close attention not only to the questions concerning who have the authority to make what kind of decisions, but also the rules and procedures according to which decisions are made.³² On this regard, it is not difficult to discern how the proletariats are under domination in the decision-making structure of workplace. As a matter of fact, at the time proletariats have sold their labour power in exchange for wage, they are promptly mere objects in the eyes of capital-endowed capitalists until the contract is due. Following this line of thought, capitalists can, without feeling any guilt, marginalise and expel workers from participating in decision-making about the rules of production process, even though workers are most probably the sole agent for production. In consequence, the powerless proletariats are under domination in the sense that they must take the capitalists' orders and rarely have the right to command, thus, they generally become obedient subordinates, a stance that usually diminishes a sense of self.³³ Putting the above notion of asymmetrical power relation concretely, it denotes the workers possess little or no work independence, exercise little creativity

30. *Ibid.*, 28.

31. *Ibid.*, 23.

32. *Ibid.*, 22–23.

33. *Ibid.*, 56.

or judgments in their productions, voice their concerns awkwardly, enjoy no authority, and do not command respect.³⁴ Retrospectively, the total imbalanced decision-making power relation between the two classes is anchored on nothing but the full control over means of production by capitalists. To put it another way, the monopoly of capital has warranted the capitalists that they can impose their decisions arbitrarily on the proletariats in the wage labour system, and thus is the source of domination. And this intolerable and undemocratic situation in workplaces can surely be signified as dictatorship of capitalists.

Besides, the dictatorship of capitalists can be displayed not just in terms of decision-making structure, but also of division of labour, which put more emphasis on the type of work in production. In truth, it is not difficult to envisage that the imbalanced decision-making structure tilting to the capitalists would evolve into a hierarchical division of labour. Within this hierarchical division of labour simply ruled by capitalists, the pay scales and relations of superiority and subordination will of course correspond to the positions in hierarchy. But more importantly, the organizational tendency of workplace is always the separation of major task-defining decisions from all the proletariats that carry out those ends.³⁵ That is to say, the centralised planning of the enterprise must always be operated by a few capitalists or top administrative managers in top positions while the workers at the bottom must only execute tasks designed by their superiors.³⁶ This structural division between task-defining and task executing work contributes to domination against workers for two reasons. First, proletariats are easily exposed to hazardous jobs that render their lives always at stake. Second, proletariats are always subjected to performing automated, routinised, and detailed specialised jobs.³⁷ These kinds of jobs not just only inhibit workers' capacity or deaden their ambition to develop other capacities, but also offer very low salary to workers and are long-running.³⁸ As a result, the class mobility from proletariats to capitalists would be minimal once proletariats engage in "dead end" job and they would become lifelong wage slave.

34. *Ibid.*, 56–57.

35. *Ibid.*, 218.

36. *Ibid.*

37. *Ibid.*, 220.

38. *Ibid.*

Facing my accusation about the dictatorship of capitalists, I am quite sure that libertarian would hardly resist it and would even celebrate it since this dictatorship is an outcome which fully expressed the right of self-ownership. At most, their reply is to persuade the capitalists not being so tyrannical in these cleanly generated capitalist relationships by offering the proletariats with better working conditions, for the capitalist mode of production requires the survival of proletariats. Yet, the approval or withdrawal of the preferential treatment depends fundamentally and barely on the arbitrary will of capitalists, who are the only sovereign in workplace. To put a step further, libertarians would disagree that the proletariats should have the right to strike collectively so as to put pressure against capitalists in exchange for means of production because the strike has violated the capitalists' right of self-ownership and is hence coercion or "forced labour" for the capitalists.³⁹ All in all, no matter how close to death the proletariats are, libertarian would turn a blind eye to the endless domination endured by proletariats in the cleanly generated capitalist relationships and would still deem that they are free since the workers, who are the self-owner of their labour power, do enjoy the freedom to choose a less "dead-end" or a less hazardous job, that is, the freedom whether to enter contract with a particular capitalist. Thereby, libertarian would insist to avow that proletariats are certainly free and would reject what leftists always advocate--proletariats are forced to sell their labour power under a wage labour system, and hence they are unfree. At first sight, it seems that the unfreedom asserted by leftists is always incompatible with the freedom asserted by the libertarian defenders and there is no more common ground to continue our debate, but is it the case?

To end this section, I think the best way is to resolve the deadlock by articulating meticulously what leftists mean by "forced to sell their labour power", for the sake of certifying libertarians are never inspired throughout by a desire to protect freedom and justifying that freedom as non-domination is a more comprehensive benchmark in evaluating the freedom status of workers. My line of thought is in twofold.

First of all, in response to the claim that proletariats do enjoy the freedom to choose whether to sell their labour power to a specified capi-

39. Nozick, *Anarchy, State, and Utopia*, 168–69.

talist, I do think Karl Marx had already identified splendidly the fault of this argument for us two centuries ago, as he contends,

He [a proletariat] sells the particular expenditure of force to a particular capitalist, who he confronts as an independent *individual*. It is clear that this is not his relation to the existence of capital as capital, i.e. to the capitalist class. Nevertheless, in this way everything touching on the individual, real person leaves him a wide field of choice, of arbitrary will, and hence of formal freedom.⁴⁰

In this passage, what Marx maintains is, a proletariat is scarcely constrained to sell his labour power to a particular capitalist or another (his formal freedom to choose different job contracts), but nevertheless, he is being forced to sell his labour power to the capitalist class as a whole.⁴¹ Say for example, a worker can beyond all questions choose a hazardous job instead of a “dead end job” for the sake of better livelihood, but at his health expense. He can also choose the opposite in order to protect his health and being paid less money. Yet alas, after all, he can never choose to detach his labour power from the capitalist class. In other words, a proletariat must sell his labour power to the capitalist class at the end of the day, subjecting himself to the domination in workplace if he wishes to survive, though the degree of domination may vary according to the sympathy of particular capitalist. Affirmatively, this line of thought can be generalised to all proletariats in a collective sense, and therefore, the proletariat class is forced to sell its labour power and cannot be independent to the capital.⁴² Clear-headed reader may have already observed this point is actually cut from the same cloth of that when I delineate the second connection between the Nozickean privatization and the unfreedom of wage labour in section I.

Next, it is about the relationship between freedom and force. To illustrate my second line of thought, I have to propound a thesis about force and freedom, that is, one is free to do what one is forced to do.⁴³ I admit this thesis is a bit counter-intuitive and surprising for most of us. But let us look at the logic of this thesis: Before you are forced to do A,

40. Karl Marx, *Grundrisse* (New York: Penguin Books, 1973), 464.

41. G. A. Cohen, *Karl Marx's Theory of History: A Defence* (New Jersey: Princeton University Press, 2001), 223.

42. G. A. Cohen, “Capitalism, Freedom, and the Proletariat,” in *On the Currency of Egalitarian Justice, and Other Essays in Political Philosophy* (New Jersey: Princeton University Press, 2011), 162.

43. *Ibid.*, 147.

you are free to do A and free not to do A. The force removes the latter freedom, not the former. The force puts no barrier in the path of your doing A, thus you are still free to. Notice that you could frustrate the person who sought to force you to do A by making yourself not free to do it.⁴⁴ Therefore, putting this odd-sounding thesis back to our topical subject, it implies working class is free to sell their labour power even they are forced to. Paradoxical enough, my thesis has set both leftists and libertarian standing on a common ground, to wit, the unfreedom asserted by leftists is actually compatible with the freedom asserted by the libertarian defenders. And this conclusion would be greeted by libertarian thinkers with joy. However, it is precisely the acceptance of this conclusion that shows libertarian has been abusing the rhetoric of freedom and exposes the limitation of identifying freedom with right of self-ownership—the failure to distinguish the idea of being free to do something from the idea of doing something freely.⁴⁵

For certain, doing something freely is morally thicker than merely being free to do something and is undoubtedly a better benchmark in evaluating the freedom status of a person. Thanks to the thesis, let me demonstrate the difference through a situation in which one is free to do what he is forced to do but does not do it freely. Consider two ways in which Homie, who would like Pandaman out of her lecture, might plan to accomplish her goal. Homie might pull Pandaman over to the door and push him out, thus, *forcing* him out of the lecture hall. Or Homie might get Pandaman to leave by threatening to shoot him unless he leaves. Only in the latter scenario would we say Pandaman is forced to *leave* the room since there is really something which he is forced to do, whereas he does nothing or nothing relevant in the former scenario (i.e. he is just pumped out by Homie).⁴⁶ Admittedly, in the latter scenario, Pandaman is both free to leave and free not to leave the lecture hall (i.e. he can stand still and be shot).⁴⁷ Yet, the availability of the alternative to what he is forced to do would not convince us to judge Pandaman leaves the lecture hall

44. *Ibid.* The logic is lucid through the case of prisoner. Suppose somebody commits a crime, thereby causing him to be jailed, so that he cannot be forced by gaoler to do something he abhors. If the gaoler still hopes to force the prisoner to do it, the gaoler has to make him free to do it by springing him from jail. See Cohen, *History, Labour, and Freedom*, 242.

45. *Ibid.*

46. Cohen, *History, Labour, and Freedom*, 245.

47. Recall the proposition of the thesis: it is impossible to do what one is not free to do.

freely. The rationale behind is not because Pandaman has no alternative at all, he does have one. Rather, it is because the provision of that alternative for him is not a *reasonable or acceptable one*.⁴⁸ By the same token, proletariats are definitely free to choose whom they sell their labour power to, but we would not declare proletariats sell their labour power freely due to the fact that the other alternative, becoming independent to the capital and not selling labour power to capitalists, is not a reasonable or acceptable one since workers cannot survive without wage. On this account, we can ultimately tease out the implications of the leftist's claim "working class is forced to sell their labour power", through which the unfreedom of wage labour is manifested. First thing, it recognises that proletariats are indeed free to choose to sell their labour power. For sure, this first implication is embraced ardently by libertarian. Yet, above all, there is a second inconvenient part of the statement that the rights definition of freedom has never taken into account, that is, the proletariat class has no other choices worth considering except selling labour power unfreely to capitalist class in a collective sense and would consequentially subject to the domination manipulated by capitalists.⁴⁹

Therefore, to conclude, it is clear and definite that in judging the freedom status of a person, the standard we should investigate is whether he does something freely, instead of whether he is free to do that thing. And this scrutiny is possible if and only if we identify freedom with non-domination, but never rights definition of freedom. Moreover, if libertarian wishes to refute my challenge, they have to show us there is acceptable or reasonable alternative for the proletariat class, to wit, a situation in which proletariats are independent of the dictatorship of capitalists and can make their livelihood, when they claim that proletariats are "free".⁵⁰ Otherwise, I am afraid that libertarian is abusing the language of freedom, if not treating the complicated matters too simple.

48. Cohen, *History, Labour, and Freedom*, 245.

49. *Ibid.*, 246.

50. In drawing this conclusion, I do not mean to claim that dependency on capitalists as such must entail domination. Rather, what I wish to assert is the lack of control on means of production by the proletariat class, being the source of domination in wage labour system, has made their dependency on the capitalist class unavoidable since workers must sell their labour power lifelong to capitalists in order to survive for not having any acceptable or reasonable alternative.

III

Perhaps, the libertarian would like to rebut my critical comment by pointing out there are reasonable or acceptable alternatives for workers owing to the fact that some hard-working proletariats might nonetheless always have chances in managing to set up for themselves in initially small business by saving enough money, albeit the course of class ascent is painful enough. In view of this, all members of the working class do enjoy the opportunities to escape the fate of wage slave and have a reasonable or acceptable alternative. As a result, libertarian would argue all proletariats are not forced to sell their labour power because of the possibility of class ascent. Regarding the issue of class ascent, most ordinary leftists would reply by indicating most proletariats lack the ability to grasp those opportunities until they attend costly and time-consuming schooling to upgrade themselves as professionals and get handsomely paid. However, this approach is precisely what libertarian thinkers hope for since they would answer what the proletariats lack is only capacity, not freedom.⁵¹ Once again, I think it is necessary to reply the libertarian through the language of freedom with respect to the debate on class ascent. My objection to the above rebuttal contains two steps.

Above all, my disagreement is based on the observation that the rebuttal has illegitimately narrowed down the scope of what leftist mean by "workers are forced to sell their labour power".⁵² Here, in order to defend my claim, I have to first off draw on the account of the relationship between proletariats and the notion "forced to sell labour power" made by G. A. Cohen, as he clarifies,

Now when Marxists say that proletarians are forced to sell their labor power, they do not mean: 'X is a proletarian at time t only if X is at t forced to sell his labor power at t' for that would be compatible with his not being forced to at time t+n, no matter how small n is. X might be forced on Tuesday to sell his labor power on Tuesday, but if he is not forced on Tuesday to sell his labor power on Wednesday (if, for example, actions open to him on Tuesday would bring it about that on Wednesday he need not do so), then, though still a proletarian on Tuesday, he is not then someone who is forced to sell his labor power in the relevant Marxist sense. The manifest intent of the Marxist claim is that the proletarian is forced at t to continue to sell his labor power, throughout a

51. Cohen, *History, Labour, and Freedom*, 248.

52. Cohen, *On the Currency of Egalitarian Justice*, 158.

period from t to $t+n$, for some considerable n .⁵³

From this quote, it is explicit that according to leftist, the constraint and the fully explicit attributions of freedom with reference to the proletariats involve two temporal indexes.⁵⁴ That is to say, the notion “forced to sell labour power” in fact denotes a process, that is, a continuation of sale of labour power. Thus, if libertarian thinkers want to invalidate this notion, they must prove that a worker can take step to set himself up as a petty bourgeois before n , rather than merely preaching a prophecy that all hard-working proletariats can anyhow be possible to escape their wage slave destiny at a certain single instant, *without setting any advisable and pertinent time limit for the class ascent*. Of course, I acknowledge that n is a matter of judgment and would vary under different historical contexts. On the account of this, I have to concede that there are very few proletariats who are not forced to sell their labour, even though we know the duration of n normally lasts for decades, and in the course of which those escapees must still undeniably subject to the domination of capitalists painfully. However, can libertarian claim the proletariat class in a collective sense is not forced to sell their labour power by simply amplifying there are enough petty bourgeois positions for a small number of the proletariat to leave their estate? I think not, for this generalization is false. Thus, we now move to the next step.

Concerning the second step, I would like to make use of an analogy that can unfold the idea of collective unfreedom embedded in the mechanism of class ascent. Suppose nine people are placed in a secret chamber, and the sole exit from which is a heavy locked gate. There lies a single key, which is at various from each, and those nine individuals have to put different degree of efforts to pick it up and leave the chamber. After the key was used, the remaining eight inside will no longer be able to open it again. Imagine one day, one of them, let's call him X, was to try to leave, and the rest are so indisposed to interfere X for whatever reasons, such as lack of desire, laziness, diffidence, and are locked up forever as a result.⁵⁵ In this analogy, it is evident that the selected person X is free to take the key and is not forced to remain in the chamber. Also, all this is true of whoever we select. Hence, we should understand that each person is not

53. Ibid.

54. Ibid.

55. Ibid., 159–60.

forced to remain in the chamber, even though necessarily all remaining eight must stay in it later on.⁵⁶

Now, consider a modified version of the situation just described, in which there are two gates and two keys. Once again, there are nine people and X does succeed in getting out for the second time, while the rest behave as before, being so indisposed to take the key. No doubt, at least seven will remain in the chamber and it is evident that each of the remaining eight who do stay is free to leave it. Overall, in both cases, there is one means of escape which those eight inactive candidates can attempt to seize, and each is free to use, for, hypothetically speaking, no one would forbid him to do so.⁵⁷

Yet, up to this point, I have not displayed the conditional nature of jailer's freedom in the analogy which is vital to our analysis. That is, although each remaining eight is free to seize the key and escape, every person's freedom is anchored on the condition that other seven candidates do not exercise their similarly conditional freedom. And we should never forget that no more than one candidate can exercise the freedom they all possess. Therefore, if any candidate inclines to exercise it, all the remaining candidates would no longer have that freedom.⁵⁸ Unquestionably, the structure of this jailer's situation reflects immaculately the idea of collective unfreedom as the freedom of each is contingent on the condition that others do not exercise their similarly contingent freedom, though each is individually free to leave.⁵⁹

Applying the notion of collective unfreedom to our subject matter, what it exhibits is exactly the predicament concerning the objective position of proletariats in general. As a matter of objective circumstance, the number of mobility opportunities for the working class is extremely deprived. Thus, once a very insignificant portion of workers has succeeded in escaping their wage slave destiny, an enormous number of “dead end” workers would still be under constraint and are unfree for being dominated in workplace.⁶⁰ And even if I assume that most proletarians are not

56. Ibid., 160.

57. Ibid.

58. Ibid., 161.

59. Ibid.

60. As a matter of fact, the mobility opportunities contracts and expands in accordance with different political context and economic cycle. Yet, my point is, the capitalist mode of production cannot offer

aspired enough to actively try to escape and the mobility opportunity is quite abundant, the structure of unfreedom in class ascent still persists since there is no promise that the working class would behave as indisposed as those eight candidates in the analogy regarding the seizure of means of escape. So, as long as those mobility opportunities are fully occupied, a huge amount of working class is still forced to sell their labour power and is hence unfree.⁶¹

In conclusion, we can now judge that the libertarian claim, which says the working class as a whole is not forced to sell their labour, is absolutely unjustified because what it has shown is simply that some proletariats are not forced to remain proletariats, instead of proving the proletariat class as a whole is not forced to sell their labour power. So, the libertarian apologists continue to bear the burden in giving us a conclusive account on how the constraint of those “dead end” proletariats can be removed and showing the majority working class does have acceptable or reasonable alternative, instead of leaving them unseen.

Conclusion

I remember in his article “Two Concepts of Liberty”, Isaiah Berlin has said, “When ideas are neglected by those who ought to attend to them—that is to say, those who have been trained to think critically about ideas—they sometimes acquire an unchecked momentum and an irresistible power”.⁶² Honestly, this essay is to reveal the inconvenient truth that we have neglected for a long time, the unfreedom status of workers.

My primary aim is to strike Nozick down through rejecting the libertarian assertion, which claims proletariats are free for being the self-owner of their labour power in his utopia. My repudiation is founded on

a great majority of workers those opportunities to become petty bourgeoisie since only a few workers cannot set capitalism into action.

61. In reaching this conclusion concerning the proletariat’s objective position, although I have used some facts of consciousness, such as proletariats’ aspirations and intentions, it does not imply that the subjective consciousness would change the situation in which the workers are objectively forced to sell their labor power. It is because whether they are forced to sell their labour power is never determined by their subjective will, but rather, determined by whether the workers can survive and flourish when they are independent of the dictatorship of capitalists in workplace.

62. Isaiah Berlin, “Two Concepts of Liberty,” in *Four Essays on Liberty* (London: Oxford University Press, 1969), 119.

the observation that, even when one supports his rights definition of freedom, his scheme of privatization would connive at depriving freedom against mass of population, who formerly kept the external unowned means of production under general use. Accordingly, through articulating the three flaws of his proviso setting, I have demonstrated that the unfreedom of wage labour is exhibited in terms of the coercion on individuals to enter the labour market, since this coercion, which is resulted from appropriation of all unowned resources by a few potential capitalists, is never grounded on the self-ownership thesis that Nozick always exalts.

My secondary aim is to propound that wage labour per se is unfree. This aim is achieved by justifying that the identification of freedom with non-domination is more comprehensive than that of freedom with right of self-ownership in evaluating the freedom status of working class, no matter the class relationships is cleanly generated or not. Based on this justification, I have contended the proletariats are under the domination of capitalist dictatorship and are thus unfree with respect to two major fields in workplace, which are decision-making structure and division of labour. I have also defended that libertarian would embarrassingly accept my charge by teasing out the implications of what leftists always mean by “proletariats are forced to sell their labour power”. In this part, we have testified their unwilling confession is actually anchored on the limitation of their rights definition of freedom, that is, the conflation between the ideas of free to do something with that of doing something freely. To judge whether the latter idea is realised in the realm of wage labour, I have asserted the reference point should be checking if proletariats have reasonable or acceptable alternative other than subordination to the capitalist class.

Nevertheless, libertarian has not yet been beaten completely at this point since they would claim class ascent is the reasonable or acceptable alternative. For this reason, my last aim is to deny class ascent would be this alternative by using an analogy of prisoner. Making use of this analogy, I have displayed the notion of collective unfreedom which exists in the mechanism of class ascent. In this matter, I have argued, owing to the fact that mobility opportunities are always slim and are thus always readily exploited completely, an enormous amount of workers are still forced to sell their labour power and are hence unfree in consequence. Only with this last step, I can certify that the libertarian lines of thought

are overall feeble and untenable on the issue that we both care for, which is the unfreedom of wage labour.

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Deregulation of Media in China

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Abstract For long time, newspapers were only treated as propaganda tools to for the CCP to shape public opinion and publicise policies. From examining the government documents in the last three decades, we can observe a general trend of deregulation of media. Though the government still sees the media as a propaganda tool, the establishment of the newspaper group in China symbolised the commercialization of Chinese media which helped liberalised the media to a certain extent, and the government has also invented new method to monitor the “quality” of news media.

Introduction

In 2004, Mr. David Border have suggested the idea of “ping-pong journalism”, as he quoted from a Chinese practitioner, “The best shots in ping-pong are those that barely graze the edge of the table” and Chinese media are “playing ping-pong journalism, trying to touch the limited if what is allowed”¹

It is widely believed that as the economy of a country develops, it would trigger a series of chain effects which brought about more freedom to the people, of which include more press freedom. Free media can encourage the flow of information and hence facilitate the market. Also a free environment can empower media to check misbehaviors of the government and business firms which protect the market. Furthermore, it is often believed that during the deregulation of media in economic aspect, media can also enjoy more freedom in other, such as political, aspects, which may lead to democratization.

China, as an authoritarian regime, has started to open up its market since the 1980s. The “open door policy” does not only bring foreign investment, but also foreign thought and practices, including those of new business. In the past decades, newspapers were only treated as pro-

1. David Broder, “China’s Journalists Lead with a Pingpong Approach,” *Blade*, June 24, 2004, 13.

paganda tools to shape public opinion and for publicizing government's policies. The Chinese Communist Party (CCP) had strictly control on media through various methods, such as licensing, personnel appointment, preview system etc. The view that new media can be treated as a business and a tool to check the government is novel to Chinese people, after 30 years of strict regulations. Many found it is hard to believe that the Chinese news media can really act like their Western counterpart as the forth power to check the government.

However, in recent years, it seems like the Chinese news media did report some misbehavior of Government officials, so did the Chinese Government really relax her control over media? Scholars have suggested that, in authoritarian regime, media reform often undergoes the following processes, including, deregulations, commercialization, privatization, concentration, and internationalization.² Among all these, I am going to focus on deregulation which I think is the most influential factor in China. As in the little quote above, there is such a continuous "testing the limits" happening in China, journalist will report some stories that may embarrass Government officials or even against the party line, which they need to bear the risk of being charged for "dismissing state's secrets". However, it seems like nobody really knows where the "edge of the table" is, therefore, changes in regulations are still worth looking at since they symbolise the degree of party control.³ In this research paper, by examining the regulations, which are set by the PRC Government towards media and other related materials, I am trying to answer a question: have the PRC Government's control over the media relaxed in the last three decades?

Research Focus and Method

In this research paper, I have two main focuses. First, I am going to focus on newspaper as the object of study. Newspaper is a good starting point to study the media industry, unlike broadcasting media, it does not require a very high investment in technology which posts a high entrance cost to interested people or enterprise; unlike other new media, such as

2. Daniela C. Stockmann, "Propaganda for Sale – The Impact of Newspaper Commercialization on News Content and Public Opinion in China" (PhD diss., University of Michigan, 2007).

3. Junhao Hong and Marlene Cuthbert, "Media Reform in China since 1978: Background Factors, Problems and Future Trends," *International Communication Gazette* 47, no. 3 (1991): 141–58.

the Internet, newspapers are regarded as more reliable because they are not as "open" which allow uncertain or even fake materials to circulate easily. Second, I am only going to evaluate laws, regulations and policies at the central level in this paper. For the scope of this paper, it is impossible to evaluate all related policies in all levels of Government. Also, as media is being treated as an important propaganda tool, it is reasonable to focus on policies' changes at the central level first, which reflect most of the changes in the party line, which usually, will be translated into local policies and then practices of journalists.

In this paper, I am going to utilise both first hand and second hand materials. I have examined Government documents, journalism year-books and related statistics, together with other academic journals.

Findings

In an ideal Leninist State, media is regarded as the mouthpiece of the party, this is because, the party has already represented people's interest, all policies formed are for the people's good, therefore, the role of media is to introduce and explain these polices to the people, so to unite the people into the construction of a Communist state.⁴ This is also the case in China, since the Maoist day until now, though during the reform period some changes have took place.

From examining the Government documents in the last three decades, I can roughly distinguish five different periods of media development. First is from 1980 to early 1989, this was a period of reconstructing the media in the Leninist way, and great debate of media liberalization. Then, it came to a period of tightened control soon after the Tiananmen incident in June 1989 until 1992. Since 1992, the media in China has gone through a period of commercialization and industrialization, in which we can still differentiate into three periods. From 1992 to 1995 is mainly a period of internal reform and the Government encouraged newspapers to face the market. Since the set up of the first press company in 1996, the focus had been shifted into regulating these new companies and maintaining the rules of the industry. And since 2005, the Government had

4. Chin-Chuan Lee, "Chinese Communication: Prisms, Trajectories and Modes of Understanding," in *Power, Money, and Media: Communication Patterns and Bureaucratic Control in Cultural China*, ed. Chin-Chuan Lee. (Evanston: Northwestern University Press, 2000), 3–44.

realised the importance of media in constructing the international image of China; therefore, internationalization was then put on the agenda.

However, it is important to note that, though there were five periods of development, there was no such a clear cut of time frame. Following is the detailed explanation of findings in these periods.

1978-1989

In the 80s, there was a great tension between the tightly controlled environment and the call for liberalization and democratization in the society. On the Government side, newspaper was still being seen as a propaganda tool. As I look back in history, from the Korean War and Five Year Plans to propagating of model individuals like Lei Feng or even Mao Zedong, the newspapers had played an important role in shaping public opinion. As the country was still recovering from the Cultural Revolution and was going to undergo a new series of economic experiments at that time, it was important for the party to maintain tight control over newspapers and all media to prevent any spread of negative emotion which might create instability.

Party's control over newspapers came in different forms; here I am going to focus on resources and the preview system. On the resource side, the Government had strict restriction on the paper use and advertisement. All paper used for press and publication, except those from the military and propaganda departments, were centrally allocated and managed, all newspaper office were required to fill the "Press and Publication Paper Use Application Form" every year after which the central or local publication department would allocate the amount and type of paper a newspaper office could get in the coming year.⁵ Other than paper, advertising income was also monitored by the Government. Newspaper offices were required to set up a separate advertising department and be approved by the Administration for Industry and Commerce. All the location, time, place, layout, arrangement, and advertising fees have to conformed related standards which were set by the Government.⁶ These

5. *Xinwen chubanyongzhi shenqing, fenpei, guanli banfa* [Measures of Paper Application, Allocation and Management in News and Publication] *State Publication Bureau*, 1980.

6. *Guanggao guanli tiaoli* [Regulations on Control of Advertisements] *State Council*, 1987;
Guanyu baozhi shukan diantai dianshitai jingying kanbo guanggao youguan wenti de tongzhi [Notice on the Problem of Newspapers, Books, Radios and Television Stations Operate, Publish or

regulations restricted the development of newspaper at that time, as everything had to go according to the plan, there was not much room for a newspaper to act other than a mouthpiece.

There was an extensive preview system which allowed the Government to monitor the content of newspaper, the topics, types, themes, even trends and tendencies were being analyzed to see if they were consistent with the party line.⁷ Though the Central Government had issued the "Decision on starting criticism and self-criticism on newspapers and publications" to encourage journalists to write "critical reports" in the early years, hoping to prevent shortcomings of bureaucracy and corruption of power, however, the preview system simply bypassed the "Decision" and allowed those criticised officials or departments to ban those reports. There were also other Notices published by the Government to regulate sensitive contents like the Cultural Revolution, important figures or internal affairs of other friendly Communist countries.⁸ All reports had to be based on the official news or formal decisions, it was considered to be "inappropriate to publish statements which were different from the official statement, and should not use materials from the West or dissidents."⁹

Despite these strict controls, the Party and Government were also trying hard to improve the quality of newspapers, especially party newspapers, to make them suit people's need and more appealing. At the same time, people started to criticise the mouthpiece theory and tried to coun-

Broadcast Advertisement] *State Administration for Industry and Commerce, Ministry of Radio and Television, and Ministry of Culture*, 1985.

7. *Guanyu jiaqiang dui baozhi qikan tushu shendugongzuo de tongzhi* [Notice on the Strengthening of the Review System on Newspapers, Periodicals and Books] *Administration of Press and Publication*, 1988

8. *Guanyu zai baozhi kanwu shang zhankai piping he ziwopiping de jue ding* [Decision on Starting Criticism and Self-criticism on Newspapers and Publications] *Central Committee of the Chinese Communist Party*, 1950.

9. *Guanyu jianguo yilai dang de ruogan lishi wenti de jueyi* [Resolution on Certain Questions in the History of Our Party since the Founding of the People's Republic of China] *Eleventh Central Committee of the Chinese Communist Party*, 1981.;

Guanyu dui miaoxie dang he guojia zhuyao lingdaoren de chubanwu jiaqiang guanli de guiding [Regulations Regarding Strengthening the Administration of Publications Describing Major Party and National Leaders] *Propaganda Department of the Communist Party of China and Administration of Press and Publication*, 1990.;

Guanyu buyao renyi pinglun qita shehuizhuyi guojia zhongda zhengzhi lishi wenti de tongbao [Regulations Regarding Strengthening the Administration of Publications Describing Major Party and National Leaders] *Propaganda Department of the Communist Party of China and Administration of Press and Publication*, 1989.

ter “the party spirit” with the “people’s spirit”, arguing that the party cannot truly represent everyone in the society, therefore, newspapers should be the people’s watchdog and oversee the Party and the Government.¹⁰

1989-1991

After the crackdown of democratic demonstration at the Tiananmen Square in June, the media reform suffered a great setback. The party had started to sum up experiences quickly, from which they blamed the incident to too much influence of bourgeois liberalization and found some media had “failed the exam”. On a journalism seminar held in November 1989, Jiang Zemin summarised the performance of the media during the demonstration,

Though there was some having very good performance... but some... spread a lot of ideas of bourgeois liberalization...not only did they not exposed and criticised bourgeois liberalization, stopped the unrest, but, in the contrary, they provided a media space for these riots planners, fanning the flames of the riot and caused great confusion to the masses.¹¹

After the crackdown, the party organised a series of journalism seminars, published academic journals, and model experiences to reemphasise the importance of “strictly follow party spirit”, the “truthiness” of news reports, and the mouthpiece theory.¹² Journalists and scholars actively participated in the demonstration were subjected to investigation, work suspension, job reassignment or even imprisonment.¹³

Other than these immediate actions, in order to further strengthen the party’s control over newspapers, the Government published the “Interim Provisions on the Administration of Newspaper Publishing”. According to the “Provisions”, officially, all newspapers in China are owned by the Government or the Party, all applicants who wanted to

10. Yuezhi Zhao, “The Trajectory of Media Reform,” in *Media, Market and Democracy in China: Between the Party Line and the Bottom Line*, ed. Yuezhi Zhao (Urbana and Chicago: University of Illinois Press, 1998), 34–52.

11. Institute of Journalism and Communication, Chinese Academy of Social Sciences, “*Guanyu dang de xinwen gongzuo de jige wenti* [Jiang Zemin’s Some Questions Regarding the Party’s News Work],” in *Chinese Journalism Yearbook 1990*, ed. Institute of Journalism and Communication, Chinese Academy of Social Sciences. (China Journalism Yearbook Press, 1989).

12. Institute of Journalism and Communication, Chinese Academy of Social Sciences, “*Li Ruihuan jianchi zhengmian xuanchuan weizhu de fangzhen* [Li Ruihuan on Adhering to the Principle of Positive Propaganda],” in *Chinese Journalism Yearbook 1990*, ed. Institute of Journalism and Communication, Chinese Academy of Social Sciences. (China Journalism Yearbook Press, 1989).

13. Zhao, “The Trajectory of Media Reform.”

set up a newspaper had to have a responsible department, it can be a party unit, a Government department or an officially recognised group, which maintains leadership. When there are changes in responsible department, name, number of pagers, or temporary addition or interruption of the newspapers, the newspaper office had to notify and be approved by its responsible department.¹⁴ These responsible departments were held accountable for any wrong doings of the newspapers; they were requested to enforce the preview system more strict after 1989. The Government also established new measures on newspapers’ correspondent stations, conducted the renewal of registration of newspapers and rectified the registration of correspondent according to the “Provisions”.¹⁵ Once again the media was dominated by positive propaganda and model reports.

1992-1997

Since 1992, Deng Xiaoping formally announced his idea of “socialist market economy” and “one centrality, two basic points”, trying to put aside ideological debate on whether China should undergo peaceful evolution or uphold the Leninist ideal, but only focus on economic development, therefore, the main theme of propaganda also shifted from abstract ideology to economic and technological development.¹⁶ Newspapers specialised in economic or technological fields were encouraged to set up, critical report tracing new inventions in enterprises were praised.¹⁷

Also new newspapers were encouraged to set up through relaxing control, newspaper offices were encouraged to publish interesting, short and close to people news reports to increase sales, subsidies to these offices were cut to encourage them to look for advertising opportunities.¹⁸

14. *Baozhi guanli zanzing guiding* [Interim Provisions on the Administration of Newspaper Publishing] *Administration of Press and Publication*, 1990.

15. Institute of Journalism and Communication, Chinese Academy of Social Sciences, “*1990 woguo baozhi shiye fazhan gaikuang* [A Brief Summary on the Development of Newspapers in China in 1990],” in *Chinese Journalism Yearbook 1991*, ed. Institute of Journalism and Communication, Chinese Academy of Social Sciences. (China Journalism Yearbook Press, 1991).

16. Zhao, “The Trajectory of Media Reform.”

17. Institute of Journalism and Communication, Chinese Academy of Social Sciences, “*1992 woguo baozhi shiye fazhan gaikuang* [A Brief Summary on the Development of Newspapers in China in 1992],” in *Chinese Journalism Yearbook 1993*, ed. Institute of Journalism and Communication, Chinese Academy of Social Sciences. (China Journalism Yearbook Press, 1993).

18. Guo Guang Wu, “One Head, Many Mouths: Diversifying Press Structures in Reform China,” in *Power, Money, and Media: Communication Patterns and Bureaucratic Control in Cultural China*, ed. Chin-Chuan Lee (Evanston: Northwestern University Press, 2000), 45–67.

Newspaper soon became a highly profitable industry, between 1992 and 1997, the advertising revenue of newspaper undergoes an exponential growth from about 1500 million yuen to over 9000 million yuen, and people described the industry as “printing newspaper like printing paper cash”.¹⁹

Though viewed by numbers, the industry seemed flourishing; however, the quality of newspaper soon became a major concern in this period. The Government conducted a large scale consolidation of internal press in 1997, which more than 4000 internal press issued by different companies or units were cancelled or transformed into internal materials which did not allow public circulation, also the Government set ceiling to the total number of newspaper to around 2000.²⁰

Misbehavior and corruption were very popular in the industry at that time, “paid news”, which correspondent requested cash, credit cards or other gifts in exchange for reporting a case, became a common practice; newspapers offices organised “essays competition” for sponsorship but these sponsors usually soon disappeared mysteriously. In respond to this trend and public pressures, the Government published provisions banning paid news and other immoral actions of correspondence.²¹ The Government also organised workshops and classes for correspondents to educate them journalist’s morality and related laws.²²

1998-2004

Since the establishment of the Guangzhou Daily Newspaper Group, the first newspaper group in China, in 1996, rapid commercialization and industrialization of newspaper occurred. Regulations focus also shifted

19. Ibid.

20. Dianyuan Zhang, “Zhongguo baoye chuanmei tizhi chuangxin [Structural Adjustment on Chinese Newspapers by the Government],” in *Zhongguo baoye jiegou tiaozheng de zhengfu xingwei* [Innovation of Chinese Newspapering Media System], ed. Dianyuan Zhang. (Guangzhou: Nanfang Daily Press, 2007), 40–42.

21. *Guanyu jinzhi youchang xinwen de ruogan guiding* [Some Regulations Concerning Prohibition of Paid News] Propaganda Department of the Communist Party of China, Ministry of Radio and Television, Administration of Press and Publication State Administration, and All-China Journalists Association, 1997.;

Zhongguo xinwengongzuozhe zhiye daode zhunze [China News Workers’ Professional Ethic Standards] All-China Journalists Association, 1997.

22. Institute of Journalism and Communication, Chinese Academy of Social Sciences, *Chinese Journalism Yearbook 1998* (China Journalism Yearbook Press, 1998).

to monitor these newly set up newspaper groups, as an economic body.

In 2001, China successfully joined the World Trade Organization (WTO), thought it mainly affected the distribution of the newspaper industry only, while not involving the production and operation management part. During the preparation and after the entrance to the WTO, a series of laws and regulations were published, such as the “Regulations on Publication Administration”, the “Interim Provision of Setting Up Foreign-funded Printing Enterprises” and the “Measures for the Standardization of Press and Publication Industry Administration”.²³ These regulations and measures clearly defined the ways of cooperation between local newspaper companies and foreign investors that were permitted, in which cooperation with foreign investors were now allowed as long as the Chinese side is at the controlling or dominant role. Also the distribution of traditional Chinese version of mainland newspaper to Hong Kong, Macau, Taiwan and overseas were no longer subjected to approval by the State Administration of Press and Publication, but the decision power was delegated to responsible units.²⁴ These measures greatly broaden the income source and business scope of mainland newspapers and provided the foundation for industrialization of newspapers.

In 2003 the party issued the “Notice to Further Control the Indiscriminate Spread of Newspapers and the Use of Power to Publish, to Reduce Burden on Grassroots and Farmers” to further deepen the consolidation conducted in 1997. The “Notice” mainly aimed at controlling the total numbers of newspapers which were issued by the Party or by departments, readjusting structure of newspaper offices. The total number of newspapers was lowered through combining similar or duplicated newspapers and closed down newspapers that did not meet with the national quality standard or readers-buy portion was less than 50% of total issued. The business unit of newspapers was separated from its responsible party or department in both human and financial resources, so to

23. Zhengyi Su and Tingting Liu, “2002:Zhongguo xinwenye huiwang shang jiaru WTO hou Zhongguo xinwenye gaige beiwanglu [Looking back on Chinese Journalism in 2002 after Joining the World Trade Organization],” *The Journalist Monthly* 12 (2002).

24. General Administration of Press and Publication, “Faizhan Zhengce Huanjing [Policy Environment for Development],” in *Zhongguo baoye faizhan baogao huigu yu qianzhan* [Annual Report on China’s Newspaper Publishing Industry], ed. General Administration of Press and Publication (Beijing: Commercial Press, 2005), 147–75.

reduce imposing distribution, newspapers were also reassigned to a new responsible department or newspaper group for better management and efficiency.²⁵ Under this notice, over 600 newspapers were closed down, around 300 undergo separation and another 300 were transferred to other departments.²⁶

The Government also abolished three batches of normative documents between 2002 and 2004, which were some regulations, measures or notices published in the 80s and 90s under a planned economy mindset, the abolishment of these documents gave newspaper companies greater economic freedom, stressed less on prior approval but more on regulations, pushing these companies to the market.²⁷ Because of all these deregulations, many newspaper groups saw a positive prospect and they went on listed.

2005-present

Following the trend of deregulations and listing in the past few years, this period was also a consolidation period for the media industry to grow and mature. The Government further abolished 3 batches of normative documents and developed the media as part of the cultural industry.²⁸ There was an aspiration in developing the media industry rapidly mainly due to the Government's need to use media's soft power to

25. *Guanyu jinyibu zhili dangzheng bumen baokan sanlan he liyong zhiquan faxing jianqing jiceng he nongmin fudan de tongzhi* [Notice to Further Control the Indiscriminate Spread of Newspapers and the Use of Power to Publish, to Reduce Burden on Grassroots and Farmers] *Central Committee of the Communist Party of China, and State Council*, 2003.

26. Zhang, "Zhongguo baoye chuanmei tizhi chuangxin [Structural Adjustment on Chinese Newspapers by the Government]," 40–42.

27. *Feizhi disiyi guizhang guifanxing weijian de jue ding* [The Decision of the General Administration of Press and Publication on Abolishing the First Batch of Normative Documents] *Administration of Press and Publication*, 2003.;

Feizhi dierpi guizhang guifanxing weijian de jue ding [The Decision of the General Administration of Press and Publication on Abolishing the Second Batch of Normative Documents] *Administration of Press and Publication*, 2004.

28. *Feizhi disanpi guizhang guifanxing weijian de jue ding* [The Decision of the General Administration of Press and Publication on Abolishing the Third Batch of Normative Documents] *Administration of Press and Publication*, 2008.;

Feizhi dixipi guizhang guifanxing weijian de jue ding [The Decision of the General Administration of Press and Publication on Abolishing the Fourth Batch of Normative Documents] *Administration of Press and Publication*, 2009.;

Feizhi diwupi guizhang guifanxing weijian de jue ding [The Decision of the General Administration of Press and Publication on Abolishing the Fifth Batch of Normative Documents] *Administration of Press and Publication*, 2010.

propagate China internationally.

After a series of events, such as the 2008 Beijing Olympic Games, the Chinese Government realised that "without a strong international communication capability, China cannot formally introduce herself to the world, nor create a favorable international public opinion environment to China's development."²⁹ The Government tried to achieve this goal mainly through setting up first class press groups and finding new ways to deal with the dilemma between the mouth piece theory and the request of more press freedom domestically and internationally.

After reviewing the management and history of well-established international media group, the PRC published the "Guiding Opinions on Further Promoting the Reform of the Press and Publication System" in which it proposed a few key tasks including developing digital media, focusing on cultivating 6 to 7 large press and publication enterprises, through cross sectoral and regional restructuring, to create an international competitive media group.³⁰ The Government also created an exit mechanism to evaluate and improve newspaper quality. Every three years, newspapers in a region are subjected to quality assessment, those failed are required to "exit" through readjusting the position of the press (transform from a daily newspaper to a business newspaper etc.), merging with, or being supervised by a stronger media group, or choosing to close down.³¹ Through this new exit mechanism, the Government hoped to further improve the quality of newspaper by placing them in the market.

When Chinese media are "going out" to the world, it is unavoidable to face criticism about its very limited press freedom and the truthiness of news reports, if the party still upholds the mouth piece theory. To solve this dilemma, scholars in the mainland propose various models to cope with both goals. From which Li Liangrong of Fudan University proposes his famous "circle theory". He differentiates the idea of "media as the party's mouth piece" into three levels, the "large circle" refers to the

29. Baoguo Cui, *Report on Development of China's Media Industry (2004-2005)* (Beijing: Social Science Academic Press, 2005).

30. *Guanyu jinyibu tuidong xinwen chubanchanye fazhan de zhidao yijian* [Guiding Opinions on Further Promoting the Reform of the Press and Publication System] *Administration of Press and Publication*, 2010.

31. Cui, *Report on Development of China's Media Industry*.

traditional view of “all media are party’s mouth piece”; then the “middle circle” narrows down to “all news media are party’s mouth piece”; and the “small circle” only refers to “all party newspapers and journals are party’s mouthpiece”. With this distinction, Li suggests that mouthpiece theory nowadays only applies to the “small circle”, therefore these party newspapers and journals can get protection from the policies while other media should enter the market.³² This theory is being seen as a possible way to grant more freedom to the press, though with boundary, that is also acceptable by the Party.

Conclusion

After evaluating the media regulations in the last three decades, we can observe a general trend of deregulation of media. The media is given more autonomy to make editorial decision, though officially, these newspapers are still under supervision of Government, but their business and editorial unit have privatised and can enjoy the protection in the name of “market”.

However, Chinese media is still far from “free” in the Western standard. First, like the imbalance in economic and political development, media reform is also differentiated into two paths, on the economic side, it is true that media can move away from a planned economy to a market economy; on the political or social side, however, control reminds tight, they have been no significant changes observed, the atmosphere of a “freer” environment is created more through the inaction of the Government. The Propaganda Department still uses those vaguely defined regulations to punish or even close down newspapers.

However, I still think that we are walking to the right direction, though we have just walked a tiny small step. Economy and politics are two sides of a coin, it is impossible for the Party to keep political development lags behind the economy forever. As media becomes an important industry that has more say economically, it is also less vulnerable to political suppression. Therefore, it is still possible that one day the media that can really make China become the “People’s” Republic of China.

32. Mingyao Cai, “*Dalu xinwen ziyou de yili yu shijian* [Meaning and Practice of Press Freedom in China]” (PhD diss., National Chengchi University, 1997).

Limitation and Suggested Further Research Directions

This paper only reviews the regulations on media from the Central Government, however, under the vertical layering system in China, it is doubtful whether central polices reach to the local levels. Also regulations may not be able to be translated into practices of correspondents or in the enterprise due to reasons like self-censorship. Last but not least, it is commonly know that in China, even thing is written in black and white can also be interpreted in a totally opposite meaning or just being abolished for political reasons.

However, this paper never aims to answer all the questions in studying China’s media reform. This paper can only, to its furthest point, provides a background research for Central Government’s viewpoints and policies towards the media. Further studies like specific case studies on media groups may be needed to truly evaluate the current media environment in China.

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- Guanyu jianguo yilai dang de ruogan lishi wenti de jueyi* [Resolution on Certain Questions in the History of Our Party since the Founding of the People’s Republic of China] *Eleventh Central Committee of the Chinese Communist Party*, 1981.;
- Guanyu jinyibu tuidong xinwen chubanchanye fazhan de zhidao yijian* [Guiding

- Opinions on Further Promoting the Reform of the Press and Publication System] *Administration of Press and Publication*, 2010.
- Guanyu jinyibu zhili dangzheng bumen baokan sanlan he liyong zhiquan faxing jianqing jiceng he nongmin fudan de tongzhi* [Notice to Further Control the Indiscriminate Spread of Newspapers and the Use of Power to Publish, to Reduce Burden on Grassroots and Farmers] *Central Committee of the Communist Party of China, and State Council*, 2003.
- Guanyu jinzhi youchang xinwen de ruogan guiding* [Some Regulations Concerning Prohibition of Paid News] *Propaganda Department of the Communist Party of China, Ministry of Radio and Television, Administration of Press and Publication State Administration, and All-China Journalists Association*, 1997.
- Guanyu zai baozhi kanwu shang zhankai piping he ziwopiping de jueding* [Decision on Starting Criticism and Self-criticism on Newspapers and Publications] *Central Committee of the Chinese Communist Party*, 1950.
- Guanggao guanli tiaoli* [Regulations on Control of Advertisements] *State Council*, 1987.
- Xinwen chubanyongzhi shenqing fenpei guanli banfa* [Measures of Paper Application, Allocation and Management in News and Publication] *State Publication Bureau*, 1980.
- Zhongguo xinwengongzuozhe zhiye daode zhunze* [China News Workers' Professional Ethic Standards] *All-China Journalists Association*, 1997.

Civil Society and Corruption

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Abstract After reviewing the literatures of the previous scholars and authors concerning civil society and corruption, the limitation of their literatures is that they have taken the influence of civil society on corruption as granted. The relationship between civil society and corruption stated in their literatures looks like an assertion rather than an explanation confirmed by comparative test, generating little explanatory power. Therefore, this article is going to examine the relationship between civil society and corruption by adopting an OLS regression analysis. In this article, my hypothesis is that a supportive inter-state and civil society relationship is more important and significant than the structure and value of civil society on influencing the corruption level. Furthermore, the case of South Korea will be adopted to illustrate my hypothesis.

A . Introduction

In the recent decade, there has been a wave of corruption scandals around the world, which Moises Naim coined as “corruption eruption”.¹ Due to its seriousness and influence, the spotlight has been put on corruption in the academic and political arena. Corruption refers to “the misuse of public power, office or authority for private benefit—through bribery, extortion, influence peddling, nepotism, fraud, speed money or embezzlement”.² For Co et al., corruption also means the disenfranchisement of those who have little power.³ For Heidenheimer, there are three types of social science definitions of corruption, including public-office-centered, market-centered, and public-interest-centered definitions.⁴ To

1. Moises Naim, “The Corruption Eruption,” *Brown Journal of World Affairs*, 2 (1995): 245–61.

2. United Nations Development Programme, *Fighting Corruption to Improve Governance* (New York: UNDP, 1999), 7.

3. Edna A. Co, *Minimizing Corruption: Philippine Democracy Assessment* (Manila: British Council-Philippines, Transparency and Accountability Network (Philippines), Philippine Democracy Audit, 2007).

4. Arnold J. Heidenheimer, *Political Corruption: Readings in Comparative Analysis*, (New Brunswick: Transaction Books, 1970).

narrow down the discussion in this article, the public-office-centered definition will be adopted.

On the other hand, the emergence of the modern civil society tradition started from the Scottish thinker Adam Ferguson. After his reflection of the relationship between state and civil society, civil society for the first time came to signify not the whole of an ordered polis, but society apart from the state, its foundation but also potentially in tension with it.⁵

Since then, there are many different thinkers tried to provide their own interpretation to civil society. In fact, each of their interpretation is able to describe some aspects of civil society in certain extent, but their interpretations are sometimes conflictual and competing, turning the notion of civil society to be a vague and often contested concept.

Therefore, this article would try to narrow down the scope of understanding of civil society to only the associational perspective, which means civil society is interpreted in organizational terms, for example, the number of participants and organizations, the structure of organizations, and the level of cooperation among civil society, etc.

Involving the civil society to fight against grafting and corruption is nothing new. According to Bhargava and Bolongaita,

Working with nongovernmental actors is a crucial component to broadening an anticorruption coalition. In countries with poor-to-fair-quality governance where there is an increasingly strong civil society and a developing free press, an anticorruption agenda cannot do without the support of nongovernmental organizations (NGO) and the mass media. *Civil society groups, such as NGOs, academic institutions, and research organizations, have proven themselves in various cases to be powerful partners in counter-corruption coalitions.*⁶

B. Literature Review

1. A Manifesto Relationship

Intuitively, civil society should have a negative relation to corrup-

5. Michael Foley and Virginia A. Hodgkinson, eds., *The Civil Society Reader*, (London: University Press of New England, 2003), xiii.

6. Vinay Kumar Bhargava and Emil P. Bolongaita, *Challenging Corruption in Asia: Case Studies and Framework for Action*, (Washington D.C.: The World Bank, 2004).

tion. In other words, it is our common intuition that the better development of the civil society, the less serious of corruption should be resulted, and civil society should be a tool to check and combat corruption.

This view is prevalent in the global political arena. As confirmed by Organisation for Economic Cooperation and Development,

Civil society plays a key role in fighting corruption. Today, this statement is unchallenged: it has become a leitmotif of anti-corruption discourses.⁷

However, we should not take civil society as a successful tool to fight against corruption as granted. What we need to do is to examine the relationship between civil society and corruption, and figure out the possible mechanism the civil society would affect corruption, if exists.

Glancing through the literature concerning civil society and corruption, it has been argued that civil society is able to fight against corruption through promoting good governance. As pointed out by Malena,

There is also growing consensus that good - for example, transparent, accountable, effective, and equitable - governance *cannot be achieved by governments alone*. Good governance requires strong, effective government and the *active involvement of citizens and civil society organizations*.⁸

Through the active involvement of citizens and CSOs, the citizens are empowered to influence and share control in processes of public decision making that affect their lives, achieving participatory governance.⁹

As reiterated by Johnston, a recent prominent scholar studying the relationship between civil society and corruption,

A look at societies where corruption is under control, or is moderate in scope at most, makes it clear that citizen participation, honest competitive elections, mechanisms of accountability, and a *strong, active civil society are essential parts of the anti-corruption package*.¹⁰

Similarly, as pointed out by Warren, a consensus is emerging among anti-corruption professionals that techniques based on policing and over-

7. "Fighting Corruption: What Role for Civil Society? The Experience of the OECD," Organization for Economic Co-operation and Development, accessed Dec 16, 2010, www.programaanticorruption.gob.mx/OECD.pdf.

8. Carmen Malena, *From Political Won't to Political Will – Building Support for Participatory Governance* (Sterling: Kumarian Press, 2009), 3.

9. Ibid.

10. Michael Johnston, *Civil Society and Corruption: Mobilizing for Reform*. (Lanham, M.D.: University Press of America, 2005), xi.

sights are insufficient to control corruption.¹¹ It is essential, they argue, for citizens to participate in anti-corruption efforts, largely through civil society groups.

Academic Loophole of the Asserted Relationship

Glancing through the literatures, on the one hand, some of the scholars and stakeholders, such as UNDP, Eigen, Tandon and Mohanty, OECD, Hyden, Court and Mease, Warren, and World Bank, have taken the active participation of civil society as a granted measure in anti-corruption policy by simply claiming that the participation of civil society would promote good governance, and that will certainly help corruption control.¹² On the other hand, some of the other scholars, such as Khan, Robinson, Johnston, CIVICUS, and Malena have pointed out a little bit more concrete mechanisms that how civil society can influence the level of corruption, for example, by demanding accountability and transparency or complementing institutional reforms, etc.¹³ However, *neither scholars nor stakeholders have critically evaluated the performance of civil society in corruption control or test this hypothesis by adopting a comparative approach.*

11. Mark E. Warren, "Democracy Against Corruption," (paper presented at the Quality of Government Conference, Göteborg University, November 17–19, 2005).

12. "Country and Lending Groups," World Bank, accessed Dec 16, 2010, <http://data.worldbank.org/about/country-classifications/country-and-lending-groups>;

Peter Eigen, "The Role of Civil Society," in *Corruption and Integrity Improvement Initiatives in Developing Countries*, (New York: United Nations Development Programme, 1998);

Hyden, Court and Mease, *Making Sense of Governance: Empirical Evidence from 16 Developing Countries*;

Organisation for Economic Cooperation and Development, *Fighting Corruption: What Role for Civil Society? The Experience of the OECD*;

Tandon and Mohanty, *Civil Society and Governance*;

United Nations Development Programme, *Fighting Corruption to Improve Governance*;

Mark E. Warren, "Democracy Against Corruption."

13. Johnston, *Civil Society and Corruption: Mobilizing for Reform*;

Mushtaq H. Khan, "The role of civil society and patron-client networks in the analysis of corruption," in *Corruption and Integrity Improvement Initiatives in Developing Countries*, eds. United Nations Development Programme and the Organisation for Economic Co-operation and Development, Development Centre, (New York: United Nations Development Programme, 1998);

Carmen Malena, *From Political Won't to Political Will – Building Support for Participatory Governance*;

Mark Robinson, "Corruption and Development: An introduction," *The European Journal of Development Research* 10 (1998): 1–13;

World Alliance for Citizen Participation (CIVICUS) Participatory Governance Programme, *CIVICUS Participatory Governance Programme 2006–2009 Concept Note* (Johannesburg, South Africa: CIVICUS, 2006).

As a result, the relationship between corruption and civil society stated by the above authors, scholars and stakeholders, claiming that the better development of civil society, the less corruption, looks like rather *an assertion or a manifesto relationship* instead of a comparative and hypothetical test among different countries, without any strong explanation mechanism to illustrate the relationship and linkage between corruption and civil society.

Without any precedent literature suggesting any theory or approach to examine the relationship between civil society and corruption, I am here to introduce a theory which is possible to be used to examine the relationship between civil society and corruption through the angle of social movement, namely *Resource Mobilization Theory*.

2. Traditional Approaches and Resource Mobilization Theory

To explain individual participation in social movements, there are two approaches, which are the traditional approach – mass society theory, relative deprivation, collective behavior theory – and the Resource Mobilization Theory (henceforth RMT).

The traditional approaches pointed to sudden increases in individual grievances generated by the "structural strains" of rapid social change to explain individual participation in social movements. While specific hypotheses varied, these traditional theories shared an assumption that movement actors were rational if not outright irrational.

RMT emphasised continuities between movement and institutionalised actions, rationality of movement actors, the strategic problems confronted by movements, the role of movements as agencies for social change.¹⁴ As pointed out by Jenkins, in specific, the above analysts argued that: (a) movement actions are *rational*, adaptive responses to the costs and rewards of different lines of action; (b) the basic goals of

14. William A. Gamson, *The Strategy of Social Protest* (Belmont, C.A.: Wadsworth, 1975);

J. Craig Jenkins, "Sociopolitical Movements," in *Handbook of Political Behavior*, Russell J. Dalton and Hans-Dieter Klingemann, eds. (New York: Plenum Press, 1981), 82–152;

John D. McCarthy and Mayer N. Zald, "Resource Mobilization and Social Movements: A Partial Theory," *The American Journal of Sociology* 82, no. 6 (1977): 1212–41;

Anthony Oberschall, *Social Conflict and Social Movements* (Englewood Cliffs, N.J.: Prentice-Hall, 1973);

Charles Tilly, *From Mobilization to Revolution* (London: Longman Higher Education, 1978).

movements are defined by *conflicts of interest* built into institutionalised power relations; (c) the *grievances* generated by such conflicts are sufficiently ubiquitous that the formation and mobilization of movements depend on changes in *resources, group organization, and the opportunities for collective action*; (d) *centralised formally structured movement organizations* are more typical of modern social movements and more effective at mobilizing resources and mounting sustained challenges than decentralised, informal movement structures; and (e) the success of movements is largely determined by *strategic factors and the political processes* in which they become enmeshed.¹⁵

From the perspective of RMT, the key to influence the level of corruption by social movements and civil society depends on the amount of pressure that the civil society organizations (henceforth CSOs) is able to impose on the government, and the amount of pressure depends on the associational and structural factor of CSOs.

Therefore, if a civil society would like to improve the country's level of corruption, it needs to a) obtain more resources from different sources, for examples, from the government, the public donation and some international supports; b) adopt a more centralised structure to coordinate different actors' efforts to enhance effectiveness; and c) involve more participants to create larger pressure on government.

Theoretical Loophole of Resource Mobilization Theory

However, the theoretical loophole of RMT is that it focuses only on the micro-level of structure of civil societies and the process of mobilization among social movements, for examples, the degree of centrality of organization structure, the effectiveness of CSOs, the number of CSOs, the number of participants, the degree of financial and human resources, the supplementary infrastructure of the development of civil societies and social movements, etc. The problem is that RMT seldom puts emphasis on the micro-level processes of civil societies and social movements, i.e. the acts of individuals. The acts of individuals, here I mean the individuals' motivation and perception towards civil societies and social movements, the rationality of individuals, and the decision to engage in

15. J. Craig Jenkins, "Resource Mobilization Theory and the Study of Social Movements," *Annual Review of Sociology* 9 (1983): 527–53.

civil societies and social movements.

Similarly, as argued by Jenkins, traditionally RMT has been posed in terms of collective actors struggling for power in an institutional context. Micro-level processes have been ignored,

Gamson, Fireman & Rytina have provided a start by analyzing the micro-mobilization in terms of actions that give rise to rebellion, while Granovetter has analyzed the logic of collective decision-making. But still, in view of the generally limited success of sociologists in dealing with the links between micro- and macro-processes, this will likely remain a problem in the future.¹⁶

Therefore, to supplement the analyses of RMT on the relationship between civil society and corruption, I am here to adopt *the Rational Choice Theory* to study the micro-level processes of social movements and social changes. Rational Choice Theory (henceforth RCT) stems out from the basic axioms of economics that everyone is assumed to be rational and self-interest. Therefore, what people will calculate for an action are their *personal benefits and personal costs*, which will be further discussed in the following part.

C. Theoretical Framework

1. Rational Choice Theory

Resource Mobilization Theory has claimed that the success of a social movement depends on the associational and structural factor of CSOs. However, it fails to provide any explanation and mechanism about why and how citizens can be motivated to engage in the social movement.

More importantly, it only states that social movements generating pressure on government will lead to social changes, providing no further explanation. However, it is too quick to jump to the conclusion that social pressure will finally lead to social changes, because lots social movements may not be able to easily transform into social changes in reality.

Therefore, to supplement the analyses of RMT on the relationship between civil society and corruption, RCT provides some insight for us to look at the issue.

16. Mark Granovetter, "Threshold models of collective behavior," *American Journal of Sociology* 83(1978): 1420–43;

Jenkins, "Resource Mobilization Theory and the Study of Social Movements."

Rational Choice Theory has been widely adopted in the study of state and individual behaviors. It is the main theoretical paradigm in the currently-dominant school of microeconomics. Rationality is widely used as an assumption of the behavior of individuals in microeconomic models and analysis and appears in almost all economics textbook treatments of human decision-making. It is also central to some of modern political science and is used by some scholars in other disciplines such as sociology and philosophy. It is the same as instrumental rationality, which involves seeking the most cost-effective means to achieve a specific goal without reflecting on the worthiness of that goal.

Being adopted here to study the influence of civil society on corruption and to link up the macro-level and micro-level process of social movement, RCT is best and clearly summarised by Akers,

Rational choice theory is based on the “expected utility” principle in economic theory. The expected utility principle simply states that people will make rational decisions based on the extent to which they expect the choice to *maximise their profits or benefits and minimise the costs of losses*.¹⁷

From the point of view of the rational choice theorists, individuals would act according to their personal calculation of costs and benefits. Therefore, to best study the acts of individuals, it is a must to first study the variables that shape their costs and benefits. Some influential variables would be the socioeconomic factor, political factor and legal factor, etc. Those non-personal factors as ‘*the environmental factors*’, which have to be considered when an individual needs to make a decision.

Engaging in social movements certainly involves those *environmental factors*, as argued by A. Breton and R. Breton,

Social movements do not make their appearance at random; instead they tend to emerge in relatively well-defined circumstances and to be accompanied by identifiable socioeconomic factors.

... the environment will act as a constraining factor on the plans and expectations of individuals.¹⁸

Similarly, as stated Heinrich,

17. Ronald L. Akers, *Social Learning and Social Structure: A General Theory of Crime and Deviance*, (New Brunswick, N.J.: Transaction Publishers, 2009).

18. Albert Breton and Raymond Breton, “An Economic Theory of Social Movements,” *The American Economic Review* 59 (1969): 198–205.

Although not part of civil society itself, the environment is crucial in assessing civil society’s status and devising potential strengthening initiatives, as it might point towards some of the root causes of potential problems.¹⁹

As a result, in the following parts of this article, Rational Choice Theory will be adopted to supplement the analyses of Resource Mobilization Theory, and then we can have a better and clearer picture of how things go.

2. Meso-Level Analysis – Policy Network Theory

Policy network is defined as a set of political actors who engage in resource exchange over public policy (policy decisions) as a consequence of their resource interdependencies.²⁰

Although it is a simple definition, it has highlighted the crucial element of and reason for the formation of policy network, namely the dependence of political actors on each other for resources that motivate them to engage in resource exchange over public policy. It has successfully identified the causal driver that generates policy networks and motivates the further actions of their members.

Similarly, pointed out by Daugbjerg and Marsh, policy networks essentially involve exchange relationships and power dependence is a central feature of them.²¹

As suggested by Marsh, policy networks are a meso-level, as distinct from a macro-level or a micro-level concept.²²

In his view, the macro-level of analysis deals with two broad sets of questions concerning the broader structures and processes of government within which any network operates, and the relationship between the state and civil society.

The micro-level of analysis deals with the individual actions and

19. “Assessing and Strengthening Civil Society Worldwide,” Volkhart Finn Heinrich, accessed May 10, 2010, <https://www.civicus.org/view/media/CSIAssessingandStrengtheningCivilSocietyWorldwide.pdf>.

20. Hugh Compston, “Networks, resources, political strategy and climate policy,” *Environmental Politics*, 18 (2009): 727–46.

21. Carsten Daugbjerg and David Marsh “Explaining policy outcomes: integrating the policy network approach with macro-level and micro-level analysis,” in *Comparing Policy Networks*, ed. David Marsh, (Buckingham: Open University Press, 1998), 52–71.

22. David Marsh, ed., *Comparing Policy Networks*, (Buckingham: Open University Press, 1998).

decisions of actors within the networks and must be underpinned by a theory of human behavior, for example, the Rational Choice Theory mentioned above.

The meso-level of analysis deals with the pattern of interest group intermediation, concentrating on questions concerning the structure of networks and the patterns of interaction within them.

In Marsh's argument, policy network has little utility as an explanatory concept unless it is integrated with macro-level and micro-level analysis. Similarly, Daugbjerg and Marsh pointed out that policy outcomes are not just a function of what occurs in the network; they are also strongly influenced by the economic, political and ideological context within which the network operates,

In fact, in order to explain the membership of networks, and the outcomes from them, the meso-level policy network model needs to be integrated with both micro-level and macro-level analysis.

To link up the macro-level and micro-level analyses, Policy Network Theory and its central argument of resource dependence are adopted in my analysis to examine the relationship between the development of civil society and corruption.

D. Hypothesis

From the above perspectives of Resource Mobilization Theory, Rational Choice Theory and Policy Network Theory, by linking up the macro-level, meso-level and micro-level study of the development of civil societies, social movements and social changes, it shows that although the structure of civil society and the process of mobilization of social movement are important, we shall not overlook the importance of individual motivations and perceptions to engage in the civil society and social movement, because individuals are the most basic units of social movement and target of analysis.

Therefore, I am here to argue that the organization structure of civil society, the resources of civil society possesses and number of participants of social movement themselves are not enough to affect the corruption level.

From the perspective of RMT, a more centralised organization

structure may be more effective to coordinate the efforts of different actors to create more pressure on the government. However, a highly centralised organization structure may deter some citizens from joining the organization and social movement, especially when they feel they have little power to say in the decision making process within CSOs. Moreover, the emergence of New Social Movement Theory, to some extent, explains that a certain degree of coordination is necessary for pushing forward the social movements, but not a high degree of it.

Moreover, from the point of view of RMT, if a civil society possesses more resources, it is easier for it to mobilise the citizens to engage in the social movements, generating more pressure on the state. However, nowadays, with more convenient ways to mobilise the public, possessing fewer resources may not result in a failure of social movement, which can also be shown by the New Social Movement Theory.

My hypothesis is that a supportive inter-state and civil society relationship is more important and significant in affecting corruption level, for two reasons.

First of all, if the inter-state and civil society relationship is good and the states are supportive to the movement and campaign of civil societies, it is more likely for the CSOs to obtain resources from the states to carry out the anti-corruption campaign.

In addition, for the citizens, they are willing to engage into the social movement not only because of the pursuit of general benefits, the grievance and resources they possess, but also because of their personal costs and benefits, shaped by the political, social and legal circumstances encompassed. If engaging into the social movement will create a huge cost for them, for examples, from political or legal persecution, loss of jobs and financial loss, etc, then their incentives to engage in it will certainly decrease.

Hence, if the inter-state and civil society relationship is good and the states are supportive to the movement and campaign of civil societies, then it is less possible for the individuals to be punished for their engagement of civil society and social movements, lowering their cost to engage in civil society and social movements, vice versa. For examples, the states may provide more speech and media freedom and associational

and organizational rights to the public. As a result, taking the benefits and costs of engaging into civil society and social movement into account, the individuals are more willing to cooperate in civil society and engage in social movements to check corruption. Therefore, the corruption level of the society will improve, taking a bottom-up approach.

Secondly, by engaging more citizens into the civil society-government-citizen coalition, the reformers in government have more incentives to step up the efforts to check corruption, in return for the support of the citizens to secure their office.

For the state officials, they are willing to accept the requests of the social movement mainly not because of the number of its participants and the pressure generated, but mainly because of their personal calculations, for example, the concession in return for the possibility to acquire or hold their public office, etc. If more civil society organizations and citizens engage into the coalition, they will be more willing to step up efforts to fight against corruption for their personal fames. As a result, some structural changes are more easily to be achieved, for example, building up more checks and balance mechanism within the government, because the actions by organised citizens may complement institutional reforms and provide them with a proper social foundation.²³ Therefore, the corruption level of the society will improve too, taking a top-down approach.

Formation of Civil Society-Government-Citizen Coalition

The fame of good, transparent, accountable and corruption-free governance is one of the sources of governance legitimacy for the government and public officials. If the authentic and public-trusted civil society organizations appraise the government and public officials with the above good fames, or even cooperate with the state, then the governance legitimacy of the state must be able to increase.

On the other hand, the government possesses a huge amount of financial, political and legal resources. If the government would cooperate with the civil society and pay more resources to step up the efforts to tackle corruption, then the corruption level is more likely to improve.

If each of parties understands the benefits and resources another party is able provide for them and regards the cooperation as mutually beneficial, then it is likely for the policy network, or called coalition, to be formed.

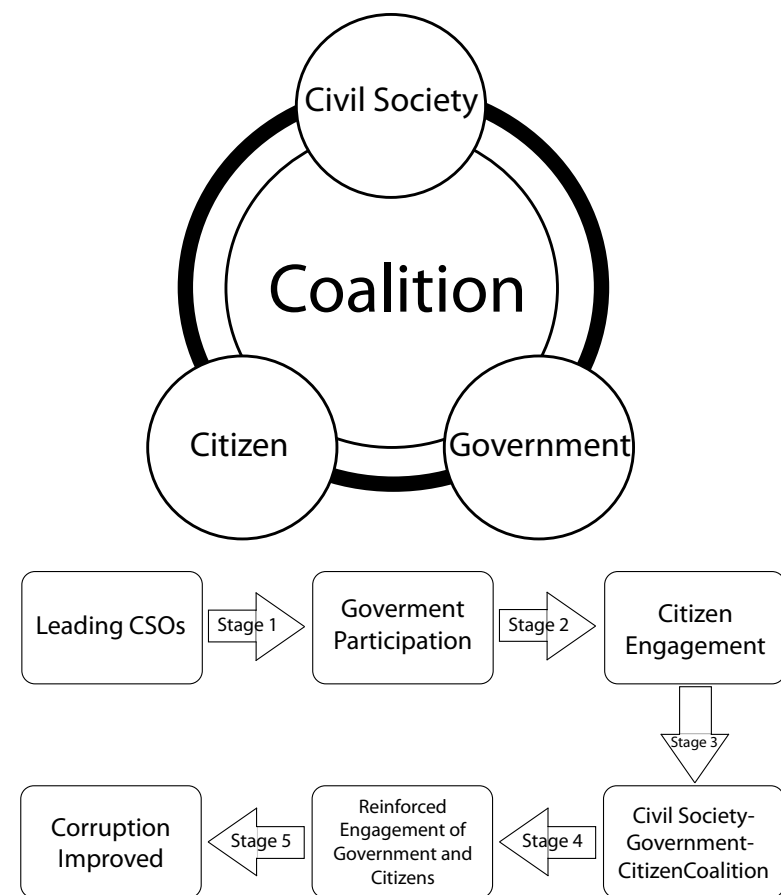
Some anti-corruption lobbying organizations possessing resources of legitimacy for the government start to lobby and cooperate with the government to form a basic anti-corruption coalition.

After knowing this basic anti-corruption coalition is formed, the citizens will perceive this as a lessen constraints for them to engage in the anti-corruption campaign and social movement. Therefore, more and more citizens will engage into this anti-corruption campaign and cooperate with the civil society organizations and government to fight against corruption. As a result, a larger coalition incorporating civil society organizations, government and citizens is formed.

By engaging more citizens, the government would see it as a chance to further increase its governance legitimacy. Hence, the commitment of the government to engage in this coalition and anti-corruption campaign will increase. In turn, this greater commitment of the government to engage into this coalition would stimulate more citizens to cooperate again, forming a good and positive cycle.

With larger amount of financial, political and legal resources spent by the coalition on corruption and the greater social monitoring, social pressure and punishment, the level corruption is able to improve.

23. Robinson, "Corruption and Development: An introduction."



Stage 1: Government's resource dependency on leading CSOs

Stage 2: Lessen constraints and greater chance of success

Stage 3: C-G-C Coalition formed

Stage 4: Incentive Systems for Government and Citizens changed again

Stage 5: Overall Result

Figure 1: Process of the Formation of Civil Society-Government-Citizen Coalition

E Methodology

1. OLS Regression

To check my hypothesis that the relationship between state and civil society is more important and significant in affecting corruption level, I decide to carry out the OLS regression. From the above two perspectives of Resource Mobilization Theory and Rational Choice Theory, I have singled out some variables and factors in civil society which are said to have influence on corruption, for examples, the grievance within civil society, the structure of civil society, the resources of civil society, and the environments to which the civil society belong, etc. In the following part, I am going to outline the methodology I have used to carry out the quantitative and robustness analysis concerning civil society and corruption.

Hypothesis tests of a negative relationship between corruption and civil society are motivated by theoretical literatures reviewed in part II, by data availability on other causes of corruption.

To measure the development of civil society, I am here to adopt the Civil Society Index (henceforth CSI), conducted by CIVICUS. The CSI is implemented by CSOs at the country level, and actively involves, and disseminates its findings, to a broad range of stakeholders including: government, donors, academics and the public at large. In implementing the CSI, national CSOs and stakeholders make use of qualitative and quantitative research methods to create an assessment of the state of civil society in their country.

The stakeholders assess the state of civil society in their national context along four basic dimensions using a structured methodology. They are the Structure of civil society; the external Environment in which civil society exists and functions; the Values practiced and promoted in the civil society arena; and the Impact of activities pursued by civil society actors.

Each dimension comprises several sub-dimensions which, in turn, are composed of a number of individual indicators. Individual indicators are each scored from 0 to 3 and these scores are then aggregated into sub-dimension and dimension scores. To conduct a more precise analysis of the relationship between the development of civil society and the level of corruption, the several sub-dimensions in CIS are used instead of the

aggregated dimensions.

Although it is new and just developed in this decade, it is the most comprehensive index making the development of civil society measurable, operable and comparable. It had gone through its pilot phase in 2000-2002. The latest CSI released in 2007 after the completion of the Phase 1 (2003-2006) analysis, by featuring the civil society profiles of 44 countries around the world.

To test my hypothesis that a supportive and cooperative inter-state and civil society relationship is more important and significant in affecting corruption level, I have taken the indices of state-civil society relations from CSI, which are Autonomy (henceforth AUTO), Dialogue (henceforth DIA), and Cooperation/support (henceforth SUP). These three indices are used to examine what kind of relationship between the state and civil society, the more anonymous or cooperative, is more significant and important for the control of corruption.

As mentioned previously, I would regard a larger extent of cooperation between state and civil society as the key to lower corruption level. Therefore, among these three kinds of inter-state and civil society relationship, I would treat SUP as the determining variable, while AUTO and DIA are insufficient to help a country to form the Civil Society-Government-Citizen Coalition.

Moreover, after viewing the RMT, I have singled out some the influential variables which can affect the formation, process of mobilization and success of the social movement in line with the Freeman's categorization, which can make the civil society lively and capable to check and fight against corruption from the CSI.²⁴

According to Freeman's categorization, there are tangible assets and intangible assets which can affect the formation and process of mobilization of the social movement. Adopting variables from CSI, tangible assets of a civil society include financial resources (henceforth FR), technical and infrastructural resources (henceforth TR), and support infrastructure (henceforth SI). And intangible or "human" assets

24. Jo Freeman, "Resource mobilization and strategy," in *The Dynamics of Social Movements: Resource Mobilization, Social Control, and Tactics*, eds. Mayer N. Zald, John David McCarthy (Cambridge, MA: Winthrop, 1979), 274.

include both specialised resources such as the non-partisan political action (henceforth NPPA), the membership of CSO (henceforth MCSO), depth of citizen participation (henceforth DP), representation of social groups among CSO members (henceforth RCSOM) and CSO leadership (henceforth RCSOL), existence of umbrella bodies (henceforth U), effectiveness of umbrella bodies (henceforth EU), self-regulation within civil society (henceforth SR), international linkages (henceforth IL), communication between CSOs (henceforth COM), cooperation between CSOs (henceforth COP) and human resources of CSOs (henceforth HR). (For details of individual variables, please refer Appendix I)

In addition, the level of grievances towards corruption is measured by one of the questions in the value survey conducted by World Values Survey in 2005-2008. The question asks the respondents to rate 1 to 10 score concerning the justifiability of someone accepting a bribe, while 1 representing 'Never justifiable' and 10 representing 'Always justifiable' (Fifth Wave Survey's question V201). In my hypothesis test, 1 to 3 scores are interpreted as the respondents do not think bribery is justifiable (henceforth WVS).

The reason that I regard the rating of the respondents concerning the justifiability of someone accepting a bribe as the level of grievance among a society towards corruption is that if they do not think bribery is justifiable, they will tend to have a greater sense of grievance towards the situation of corruption in their society, vice versa.

To supplement the World Values Survey concerning the justifiability of someone accepting a bribe to measure the level of grievance towards corruption, I have also adopted the index of Action to Promote Transparency (henceforth APT) from CSI. I would regard it as another proxy to measure the level of grievance towards corruption, because if the level of grievance towards corruption is high, then the civil society should theoretically have more action to promote transparency in the society.

To measure the level of corruption in countries, I have adopted the most commonly used indicator concerning corruption, which is Corruption Perceptions Index (henceforth CPI), conducted annually by Transparency International (henceforth TI). The CPI measures the degree of corruption as seen by business people, academics and risk analysts and ranges between 10 (highly clean) and 0 (highly corrupt). To test the rela-

tionship between the development of civil society and level of corruption in the same period, the CPI 2006 is used, which is the same period of the completion of phase 1 of CSI. In CPI 2006, there were totally 163 countries or regions assessed.

For the reason that this paper aims to examine the relationship between the development of civil society and corruption, so only countries which exit in both indices are considered. Therefore, there are totally 35 sample countries in my hypothesis test.

2. Robustness Analysis

Other than a simple OLS regression to test my hypothesis, I decide to carry out the robustness analysis at the same time so as to check whether the results of my test can still stand firm when other possible variables are added into my analysis.

After reviewing the literatures concerning corruption, the possible causes of corruption are *economic development of the countries* (Ades and Di Tella; Fisman and Gatti; Treisman; Goel and Nelson; Rock); *the degree to which governments adhere to the rule of law* (Johnston; Rock); *degree of democracy* (Persson and Tabellini; Treisman; Besley & Burgess; Chowdhury; Goel and Nelson; Rock); *bureaucratic quality of government* (Johnston; Rock); *natural resources curse* (Ades and Di Tella; Treisman), *degree of ethnic tensions* (Treisman, press freedom (Persson and Tabellini; Besley & Burgess; Chowdhury), *size of the government* (Fisman and Gatti; Goel and Nelson; Rock), *openness to trade* (Ades and Di Tella; Treisman), *influence of federal political system* (Treisman; Fisman and Gatti), *influence of British legal system* (Treisman), and *influence of Protestantism* (Huntington; Lopez-Guerra).²⁵

25. Alberto Ades and Rafael Di Tella, "Rents, Competition and Corruption," *The American Economic Review* 89 (1999): 982–93.

Timothy Besley And Robin Burgess, "The Political Economy of Government Responsiveness: Theory and Evidence from India," Timothy Besley and Robin Burgess, accessed May 10, 2010, http://eprints.lse.ac.uk/2308/1/The_Political_Economy_of_Government_Responsiveness_Theory_and_Evidence_from_India.pdf;

Shyamal K. Chowdhury, "The Effect of Democracy and Press Freedom on Corruption: An Empirical Test," *Economics Letters* 85 (2004): 93–101.

Raymond Fisman and Roberta Gatti, "Decentralization and Corruption: Evidence Across Countries," *Journal of Public Economics* 83 (2002): 325–45.

Rajeev K. Goel and Michael A. Nelson, "Economic Freedom versus Political Freedom: Cross Country Influences on Corruption," *Australian Economic Papers* 44, no.2 (2005): 121–33.

Rock has carried out a hypothesis test to test the above possible causes of corruption, other than the degree of press freedom, with 74–84 cross sections and 16 time series. He found that only the rule of law, quality of bureaucracy, durability of democracy, size of the government and economic development of the countries are always significant in affecting corruption.

Meanwhile, although Rock has carried out a comprehensive study and hypothesis test on a large amount of variables, he did not test the validity and significance of press freedom in affecting corruption argued by Persson and Tabellini, Besley & Burgess, Chowdhury.²⁶ Therefore, my hypothesis test will build upon Rock's and Chowdhury's analysis to test the relationship between civil society and corruption, by including rule of law, quality of bureaucracy, durability of democracy, size of the government, economic development of the countries and press freedom in my robustness analysis.²⁷

For the rule of law, a number of researchers have used the subcategory of Rule of Law in the Civil Liberty Index from *the report of Freedom in the World* (Freedom House) to test the hypothesis that the higher degree of rule of law of a country, the less corruption will be resulted. While the data from Freedom House are attractive because they exit for a large number of countries over time, there is a major problem with these data.²⁸ It is because that the index is contaminated by including assessments of the degree of corruption within it. For example, to measure the level of rule of law in a country, Freedom House will assess whether the judges rule fairly and impartially, or whether they commonly render verdicts that favour the government or particular interests, whether in return

Claudio López-Guerra, "Tocqueville on Catholicism and Democracy," *The Tocqueville Review* 15, no.2 (2004): 141–62.

Johnston, *Civil Society and Corruption: Mobilizing for Reform.*

Persson and Tabellini, *Political Economics: Explaining Economic Policy.*

Michael T. Rock, "Corruption and Democracy," *Journal of Development Studies* 45(2009): 55–75.

Daniel Treisman, "The Causes of Corruption: A Cross-national Study," *Journal of Public Economics* 76 (2002): 399–457.

26. Chowdhury, "The Effect of Democracy and Press Freedom on Corruption: An Empirical Test."

Besley and Burgess, "The Political Economy of Government Responsiveness: Theory and Evidence from India."

Persson and Tabellini, *Political Economics: Explaining Economic Policy.*

27. Chowdhury, "The Effect of Democracy and Press Freedom on Corruption: An Empirical Test."

Rock, "Corruption and Democracy."

28. Rock, "Corruption and Democracy."

for bribes or other reasons.

Therefore, to measure the level of rule of law, the subcategory, namely Rule of Law (henceforth RL) among the CSI is adopted. RL is to measure the extent to which the rule of law entrenched in the country. For 0 score, it means that there is general disregard for the law by citizens and the state. For 3 score, it means that the society is governed by fair and predictable rules, which are generally abided by. It is a more suitable index than the index of Rule of Law, conducted by Freedom House, to be applied in this context because it is less contended by including assessments of the degree of corruption within it.²⁹

For the quality of bureaucracy, there is also a subcategory of Functioning of Government among the Political Rights Index from *the report of Freedom in the World* (Freedom House). However, the same problem happened when the index is contaminated by including assessments of the degree of corruption within it. For example, to measure the functioning of government, Freedom House will assess whether the government is free from pervasive corruption.

Therefore, to measure the bureaucratic quality, the subcategory, namely State Effectiveness (henceforth SE) among the CSI is adopted. SE is to measure the extent to which the state is able to fulfil its defined functions. For 0 score, it means that the state bureaucracy has collapsed or is entirely ineffective. For 3 score, it means that state bureaucracy is fully functional and perceived to work in the public's interests. Again, it is a more suitable index than the index of Functioning of Government, conducted by the Freedom House, to be applied in this context because it is less contended by including assessments of the degree of corruption within it.³⁰

For durability of democracy, in Rock's hypothesis test, he has taken a process-oriented definition of democracy, which requires time for elites, organizations in civil society and mass publics to learn about and gain trust in the democratic process.³¹ Therefore, as Schneider and Schmitter (2004) argue, a process-oriented definition of democracy should include

29. World Alliance for Citizen Participation (CIVICUS) Participatory Governance Programme, *CIVICUS Participatory Governance Programme 2006–2009 Concept Note*.

30. Ibid.

31. Rock, "Corruption and Democracy.no"

some time dimension, such as the age of uninterrupted democracy in years.³² Rock has taken the data from Polity IV. In my hypothesis, to make the robustness analysis more precise and coherent, the same data is adopted from Polity IV's Individual Country Regime Trends as well, to measure the durability of democracy (henceforth DUR).

For size of the government, the same method is adopted as Fisman and Gatti and Rock.³³ To measure the size of the government, the general government final consumption expenditure as a share of GDP (henceforth GCY) from the World Development Indicators 2006, conducted by World Bank, is adopted.

For the economic development of the countries, the same method is adopted as Rock. The real GDP per capita at constant US price in 2000 (henceforth GDPPC) from the World Development Indicators 2006, conducted by World Bank, is adopted to measure the economic development of the countries.

For the press freedom, the subcategory, namely Press Freedoms (henceforth PF) among the CSI is adopted. PF is to measure extent to which the press freedoms are ensured by law and in practice.

In addition, I have also taken the myth of regional dummies into account. The samples in my hypothesis test are classified under the four categories of America, Europe, Asia and Africa, according to their geographical locations.

For America (henceforth AME), there are Argentina, Bolivia, Chile, Ecuador, Guatemala, Honduras and Uruguay.

For Europe (henceforth EU), there are Bulgaria, Croatia, Czech Republic, Georgia, Germany, Greece, Italy, Macedonia, Netherland, Northern Ireland, Poland, Romania, Russia, Serbia, Slovenia, Turkey and Ukraine.

For Asia (henceforth ASIA), there are China, Hong Kong, Indonesia, Mongolia, Nepal, South Korea, Taiwan and Vietnam.

32. Carsten Q. Schneider and Philippe C. Schmitter, *Liberalization, transition and consolidation: Measuring the components of democratization*. *Democratization* 11, no.4 (2004): 59–90.

33. Fisman and Gatti, "Decentralization and Corruption: Evidence Across Countries."; Rock, "Corruption and Democracy."

For Africa and the Middle East (henceforth AFR), there are Egypt, Ghana, Lebanon, Sierra Leone, Togo and Uganda.

3. Chronological Historical Analysis

By using OLS Regression and Robustness Test, we are able to check whether the relationship between state and civil society is more important and significant in affecting corruption level by using a quantitative way, however, the limitation is that they cannot help us to examine my proposed mechanism.

To examine whether the proposed mechanism that government participation would encourage citizen engagement, and then forming a Civil Society-Government-Citizen Coalition to check against corruption, Chronology Analysis, a qualitative method, should be adopted to study different anti-corruption campaigns in different countries.

Chronology Analysis is the study of history by arranging events in their order of occurrence in time, by using different tools, such as a timeline. Through the Chronology Analysis, it is hoped that some evidences can be found to verify or falsify my proposed mechanism.

In this thesis, the case of South Korea's K-Pact, an anti-corruption coalition of civil society, government, political and private sectors, will be analysed and illustrated to support my hypothesis.

F. Testing Hypothesis: Quantitative Analysis

1. OLS Regression Analysis – Component of Civil Society

I start to test my hypothesis, that a supportive inter-state and civil society relationship is more important and significant in affecting corruption level, by adopting the simple OLS regression analysis.

Table 1 reports the OLS regression of *Corruption Perceptions Index*, measured by Transparency International, for the year of 2006 on the *inter-state and civil society relationship*, including the levels of autonomy, dialogue, and support, measured in Civil Society Index by CIVICUS. Different from our traditional perception, the relationship between the level of autonomy of civil society and level of corruption is not significant. However, it suggests that dialogue between state and civil society has some usefulness to affect the corruption level, but what really

matters is the support between state and civil society.

As mentioned above, I would regard a larger extent of cooperation between state and civil society as the key to lower corruption level. Therefore, among these three kinds of inter-state and civil society relationship, I would treat SUP as the determining variable, while AUTO and DIA may not be sufficient to help a country to form the Civil Society-Government-Citizen Coalition. Therefore, Table 1 confirms the prediction of my hypothesis.

Meanwhile, it should be highlighted that other components within the Civil Society Index to measure different aspects of civil societies have been tested by the OLS regression again. It is found that some of our traditional understandings toward the relationship between the development of civil society and corruption are refuted.

According to Resource Mobilization Theory, financial resources, technical and infrastructural resources, and support infrastructure, the non-partisan political action, the membership of CSO, depth of citizen participation, representation of social groups among CSO members and CSO leadership, existence of umbrella bodies, effectiveness of umbrella bodies, self-regulation within civil society, international linkages, communication between CSOs, cooperation between CSOs and human resources of CSOs, citizens attitude towards corruption or grievance should possess a certain degree of effect on corruption level.

Table 1 reports the OLS regression of CPI for the year 2006 on the above components measured in the Civil Society Index. On the one side, it confirms the prediction of resource mobilization theory that grievance of the public is not significant in affecting social policy or corruption. On the other hand, it suggests that only support infrastructure of CSOs, cooperation within CSOs, financial resources are significant in affecting the level of corruption, while others are not.

Table 1 - Civil Society and Corruption: OLS regression

Dependent variable: Corruption Perceptions Index 2006			
Independent variable	Significance Level	Unstandardised Coefficients B	R-square
AUTO	0.058	1.034	0.096
DIA	0.017*	1.303	0.149
SUP	0***	1.736	0.566
FR	0.026*	1.3	0.13
TR	0.061	0.887	0.103
HR	0.675	0.227	0.005
SI	0.042*	1.351	0.113
NPPA	0.161	0.605	0.0534
MCSO	0.755	0.106	0.003
DP	0.573	-0.35	0.009
RCSOM	0.891	0.1	0.001
RCSOL	0.752	0.18	0.003
U	0.239	0.557	0.038
EU	0.111	1.074	0.071
SR	0.67	0.303	0.005
IL	0.062	0.868	0.093
COM	0.097	0.927	0.075
COP	0.022*	1.525	0.137
WVS	0.629	-0.974	0.008
APT	0.209	-0.656	0.043

*, ***, indicate the level of confidence at 95% or better, and 99% or better, respectively.

2. OLS Regression Analysis – Control Variables

Other than a simple OLS regression to test my hypothesis, I decide to carry out the robustness analysis at the same time so as to check whether the results of my test can still stand firm when other possible variables are added into my analysis.

Needless to say that it is impossible to control for all possible variables that might be correlated with corruption, however, after reviewing other literatures concerning corruption, I have singled out some mostly mentioned variables which have been said to have an effect on corruption

as my control variables.

To check whether the control variables do have an effect on corruption, I have carried out another OLS regression to check the relationship between the above control variables and corruption. Table 2 reports the result.

As Table 2 shows, most of the control variables, including rule of law, quality of bureaucracy, durability of democracy, economic development of the countries and press freedom, are significant in affecting corruption level, except the size of the government. Therefore, in the below Robustness Analysis, except the size of the government, the above control variables will be adopted to check the result of the OLS regression analysis on relationship between inter-state and civil society relationship and corruption.

Table 2 – Control variables and Corruption: OLS regression

Dependent variable: Corruption Perceptions Index 2006			
Independent variable	Significance Level	Unstandardised Coefficients B	R-square
RL	0***	2.134	0.705
SE	0***	1.699	0.331
DUR	0***	0.072	0.362
GCY	0.132	11.039	0.064
GDPPC	0***	2.31	0.613
PF	0.001***	1.425	0.251

*, ***, indicate the level of confidence at 95% or better, and 99% or better, respectively.

3. Robustness Analysis

To obtain a more precise result on the relationship between inter-state and civil society relationship and corruption, a robustness analysis should be adopted to check whether the result of the OLS regression analysis on relationship between inter-state and civil society relationship and corruption can stand firmly when different control variables are included. The robustness analysis is carried out and the result of it is recorded in Table 3.

Table 3, on the one hand, reports the result that Robustness Analysis, to a certain extent, has challenged the previous result from simple

Table 3 – Civil Society and Corruption: Robustness Analysis

Independent variable	Dependent variable: Corruption Perceptions Index 2006										
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
DIA	0.49 (0.062)										
SUP		0.018* (0.267)				0*** (0.410)	0*** (0.668)	0*** (0.619)	0*** (0.659)	0*** (0.237)	0*** (0.248)
FR			0.051 (0.168)								
SI				0.423 (0.072)							
COP					0.218 (0.111)						
GDP	0*** (0.846)	0*** (0.683)	0*** (0.835)	0*** (0.850)	0*** (0.830)					0.002*** (0.379)	0.007*** (0.382)
RL						0*** (0.609)				0*** (0.424)	0.001*** (0.433)
SE							0.404 (0.126)				0.938 (-0.008)
DUR								0.133 (0.213)			0.893 (-0.013)
PF									0.071 (0.219)		0.895 (-0.179)
R-squared	0.865	0.886	0.879	0.872	0.870	0.906	0.758	0.771	0.778	0.926	0.927
Adjusted R-squared	0.734	0.772	0.759	0.745	0.742	0.810	0.551	0.571	0.583	0.845	0.830
No. observations	0.734	0.772	0.759	0.745	0.742	0.810	0.551	0.571	0.583	0.845	0.83

Values in the parenthesis are the respective Standardised Coefficients (Beta).

* ** ** indicate the level of confidence at 95% or better and 99% or better respectively.

OLS regression analysis, which financial resource, support infrastructure for civil society, cooperation between CSOs, and dialogue between state and civil society are not significant and enough to affect the level of corruption.

On the other hand, it confirms my hypothesis that if a state holds a supportive attitude and provides support measures towards civil society, then it is more likely to affect the corruption level, as shown in Table 3 that SUP is always significant, even different control variables are added into the regression.

Moreover, within the Robustness Analysis, the previous mostly mentioned control variables, including the quality of bureaucracy, durability of democracy and press freedom are challenged. Only the economic development of the countries and rule of law can stand firmly in the robustness test.

4. Robustness Analysis – the Myths of Regional Dummies

In addition, it is not trivial to check whether the result of my analysis will be affected by the myths of regional dummies. Hence, I have carried out another Robustness Analysis to find out the result.

As Table 4 shows, the myths of regional dummies does not apply here and there is no significant difference to my result, because the inter-state and civil society relationship is always significant in affecting the level of corruption no matter it is in America, Europe, Asia or Africa.

Table 4 – Civil Society and Corruption: Robustness Analysis (Regional Dummies)

Dependent variable: Corruption Perceptions Index 2006				
Independent variable	(1)	(2)	(3)	(4)
SUP	0*** (0.762)	0*** (0.794)	0*** (0.140)	0*** (0.731)
AME	0.597 (0.60)			
EUR		0.398 (-0.103)		
ASIA			0.213 (0.140)	
AFR				0.373 (-0.102)
R-squared	0.755	0.758	0.765	0.759
Adjusted R-squared	0.545	0.551	0.562	0.552
No. observations	38	38	38	38

Values in the parenthesis are the respective Standardised Coefficients (Beta).

*, *** indicate the level of confidence at 95% or better and 99% or better respectively.

5. Conclusion to Quantitative Analysis

To conclude, by adopting the OLS regression analysis and robustness analysis, some previously argued variables, by resource mobilization theory and other scholars, have been successfully challenged. For examples, financial resources, technical and infrastructural resources, and support infrastructure, the non-partisan political action, the membership of CSO, depth of citizen participation, representation of social groups among CSO members and CSO leadership, existence of umbrella bodies, effectiveness of umbrella bodies, self-regulation within civil so-

ciety, international linkages, communication between CSOs, cooperation between CSOs and human resources of CSOs, citizens attitude towards corruption or grievance, the quality of bureaucracy, durability of democracy and press freedom, are not significant in affecting the level of corruption.

What really matters to the level of corruption are the supportive and cooperative inter-state and civil society relationship (SUP), the economic development of the countries (GDPPC) and rule of law (RL). These three variables are confirmed not only by the OLS regression analysis, robustness analysis, but also by the refutation of the myths of regional dummies.

To supplement the argument of my quantitative analysis, a qualitative study of South Korea's anti-corruption campaign would be adopted, so as to provide a clearer picture of the relationship between civil society and corruption beyond numbers.

G. Testing Hypothesis: Qualitative Analysis of Case of South Korea

1. Overview of Corruption in South Korea

South Korea has been criticised by many scholars as an example of crony capitalism, together with other Asian countries like the Philippines. Throughout its history since its independence from the rule of Japan colonial governance, it has always been criticised as a corrupted state.

Most scholars who studied the developmental state of Korea regarded Rhee Syng-man's regime (1948-1960) as predatory state. Amsden characterised the 1950s of South Korea with corruption, paralysis, underachievement, and bitter disappointment.³⁴ Evans pointed that, under Syngman Rhee, the civil service exam was largely bypassed and that his dependence on private-sector donations to finance his political dominance made him dependent on clientelistic ties and caused rampant rent-seeking activities.³⁵ Wedeman argued that Korea has had widespread

34. Alice Amsden, *Asia's Next Giant: South Korea and Late Industrialization*, (New York: Oxford University Press, 1989).

35. Peter Evans, *Embedded Autonomy: States and Industrial Transformation*, (Princeton, NJ:

high-level corruption ever since 1945.³⁶

For Park Chung-Hee's regime (1963-1979), several scholars including Lie, Wedeman, and Kang judged that Park's regime was not considerably less corrupt than Rhee's based on various pieces of anecdotal evidence.³⁷ Some Korean scholars also argued that the Rhee and Park regimes cannot be differentiated in terms of the degree of rent seeking and corruption, and that Park's centrally managed economy produced a large scope for rent seeking and corruption.³⁸ In the mid-1970s, a Korean social scientist noted, "The rapid expansion of the scope of governmental authority (under Park) tended to induce corruption at a far greater scale and in an even more pervasive manner than before (under Rhee)".³⁹ Many journalistic reports on corruption during the Park administration argued, with some quantitative and qualitative evidence, that the level of corruption then was no smaller, and possibly larger, than under Rhee.

Following Rhee's and Park's dictatorial regime, Chun Doo-hwan's regime (1981-1987) and Roh Tae-Woo's regime (1988-92) were also criticised as highly corrupted. These two former presidents were even, themselves, sentenced guilty of corruption. Chun and Roh were accused of raising slush funds of \$890 million and \$654 million and of receiving \$273 million and \$396 million in bribery, respectively.

To conclude, the corruption level of South Korea was severe since national independence from Japan, no matter in dictatorial regime or even democratic regime since 1987 democratization.

2. Government Efforts to Combat Corruption Prior to K-Pact

As mentioned by Namkoong, when Kim Young-Sam became a President in 1993, the democratised Korean society pushed the govern-

Princeton University Press, 1995).

36. Andrew Wedeman, "Looters, Rent-Scrapers, and Dividend Collectors: Corruption and Growth in Zaire, South Korea, and the Philippines," *The Journal of Developing Areas* 31 (1997): 457-78.

37. David C. Kang, *Crony Capitalism: Corruption and Development in South Korea and the Philippines*, (Cambridge: Cambridge University Press, 2002);

John Lie and Han Unbound, *The Political Economy of South Korea*, (Stanford, CA: Stanford University Press, 1998);

Wedeman, "Looters, Rent-Scrapers, and Dividend Collectors: Corruption and Growth in Zaire, South Korea, and the Philippines;"

38. Jin-Soon Lee, *Kyongje Kaehyokron (Economic Reform)*, (Seoul: Bibong Publishing, 1995).

39. Lie and Unbound, *The Political Economy of South Korea*.

ment to solve corruption problems.⁴⁰ The Kim Young-Sam administration revised the Public Servant's Ethics Law to make obligatory disclosure of high-ranking officials' assets (1993), introduced the Real Name Accounting System (1993), and the Freedom of Information Act (1996) in order to eradicate corruption.

Soon after President Kim Dae-Jung's inauguration in 1998, the Korean government introduced and implemented various initiatives to uproot corruption focusing on the public sector. For examples, Korea ratified the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, and enacted the related national legislation in December 1998.⁴¹

On July 24, 2001, Anti-Corruption Act was enacted, and The Korea Independent Commission against Corruption (KICAC) was established on January 25th, 2002, according to the Anti-Corruption Act. The KICAC is an independent governmental organization established under the President. The main functions of the KICAC are coordination of activities of the related institutions for the prevention of corruption, and the formulation and implementation of anti-corruption policies.

However, KICAC was not a full-pledged anti-corruption agency like Hong Kong's ICAC or Singapore's CPIB, because it could not investigate corruption cases itself as it had to rely on the Board of Audit and Inspection, the Public Prosecutor's Office and the National Police Agency to do so.

40. Namkoong Keun, "Controlling Corruption from a Governance Perspective: Explaining the Korean Pact on Anti-corruption and Transparency," [http://pubadmin-snut.net/data/upfile/anitcorruption\(IRPA_je-chul-bon\).doc](http://pubadmin-snut.net/data/upfile/anitcorruption(IRPA_je-chul-bon).doc).

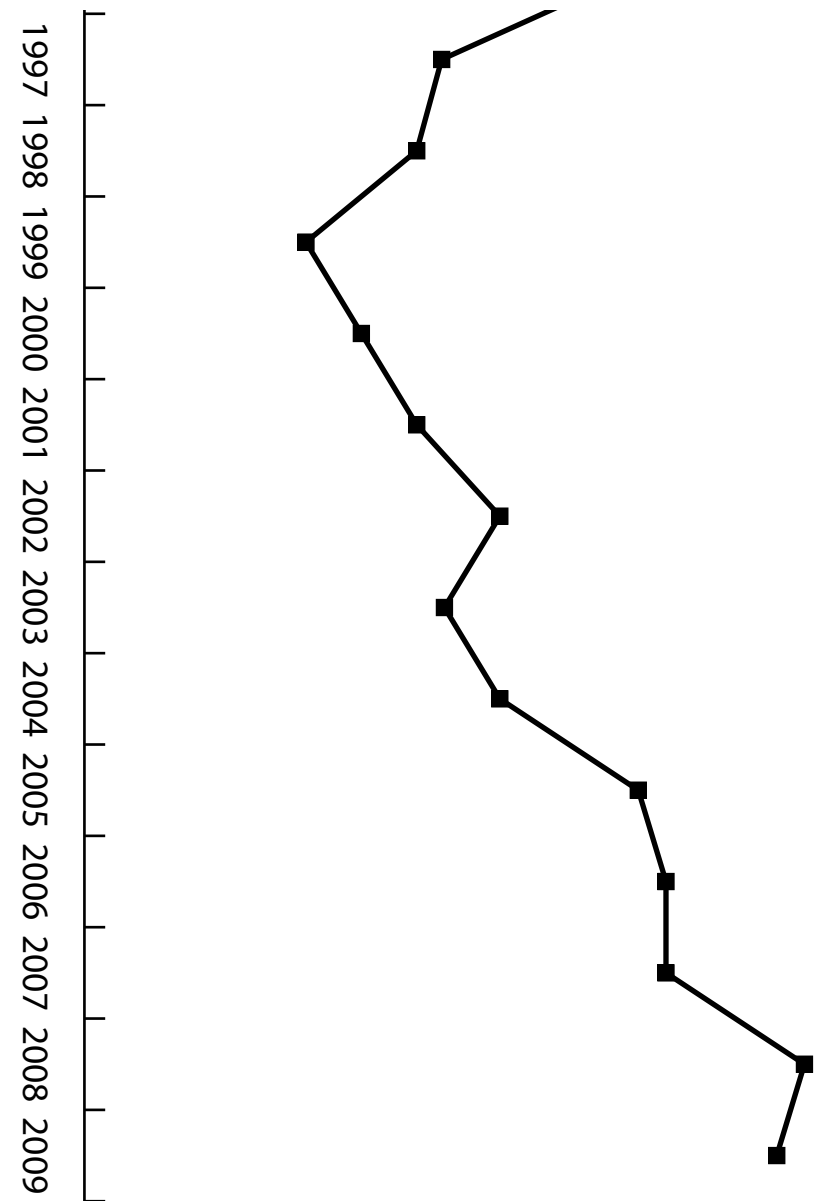
41. The OECD Anti-Bribery Convention establishes legally binding standards to criminalise bribery of foreign public officials in international business transactions and provides for a host of related measures that make this effective. It is the first and only international anti-corruption instrument focused on the 'supply side' of the bribery transaction. The 34 OECD member countries and four non-member countries - Argentina, Brazil, Bulgaria, and South Africa - have adopted this Convention (OECD website on http://www.oecd.org/document/20/0,3343,en_2649_34859_2017813_1_1_1_1,00.html).

Table 5: Summary of the Main Measures to Check Corruption from 1993-2004

President	Year	Measure
Kim Young-Sam	1993	Revising Public Servant's Ethics Law
Kim Young-Sam	1993	Introducing the Real Name Accounting System
Kim Young-Sam	1996	Introducing the Freedom of Information Act
Kim Dae-Jung	1998	Ratifying the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and enacting the related national legislation
Kim Dae-Jung	2001	Enacting Anti-Corruption Act
Kim Dae-Jung	2002	Establishing Korea Independent Commission against Corruption

Source: Namkoong, "Controlling Corruption from a Governance Perspective: Explaining the Korean Pact on Anti-corruption and Transparency."

In addition, anti-corruption efforts have been largely limited to ex post facto measures such as the detection of corrupt activities and punishment of offending public officials. Moreover, it is criticised that only middle and lower ranking civil servants were punished. With the lack of preventive measures and exclusion of responsible elite groups, attempts to stop corruption were not successful.



Source: Transparency International
 Figure 2: The Change of CPI of South Korea from 1995 to 2009

As we can see from the above figure, although different presidents of South Korea after democratization, namely, Kim Young-Sam and Kim Dae-Jung had put some effort and carry out different measures to fight against corruption, as shown in Table 5, the level of corruption did not improve a lot from 1995 to 2002. Starting from 1996 to 1999, the Corruption Perceptions Index even dropped from 5.02 to 3.8 as record by the Transparency International.

Although the corruption perceptions of the public had not improved and even worsened in this period, there might be some criticism against measuring level of corruption by using corruption perceptions alone. It is because a higher score of CPI alone may not be equivalent to a better situation of corruption in a country. The perceptions of citizens are largely affected by the attitudes of general public. As a result, the public attitudes can be easily manipulated by the government or politicians when the situation does not get improved and remains the same. Therefore, in such regard, corruption perceptions may not be a plausible indicator of the seriousness of corruption.

Therefore, I am here to supplement my argument by adopting actual number of cases of corruption prosecution recorded by the PPO of South Korea (henceforth PPO), in their annual Analytical Report on Crimes (in Seoul).

According to the records of the annual Analytical Report on Crimes from 2001 to 2003, published by the PPO, which show the criminal statistics from 2000 to 2002, the crimes related to the corruption of public officers, including the misuse of public office, giving and taking bribe, did not show any sign of improvement at all. In these three consecutive years, the number of corruption prosecution cases remained at a stable level, and even showed a sign of deteriorating, as shown in the following table.

Table 6: Number of Corruption Prosecution Cases in South Korea from 2000 to 2002

Year	2000	2001	2002
No.	451	495	492

Source: Annual Analytical Report on Crimes published by the PPO of South Korea, 2000, 2001 and 2002.

Consequently, these two administrations ended up with corruption scandals such as adhesions between politics and business, and kinship corruption. The results in the administrations after the democratization of Korea were not much different from those of previous authoritarian administrations of Chun Doo-Hwan and Rho Tai-Woo. The “HanBo scandal” that partially triggered a foreign currency crisis in 1997 was mainly caused by corruptive behaviors of politicians, businessmen, and bureaucrats⁴².

President Roh Moo-Hyun in 2003, declared the war against corruption. Comprehensive measures to stop corruption are included in the government innovation road-map which was set as national agenda. The Roh administration’s anti-corruption drive has brought about considerable changes in officialdom. According to KICAC Annual Report 2004, the actual number of government officials implicated in corruption scandals dropped from 567 in 2001 to 483 in 2004.

In addition to KICAC Annual Report, the annual Analytical Report on Crimes from 2003 to 2004, denoting the criminal statistics from 2002 to 2003, published by PPO, showed that the actual number of corruption prosecution cases had decreased from 492 to 425, as shown in the following table.

42. The Hanbo scandal refers to a multibillion dollar steelmaker affair involving members of the inner circles of Kim Yong Sam and his second son Kim Hyun Chol. The scandal erupted on Jan. 23, 1997, when Hanbo Iron & Steel Co., South Korea’s 2nd largest steel maker, went bankrupt owing \$6 billion US dollars as against its equity capital valued at only \$260 million. Under the Korean laws, all bank loans above 10 billion won must be cleared by the presidential office. Therefore, the Hanbo Iron & Steel Co. owing \$6 billion was suspicious by the public. After a thorough investigation, ten lawmakers and Kim Hyun Chol, second son of Kim Yong Sam, were arrested. They were charged with taking bribes from Chung Tae Su, Hanbo head, in return for pressuring banks to extend huge bank loans to Hanbo. At the same time, Home Minister, one of Kim Yong Sam’s confidants, a ruling party assemblyman, and a vice president of the main opposition party were also charged for giving favor to Hanbo Iron & Steel Co. in return for their private gains.

Table 7: Number of Corruption Prosecution Cases in South Korea in 2002 and 2003

Year	2002	2003
No.	492	425

Source: Annual Analytical Report on Crimes published by the PPO of South Korea

Despite the decline in the actual number of corruption cases, it still does not seem enough to affect the perceptions of the Korean public towards the situation of corruption of South Korea and the effectiveness of anti-corruption measures of President Roh's administration. Korea's scoring in the Transparency International's Corruption Perceptions Index was 4.5 out of perfect 10 in 2004, ranked 47th out of 146 countries.

As argued by Namkoong in his article of '*Controlling Corruption from a Governance Perspective*', a public opinion survey conducted in South Korea, in June, 2005 shows that 87.4 % of the respondents answered that the overall level of corruption in Korea is still "severe", and that 76 % of the respondents answered that the corruption level after President Roh took power is "more", or "about the same", compared with those of previous administrations.⁴³ This indicates that in spite of the Roh government's firm anti-corruption efforts, the corruption perception level of Korean people is still high. In short, Korea has not yet seen dramatic progress in uprooting corruption and changed the perception of citizens towards South Korea's corruption situation.

In addition to the public opinion survey mentioned by Namkoong, the report of the Global Corruption Barometer 2004 published by TI had shown that the citizens of South Korea had perceived a stable or even an increase of corruption level in their country. In the report, the respondents were asked to comment on the change of corruption levels over the past three years, as shown in the following table.

Table 8: South Korea citizens' Views on the Change of Corruption Level

In the past three years, how has the level of corruption in this country changed?

Increase a lot	Increase a little	Stay the Same	Decrease a little	Decrease a lot	Don't know/ no answer
16%	29%	34%	16%	1%	4%

Source: Transparency International (2004), *Global Corruption Barometer*

Why did various government-initiated anti-corruption efforts fail in changing the perceptions of South Korea citizens? I am here to argue that the South Korea citizens had already had a deep perception that the groups formulating and implementing anti-corruption policies, legislators and high-ranking public officials, were not free from the chain of corruption in the Korean society. Consequently, the South Korea citizens had perceived that they have been passive in implementing anti-corruption policies, because those who administered anti-corruption policies are themselves a part of problems and not solutions.

To support my argument here, the report of Global Corruption Barometer 2004 would be cited again. In the report, the South Korea citizens were asked to comment on the degree of corruption among different national institutions and sectors. The result is shown in the following table.

43. Namkoong, "Controlling Corruption from a Governance Perspective: Explaining the Korean Pact on Anti-corruption and Transparency."

Table 9: South Korea citizens' Views on the Corruption Level among Different Institutions and Sectors

Institutions and sectors	Score
Political parties	4.4
Parliament	4.5
Judiciary	3.6
Police	3.8
Business	3.4
Tax revenue	3.4
Customs	3.7
Media	3.6
Medical Services	3.4
Education system	3.5
Registry and permit system	2.5
Utilities	2.5
Military	3.4
NGOs	2.8
Religious bodies	3.1

Source: Transparency International (2004), *Global Corruption Barometer*

There are some key points needed to be highlighted here. Firstly, the NGOs were quite clean in the views of South Korea citizens. Secondly, among the views of South Korea citizens, the most corrupted institutions and sectors were *parliament*, *political parties*, which enacted anti-corruption laws, *police*, which was one of the corruption investigation authorities, and *judiciary*, which made the judgment on corruption cases.

If the above opinion was not a false perception but the real case of South Korea, then the number of corruption prosecution cases might not be able to fully reflect the level of corruption in South Korea.

However, no matter it was false perception or reality, it told us that government-initiated measures were not enough to root out corruption in the Korean society and change the perceptions of its citizens toward its corruption level. In this regards, ordinary citizens and progressive civic groups or NGOs should play a larger role in the anti-corruption drive, so that the anti-corruption policies could be formulated and implemented in a more transparent and open manner. As a result, a more 'clean' stake-

holder was involved in the fight against corruption, so that the actual corruption level and the perceptions of citizens could be improved together.

3. Traditional Role of Civil Society in the Fight against Corruption

Traditionally, CSOs had performed its main role as corruption watchdog in South Korea. It exposed corruption cases and criticised corrupt officials and institutions, including judiciary. It identified corruption-prone areas within the legal and administrative system. This identification was not less important than that of public authorities or private sector organizations, because of its different sources and different perspectives.

To fulfill their main role as corruption watchdog, in the general election in 2000, CSOs announced a list of candidates that they determined were not qualified as parliamentarians and conducted nation-wide campaigns against them. Approximately 1,000 civic organizations joined this campaign. As a result, 59 of a total of 86 candidates lost their elections, and particularly in Seoul, 19 out of the 20 candidates were defeated. In 2004, civic organizations again launched a similar nation-wide election campaign. As a result, 129 out of a total of 206 candidates who civic organizations classified as disqualified or unqualified lost their bids. In both elections, corruption was one of the leading reasons why candidates were blacklisted.

Moreover, another main role of CSOs in fighting against corruption was to raise public awareness through education. They would publicise some indices, reports, and study results for better awareness on the issue. Some CSOs operated information centers (like ALAC, Advocacy and Legal Advice Centers) as well as education centers for that purpose.

However, it was seldom for the CSOs to be able to join in hand with the government in the process of formulating anti-corruption policies. Therefore, the formulation of anti-corruption policy in South Korea was relatively one-dimensional and in a single top-down approach, limiting the flexibility of anti-corruption policy formation, responsiveness of the anti-corruption policy and the support from the CSOs.

D. Views of South Korea citizens on Corruption

Although most of the scholars had criticised South Korea for its high level of corruption, what were the views of its citizens on corruption and the government of South Korea?

Table 10: South Korea Citizens' Views on Justifiability of Corruption

Score	Year			
	1982	1990	1996	2001
1	60.6%	84.4%	80.3%	80.2%
2	12.1%	-	9.3%	10.3%
3	10.0%	-	3.4%	4.7%
Subtotal	82.7%	84.4%	93%	95.2%
4	6.0%	-	1.3%	1.8%
5	5.1%	-	2.9%	1.6%
6	3.1%	14.8%	1.0%	0.3%
7	1.2%	-	0.7%	0.5%
Subtotal	15.4%	14.8%	5.9%	4.2%
8	0.8%	-	0.3%	0.1%
9	0.3%	-	0.1%	0.3%
10	0.9%	0.8%	0.8%	0.4%
Subtotal	2%	0.8%	1.2%	0.8%
Total	100.1%	100%	100.1%	100.2%

Source: World Values Survey in 1982, 1990, 1996, 2001

From the point of view of the South Korea citizens, they increasingly opposed to corruption. According to the World Values Survey in 1982, 1990, 1996 and 2001, shown in the above table, they asked the respondents to rate 1 to 10 score concerning the justifiability of someone accepting a bribe, while 1 representing 'Never justifiable' and 10 representing 'Always justifiable'. The percentage of answering 1-3 had continuously increased, showing a higher degree of opposition to corruption of the Korean citizens.

Table 11: South Korea citizens' Views on the Extent of Political Corruption in Their Country

Extent of Political Corruption	Percentage
Almost all public officials are engaged in it	15.8%
Most are	52.6%
A few are	30.6%
Almost no public officials engaged in it	1.0%

Source: World Values Survey 1996

However, the fact is that, the citizens also realised there was a high degree of political corruption among the public officials in their country. According to World Values Survey in 1996, the South Korea citizens were asked to comment on the extent of political corruption in their corruption. 15.8% of the respondents thought almost all public officials were engaged in it, while 52.6% of them thought most of public officials were engaged in it, and 30.6% of them thought a few public officials were engaged in it.

High level of corruption and rampant rent-seeking activities had largely destroyed the legitimacy of the South Korean government. The legitimacy, governance and transparency of the government were always criticised and challenged by the citizens.

For examples, on March 15, 1960, a protest against electoral corruption took place in Masan, which finally led to April 19 Revolution and the step down of President Rhee Syng-man in 1960.

More recently, according to World Values Survey in 1990, the South Korea citizens were asked to comment on the degree of openness and transparency of the government. 68.9% of the respondents argued that the government should be made much more open to the public, shown in Table 8.

Table 12: South Korea citizens' Views on the Degree of Openness of the Government

Whether the government should be made much more open to the public	Percentage
Agree completely	35.4%
Agree somewhat	33.5%
Subtotal:	68.9%
Neither agree nor disagree	20.6%
Subtotal:	20.6%
Disagree somewhat	8.1%
Disagree completely	2.5%
Subtotal	10.6%

Source: *World Values Survey 1996*

Moreover, according to World Values Survey in 1996 and 2001, the South Korea citizens were asked to comment their confidence to the government. In 1996, there were only 43.9% of the respondents, not more than a half, had confidence to the government. However, in 2001, the percentage of respondents having confidence to the government decreased to 30.3%, shown in Table 9.

Table 13: South Korea citizens' Views on the Confidence to the Government

Comment	Year	
	1996	2001
A great deal	4.8%	3.5%
Quite a lot	39.1%	26.8%
Subtotal	43.9%	30.3%
Not very much	47.9%	54.4%
None at all	8.1%	15.3%
Subtotal	56%	69.7%

Source: *World Values Survey 1996*

As we can see from the views of the South Korea citizens, rampant corruption had already deteriorated the confidence of the citizens toward the government and damaged the legitimacy and governance of the government.

5. Policy Window for the Formation of K-Pact

During Roh Moo-Hyun's regime (2003-2008), he faced a serious political crisis, which would threaten his survival of office.

As reported by Freedom House, Roh took office in February 2003 facing an economic slowdown, an opposition-led parliament, and public moves by North Korea to revive its nuclear weapons program.⁴⁴ A major fundraising scandal during the year added urgency to longstanding calls from many quarters for an overhaul of South Korea's campaign finance laws. Late in the year, prosecutors were investigating allegations that former top aides to Roh, as well as legislators from across the political spectrum, accepted millions of dollars in illegal corporate donations before and after the 2002 presidential election.

The opposition-led parliament put off consideration of several bills as it remained at loggerheads with Roh over how to investigate the scandal. Roh vetoed a GNP bill in November calling for an independent counsel to investigate allegations of corruption in his administration.

The president argued that any independent investigation should wait until prosecutors currently investigating three of his former aides finished their work. Elected on pledges to improve corporate governance, bring greater transparency to state institutions, and engage, rather than contain, bellicose North Korea, Roh was forced to reshuffle his priorities.

In February 2004, Roh faced a political crisis when the opposition brought about a parliamentary vote to impeach him. Although the opposition had long been averse to his policies and his generally anti-establishment position, the actual charges on which the vote was based related to breach of election rules, economic mismanagement and corruption. Although Roh finally survived from the parliament impeachment, his legitimacy and transparency were further questioned and challenged by the public.

On the other hand, civil society organizations were playing a more and more powerful role in South Korean politics. As argued by Koo, since the weakening of the state power following the victory of 'the peo-

44. "Freedom in the World," Freedom House, accessed May 10, 2010, <http://www.freedomhouse.org/report/freedom-world/2005/south-korea>.

ple's power', the civil society became instantly activated since 1987.⁴⁵

Moreover, similarly, as argued by Lee, the discussion and analysis of the transitional politics during the 1987-1992 period presented in his paper highlighted three political characteristics of South Korea, namely, liberalization of the regime, activation of civil society, and weakening of the state's capacity to deal with certain situations.⁴⁶

A result of the resurrection of the civil society, the civil society organizations became more influential in South Korean politics, for the examples of criticizing and blacklisting candidates for corruption in the general election in 2000 and another nation-wide election campaign in 2004 as mentioned before in this chapter.

As a combination of influence of the political crisis of Roh and strong civil society organizations, the policy window for the formation of K-Pact was open. To avoid potential parliament impeachment, to rebuild legitimacy and to complete his election pledge to combat corruption, President Roh had to find some way-out to show his political determination and fight against corruption.

6. The Formation of K-Pact

a. Motivation for K-Pact – From a Policy Network Perspective

As discussed earlier, the government alone cannot deal with the anti-corruption affairs efficiently. Its failure to fight against corruption and the outbreak of the corruption scandals among the public officials greatly destroyed the confidence of citizens towards the government and its determination to combat corruption, and damaged its governance and legitimacy.

On the other hand, since its democratization from 1987, the civil society of South Korea had developed continuously. Its influence on society had greatly increased.

Among different civil society organizations dealing with anti-corruption affairs in South Korea, TI Korea is the most active organization

45. Hagen Koo, "Middle Classes, Democratisation, and Class Formation: The Case of South Korea," *Theory and Society* 20, no.4 (1991), 485–509.

46. Su-Hoon Lee, "Transitional Politics of Korea, 1987-1992: Activation of Civil Society," *Pacific Affairs* 66, no.3 (1993): 351–67.

in the fight against corruption. Established in 1999 through a joint initiative of several pre-existing social organizations, it focuses on forming the infrastructure to fight corruption through education, campaigns, publications and international cooperation.⁴⁷

Linking with the global Transparency International, one of leading the global civil society organization against corruption found in 1993, TI Korea was one of the most famous and well-trusted CSOs, as a benchmark of fighting against corruption in South Korea. The 2005 budget of TI Korea amounted to KRW 240 million and its membership base exceeded 1,000 people.⁴⁸

On 20th Oct 2004, TI Korea filed their proposal for a social pact to initiate the K-Pact movement to President Roh. It became a golden chance for President Roh to form a policy network with TI Korea to fight against corruption.

As mentioned before, the key for the formation of a policy network is the resource dependency. Legitimacy is a kind of valuable resource. At that time, after the survival of the parliament impeachment and facing the accusation of corruption of President Roh, he needed to increase his legitimacy and citizens' confidence towards his administration immediately to avoid further impeachment and regain public support.

The proposal of TI Korea for a social pact to initiate the K-Pact movement was a golden chance for President Roh to incorporate TI Korea and other civil society organizations with good reputation into his battle against corruption to show his political determination and enhance his governance legitimacy.

Therefore, on 7th Jan 2005, agreement between public and private sectors, and civil society was signed and the Steering Committee of the K-Pact was established.

b. Introduction to K-Pact

The Korean Pact on Anti-corruption and Transparency (The K-

47. "National Integrity Systems: Republic of Korea, Transparency International Country Study Report", Joongi Kim, accessed May 10, 2010, http://info.worldbank.org/etools/ANTIC/docs/Resources/Country%20Profiles/Korea/TransparencyInternational_NIS_Korea.pdf, 52.

48. Ibid.

Pact), was initiated by a proposal from TI Korea to establish an anti-corruption system through alliances among public, political and business sectors. As the Chairman of the Executive Committee of the Council for the Korean Pact on Anti-Corruption and Transparency (henceforth CK-PACT), Lee Hak-Young alleged, the K-Pact is Korean society's response to the failure of previous anti-corruption strategies and recent new development. It aims to increase transparency based on cooperation of the four sectors of society: the public, private, political sectors and civil society.

Table 14: Progress and Formation of K-Pact

Date	Event
20 Oct 2004	Transparency International Korea's proposal for a social pact to initiate the K-Pact movement
08 Dec 2004	KICAC, Transparency Forum, YoonKyung Forum, TI Korea, etc. held a forum on the topic of "Anti-Corruption: From Governance to the Social Pact"
03 Jan 2005	Declaration of One Hundred Citizens Calling for the K-Pact
07 Jan 2005	Agreement between public and private sectors, and civil society for the Steering Committee of the K-Pact
17 Jan 2005	KICAC, Transparency Forum, YoonKyung Forum, TI Korea and Anti-Corruption Congressmen Forum held a forum on the topic of "the Role Public, Private Sectors and Civil Society for a Transparent Society"
25 Jan 2005	Specialists in various sectors were surveyed about corruption
04-28 Feb 2005	The Steering Committee and Subcommittee for the K-Pact each met three times
09 Mar 2005	The Ceremony of the Pact with 120 major figures from public, political and private sectors, and civil society. The publication of the Pact and the Citizens's Charter for a transparent society
29 April 2005	Leading figures from the government, political parties, business and civic groups signed the K-Pact, pledging voluntary efforts to fight corruption and enhance transparency
13 Sep 2005	Health fields, including the government, and private groups signed the K-Pact
09 Nov 2005	Financial fields, including the government, and private groups signed the K-Pact

Source: K-Pact 2005 Annual Report, The Council for the Korean Pact on Anti-Corruption and Transparency

c. Effectiveness of K-Pact

After the establishing of K-Pact in 2005, the corruption level in South Korea had improved a lot. The Corruption Perceptions Index in 2004 was 4.5, while that in 2005 had improved to 5.0, as shown in Figure2 above.

As argued by Invest Korea, a national agency, South Korea's 0.5-point upgrade on the CPI was the third largest of any country in the world and the greatest in the Asia/Pacific region. The particular progress that K-PACT could take credit for included passage of actual legislation that protects whistleblowers, something previous anti-corruption laws did not do, while the registration of property and financial assets of lawmakers had become much stricter.

Not only the perceptions of the Korean citizens towards the country's corruption level became more positive than before, the incidence of corruption had dropped as well. According to the Mutual Evaluation Report of the Asia/Pacific Group on Money Laundering of OECD and Financial Action Task Force, the incidence of public servants' related abuse of authority, taking bribery, giving bribery had dropped from 1319 in 2004 to 990 and 1013 in 2006 and 2007 respectively.⁴⁹ The incidence of public servants' related corruption had dropped nearly a quarter from 2004 to 2006 and dropped 23.2% from 2004 to 2007, as shown in the following table.

Table 15: Number of Corruption Prosecution Cases in South Korea

Year	2004	2005	2006	2007
Incidence of public servants' related corruption	1319	1203	990	1013
Percentage change comparing to year of 2004	/	-8.8%	-24.9%	-23.2%

Source: FATF/OECD and APG (2009) 'Mutual Evaluation Report: Anti-Money Laundering and Combating the Financing of Terrorism'

Moreover, an additional source of information would be adopted here to show the effectiveness of K-Pact in the fight against corruption. According to the reports of Global Corruption Barometer from Transparency International, the reports of citizens in South Korea told us a somewhat objective number of corruption level in South Korea. In the report,

49. The evaluation of the anti-money laundering and combating the financing of terrorism regime of the Republic of Korea (hereinafter 'Korea') was done on 27 February 2004 (updated as of October 2008). As Korea is an FATF observer and a member of the Asia/Pacific Group on Money Laundering (APG), this evaluation was conducted jointly by both bodies. The evaluation was based on the laws, regulations and other materials supplied by Korea, and information obtained by the evaluation team during its on-site visit to Korea from 3 to 15 November 2008 inclusive, and subsequently. During the on-site visit the evaluation team met with officials and representatives of all relevant Korean government agencies and the private sector.

the citizens were asked to tell their experience of bribery in the past year. The question and the result were shown in the following table.

Table 16: Experience of Bribery in the Past 12 Months of South Korea Citizens

In the past 12 months, have you or anyone living in your household paid a bribe in any form?

2004	2005	2006	2007
6%	4%	2%	1%

Source: Reports of Global Corruption Barometer from Transparency International

As shown in the above table, the percentage of respondents having experience of bribery decreased from 6% in 2004 to 1% in 2007 continuously. Therefore, together with the information from the Corruption Perceptions Index, and the FATF/OECD and APG, we may conclude here that the corruption level of South Korea after the establishment of K-Pact had improved greatly.⁵⁰

In addition to the improvement of the corruption perceptions of the citizens, the decrease of experience of bribery of the citizens and the decrease of incidence of public servants' related corruption in South Korea, K-PACT Council secretary-general, Kim Chong-Su, pointed out that new legislation also had better provisions to guard against conflicts of interest, while new laws had promoted greater transparency in defense procurement, an area that was previously vulnerable to corruption. In all, the intervention of K-PACT resulted in the revision of ten anti-corruption laws.

Moreover, the main achievement of K-PACT involved was developing social issues in regards to all matters related to transparency. The K-PACT Council conducted monitoring against corruption in the legal field, demanded disclosure of information from the local governments to raise their financial transparency and operation, recommended legislative improvement for ratification of the UN Convention Against Corruption, along with handling other social issues related to transparency.

50. "Mutual Evaluation Report of Korea: Anti-Money Laundering and Combating the Financing of Terrorism."

In addition, the K-PACT expanded the term of “transparency” for the public. Various regions and cities signed it, including the forest field, for examples, Gwangjin, Songpa, Seoul, and Seongdong, etc, which broadly contributed to raising public awareness on transparency.

Besides, in order to prevent corruption during the early stages and establish transparency as a social value, they developed various programs, such as education, surveys, and public relations’ activities on anti-corruption and transparency. By doing so, the K-PACT Council developed an environment for anti-corruption culture.

Moreover, the K-PACT Council developed and proposed increased scientific analysis and alternative proposals regarding the level of corruption in Korean society. It conducted systematic research not only on corruption in general, but also for public officials, people in the social leadership class, and local governments. Together with experts of each field, it proposed tasks for each respective field, and made alternative proposals for a long term agenda.

d. Reasons for the Success of K-Pact

Here, I am going to highlight the critical elements which turned K-Pact into success. Firstly, K-Pact took a holistic approach to anti-corruption. Different from the traditional approach adopted in South Korea, and the countries alike, K-Pact took a holistic approach to fight against corruption. Traditionally, South Korea put its efforts to eradicate corruption through ex post facto measures such as the detection of corrupt activities and punishment of offending public officials. Under K-Pact, a more comprehensive and preventative approach was taken. Measures, ranging from amending and enacting laws, strengthening public service ethics, to providing civic education, making institutional improvement, etc, were carried out to check corruption.

Secondly, with a supportive attitude of the government towards CSOs and the involvement of civil society and private sector, by forming a great Civil Society-Government-Citizen Coalition, the different stakeholders were having a more balanced and interactive position to formulate different anti-corruption policies. As a result, the formulation of anti-corruption policies was no longer as one-directional and top-down as before. It became more and more multi-directional and responsive to

the needs of different sectors. Hence, a greater degree of ‘participatory governance’ was achieved.

By participatory governance, non-governmental actors, especially CSOs and private sectors were empowered to use the resources of the State to make decisions about matters that directly concern them. As a result, those non-governmental actors would take up more responsibilities in anti-corruption affairs, in turn, enhancing their commitment and involvement in the battle against corruption.

Thirdly, by incorporating civil society and private sector into the anti-corruption affairs, as argued in my hypothesis, a supportive inter-state and civil society relationship is more important and significant in affecting corruption level, for two more reasons.

First of all, if the inter-state and civil society relationship is good and the states are supportive to the movement and campaign of civil societies, it is more likely for the CSOs to obtain resources from the states to carry out the anti-corruption campaign. As illustrated in the case of K-Pact of South Korea, the government needed to play a central role in supporting the public and private sector’s anti-corruption efforts, for example, the administrative works were done by the KICAC. As a result, the CSOs would obtain more financial and administrative resources, and administrative convenience from the government, enhancing the effectiveness and efficiency for the implementation of K-Pact.

In addition, by engaging more citizens into the civil society-government-citizen coalition, the reformers in government have more incentives to step up the efforts to check corruption, in return for the support of the citizens to enhance their legitimacy and the public confidence towards the anti-corruption policies to secure their office by the involvement of the famous and authentic CSOs into their administration. In the case of South Korea, when the President Roh was facing the political crisis which would threaten his survival of office, he accepted the proposal of TI Korea to set up the K-Pact, so as to show his political determination to check corruption and to enhance his legitimacy to run the government.

After the set of K-Pact, not only the central government and more and more local governments had signed the K-Pact and set up more efforts to deal with anti-corruption, there were increasing number of CSOs

and private actors, which promised to join the battle of anti-corruption, forming a greater anti-corruption culture and environment in South Korea. The greater commitment of the government, CSOs and citizens to engage into this coalition would stimulate each other to cooperate in a greater extent, forming a good and positive cycle.

H. Conclusion

In this thesis, I have verified my hypothesis that a supportive inter-state and civil society relationship is more important and significant in affecting corruption level through both of the quantitative and qualitative analysis.

In the first part of this thesis, the quantitative part, the supportive attitude of government towards civil society has been proved to be always significant in affecting the corruption level.

In the second part of this thesis, the qualitative part, the K-Pact of South Korea has been used to illustrate the coalition between the government, private sector and civil society in fighting against corruption. My hypothesis is that with a supportive attitude of the government towards CSOs and the involvement of civil society and private sector, by forming a great Civil Society-Government-Citizen Coalition, the formulation of anti-corruption policies became more and more multi-directional and responsive to the needs of different sectors. Moreover, the CSOs would obtain more financial and administrative resources, and administrative convenience from the government, enhancing the effectiveness and efficiency for the implementation of K-Pact. In addition, the greater commitment of the government, CSOs and citizens to engage into this coalition would stimulate each other to cooperate in a greater extent, forming a good and positive cycle.

However, from the case of K-Pact of South Korea, someone would question whether the role of civil society in fighting against corruption is too passive, because it is the parliamentary impeachment which reinforced President Roh's incentive to form a grand coalition to fight against corruption, but not the CSOs. My answer is that, the parliamentary impeachment is the policy window turning President Roh's mind, but without the proposal of TI Korea, the strong political influence of CSOs, the clean image of CSOs, and the advocacy of anti-corruption of CSOs out-

side the government, the K-Pact would not be established. Therefore, in the fight against corruption, the CSOs need to unit and cooperate with each other to create and wait for the policy window, to force the government to support, and to monitor the implementation of the program of the government.

Moreover, once the establishment of the grand coalition, the role of CSOs becomes more important, because any laziness and ineffectiveness of the government in implementation of anti-corruption policies could be easily seen by the CSOs. If the CSOs openly criticise or even withdraw from the coalition, the legitimacy and reputation of the government must be greatly damaged. Therefore, it keeps the government under pressure to do more than it previously did.

However, this thesis has still its limitations. Firstly, a more thorough evaluation of the effectiveness of the K-Pact is needed. In this thesis, it is shown that the corruption level, no matter in respect to the perceptions of the citizens, or the incidence of public servants related corruption, or the bribery experience of the citizens, has decreased after the establishment of the K-Pact and the formation of Civil Society-Government coalition. However, we cannot ignore the chance of having some intervening factors affecting the corruption level at the same period, for example, the changing attitude of citizens and public officials towards corruption, etc. Therefore, a more thorough evaluation of the effectiveness of the K-Pact is needed, such as carrying out the citizens' survey on the effectiveness of the K-PACT, the documentation of the meeting minutes of the K-Pact, and the policies proposed by the different members, including the CSOs among the K-Pact, etc.

Secondly, although the K-Pact is chosen as an illustration of the partnership of civil society and government to fight against corruption together, there are still many different forms of cooperation between civil society and government in the world. If we need to check for the role of civil society in fighting against corruption and how the supportive attitude of government toward civil society would help eradicating corruption, then we need to carry out further investigation into different cases in the world.

Finally, what I think to be true is that the battle against corruption cannot be done by either government or civil society or any one sector in

the society alone. Collaborative governance should be the key to success in the future.

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Appendix 1

Data: Definitions and Sources

Variable	Definition	Source
FR	To measure how adequate the level of financial resources for CSOs is.	Civil Society Index, CIVICUS (2006)
TR	To measure how adequate the level of technological and infrastructural resources for CSOs is?	Civil Society Index, CIVICUS (2006)
SI	To measure the level of support infrastructure for civil society is, and the number and effectiveness of civil society support organizations in the country.	Civil Society Index, CIVICUS (2006)
NPPA	To measure the percentage of people have ever undertaken any form of non-partisan political action (e.g. written a letter to a newspaper, signed a petition, and attended a demonstration).	Civil Society Index, CIVICUS (2006)
MCSO	To measure the percentage of people belongs to at least one CSO.	Civil Society Index, CIVICUS (2006)
DP	To measure how deep/meaningful citizen participation in CS is and how frequently/extensively people engage in CS activities.	Civil Society Index, CIVICUS (2006)
RCSOM	To measure the extent CSOs represents all significant social groups (e.g. women, rural dwellers, poor people, and minorities).	Civil Society Index, CIVICUS (2006)
RCSOL	To measure the extent of diversity in CSO leadership and the extent of CSO leadership represents all significant social groups (e.g. women, rural dwellers, poor people, and minorities).	Civil Society Index, CIVICUS (2006)

U	To measure the percentage of CSOs belong to a federation or umbrella body of related organizations.	Civil Society Index, CIVICUS (2006)
EU	To measure the effectiveness of existing federations or umbrella bodies to be in achieving their defined goals.	Civil Society Index, CIVICUS (2006)
SR	To measure the effectiveness, enforceability and extent of self-regulation among CSOs.	Civil Society Index, CIVICUS (2006)
IL	To measure the proportion of CSOs have international linkages (e.g. are members of international networks, participate in global events).	Civil Society Index, CIVICUS (2006)
COM	To measure the extent of communication between CS actors.	Civil Society Index, CIVICUS (2006)
COP	To measure the extent of cooperation between CS actors with each other on issues of common concern.	Civil Society Index, CIVICUS (2006)
HR	To measure how adequate the level of human resources for CSOs is.	Civil Society Index, CIVICUS (2006)
AUTO	To measure the extent civil society can exist and function independently of the state and the extent CSOs are free to operate without excessive government interference. And to examine whether government oversight is reasonably designed and limited to protect legitimate public interests.	Civil Society Index, CIVICUS (2006)
DIA	To measure the extent of the state dialogue with civil society and how inclusive and institutionalized the terms and rules of engagement are, if they exist.	Civil Society Index, CIVICUS (2006)

SUP	To measure how narrow/broad the range of CSOs that receive state resources (in the form of grants, contracts, etc.) is.	Civil Society Index, CIVICUS (2006)
WVS	To measure the level of grievance towards corruption as reflected by citizens' judgment of the justifiability of someone accepting a bribe.	World Values Survey (2005-2008)
APT	To measure how much civil society actively promotes government and corporate transparency.	Civil Society Index, CIVICUS (2006)
CPI	To measure the perceived levels of public sector corruption around the world.	Transparency International (2006)
RL	To measure the extent to which the rule of law entrenched in the country.	Civil Society Index, CIVICUS (2006)
SE	To measure the extent to which the state is able to fulfill its defined functions.	Civil Society Index, CIVICUS (2006)
DUR	To measure the durability of uninterrupted democracy.	Individual Country Regime Trends, Polity IV (1946-2006)
GCV	To measure the general government final consumption expenditure as a share of GDP, to represent the size of a government	World Development Indicators, World Bank (2006)
GDPPC	To measure the real GDP per capita at constant US price in 2000, to represent the economic development of a country	World Development Indicators, World Bank (2006)
PF	To measure the extent to which the press freedoms are ensured by law and in practice.	Civil Society Index, CIVICUS (2006)
PFH	To measure the level of the press freedoms in through considering the legal, political and economic environments.	Freedom of the Press, Freedom House (2006)

AME	Dummy variable for countries in America (Latin America and the Caribbean)	World Bank (2010)
EUR	Dummy variable for countries in Europe (Europe and Central Asia)	World Bank (2010)
ASIA	Dummy variable for countries in Asia (East Asia and Pacific, and South Asia)	World Bank (2010)
AFR	Dummy variable for countries in Africa (Middle East and North Africa, and Sub-Saharan Africa) and the Middle East	World Bank (2010)

社會運動視野下的群體性事件研究 ——以甕安事件和廈門PX事件為例

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撮要 近年來，中國大陸群體性事件頻發，群體性事件在不同因素作用下產生不同的走向與效果。把握群體性事件的性質與方向，分析群體性事件發生機理，對於理性認知群體性事件具有現實的緊迫性。2008年的甕安事件與2007年的廈門PX項目事件堪稱近年來群體性事件的典型。本文以社會運動的視野，借鑒西方經典理論資源，分析這兩起事件的前因後果，從而理解中國語境下的群體事件特徵。

一、作為社會運動的群體性事件

20世紀90年代以來，隨著社會主義市場經濟改革的加速發展，我國的經濟、社會和政治進入一個前所未有的型期。新的制度、結構與價值的建立成為轉型的主要內容。伴隨著轉型的深入，人們的利益、行為和觀念也在轉變之中。經濟發展一方面提高了教育水準，法制和公民意識以及政治參與的積極性，另一方面也引發了大量新的社會問題和矛盾。中國社會利益日益分化造成的諸如農業人口和內陸地區的相對貧困化、國有企業職工大規模下崗、政府官員和其他特權階層的腐敗，以及伴隨著發展所產生的環境污染、公共健康危機等等社會問題，在多方面因素的作用下，使得中國大地上每天都在上演著個性或集體性的抗爭。¹ 據不完全統計，1993年我國發生群體性事件0.87萬起，2005年上升為8.7萬起。2006年超過9萬起，2008年群體性事件的數量及激烈程度都超過以往。中國社科院學者稱，2010年群體性事件發生仍然保持著多發的態勢。²

群體性事件不僅是中國政治社會變遷的一個表徵，更是影響中國政治過程的關鍵因素。圍繞著群體性事件「從哪裡來」、「向何處去」的思索，不僅是執政者社會管理之所急，也是政治學、社會學研究之所需。近年來，關於群體性事件的研究層出不窮。于建嶸教授認為：由於起步較晚，群體性事件的概念是作為一個「政治術語」進入人們視野的，因而並不具備嚴格意義上的學術概念。³ 以往在中國語境中所強

1. 趙鼎新，《社會與政治運動講義》（北京：社會科學文獻出版社，2006），1-30。

2. 中國社科院，〈2010年社會藍皮書〉，人民網，2012年12月，<http://opinion.people.com.cn/GB/10624587.html>。

3. 于建嶸，《抗爭性政治：中國政治社會學基本問題》（北京：人民出版社，2010），40。

調的「非法性」與「危害性」使得群體性事件的概念包容度較小。單光肅教授則強調：由於對群體性事件的簡單認識，使得社會對於群體性事件的看法上呈現出盲目樂觀與悲觀的兩種傾向，從而產生兩種極端的對待措施。⁴ 因而，從現實層面上看，對群體性事件的理性認知與把握顯得刻不容緩。

實際上，在對於群體性事件的認知上，一些相關譜系概念，如社會運動、集體行動、革命等影響著學者們的認知。單光肅教授通過其詳細的比較與區分，構建出了群聚事件譜系表，對我們理解群體性事件提供了建設性的工具。作為「體制外」的抗爭方式，群體性事件在中國語境下仍就具有其他「家族概念」的特徵。趙鼎新教授認為：群體性事件、社會運動、暴亂、革命等一系列概念之間，既存在著明顯的內涵和外延上的區別，也存在著明顯的聯繫。研究者可以通過組織化程度、制度化程度、以及所追求的社會變革的程度來對這一組概念進行界定。這種界定方法對於學者進行更大範圍上的研究是有積極意義的。⁵

社會現象是複雜的，政治現象尤其如此，群體性事件的複雜性根植於政治社會經濟等環境當中。但是，一旦我們知道如何觀察社會政治生活，社會與政治變遷也就變得容易理解了。筆者認為，比下定義更重要的是充分理解作為鬥爭政治的群體性事件的特徵輪廓。在這一點上，美國社會運動研究中實證主義學派打破名義上各不相同的概念界限，直面鬥爭，從不同鬥爭中尋找探求相似因果機制，形成並豐富的以社會運動主題的諸多理論，為我們研究今天中國群體性事件提供了可借鑒的理論資源。透過社會運動的視野去理解群體性事件的發生，找出中國語境下的特徵，對於理性認知群體性事件具有啟示意義。筆者將通過對具有部分相似性的社會抗爭形式的探討——貴州甕安事件與廈門PX事件，發現具有解釋性的機制，找出這些機制在不同背景下，因結合方式不同而產出的不同結果。

二、社會運動的政治過程理論——內容與範式

發軔於美國民權運動的政治過程理論是目前在西方佔據主流地位的社會運動理論。隨著20世紀六七十年代美國社會運動的風起雲湧，社會運動呈現出新的歷史特徵。在反思這些運動的過程中，社會運動研究開始注重政治環境、動員結構、集體行動框架、既定鬥爭手

4. 覃愛玲，〈群體性事件向何處去——專訪單光肅〉，《南方週末》第1301期，2009年1月15日。

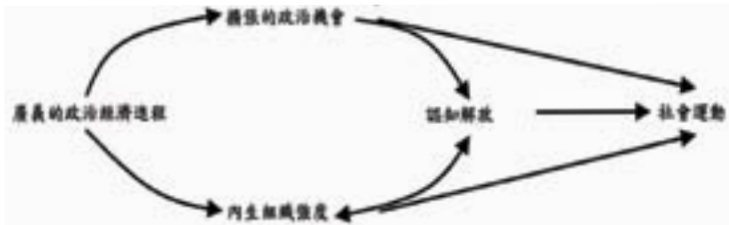
5. 趙鼎新，《社會與政治運動講義》（北京：社會科學文獻出版社，2006），3。

法等關鍵因素。⁶ 斯坦福大學社會學教授麥克亞當提出的政治過程理論在批判和綜合傳統理論的基礎上（社會怨恨理論、理性選擇理論、文化結構理論、資源動員理論），強調社會運動是政治性而非病理性的行為，並同時重視組織、社會網路、機會和策略這樣的中觀和微觀的條件對社會運動起源和發展的影響。⁷

筆者認為，與傳統理論相比，政治過程理論的三個最大特點：第一，認為集體抗議是行動者與政府互動的結果；第二，認為集體抗議只有運用動態的方法才能準確地予以解釋；第三，指出社會運動的政治過程是一幅心理失衡模型和資源動員模型遠遠未曾描繪的複雜圖景，多個組織在其中互動，多重因素都有其歷史成因卻又因時而變。

在《政治過程與黑人暴動的發展 1930—1970》一書中，麥克亞當通過兩個模型，勾勒出了政治過程理論在社會運動的研究的兩個關鍵問題。

甲、社會運動的興起



圖一 運動產生的政治過程模型

來源：道格·麥克亞當，〈政治過程與黑人暴動的發展，1930—1970〉，載楊可，〈社會運動的政治過程〉，《社會學研究》，2009。

如圖一所示，在解釋社會運動的興起時，麥克亞當主要強調了擴張的政治機會、內生組織強度和認知解放這三個因素的共同作用，並構建了社會運動的產生模型。

以筆者之見，麥克亞當的社會運動產生模型有以下的主要內容：

(1) 以宏大的社會變遷為邏輯起點，關注歷史的政治機會結構變遷對內生組織、內生網路以及集體意識的醞釀過程。

6. 道格·麥克亞當、西德尼·塔羅、查理斯·梯利，《鬥爭的動力》，李義中、屈平譯（南京：譯林出版社，2009），18。

7. 趙鼎新，《社會與政治運動講義》（北京：社會科學文獻出版社，2006），29。

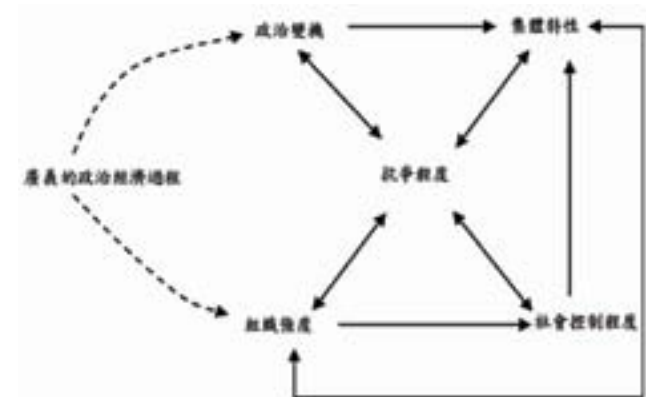
(2) 指出對於處於常規政治過程邊緣地位的社會群體而言，任何可以改變現有政治秩序的社會變化均可作為擴張的政治機會。

(3) 關注群體的內生組織（即社會運動中的群體）強度，即將有利政治結構轉化為社會抗爭行為的能力。

(4) 強調認知解放（即思想解放）的作用。結構上的不平等也許是常量，但人群對社會結構的主觀看法卻是可變的。客觀的政治變機只有被人們意識到，才能使他們挑戰現存秩序的行為成為可能。

麥克亞當通過找出社會運動過程當中的關鍵變數，一方面強調對社會運動背後的政治進行了本體論意義的研究，另一方面也強調人的主觀能動所產生的影響，為研究社會運動研究興起開闢了更廣闊的前景。

乙、社會運動的發展與衰亡



圖二 運動發展衰亡的政治過程模型

來源：道格·麥克亞當，〈政治過程與黑人暴動的發展，1930—1970〉，載楊可，〈社會運動的政治過程〉，《社會學研究》，2009。

在社會運動向何處去的問題上，麥克亞當也獨具慧眼。他強調：第一，社會運動的發展直至衰亡是一個各組織互動的過程。組織強度、社會控制程度、集體特性、政治變機影響著抗爭的程度。第二，抗爭程度作為自變量，影響著其它組織。其他組織的反映也基於對抗爭程度的評價。因而，社會運動的發展需要動態的認知，社會抗爭受到多方面的條件的約束。

透過政治過程理論的兩個模型不難發現，在認識社會運動時，首先需要破除的是將抗爭作為非理性的政治行為從而排除在政治學研究視野中的偏見。其次，需要將社會運動放在制度變遷的動態過程中看，並且將其看做是政治過程的一部分。麥克亞當透過對歷史的研究指出社會運動的政治過程是一幅先前理論，如心理失衡模型和資源動員模型遠遠未曾描繪的複雜圖景。多個組織在其中互動，多重因素都有其歷史成因卻又因時而變。因而，社會運動的研究因深入歷史，避免簡單化的慣性思維，並抓住關鍵因素進行謹慎的掃描。

三、社會變遷過程當中的無組織利益集團

甲、無組織利益集團的背景與概念

政治過程理論關注社會變遷的維度與進程，對社會抗爭中組織所扮演的重要性給予了充分的強調。筆者認為，在中國語境下，關於「組織」的理解需要進行一個辨別與區分。透過甕安事件與廈門PX事件兩個不同背景下的群體性標誌事件的分析，不難找到群體性事件背後呈現的由社會變遷造成的組織群體—無組織利益集團。

開篇談到，以市場經濟體制為導向的經濟改革不可避免的引發新的社會分層，而這些分層也無可避免的引起利益的多元化。利益格局的調整不僅僅是一個簡單的政策問題，它關係到「誰得到？」、「如何得到？」和「誰失去？」、「如何失去？」的根本問題。作為對利益格局調整的反應，利益群體維護或爭取利益的集體活動就是社會轉型難以避免的現象。

然而，在中國的現實環境下，不同利益主體發育的程度是不同的。清華大學孫立平教授強調：這種差異突出地表現在不同群體爭取自己利益的能力的巨大差異，尤其是表現在強勢群體和弱勢群體之間。⁸因而，我們看到，掌握著分配權力的精英們，可以在這一過程中，將手中的政治資源轉化成經濟利益，或是將經濟資源轉變成政治資本，從而進入社會上層。在能力上懸殊的一般民眾則滑落入下層。權力與資本的結合使得轉型過程伴隨著大量對民眾權利的侵蝕。強勢群體形成的強勢利益集團擁有對公共政策制定和執行過程的強大影響力，具備社會公共輿論的影響和話語形成能力，與此同時，弱勢群體對強勢群體也形成了的依附關係。⁹這樣的格局也構成今日群體性事件廣義上

8. 孫立平，〈優化社會結構 走出斷裂社會〉，《南方報業網》，2011年4月。<http://news.163.com/07/0121/09/35BON6CI000121EP.html>。

9. 孫立平，〈斷裂—20世紀90年代以來的中國社會〉（北京：社會科學出版社，2003），45—51。

的政治與經濟結構。

不可否認的是，弱勢群體的利益仍然客觀存在，這就不得不涉及到利益的表達。不同於西方的利益集團政治，由於制度上的缺陷，弱勢群體缺少有組織的集團與有效的正式管道來表達自己的利益。中國人民大學楊光斌教授認為：社會弱勢群體，更是政治弱勢群體，政治上處於原子化生存狀態，沒有組成社團的動力、能力、資源與相應而有效的法律制度支持。¹⁰根據楊教授的觀點，弱勢群體組成的潛在利益集團由具體的特定利益而形成，具有來得快取得快的特徵。由於抗爭成本過高，除非群體生存受到極度威脅，碎片化的群體基本上保持著「忍氣吞聲」的狀態。¹¹但是，從現實政治中看，這樣的群體本身已經開始對政治過程產生影響。一個偶然的事件或是一個關鍵人物的出現都可能觸發人們蓄積的不滿，並會以難以預料和難以控制的方式突然爆發，表現出來的形式就是群體性抗爭事件。因而，將這種由於制度不健全、結構不完善的政治過程中產生的群體，稱為中國政治過程中的「無組織利益集團」，對於理解群體性事件的政治過程提供了重要參照。筆者認為，「無組織利益集團」不僅是抗爭的參與者，也是組織者。基於不同的特定利益而聚合「組織」，並在具體的抗爭過程中顯現出它的特質。

乙、甕安事件與廈門PX事件當中的「無組織利益集團」

2008年6月28日發生的甕安事件，無論是從事件參與人數、持續時間、衝突劇烈程度、在國內國際上造成的影響上看都可以作為近年來群體性事件的典型。一個少女的意外死亡，卻引發了一次損毀辦公室160多間，燒毀警車等交通工具42輛，造成不同程度受傷150餘人，直接經濟損失1600多萬元的群體性事件。¹²

與此形成鮮明對比的是，2007年，被媒體譽為中國民主里程碑的廈門PX事件，以市民的抗爭達到了政府的最後妥協。廈門市民理性、和平的「散步」事件，與廈門政府的互動，促成了多方的利益共贏。

然而，筆者認為，兩起截然不同的事件背後都有著相似結構的抗爭群體—無組織利益集團。在走向抗爭的過程中，也有相似政治過程。儘管兩地在政治經濟結構的發展上存在巨大差異，廣義的政治經濟進程所擴張所產生的運動的「內生組織」卻有著相同的際遇。

10. 楊光斌，李月軍：〈中國政治過程當中的利益集團及其治理〉，《學海》，2008年2月。

11. 同上。

12. 《瞭望》新聞週刊，新華網，2011年4月，http://news.xinhuanet.com/legal/2008-09/08/content_9847136.htm。

(1) 地方政府的依附性與侵害性—社會變遷的結構性因素

回顧甕安與廈門的發展情況，筆者發現，雖然東西部社會結構發展差異明顯，廈門市與甕安在經濟上的表現相對於同類型地區可謂是「鶴立雞群」。作為我國最早的幾個經濟特區之一，廈門的發展有目共睹，相對與人們視野較為「陌生」的甕安縣，也仰仗著豐富的磷礦資源，實現經濟大跨越。2000年至2007年，甕安縣GDP從11.4億多元增加到21.9億多元，翻了近一番；財政總收入從6682萬元增加到2.4億多元，增長近4倍，城鄉居民儲蓄存款餘額從4.4億多元增加到19.3億元，新增近15億元。¹³

為什麼會產生這種有違直覺的富裕與矛盾激化雙重局面？筆者認為，甕安與廈門都面臨著類似的廣義上的政治經濟結構，即中央地方關係背景下地方政府角色的困頓。中國人民大學楊光斌教授指出，改革開放以來特別是94年分稅制改革之後，中國從計劃經濟下的單一制擴展到政治與經濟的二元結構，即政治上的單一制與經濟上的「聯邦主義」。地方政府從代理人逐漸轉換為利益主體。¹⁴ 這樣一種角色的轉換，使得權力在利益的誘導下，增大了「尋租」的可能，使政府角色出現困頓狀態—對企業的依附性與對民眾的侵害性。一方面，政府需要創造良好的投資環境與政策支援，另一方面，又需要親自參與經濟活動，來維持一定的經濟增長。

從PX專案整個過程來看，廈門市政府始終在保持著對PX項目的支持，PX項目投產後帶來的800億產值的誘惑是地方政府與投資方難以抗拒的。然而，PX的危險性，對百姓的傷害的估值卻未得到政府的重視，風險評估中老百姓的公眾參與聲音卻沒有得到體現。無獨有偶，借礦生財的甕安2007年全縣財政總收以達到2.4億元，而工資等剛性支出就達2.5億元，與此同時，幹部經商的情況在與民爭利的過程當中梳理了幹群高牆。幹部利益、商人利益得到了平衡的同時是公共利益長時間的停滯。¹⁵ 公共醫療、衛生、教育等基礎設施卻沒有得到相應提升。社會管理不力造成的管理「真空」，更是帶來了其他勢力（大家族、黑社會）的入侵。

(2) 制度內訴求失效—政治機會擴展與內生組織形成

政治過程理論強調，社會運動群體在一個社會中處於邊緣地位，

13. 趙鵬、劉文博，〈甕安事件發展引發的社會危機〉，《共產黨員》，2008年11月。

14. 楊光斌，〈我國現行中央—地方關係下的社會公正問題與治理〉，《社會科學研究》，2007年3月。

15. 同上。

被排除在一個國家的常規政治外，任何能夠改變現有政治秩序的變化對於社會運動群體來說都是一個政治機會。¹⁶ 麥克亞當指出，相對剝奪感在社會運動中始終存在，關鍵在於相對剝奪感聚集上升並被認識，形成認知解放，才會形成對現存秩序的挑戰。

早在2007年的兩會上廈門大學教授，趙玉芬院士等105位全國政協委員就聯名提出了關於廈門PX事件的「遷建議案」，揭開了人們對PX項目的關注。然而，政協委員們的努力並未對政府政策造成任何影響，這也造成了「無組織利益集團的」誘發因素。在體制內制度化管道未果的情況下，廈門市民亦只能選擇體制外非制度化管道表達訴求，也造就了廈門市民抗爭的政治機會。在資訊發達的網路時代，網上構建的「還我廈門碧水藍天」QQ群、BBS論壇—小魚社區等成為了內生組織的核心與連接點，起到了傳遞資訊與思想解放的作用。

在甕安事件當中，無組織利益集團的形成則經過了更長時間的醞釀，因素也更加複雜。多年的掠奪式發展造成了山挖空，地挖陷，水挖斷的惡劣環境。而當地村民面臨的卻守著煤山沒煤燒，守著磷礦沒錢賺的局面，引發諸多礦群糾紛。據相關統計2008年1至6月份群眾上訪總量已達348起，超過去年全年320起的上訪總量。2008年1月至6月，信訪局接到反映較大規模礦群糾紛的信訪案件就有15件，多數是因礦區開發群眾受損失而上訪。甚至在甕安事件的導火索—李淑芬之死的解決過程中，其家屬也因不滿公安局鑒定結果寄希望於信訪局的調節。¹⁷ 然而，2007年的評估中，群眾對公安機關評價的滿意度只有59%，2006年1月至2008年6月，甕安縣信訪局接待的群眾來信來訪共670件，辦結122件，辦結率僅為18.2%。制度內訴求的實效擴展了抗爭政治的可能。6月28號最早在事發地點由學生組織的「請願團」成為了最為原初的內生組織節點，這一舉動也使沿途受到謠言蠱惑或曾受到過利益損害的人們加入抗爭。

四、無組織利益群體的利益表達方式—社會抗爭

如果說，利益的聚集以及制度內利益訴求的失效是無組織利益集團形成的內在動力的話，走向社會抗爭，則是無組織利益集團外在表現形式，也是其利益的表達方式。

然而，甕安和廈門PX事件的抗爭卻呈現出完全兩種不同的風貌，廈門市民的「散步」與甕安的打砸搶燒使得抗爭結果與外界評價呈現

16. 趙鼎新，〈社會與政治運動講義〉（北京：社會科學文獻出版社，2006），193。

17. 何星輝，〈對話甕安縣信訪局局長：老百姓上訪是好事〉，騰訊，《金黔線上》，2011年4月，<http://news.qq.com/a/20080709/001583.htm>。

出對立的態度。筆者認為，政治過程理論對分析兩起事件的不同因素提供了有力的框架。抗爭的方式與程度不僅是受到政治變機、集體特性、社會控制程度與組織強度影響的「因變數」，也是人們評估這些不同背景因素的「自變量」。

甲、從集體特性與組織強度上看

筆者認為，甕安事件與廈門PX事件在抗爭程度上的差異最為主要的表現在集體的特性上。從經濟發展的程度與進程上看，甕安仍舊屬於西部欠發達的偏遠地區，社會分化不如廈門那樣明顯，農民仍舊是人口中最大的群體。據統計，甕安縣農業人口占總人口數的83.25%。¹⁸長幼尊卑，等級序列依存。「我們」（農民）與「他們」（當官的）的心理分界容易被啟動，越是啟動，官民互動中的怨恨就越明顯。¹⁹此外，縣城的環境呈現相對封閉性，熟人社會的那種相通有無、疾病相扶，患難相助的風氣比城市中更深。凡事一出，四裡八鄉很快聚集起來一同幫忙。另外，從筆者所掌握的資料來看，甕安事件當中打砸搶燒的人中大多數是男青年行為表現突出。前文談到，甕安長時間基礎建設的滯後發展、黑惡勢利的侵蝕、四處遊蕩的青年人居多，而這些法制觀念淡薄的年輕人，一有風吹草動變呼嘯成眾而肆意妄為。單光鼎教授曾用「縣城青年」的概念來描述這樣的群體。

相對於甕安而言，以中產階級為主要組成的廈門，抗爭的群體顯得更加理性，廈門市民利益抗爭擁有明顯議題，在這一過程當中，參加的人橫跨各個階層，從知識份子到普通工人，甚至是運動員。這些人所擁有的共同特徵是一廈門市民，一個帶有一定抽象精神訴求的身份標誌。因而，廈門市民對自身利益進行了綜合性的考量，這也說明了為什麼市民會選擇「散步」這樣溫和的抗爭方式。

與此相聯繫，集體的特性，影響了社會抗爭中的「組織強度」。廈門PX事件中，利用網路、短信等新媒體，「還我廈門碧水藍天」QQ群、BBS論壇、小魚社區等成為了PX事件中「無組織利益集團」的核心群體，另外後期的市民代表團、政協委員代表團都對事件走向產生了重要的影響。這些群體的言論和話語直接影響著參與這次事件的人們的行動。散步、標語以及其他溫和的抗爭方式構成了廈門市民之間普遍的默契，這和以上這些核心群體的努力十分不開的。他們也直接影

18. 甕安縣人民政府，《甕安概況》，甕安縣人民政府網站，2011年4月，<http://www.wengan.gov.cn/zjwa/contents/87/289.html>。

19. 于建嶸，《當代中國農民的維權抗爭——湖南衡陽農民運動考察報告》（香港：中國文化出版社，2007）。

響到了政府後續的對「無組織利益集團」的評估。另一方面，技術的出現擴大了溝通覆蓋的地理範圍，同時降低了運動的溝通成本，將事件的參與者與使用相同技術的其他人更加緊密地聯繫起來，同時將那些無從使用這些技術的參與者隔離在外。現代新技術的產生對人群也進行了一次過濾作用。回顧PX事件，參與者中不乏具有高學歷的知識份子，參與群體的素質是值得信賴的。

而甕安事件的發展則顯現出一些騷亂的特徵。於建嶸教授曾將甕安事件定性為「洩憤型群體性事件」，參與者往往無直接議題。儘管少女之死成為了事件的直接原因，但參與活動本身與利益訴求之間並不構成回饋關係，更多的是借機發洩心中不滿。就甕安當時的情況來看，沒有任何個人或組織具備策劃組織如此規模群體性事件的能力和資源。雖然事件當中出現了甕安社會管理「真空」領域中的黑社會團夥，如「劉軍幫」、「冷老二幫」團夥成員的教唆與直接參與，但仍然難以構成兩萬多人的群眾參與規模。值得一提的是，110名涉世未深的青年學生直接參與了當天針對縣委、縣政府和縣公安局的打砸搶燒行動，對於這些心智尚未成熟，法制觀念淡漠的青年來說，少女之死作為導火索，點燃了他們的逆反心理，產生不理智行為。這裡涉及到群體的心理的反映和認知等問題，由於本文篇幅所限，暫不做討論。

筆者認為，甕安事件的「組織強度」是非常弱的，不同於廈門PX事件中的幾個核心群體呈現出的幾個「內聚核」的高度統一的狀態，甕安事件「無組織」的狀態更加明顯。雖然兩者都是「無組織利益集團」的表現，但在特性上具有顯著差異。

乙、從社會控制強度與政治變機來看

廈門PX事件與甕安事件的另一個重大差別便在於政府的回饋上，政府第一時間的定性與判斷決定了政府行為，也決定了對群體性事件的控制強度與方式，影響政治變機的形成，從而導致事件朝不同方向發展。廈門PX事件當中，政府公開、透明的作風，最終促成了多方的利益共贏。事件發生之前廈門市政府果斷察覺到廈門市民的利益訴求，立即於5月1日召開新聞發佈會，宣佈緩建「海滄PX專案」，並啟動公眾參與。6月1日「散步」事件之後，又立即委託中國環境科學院進行「廈門市城市總體規劃環境影響評價」，並散發短信《PX專案知多少》普及基本知識。與此同時，採用隨機抽取的方式，選出市民代表107人，這些普通民眾與廈門政協委員一道，參與了市民座談代表大會，給廈門市民的表達正式提供了平臺。71%的反對聲音讓廈門市民看到了希望，12月18日項目正式遷制，群眾抗爭圓滿結束。

反觀甕安事件的發展路徑則大不相同。少女的死因調查經過一周的時間仍舊沒有確切答覆，當事人的申訴過程中執法人員的暴力執法更是火上澆油。謠言與事實混雜，諸如「肇事者是縣長親戚」、「公安指使黑社會打人」等謠言散播坊間足以一周之久。6月28日聚集人群在政府面前時，領導的集體「失蹤」，接待人員的「失語」，最終引發了群眾的「失控」。事發之後，政府「好人不鬧事，鬧事無好人」的慣性思維，與「不明真相的群眾」的描述以及「甕安群眾憤怒譴責不法分子」等新聞，引起了更多群眾的反感和猜疑，引發了廣泛的爭論。直到6月30日，貴州省委書記石宗源趕到甕安查看現場，走進老百姓家裡傾聽群眾的想法，並召開當地人大代表、政協委員和群眾座談會，三次鞠躬向百姓道歉，一針見血地指出了甕安事件發生的深層次因素，並開展了「問責風暴」。至此，事件才得到平息。

比較兩起事件不難看出，「預則立不預則廢」的原則成為了政府處理群體性事件產生政治變機基本邏輯。事前調研定性、事中資訊公開、事後擴大參與等等要素，在群體性事件不僅僅是引數，也是一個因變數。因而，完整而完善的危機事件機制建立是政府行為中必須面對環節。

五、中國背景下政治過程理論的反思

任何理論的產生都離不開孕育理論的土壤，理論的解釋力與界限隨著不同的語境和歷史的發展呈現出不同的狀態。政治過程理論誕生於美國黑人民權運動的發展過程，伴隨著民權運動的發展，政治過程理論幾經修改，形成了一個基本框架與發展邏輯。筆者認為，分析理論的所指與所向，避免概念錯位，是借用西方理論思考中國問題必須考量的問題。

誠如楊光斌教授所言：「社會科學都是經驗性的，產生於特定歷史語境中的理論就存在適用上的選擇性問題」。²⁰ 政治過程的代表人物查理斯·梯利也謙虛地指出：「在現有的知識體系中，任何一個試圖解釋政治結構和政治過程的人，在探尋導致政治結構和政治過程發生變化、變異並形成某種特性的因果機制時，所得出的因果關係越有限越好。因而，有必要丟棄所謂社會運動規律的探索，轉而尋求社會運動和其他政治類型之間的聯繫和因果類比。對社會運動及其歷史進行闡釋，一定要與其他類型的鬥爭政治的闡釋相互吻合」。²¹

20. 楊光斌，〈走出理論試驗場，構建本土政治學——專訪中國人民大學國際關係學院楊光斌教授〉，《中國社會科學學報》，2009年7月。

21. 查理斯·梯利，《社會運動1768-2004》（上海：上海世紀出版集團，2009），13。

但是，這並不影響政治過程理論的價值。理論如同顯微鏡與望遠鏡，使得我們更加清晰去看待事件的肌理。因而，本文正是在這樣的認知下，運用政治過程理論，對群體性事件的發展機制進行一次「管中窺豹」式的梳理，打通概念之間的界限，理解西方意義上廣義的社會運動與中國群體性事件的異同。通過不完美的分析，筆者認為，有以下幾個關鍵點對於我們理解政治過程理論的適用性和群體性事件反映出來的特殊現實值得我們的關注。

甲、關於組織的思考

政治過程理論當中反復強調了「組織」(organization) 這個概念。筆者認為，必須對不同語境下的組織進行區分，才能理解群體性事件。在西方語境下，各種利益集團的存在使得「組織」無處不在，因而，對應於社會運動而言，必須理解組織的特殊的內涵與外延。

在這一點上，中國人民大學周淑真教授曾對西方語境下的廣義組織特性提出了建設性的觀點：「西方語境中，團體又被稱為組織，一個組織必須具備五個條件 (1) 要有完備的理論綱領 (2) 要有一個相對穩定的領袖或領袖集團 (3) 要有由各級骨幹組成的層級組織體系 (4) 要有一個上通下達的資訊傳輸管道 (5) 要有一個相對穩定的組織成員」。²²

實際上，在掃描政治過程理論的土壤——美國黑人運動時，筆者發現，美國黑人民權運動中充斥著諸如「美國有色人種協進會」、各地的基督教會等等組織。它們或多或少的具備組織五個要素，對運動產生了重要影響。如若以這樣的標準考察群體性事件中的「組織」的話，顯然是必須加以區分的。筆者使用的「無組織集團」這個概念正是要區分於西方語境下的組織。在這兩起典型的群體性事件中，我們都沒有看到一個具備組織典型特徵要素的團體或群體。這也決定了群體性事件的表現形式。儘管運動中或多或少有一些組織的出現，但其行為都是「標語式」的集體行動，建立在封閉的、普通人際關係之上的地區行為。並且，這樣的抗爭都是短時間內的，並沒有發展到向美國黑人運動那樣橫跨多年的運動。這也是利用政治過程理論分析群體性事件中組織作用往往難以找到突破口的原因。群體性事件的定性仍舊在利益訴求的階段，大型的意識形態般的話語力量、組織化政治訴求從目前看來尚未發生。

因而，筆者認為，涉及到群體性事件的定性時，一定要小心謹慎，

22. 周淑真，《政黨與政黨制度》（北京：人民出版社，2001），44。

避免過度「政治化」解讀。前文分析指出，定性處理好壞關係到群體性事件的走向和發展。習慣話語中的「有組織、有預謀」或稱「極少數別有用心的人煽動、教唆」、「有黑惡勢力操縱」、「街頭政治」甚至「不明真相的群眾」、「少數別有用心的人」、「鬧事者」、「不法分子」等等概念的使用必須謹慎對待。定性過激，往往會造成執法不當，事態擴大從而火上澆油。廈門PX事件與甕安事件的不同走向無不證明了這一點。近年來，我國出現的維穩「越維越不穩」的狀況也反映了這樣的一種情況。

另一方面，國外媒體解讀群體性事件時也存在定性不明過度敏感的狀態。一些海外媒體經常將群體性事件稱之為「暴動」。德國之聲曾用「社會緊張，一觸即發」來形容群體性事件。²³ 社會矛盾的過度渲染使得我們容易落入西方的「話語陷阱」。對此我們也應當持以審慎態度。

乙、關於群體性事件的發展因素的邏輯順序

在《鬥爭的動力》一書中，麥克亞當強調：「我們本身都來自於結構主義的傳統」。²⁴ 結構給我們提供了形式上的解釋框架，但是，結構的簡單化在現實的複雜性面前是需要思考的。麥克亞當無不指出：「由於將更多的因果關係一股腦地放在不夠明晰的箭頭上，所提供的只能是鬥爭政治的靜態、缺少原因說明的單一行動模式，拋開西方民主政體之外的其他各種形式的鬥爭政治指南時，這一程式就顯得很謹慎了」。²⁵

因而，筆者認為，邏輯順序的把握應當轉向事實分析推進，避免慣性思維。在這些因素在不同環境中，並不存在嚴格意義上的邏輯順序。從廈門PX事件來看，近年來環保的話語不可謂不深入人心，但惟獨廈門PX事件屬於環保型事件中較為成功的抗爭行為。所以，「認知解放」往往可以發生在導致事件產生的諸多因數之前。另外，誠如美國學者亨廷頓在《變革社會中的政治秩序》當中反復強調的，社會變化對社會產生的影響的大小在很大程度上取決於一個國家處理社會變化後所產生的社會矛盾的能力。²⁶ 群體性事件是否是社會變遷的「必然」也是值得我們反思的。

23. 德國之聲，〈群體性事件的原因〉，星島環球網，2011年4月，http://www.stnn.cc/ed_china/200811/t20081125_911209.html。

24. 道格·麥克亞當、西德尼·塔羅、查里斯·梯利，《鬥爭的動力》，李義中、屈平譯（南京：譯林出版社，2009），28。

25. 同上，23。

26. 道格·麥克亞當、西德尼·塔羅、查里斯·梯利，《鬥爭的動力》，李義中、屈平譯（南京：譯林出版社，2009），28。

六、結語

本文透過社會運動的視野分析兩起中國政治過程中的典型「群體性事件」從而認識群體性事件的諸多特徵與邏輯。在紛繁複雜的社會現實面前，這樣的一種努力也只能是管中窺豹，可見一斑。但是，尋找社會生活現象的關係與特徵的好奇也激勵筆者繼續探索。綜合而言，一些問題仍舊值得我們再思考。

首先，從無組織利益集團與現有體制的契合度上看。民眾對現有體制的接納和認同並在框架的基礎中參與到國家政治生活中來的努力，在不同地區產生了很大差異。面對群體性事件，不同的社會結構與不同地區的社會民主生態使得無組織利益集團的走向完全不同。走向體制內似乎是一種必然，但是採取什麼方式？是努力「維穩」還是引導「維權」？這些是值得我們思考的問題。

其次，從無組織利益集團與現有體制的裂度上看，非組織利益集團是否可以看做西方語境當中「爭議政治」的一種解釋？如果可以，那中國的無組織利益集團是否會走向西方「爭議政治」的常規路徑，從而走向制度化「俘獲」的利益集團政治的道路？廈門PX事件讓筆者看到了希望，但是甕安事件卻讓筆者產生懷疑。因為爭議性政治當中的對抗雙方、調停方等等都無法在這些事件中找到。中國能否走上西方「社會運動型社會」並且同時不造成大規模的混亂也是值得思索的。

利益博弈永遠是群體性事件繞不開的話題。聽見與被人聽見，是「社會人」的基本訴求，說話與聽人說話，更是現代文明的基本共識。有利益的表達才有相對的利益均衡，有相對的利益均衡才有長久的社會穩定。這是社會共建共用的應有之義，是構建和諧社會的關鍵所在。

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Group Events under the Vision of Social Movements

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Abstract In recent years, unrests incidents increased a lot. Unrests incidents under the effect of different factors have different direction and results. Grasping the nature of unrests incidents and its direction and analysing the mechanism of unrests incidents will make a contribution to the rational realistic recognition of those events. The WenAn incident in Guizhou province and the anti-PX project incident in Xiamen are typical. In this paper, I will use the vision of social movements, drawing on resources of western classical theory to analyse the circumstances surrounding these two incidents in order to understand the characteristics of unrests incidents on the context of China

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