Neoliberalism and Recent China: 
a Critical Review
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I. The Accursed Share?
"Liberalism" means different things to different people. As Thomas Nagel remarks, the term is used by the Left to criticize the Right for blind faith in the value of a free market economy and insufficient attention to the importance of state action in realizing the values of equality and social justice, while on the other hand, the term is used by the Right to reproach the Left for unrealistic attachment to the values of social and economic equality and the too ready use of government power to pursue those ends at the cost of individual freedom and initiative.
"Thus American Republicans who condemn the Democrats as bleeding-heart liberals are precisely the sort of people who are condemned as heartless liberals by French Socialists" (Nagel 2002:87).
In the past fifteen years the variant term 'neoliberalism' has emerged in popular discourse in much of the world as a pejorative word for America's arrogant power: it represents the US drive for open markets and privatization, a strategy of market domination that uses intermediaries such as the IMF to pry open small economies, or unregulated financial flows that threatened national currencies and living conditions. As Aihwa Ong (2006:1) observes, in the global popular imagination outside the US, "American neoliberalism" is viewed as a radicalized capitalist imperialism.
How does contemporary China fit into the proliferating stories of neoliberalism? Is China currently a neoliberal state? Is it a limited neoliberalized society since allegedly it has undertaken neoliberalization for the past three decades? If so, was the process an experience of suffering and peril on the world stage of neoliberalization? Or conversely, whether or not the recent Chinese ascent can be attributed to an alleged adherence to the neoliberal creed? How well can the recent history of China be understood with a narrative using "neoliberalism" as a descriptive concept and "neoliberalization" as an explanatory concept?
On the front cover of Harvey's *A Brief History of Neoliberalism*, Deng Xiaoping figures prominently along with Reagan, Thatcher, and Pinochet. And a whole chapter of the book is dedicated to "Neoliberalism 'with Chinese characteristics'". Harvey relates the interesting story of how a group of economists known as 'the Chicago boys' was summoned to help reconstruct the Chilean economy after the
coup in 1973 to carry out the first national experiment in neoliberalism. The Chilean economic revival was short lived and went sour in the Latin American debt crisis of 1982. Nevertheless, together with the program of economic reform announced by the Chinese leadership under Deng Xiaoping in December 1978, jointly with South Korea, Taiwan and Singapore, Harvey sees the compatibility between authoritarianism and the capitalist market had already been clearly established: the construction of a particular kind of market economy that increasingly incorporates neoliberal elements interdigitated with authoritarian centralized control (2005:120).

Harvey is not alone. He cites Wang Hui, who warned against “the hegemonic status of Chinese neoliberalism” in an essay which was translated into English earlier (Wang 2003):

Such discursive narratives as “neo-Authoritarianism”, “neoconservatism”, “classical liberalism”, market extremism, national modernization... all had close relationships of one sort or another with the constitution of neoliberalism. The successive displacement of these terms for one another (or even the contradictions among them) demonstrates the shifts in the structure of power in both contemporary China and the contemporary world at large. (Harvey 2005: 81)

Harvey takes Wang Hui’s suggestion even further to note that neoliberalization in authoritarian states such as China and Singapore seems to be converging with the increasing authoritarianism evident in neoliberal states such as the US and Britain, and that neoconservatism is therefore entirely consistent with the neoliberal agendas of elite governance, mistrust of democracy, and the maintenance of market freedom (2005: 82). Now we see how the faces of four—Deng, Reagan, Thatcher, and Pinochet— are aligned as syzygy to illustrate Harvey’s brief history of neoliberalism. Logically, what in Wang Hui’s accounts of China’s reform that catches his attention is that the “structural inequality quickly transformed itself into disparities in income among different classes, social strata, and regions, leading rapidly to social polarization” (142), and that “a significant amount of national property ‘legally’ and illegally was transferred to the personal economic advantage of a small minority” (146).

If the perilous effects of the Chinese reforms, social destabilization and injustice, are mostly attributed to the neoliberal creed, one may reverse the question: could we accredit some aspects of the dynamic and success of the Chinese reforms to it? Giovanni Arrighi, in explaining the social origins of the Chinese ascent, argues against such inference that the success of Chinese reforms can be attributed to an alleged adherence to the neoliberal prescriptions. Indeed, China’s economic expansion differs from the earlier Japanese expansion by being more open to foreign trade and investment. Yet the main attraction for foreign capital has not been, as widely believed, China’s huge and low-priced reserves of labor as such. The main attraction, Arrighi argues, has been the high quality of those reserves, in terms of health, education, and capacity for self-management (Arrighi 2007:351).

The “capacity for self management” sounds familiar as a quality of the neoliberal subject, does it have anything to do with what Ong described as “reengineering the Chinese soul”: value and capacity of self-management was encouraged by the business trainers of foreign companies in the 1990s to render workers governable according to corporate norms of self-initiative and self-responsibility (Ong 2006: 219-39)? Not at all, for Arrighi. He contends that the high quality of those reserves was not created by foreign capital but by a process of development based on indigenous traditions, including the revolutionary tradition that gave birth to the PRC. The appreciation of China’s socialist heritage of the first thirty years after 1949 is where he agrees with Wang Hui (Arrighi 2007: 368, 373). One of the main sources of the competitive advantage of recent China, in his view, is that China can now have an organization of the labor process that is more reliant on the self-management capacity of labor than elsewhere. In explaining this, he takes into account not only the tradition of the Revolution and the Mao period, but also of the welfare aspects of late-imperial China under the Qing in the eighteenth and early nineteenth centuries. This is the idea in which he relates Adam Smith and Beijing: there is no notion in Smith’s work of self-regulating markets as in the neoliberal creed. The invisible hand is that of the state, which should rule in a decentralized way, with minimal bureaucratic interference. The action of the government in Smith is pro-labor, not pro-capital (Arrighi 2009: 84).

He admits the tendency of a huge increase in income inequality and growing popular discontent with the progression of the Chinese reforms. Yet even the social struggles that are a daily occurrence and number in the thousands indicate that the revolutionary tradition had endowed China’s subaltern strata with a self-confidence and combativeness. This appreciative view he shares with Samir Amin and Wang Hui. Within this heritage, he suggests, the enormous upsurge of social unrest has prompted the leadership of the CCP to change rhetoric and policies in the pursuit of a more balanced development, to introduce new labor legislation aimed at expanding worker’s rights, and may rescue the
socialist tradition and redirect development in a more egalitarian direction (Arrighi 2007: 378).

II. Neoliberal Fractals?
While Harvey claims that China has definitely moved toward neoliberalization and the reconstitution of class power and, although with ‘distinctively Chinese characteristics,’’ may be moving towards a confluence with the neoconservative tide in the US, Arrighi claims that China’s reforms have not followed neoliberal prescriptions, and the myth that the Chinese ascent can be attributed to an alleged adherence to the neoliberal creed should be discarded. Contrary to both, Ong casts doubt on the typological approaches based on a typology of nation-states. “The neoliberal state”, as an ideal-type invoked by Harvey, encounters conceptual problems when confronted with East Asia. Moreover, the coexistence of Chinese socialist formation with feverish capitalist activity indeed makes China a strange case that poses analytical difficulty in reconciling it. Ong proposes an alternative approach, which is to break neoliberalism down into various technologies: the kind of political exceptions that permit sovereign practices and subjectifying techniques that deviate from the established norm. The point is to identify an analytical angle that allows us to examine the shifting lines of mutation that the neoliberal exception generates (2006: 12). Ong argues that neoliberalism as political rationality is not confined to the milieu of advanced liberal democracies, and neoliberalism as exception is deployed in political settings as varied as postcolonialism, authoritarianism, and postsocialism (2006: 14).

Ong introduces a series of useful concepts. In contrast to what she dubs as developmentalism – which takes the national economy as the target of state action – the term “postdevelopmentalism” refers to a more dispersed strategy that market-driven logic induces the coordination of political policies with the corporate interests, so that developmental decisions favor the fragmentation of the national space into various noncontiguous zones, and promote the differential regulation of populations who can be connected to or disconnected from global circuits of capital. While she in mind various cases of creating zones in Southeast Asian states since the 1980s, China may have been the most audacious case in deploying “zoning technologies.” She uses the term “Graduated Sovereignty” to refer to the effects of such a flexible management of sovereignty, as governments adjust political space to the dictates of global capital, giving corporations an indirect power over the political conditions of citizens in zones that are differently articulated to global production and financial circuits. Graduated sovereignty is an effect of states moving from being administrators of a wasserright national entity to regulators of diverse spaces and populations that link with global markets. Also related is the term “itudinal citizenship”, which refers to both the spatiality of market rights and deterritorialized ethnic power to constitute labor relations across national borders.

With these concepts she explores a variety of ethnographic case studies to look at experiments of neoliberal exception: the Malaysian Muslim reforming group Sisters in Islam (SIS) claiming women’s rights and contesting the ulama’s patriarchal power within a supporting context created by an Islamic (neoliberal) exception in the public sphere; Singapore’s efforts to reposition itself as a hub of international scientific expertise in the knowledge-driven economy; the demands of NGOs for the “biowelfare” of foreign maids and migrant workers; China’s strategic creation of special economic zones within its socialist formation; and the attempts of foreign companies in the 1990s to “reengineer the Chinese soul” by implanting Chinese employee values of self-motivation and self-management aligned with the corporate vision.

Whether or not Ong’s exception studies have suggested alternative thick conception of neoliberalism remains a question. At the least they raise a question of what is neoliberalism exactly, or better yet, a critical question of what exactly it isn’t? The latter is also a critical question for Harvey, whose use of the fabulous term “interdigitated” in effect breaks the discussion down to the level of “neoliberal elements” which can be freely interdigitated with whatever mode of regimes. Carl Schmitt’s idea that sovereignty was an authoritative decision on an exceptional situation persuaded the study of sovereignty as performance. But the performative sovereign decision can apply anywhere, hence exception anywhere. And there is not only sovereign decision of nation-states, as understood with the Schmittian European ideal, but also tribal-ethnical, patriarchal, or corporation- paternal sovereign decision, at least yet relevant in the Asian scene Ong explored.

I would thus liken the pictures evoked by Ong’s exception perspective to “fractals” of neoliberalism. Benoit Mandelbrot coined “fractal” from the Latin adjective fractus: irregular and fragmented. Clouds are not spheres, mountains are not cones, and lightning does not travel in a straight line. Mandelbrot conceived the fractal geometry of nature to study those

1 “Biowelfare” refers to an ethical claim that skirts the issue of political rights by focusing on the sheer survival of foreign female workers. Only by invoking cultural understanding and compassion, not abstract rights discourse, can the moral legitimacy of alien women’s biosecurity be persuasive to the host society. See Ong (2007):212.
forms that Euclid leaves aside as being "formless"; to investigate the morphology of the "amorphous." He was aware of the power of his neologism, as the Latin saying: Nomen est numeri, "to name is to know." A gallery of "monsters" henceforth becomes a museum of science. Shapes that scientists had to call strange and tortuous, or sets that mathematician thus far reputed exceptional, should in a sense be the rule (Mandelbrot 1983: 4-5). Likewise, when neoliberal exceptions, beyond the Euclidean form of "neoliberal states", are observed as deployed and experimented everywhere in whatever scale, as technologies of optimization, of subjection, of exclusion and inclusion, of governing, and of self-governing, neoliberalism should in a sense be the rule. As Ong's ethnographic casebook is concerned, by way of monstrous or trivial exceptions, neoliberalism should be the rule spanning the Pacific, from China, Southeast Asia, to India. Neoliberal logic apparently flows slickly into diverse contexts and is seamlessly internalized by citizens and hence making new (neoliberal) subjects. Fractals being invariant under certain transformation of scale are called scaling. A fractal invariant under ordinary geometric similarity is called self-similar. In the compound term scaling fractals, the primary term fractal points to disorder and covers cases of intractable irregularity, the modifier scaling points to a kind of order (Mandelbrot 1983: 18). The compound term "neoliberal exception" is likewise, while the term exception points to deviation and covers contingent practice in diverse situations, the term neoliberal supposedly points to a self-similar logic. But what is this neoliberal logic exactly? Techniques or rationalities that govern human life through self-rule, reorder relations among the governing and the governed, produce self-enterprising citizen-subject, optimize conditions for harnessing life forces and responding to globalized uncertainty... We see a partial assemblage of theories following Foucault's recommendations. But this assemblage is incomplete. And as certain integrating hinges are omitted, these phrases appear superficial and questionable when applied to the Asian contexts. I will come back to this problem in section III, after a few further comments on the temporal scale of the neoliberal fractals. The theoretical terms such as graduated sovereignty, zoning technologies, and latitudinal citizenship, when coined as neoliberal exceptions, refer to the innovative or adjustment strategies on the part of sovereign-state in response to the recent development of capitalist global command, hence a brief history traced back no earlier than the 1970s. They also mean "exceptions" to the sovereignty-territoriality-citizenship conception assumed after a European ideal or an alleged Westphalian model of sovereign-state. However, sovereignty has always been a set of practices that are historically contingent, a mix of both international and intra-national processes. If we reset the time frame to include the nineteenth century, the main actors on the Asian stage were not sovereign nation-states but a variety of traditional polity encountered conquest, annexation, expropriation, colonization, and the creation of client states by the Western powers and, soon behind, Japan. The regimes of extraterritoriality imposed by the great powers in East Asia, the treaty port system, the nonreciprocal treaty privileges, and the "most favored nation" clause by which any foreign power could claim the same privilege in a port city or a province that had been already granted to any other foreign power. These all produced zones of exception in terms of a porous sovereignty and an ambiguity of legal jurisdiction. On the other hand, with extraterritorial regime and practices of consular jurisdiction, for European and American nations citizenship already became portable (Howland 2009).

Treaties not only define exception, they may redefine sovereignty. Manchuria 1896-1945 would be an interesting case underscored the ambiguity of sovereignty. In 1896, under Russian pressure, China signed a treaty that allowed Russia to establish the Chinese Eastern Railway Company, to build a railway across northern Manchuria and to take imprecisely defined "lands necessary for the construction, operation, and protection of the line." Russia gained further concessions two years later – a twenty-five-year lease with the right to build a "Southern Manchurian Branch. As a result of the 1904-1905 Russo-Japanese War, Russia ceded their rights to Japan. In a 1905 treaty, Japan quickly gained Chinese consent to these "transfer and assignments" from Russia. The Leasehold and South Manchuria Rail (SMR) zone were vital to the Japanese colonial Manchuria and its continuation with Manchukuo which, with the help from Imperial Japan, was created in 1932. Manchukuo built highly developed institutions of a modern state, but its sovereignty did not stand by itself. It existed ambiguously and obscurely from 1932 to 1945, at a same time as a sovereign state, as a Japanese colony, and as merely occupied territory, from different viewpoints (Tucker 2009). The case points to a paradox: the signing of a treaty to grant extraterritorial privilege as exception was a sovereign act that invested the singe party with an abstract sovereignty (China before 1932 and Manchukuo after), while it negated the sovereignty of the state that granted them. In spite of the ambiguity and obscurity of sovereignty, in Manchuria as in other exceptions in Asia, such as extraterritorial regimes, leased territories, colonies, even guerrilla regimes in war torn countries,
government pursued cultural and economic progress, developing industry, education, hygienic welfare, police system. Biopolitics as a series of regulatory controls exerted on the population and on individuals in order to harness and extract life forces, and politics of subjection, making subject which is capable of self-management and thus governable, are always and already present, long before there is a neoliberal rhetoric. As tangled heritage they still present currently, both in tangible forms of towns and cities, hospitals, schools, parks, museums and other institutions, and in the tangled soul and heart, part of which Arrighi has recognized as the advantageous quality or self-management capacity of Chinese human resources. He is only partially correct, however, when he attributes them to China's socialist heritage and some welfare aspects of the late Qing alone. Besides adding the subcolonial heritage into account, I suggest also to broaden the time frame to include the sixteenth and seventeenth century China, and consider popular techniques of self-cultivation and self-advancement in the late Ming and early Qing.

I have in mind Cynthia Brokaw's (1991) superb study on *The Ledgers of Merit and Demeurit*. The most striking change of the sixteenth century was the commercialization of China's economy, particularly in the Lower Yangtze and southeast coastal areas. The high foreign demand for Chinese luxury items such as silk, porcelain, and tea, stimulated the export trade and brought an influx of silver into China from Japan, the Philippines, and Europe. Expanding economic opportunities had a profound impact on the social structure, both upsetting conventional definitions of the hierarchy and intensifying tensions between classes. Not only the status of merchants was elevated with their increasingly obvious power of money, members of rural gentry and wealthy commoner landowners also took advantages of the new economic opportunities and invested their profits from office-holding or rents in commercial enterprises and money-lending activities. Officials, gentry-landlords, and literati could participate with profit in the commercial boom but they also faced much more intense competition for elite status. While a few elite observers actually rejoiced in the new opportunities, most Chinese who left a record of their thoughts felt that they were living through a period of economic and social upheaval. The standards regulating status relationship were no longer effective in the more fluid social and economic context, which necessitated new codes of conduct. It was in the context of these intense socioeconomic changes that the ledgers of merit and demerit achieved a new height of popularity. The ledgers provide precise guidelines for proper (and profitable) approach to self-cultivation and self-advancement during a time of high mobility, shifting values, and uncertain beliefs.

I recommend this example for the following reasons. Firstly, the ledgers and morality books (*jian-su*) remain cheaply produced and widely available in Taiwan today. The self-advancement through merit calculation and accumulation, in mentality if not in practice, may have survived in southeast China where during the Ming-Qing was the great center of the ledgers production and practice. Secondly, to China's recent ascent and economic prosperity, the sixteenth and seventeenth century China, the late Ming and early Qing, was the closest comparable period, before China dipped into its one and a half century eclipse since the mid-nineteenth century. They are comparable in terms of highly commercialized and prosperous economy, the expansion of trade networks and the market system, expanding economic opportunities, high social mobility, increased tension between classes, and a highly competitive society. And finally, the method of self-cultivation and self-advancement can serve as a comparison to that of self-enterprising and self-management alleged to be neoliberal capacity.

Let me state my reservations in brief. Exploring the variety of "exceptions" in the Asian contexts, has neoliberal rhetoric in fact been effective in generating social actions and producing the envisioned neoliberal subjects? In the case of contemporary China for example, how do we distill the "neoliberal" elements and distinguish them from those which have become historically constitutive of the contemporary formation, such as the socialist, the subcolonial, the late imperial and the popular-Confucian heritages? What in effect makes those exceptions neoliberal, in terms either of biopolitics or of politics of subjection? Or else, do we impose new organization on whatsoever material, and the neoliberal becomes the name for the new blend?

### III. The Detached

Now I turn to the final group of literature this paper will explore on the issue of contemporary China and Neoliberalism. In this group I include Foucault's *The Birth of Biopolitics: Lectures at the Collège de France 1978-1979* (2008), the essays in two collections: *The Foucault Effect: Studies in Governmentality* (1991), *Foucault and Political Reason: Liberalism, neoliberalism and rationalities of government* (1996), and relevant works by Nikolas Rose and others (Rose 1989, 1999a, 1999b, 2007, Miller and Rose 2008). What are the common features that make them a group and attract me in relation to the theme of China? Well, they have virtually never spoken of neoliberalism with reference to China. On the other hand, when they do
address China as a subject matter, for example, reproductive policies and medicine, the Birth Defect Monitoring Center established with responsibility for directing eugenics at a national level, the Law on Maternal and Infant Health Care required premarital genetic checkup, the Marriage Law explicitly identified categories of people unfit for reproduction etc. (e.g., Rose 2007), they have never invoked the name of neoliberalism. Why do they refrain from associating contemporary contexts of China with neoliberalism? Have they unduly confined neoliberalism to the milieu of advanced liberal democracies? I believe there are reasons for this detachment, and from that we may learn more on both neoliberalism and China.

In comparison, we quickly find themes consistently omitted by all those authors who in different ways associate neoliberalism with contemporary China: rule of law, and electoral-representative democracy. Are these two features optional to neoliberalism and therefore can be conveniently omitted? The answer is no, if we follow closely Foucault's explication of the general principles of neoliberalism. The neoliberal regime is the result of a legal order that presupposes juridical intervention by the state. Economic life takes place in fact within a juridical framework which fixes the regime of property, contracts, patents, bankruptcy, the status of professional associations and commercial societies, the currency and banking, none of which are given by nature, but are contingent creations of legislation (Foucault 2008:167). The rule of law, as Foucault sees it, represents an alternative position to both despotism and the police state. This means firstly, that the rule of law is defined as a state in which the actions of the public authorities will have no value if they are not framed in laws that limit them in advance. Secondly, the rule of law is a state in which legal dispositions, the expression of sovereignty, on the one hand, and administrative measures, on the other, are distinguished in their principle, effects and validity. Historically the search for a rule of law in the economic order was directed at all the forms of legal intervention in the economic order that States, and democratic States more than others, were practicing, as in the American New Deal and the English type of planning in the following years. Applying the principle of the rule of law in the economic order means that the state can make legal interventions in the economic order only if these legal interventions take the form solely of the introduction of formal principles. There can only be formal economic legislations (Foucault 2008:171).

Whether rule of law imply a democratic state remains a contested question, depending on how one defines “democracy” and how one defines “rule of law.” As Randall Peerenboom (2002: 569) suggests, Singapore and Hong Kong, among others, are examples of nondemocratic, nonliberal countries that have enjoyed rule of law. Nevertheless, the liberal democratic version of a rule of law incorporates multiparty democracy in which citizens may choose their representatives at all levels of government. Following the principles of rule of law, Foucault further points out that “to be liberal is not at all to be conservative, in the sense of the maintenance of de facto privileges resulting from past legislation. On the contrary, it is to be essentially progressive in the sense of a constant adaptation of the legal order to scientific discoveries, to the progress of economic organization and techniques, to changes in the structure of society, and to the requirements of contemporary consciousness.” (163) This constellation of essential aspects of neoliberalism from Foucault's point of view is in sharp contrast to the conflictingly assembled features as Harvey articulates them:

Neoliberal theorists are profoundly suspicious of democracy.... Democracy is viewed as a luxury, only possible under conditions of relative affluence coupled with a strong middle-class presence to guarantee political stability. Neoliberals therefore tend to favor governance by experts and elites. A strong preference exists for government by executive order and by judicial decision rather than democratic and parliamentary decision-making.... Given that neoliberal theory centers on the rules of law and a strict interpretation of constitutionality, it follows that conflict and opposition must be mediated through the courts. Solutions and remedies to any problems have to be sought by individuals through the legal system (Harvey 2005: 66-7).

Getting back to China as a test case. When China emerged from the end of Mao era in the late 1970s and Deng Xiaoping launched China's economic reforms, facing a long neglected and abused legal edifice that has been decimated by the Cultural Revolution, legal reforms and rule of law also became an important issue. As Peerenboom points out, three decades of legal reform since then have produced remarkable changes with respect to institutions, laws, and practices, although problems still abound as foreign investors complained about the lack of rule of law and human rights activists denounced the repeated persecution of political dissidents. While Peerenboom describes China's legal system as in transition toward certain form of rule of law, he admits that the current system remains a type of rule by law rather than a form of rule of law. Rule by law refers to an instrumental conception of law in which law is merely a tool to be used as the state sees fit. The reach of law is still limited; and often, Party policies continue to trump laws (Peerenboom 2002: 8). Although rule of law is possible without democracy, the absence of
democratically elected legislatures creates certain impediment to its realization and raise accountability issues. After all, what is the meaning of a speaking neoliberal citizen-subject who is assumed as capable of self-governing and “autonomous,” and yet remains in a milieu without public participation in the law-making process, niches for interest groups, a free press and independent courts?

The history of PRC birth planning can serve as a test to the alleged neoliberal attributes. The construct state “birth planning,” articulated by Mao in 1956-1957, placed the categorical distinction between planned and unplanned birth at the heart of China’s population control efforts. Since birth planning became a nationwide political and institutional reality in the 1970s, every pregnancy in China has been designated as either planned and legal or unplanned and illegal. With the introduction of the one-child policy in Deng’s era, planned single children and their parents have been showered with material benefits and political rewards, while unplanned children and their parents have been subject to punishment ranging from steep fines and confiscation of family property to deprivation of jobs and party membership. Susan Greenhalgh and Edwin Winckler (2005: 277) depict this categorizing birth both as political exclusions and as the state production of unplanned “low quality” persons: deprived of state support and located outside the community of legitimate citizens, these children have endured multiple forms of discrimination, becoming the “low quality” persons. They describe this phase, including the Deng era, as the first half of the story of PRC birth planning which is overwhelmingly Leninist biopolitics, with Soviet techniques for the state planning of economy and population. They argue that the Jiang era (1993-2003) began and the Hu era (2003-2012) has continued to shift the PRC’s basic approach toward a neoliberal biopolitics, which in birth planning would be reducing regime intervention to mild disincentives, and strong incentives for complying with birth limits by increasingly market-oriented means (2005: 9).

However, the supposition that the power to shape Chinese life has drifted away from the state into the hands of other social forces associated with China’s new consumer economy and culture is cursory and partial, as Greenhalgh and Winckler’s own review of the legalization of birth planning policy in the 2001 Law may contradictorily show. When strong birth planning was re-enforced around 1990, PRC leaders had wanted a national law to legitimate enforcement. However, this had proved impossible. The first problem was, in view of diverse subnational circumstances, how detailed a national law should be, and how specific demands on citizens should be? The second problem was the definition of the policy domain to be covered by the law, just “birth planning” or also “population”? Thirdly, there seemed too great a gap between the constitutional ideals that “rule by law” represented and the way birth planning was actually being implemented. Thus, while the PRC had been working on giving the regime a legal foundation, birth planning remained a major national policy domain not underpinned by enabling legislation. The 2001 Law carefully bypassed some previous dilemmas by leaving the national law relatively general and by authorizing subnational legislatures to fill in details. It contained both progressive and problematic “silences” (2005: 158-9). However, the lack of public participation in the law-making process, on the one hand, and the component of top-down social engineering and leader supervision, on the other, both remain glaring.

The assumption that the self-regulating, “autonomous” neoliberal subject is a quality shaped merely by the logics of capitalist market and its associated consumer culture is partial and superficial. Neoliberalism as the most recent development of governmentality relies not merely on market driven policies and principles of discipline, efficiency and competitiveness for a politics of subjection. Rule of law with significant public participation in the law-making process, and democracy in the sense of multiparty elections in which citizens elect officials at all levels of government, both are indispensable aspects to the neoliberal subject-making, in the sense of making the governable that is the calculating and self-governing citizen-subject. Moreover, the calculation of neoliberal subject not merely refers to market knowledge, profitability, and private interest. Niklas Rose suggests that there is a constitutive interrelationship between number calculation and the government of self-controlling democratic citizenship.

Democratic power is calculating power, and numbers are intrinsic to the forms of justification that give legitimacy to political power in democracies. Democratic power is calculating power, and numbers are integral to the technologies that seek to give effect to democracy as a particular set of mechanisms of rule. Democratic power requires citizens who calculate about power, and numeracy and numerically encoded space of public discourse are essential for making up self-controlling democratic citizenship. (Rose 1999b: 200)

This numerical sensation, calculating power, and self-controlling through calculating about power, which is new to societies such as Taiwan and South Korea, where in the past two decades it has infiltrated to the level of everyday consciousness of common citizens, is not yet a viable experience at present for China’s general populace.
Rule of law and electoral democracy are consistently omitted by all versions of the “neoliberal China” stories; they are often quickly dismissed as western liberal values invoked to challenge the autocratic rule of the Communist Party (Litzinger 2008: 232), or worse, as mottoes for American free market mechanism being exported to the world (Crooke 2009: 252). However, authors like Foucault and Rose consider rule of law and democratic citizenship as vital aspects of the neoliberal governmentality, not to proclaim it as western values but to seek critical analysis through which we might come to understand how our present had been assembled and hence how it might be transformed. Reflecting on the reason why they refrain from associating neoliberalism with China, it is also one of my skepticisms on those stories glibly fitting China into either a neoliberal species or scattered neoliberal fractals.

IV. Making Kinds and Looping Effects

A society formalized on the model of the enterprise, of the competitive enterprise, this has been agreed upon as a neoliberal feature. Yet Foucault points out that there has to be a threshold for the mechanisms of competition and enterprise. Below the threshold, there will be a population provided with assistance, above the threshold, everyone will have to be an enterprise for himself or for his family, and mechanisms of competition and enterprise will be allowed to function in the rest of society. There will be a population constantly moving between, on the one hand, assistance provided in certain eventualities when it falls below the threshold and, on the other, both its use and its availability for use according to economic needs and possibility. It will therefore be a kind of intra-supra-liminal floating population. With the neoliberal system, full employment and growth are renounced in favor of social integration in a market economy. For the assisted population, the assurance mechanism will enable each to live, after a fashion. They are now assisted in a very liberal and much less bureaucratic and disciplinary way than they were by a previous system focused on full employment (Foucault 2008: 206).

In the world where the game of enterprise and competition rules, people are classified, stratiﬁed, constantly measured and evaluated. This has been much discussed as a neoliberal feature. In the world below the threshold, however, the assisted population is no less subjected to counting, classiﬁcation and constant assessment; furthermore, to be qualiﬁed for assistance will need an identity in medical space or in a category of socio-moral analysis, accompanied with an etiology, a diagnosis, or a life-dossier which will direct the techniques of management, treatment, or rectiﬁcation. There is a process for the production of human kinds, for “making up people,” as Ian Hacking (2002) might put it.

This process is not an invention of recent neoliberal regimes. Hacking has traced it back to around 1820 in Europe, when there emerged an avalanche of numbers obsessed with the statistics of deviance, which generated its own subdivision and rearrangements. New slots were created in which to ﬁt and enumerate people. Even national and provincial censuses amazingly show that the categories into which people fall change every ten years. New categories of people and the counting is no mere report of developments. It elaborately, often philanthropicly, creates new ways for people to be. People spontaneously come to ﬁt their categories. Numerous kinds of human beings and human acts come into being hand in hand with our invention of the ways to name them. Hacking thinks there is no general story to be told about making up people; each category has its own history. He presents a partial framework of two vectors to describe such events. One is the vector of labeling from above, from a community of experts who create a “reality” that some people make their own. The other is the vector of the autonomous behavior of the person so labeled, which presses from below, creating a reality every expert must face (Hacking 2002: 111). As examples, we may take people diagnosed as certain disorder according to the DSM-IV for the ﬁrst vector and homosexual person for the second.

“Human kinds” emerge and are transformed simultaneously with the knowledge and languages that describe them. Knowledge and forms of expertise concerning the internal characteristics of the domains to be governed assume particular importance in liberal strategies and programs of rule. In contemporary European and North American societies of advanced liberalism, as Miller and Rose puts it, authority has acquired a new therapeutic power. “Events and activities, difﬁculties and distress, have been problematized, that is to say, constituted as problems to be addressed and shaped into phenomena deemed to require expert intervention.” (Miller & Rose 2008: 142) The emergence of professionals in the conduct of conduct, professionals whose expertise lies in the shaping of the self-steering mechanisms of others – medicine, social work, probation, nursing, human relation training – may be seen as a decisive event in the genealogy of therapeutic authority (Miller & Rose 2008: 149).

Therapeutic authority, a vital aspect to the making of neoliberal subject, remains under appreciated by the “neoliberal China” studies.
Concomitantly with the withdrawal of socialist supports such as subsidies for housing, education, health and food, a variety of professionals with expert knowledge is gradually deployed, not only for addressing, diagnosing, and intervening the assisted and deviant population, but also regulating general public with sanctions for transgression or reward for obedience. Therapeutic authority, with Chinese characteristics perhaps, may be fully compatible to the Chinese authoritarian rule with its top-down mobilizing strategies, on the one hand, and to the consumer economy and culture, on the other. The National Clean City Program (國家衛生城市標準) may be an example illustrating multilevel mobilization that orchestrates “stopping smoking” campaign with risk discourse, curtailing tobacco advertising, persuading ways of life that are reputedly clean and progressive, and certifying cities with sanitary and urban planning criteria (Kohrman 2008). However, the looping effect of human kinds will be very different in current China comparing to the advanced liberal societies. The looping effect refers to the process that new knowledge or description about certain human kinds becomes known to the people classified, changes the way these individuals behave, and loops back to force changes in the classifications and knowledge about them. Consider what Rose has described as “neurochemical citizenship”: the emergence of novel patterns of biological activism around genetic and somatic understanding of selfhood. Take, for example, autism spectrum disorder. There are different parent advocacy organizations, NAAR (National Alliance for Autism Research) and CAN (Cure Autism Now), each established and financially supported programs in autism genetics, using different strategies and enrolling the scientists and researchers in different ways, and with different approaches to the bioeconomic difficulties that such work entailed. The biogenetic model is contested: there are groups such as DAN! (Defeat Autism Now!) that certainly support biomedical research into autism but resist current arguments from genetics and neurochemistry, and there are groups that reject a disease model completely (Rose 2007: 217).

Although human kinds such as people with autism spectrum disorder, or children and adults with attention deficit/hyperactivity disorder, may be quickly populated in the coming decades of China, such patterns of looping effect are not likely to appear in current China, for lacking certain vital preconditions: public participation in the law-making process, niches for interest groups, a free press, independent courts, as well as self-controlling democratic citizenship. Before there is further clarification on what differences these vital preconditions can make, the claims that one is writing the “neoliberal China” or posing the question as the meaning “to be Chinese in neoliberal times” remain cursory.

Bibliography


