

Contesting the Cyberspace in China: A Literature Review of Internet Governance

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Abstract

This work is a literature review of internet governance in China. The main question driving the project was how censorship and surveillance impact the cyberspace. For the investigation, relevant articles, conferences' proceedings, books' chapters, and interviews were retrieved from Google Scholar (GS), and Web of Science (WoS). The criteria for inclusion encompassed both qualitative and quantitative approaches. Findings highlight a strong correlation between state-led ideology and transmission of information, with sophisticated and pervasive practices. Specifically, the online universe appeared as a locus of control with frequent techno-legal crackdowns. Although the research is not exhaustive, confidence in the generalizability is based on a high level of consistency across the discovered material. Recommendations for future study include exploring the micro-politics of contemporary China and assessing popular forms of expressions. Finally, stakeholders must be aware that on-line authoritarianism damages both democratic engagement (DE), and economic growth.

Keywords: Cybersecurity, People Republic of China, Internet, Human Rights

1. Introduction

Within the realm of international law, Human Rights are inherent to all individuals. Traditionally, their intrinsic universality has constituted the basis of any debates on global politics. However, the language of rights has lately assumed worrisome expansions well beyond its historical borders. These shifts can be interpreted as answers to the moral fragmentation of modern life or a manifestation of cultural pluralism. Many scholars argued that flexibility is a legitimate and desirable mean of accounting for diversity. Some claimed that Human Rights are *in fieri* an instrument of hegemony. Yet, others advocated for a stricter set of rules (Freeman, 2017). To appreciate the great degree of assumptions, it is worth remembering that there has never been a consensus on how to translate them into reality. There is also another major issue. Even if a common ground is discovered, there are strong doubts about whether they should override the law-making powers of parliaments (Kerschischnig, 2012).

West vs East?

According to Kent (2013), after the downfall of the Soviet Union in 1989, think tanks, policy makers, and other interested citizens have started focusing on three topics: international relations (IR), Human Rights (HR), and the power of international law (IL). The first one is the general question of states' commitment in the global order. The second is a specific matter of democratization. The third one is whether the UN can enforce obligations across treaty signatories and particularly, China. Citing a distinct set of values that are not imbued with Judeo-Christian traditions – such as Confucian authoritarianism (Ho & Ho, 2008)- the country has been either criticized of failing to endorse internationally accepted norms or praised for being a driving force in innovative societal development. In a way, its role in global governance is a litmus test for the capacity of the comity of nations to confront (non-Western) de-stabilizing vectors. Because, by and large, the People's Republic has altered existing constellation of values, and institutions, influencing whole socio-juridical dynamics.

The Chinese Communist Party

The Chinese Communist Party (CCP) is a political institution founded by activists Chen Duxiu and Li Dazhao in 1921. Without questions, for almost one hundred years, the Marxist-inspired movement has defined China's national and international modus operandi. CCP nation-building has been stable because it has not only provided economic growth but it has also succeeded in becoming a ubiquitous feature of daily life, thanks to a specialized administrative apparatus, a range of disciplinary practices and the creation of locally-made political tools (Yongnian, 2009). Conceptually, CCP's policy-making is dominated by



philosophical absolutism despite all the changes that are required in a globalizing world. Another peculiarity is that the absence of a pre-existing *jus* in a sovereign position over the legislation (Fukuyama, 2011; (Keith, 1994) had blocked the grow of true constitutionalism (Mazur, 2017) and thus the subordination of political behavior to an independent judiciary (Georgiev, 1993). Whereas the EU and the USA have advocated the separation of powers (as far back as to Baron de Montesquieu), China opted for a system based on concentration (among CCP's elites at the expense of the government and other organizations).

The Habermas's Public Sphere and China

Habermas published *The Structural Transformation of the Public Sphere* in 1962 to describe areas in social life where citizens can discuss freely – from coffee stores to public libraries. Or, as Habermas specified, the Public Sphere refers to a space *made up of private people gathered together as a public and articulating the needs of society with the state* (Habermas, 1991). A similar attitude is discernable in Hanna Arendt who zeroed in on *that societies indicate an alliance between people for a specific purpose, as and when men organize to rule others or to commit a crime* (Arendt, 2013). Granted that Habermas's work is rooted in European humus, some similarities are present in Asia. Nevertheless, there is a sense in which, despite perceived cultural openings (in the post-Mao era), China remains unwelcome of signs of popular resistance. In addition, traditional beliefs in the Confucian idea of elite guidance cast doubt on how far the separation from regulatory institutions and state is truly possible. Put differently, for a large spectrum of activities (on-line and off-line) “authorization from above” is a *conditio sine qua non*

Human Rights

Sixty years ago, on December 10, 1948, the United Nations General Assembly adopted the Universal Declaration on Human Rights (UDHR). Rather than a binding treaty, it was a statement of principles that all humanity should share. Roosevelt compared it to the English Magna Carta with the power to set up a common standard of ethical achievement (Humphrey, 1984, Risse-Kappen, 1999). Whilst such document is critical (Mayadas & Elliott, 1992), it is hard not to realize that Human Rights have never been as self-evident as it was hoped and they have not been a catalyst for peace. One case against them is that rights born out of a specific worldview should not be treated as if they were inter-subjective/universal. This major deficiency is felt in the field of international protection. Furthermore, there has been growing dissatisfaction with current trends of international law (Meron, 1986).

Although clear thinking is not the key to end the struggle, it could nevertheless help to dissipate some doubts surrounding the conflict. As a glance at the scholarships reveals, there are two major currents of thought: Natural Law theory (NL) and Positive Law theory (PL), or as Charles Beitz advises us (1999), we can call them, the orthodox and the practical conceptions. NL defends Human Rights as moral characteristics that people possess in virtue of their humanity (Gewirth, 1985; Tasioulas, 2009). For its proponents, they are pre-institutional claims (Griffin, 2010). PL is quite different. Valentini (2012a, 2012b) negated a-priori principles and argued that duties related to Human Rights fall outside the private sphere. Under this banner, they exist only when they are endorsed through declarations and ratifications of treaties (Dembour 2010, p.3). Donnelly shared the same conclusion: “*any plausible account of human dignity must include membership in society*” (Landman, 2003) This also explains why we do not call offenses against the person – like property or privacy – when perpetrated by private citizens Human Rights violations, but we do so (and rightly) when the same misdeeds are conducted by officials (Pogge, 2002). There is another significant gridlock: national sovereignty (e.g. states are analogous to persons in a domestic society). In fact, the architecture of law guarantees countries *freedom from external interference and equal standing and authority within a global society of states* (Nesbit-Larking 2014). A legal impasse that is excellently explained in Delbruck's political opera (1981) on the absence of central enforcement authority.

The Internet and Human Rights

The right to liberty of expression is enshrined in Article 19 of the Universal Declaration of Human Rights (UDHR). Moreover, Section 32 of the same article gives emphasis to *the promotion, protection, and enjoyment of human rights on the Internet*. Some countries, including China and Russia, contested the language, advocating instead for more political latitude for the state and its proxies. While some might see such rebukes as appropriate in the context of international relations, it is much harder to comprehend how the



veto could have improved the general wellbeing of the population. Undeterred by not having received universal backing, the UN passed the resolution A/HRC/32/L.20 and it cemented the opinion that the cyberspace should be open, accessible, and nurtured (by all).

Censorship

In the *International Encyclopedia of the Social & Behavioral Sciences* (Smelser & Baltes, 2015) the term “censorship” has a large gamut of possible definitions: at the minimum, it is the suppression of data by the state. At the maximum, it implies any regulation, partial or total, introduced by any individual, or organization. While these are the most extreme forms, there are other more subtle types (Schauer, 1978). Illustrating these points is a curious phenomenon: repression in the digital age. In theory, the Internet should have made information management more difficult, or even impossible. In 1993, Gilmore (cited in Shields, & Shields, 1996), told Time that it has the capability to circumvent anything. But, as it is turned out, policy-makers adapted to the cyberspace. Furthermore, it emerged that censorship is present not only in authoritarian regimes, but even in democracies when national ideology is threatened, or perhaps, when the interests of the dominant groups are (Smelser & Baltes, 2015; Penney, 2012).

The Panopticon in the Age of Digital Surveillance

For a long time, enthusiasts of the Internet thought to be immune, or at least partially shielded from regulations (Boyle, 2017). State power seemed feeble, incapable of dominating the individuals and their unsituated transactions. However, the fluid nature of the instrument and the availability of observation technologies multiplied and not reduced acts of subtler, private, and informal coercion. It is at this point that the notion of Panopticon comes in. The concept was first employed by (English philosopher) Jeremy Bentham (1748- 1832) to define a prison in which the inmates are not aware whether they are spied (the cells are grouped around a central viewing tower). As a metaphor, it represents the tendencies of a disciplinary society. For (French philosopher) Michel Foucault it was an efficient instrument of moral rehabilitation - applicable to all form of governance (McKinlay & Starkey, 1998). When successful, its disciplinary mechanisms destroy agency (by misbalancing the interplay of social constraint and personal will) and they produce a heteronomous/schizophrenic identity, *the body politic*. The prison was never actually built, but a similitude with modern plans for a privacy-free society is unmistakable (Boyle, 2017). As of today, it can be said that a total panopticon, or pan-electronic mass surveillance, is near to completion.

The Internet in China

In his book on the information age, Fuchs (2007) wrote that the Internet has transformed cognition, communication, and cooperation. Not long afterward, Dahlberg, & Siapera (2007) linked it to democracy. Per contra, Kyriakopoulou, (2011) asserted that the nature of (any) technology is basically neutral. It could either dilute concentrations of power or enlarge them; it could liberate or it could enslave.

China filters all online traffic inside its borders. Similar policies are enacted elsewhere (e.g. the US), albeit they can hardly match the intensity of the Asian experiment in high-tech surveillance (for population control). The tactics grabbed the spotlight in 2019, when a few Twitter users who posted messages critical of the government, were arrested and interrogated. During the same period, Beijing grew more willing to address any action deemed a threat to the *status quo*, while becoming more assertive on the international scene. The silencing of collective expression revealed also that acts of domination can be initiated anytime and anywhere (Beja et al. 2012). Here, history surely matters. Since its first connection, China has witnessed an explosive development of Internet-related technologies (Liang & Lu, 2010), that ended up challenging established power structures. From legitimate protest (e.g. student-led pro-democracy movement) to political subversion (Yang, 2009), the cyberspace has provided the basis for a social paradigm-shift (Newburger, 2001). This fact had not passed unobserved. Indeed, it seems that it was its anarchical potential, real or imagined, to push authorities to intervene. In the end, through a combination of propaganda, state-controlled national Intranets, and e-government services (Winokur, 2003; Campbell & Carlson, 2002), China protected its version of autonomy (Caluya, 2010).



The Cyber Security Law

The Cyber Security Law (heretofore CSL) was proposed on June 1, 2017, and it consisted of 79 articles divided into 7 chapters (Lindsay, 2015). Taking inspiration from other similar standards like ISO 27000-27001, the CSL promotes best practices to manage cybersecurity-related risk. What makes the CSL an anomaly across global data-privacy regulations are its (non-clear) requirements and the non-exhaustive lists of information provided. In other words, in contrast to Europe General Data Protection Regulation Law that constructs capacity in cyber-crime and cyber-security on a precise operational scheme (Bendiek & Porter, 2013), the CSL appears too ambiguous (non-obvious interpretations of what constitutes a threat). Besides, weak data protection safeguards increased doubts about feasibility (Kshetri, 2013). Because of its ramifications on all economic enterprises that employ networks, the CSL provides an interesting setting for the study of how cyber-security impacts micro- and macro- market mechanisms (e.g. trade integration in knowledge-intensive sectors).

The Great Firewall

The Great Firewall of China (GFW) is a nation-scale fire-wall promoted by the Ministry of Public Security (MPS). From the start, *this enclosed, segmented space, observed at every point, in which the individuals are inserted in a fixed place, in which the slightest movements are supervised* (Foucault, 2012, pp 1995-228) was poisoned by a difficult conundrum: how to diminish (in general) uncontrolled flows of ideas, and (in particular) political sensitive contents, without damaging the gross domestic product. In other words, while information communication technologies (ICTs) are needed for a trade, their existence endangers political monopolies. Ironically, online sovereignty and the filigree of web obstructions that lies beneath it can hamper the very kind of innovative thought that boosts economic development (Zhou & Hu 2002; Hornby 2018). And the same is true in other domains.

As an on-path system, the GFW monitors and filters data coming from foreign countries through a small number of fiber-optic cables. Its active censorship adopts the following techniques: a) The GFW analyzes all online traffic from outside China, and removes connections (between servers) carrying material deemed to be detrimental (Ensafi et al. 2015); b) The GFW blocks the access to (selected) IP addresses. Due to the fact that most of the websites are based on shared hosting accounts, the red-flagging of a single IP impacts hundredth, if not thousands, of sites that operate on the same server (Anderson 2012); c) The GFW hijacks Internet's domain name services (DNS), in conjunction with IP blocking. Even in this latter situation, slowdowns created by DNS poisoning (that does not distinguish between "in" and "out" traffic) can spread outside national (digital) borders (Anderson 2012).

The Social Credit System (SCS)

Inside the history of humankind, China comes out as one of the greatest open-air laboratories for social engineering, and poverty eradication (Ebenstein, 2010). In the last century, several measures were introduced to reduce famines. Enacted at the same time as Den Xiaoping's economic reforms, they sought to stimulate a decline in fertility and improve long-term (communal) prosperity (Chen & Meng, 2013). Recently, the Chinese leadership has shown to be still determined to steer the direction of future demographic developments, but through a different formula. The Social Credit System (SCS) is perhaps the most known manifestation of this will. With regards to big data and artificial intelligence, the SCS judges the trustworthiness of citizens, business, social organizations, and government agencies. The scores are based on an integrated database with a vast range of information sources, rating aspects like professional conduct, corruption, type of products bought, peers' own scores, and tax evasion (Ramadan, 2018; Chen et al. 2017).

2. Objectives

The review aims to explore how the Internet shapes —and is shaped by— by big-data enabled surveillance infrastructure, in China, a country that does not display Western political trajectories. It fills a gap in the literature and it puts forward for consideration strategies to follow which will be of high interest to citizens and, as well as to the authorities during and after the implementation stage. For the purposes of this essay, the definition of Human Rights fit the wording of Thomas Nagel (2014). Specifically, they are: (1) Culturally inter-subjective; (2) Recognized in the practice of political and social life, (3) Universal, (4) Inalienable; and (5) Inviolable. The characterization set thereof is not perfect but it helps the author to understand China's national politics.



3. Materials and Method

3.1 Theoretical Framework

From the poststructuralist perspective, a society without resistance would be either a harmless daydream or a terrifying nightmare. Dreaming of a society without resistance is harmless as long as the theorist does not have the power to enforce the dream. However, the poststructuralist concern is that, when backed by force, the dream could become a nightmare. (Hoy, 2004)

The principal contribution comes from the oeuvre of Michel Foucault on disciplinary power – or the regulation of citizens' life. The argument is that subduing the (individual) will is a pre-condition for aggregating a population into a single national body (Makarychev & Yatsyk, 2017). Rather than being explicit, the process is hidden in routines, administrative procedures or in the digitalized milieu (Leatherman, 2008). It is always at the level of the individual body, between users and networks, as well as in the spontaneous relationships of co-citizens (Foucault, 1995). Yet, *subjects can respond to power relations in different ways, from obedience to subversion* (Lilja & Vinthagen, 2014).

3.2 Methodology

This work is a qualitative synthesis of the relevant, and evidence-based literature. As such it can be defined as an integrative review (Whittemore & Knafl, 2005). The author searched: (1) Web of Science (WoS); (2) Google Scholar (GS); (3) Authors' own literature databases; and (4) The references cited in the articles. GS was adopted because *it is a multidisciplinary index covering virtually all sciences and not limited to a single language, country, or field* (Noruzi, 2005). At the simplest level, the Boolean Research string was: << (China OR/AND PRC) AND ("Internet" OR "cyberspace")>>. Queries consisting of multiple combinations of the terms "sovereignty," "human rights," "UN" were also adopted. The criteria for inclusion were: (1) The publication must be in English, (2) The publication must include at least one of the following topics: Human Rights, censorship, surveillance, and users' experiences. The author investigated the abstracts of all the discovered publication (> 300). When the latter matched the criteria, the whole work was read thoroughly. Simultaneously with the literature search, the author constructs a coding scheme to assess the information deemed relevant. It included the subsections: general information (e.g., type of publication), quality of the material (e.g. poor or high), and details of the study (e.g. data collection approach). European and North American researchers conducted most studies. This could be a sort of bias although it is not clear the extent by which it can undermine the general comprehension. References to an unpublished paper and to an interview were included because they were made public. Readers should also be aware that space and time constraints did not allow the author to do justice to all authors. This is an inevitable consequence of scientific research.

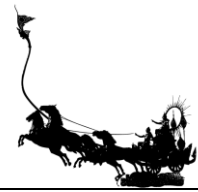
4. Results and Discussion

4.1 Results

In 2018, former Google CEO, Eric Schmidt predicted that there will be two Internets: one will be a Chinese-led and the other, a non-Chinese on-line universe pivoted by the USA. This bifurcation, he continued, will be the result of different viewpoints on the dyad liberty-security. On this subject, findings show that censorship and surveillance, albeit justifiable by a logic of sovereignty, constitute a growing peril for the large society. Regulating behavior is dangerous because it can establish a climate of suspicion. Empirical evidence supports this intuition (Greitens & Truex, 2018). In the longer run, intransigent stances have the potential to weaken the country' much-noted economy, grass-root level innovation, and soft power initiative(s) - the ability to gain influence without coercion or force. A current example can be seen in the international laments about the escalating cyber-crime policies. The roots of the conflict are many and varied, but it cannot be denied that individual's rights and the state's responsibilities must be both safeguarded.

4.2 Discussion

A description of Human Rights, as inherent characteristics of all persons, is a commonly accepted body of knowledge. Most people tend to assume that all questions have been answered and that there is no controversy left. They would be wrong, however. In truth, if we dig into the depth of knowledge, we will see that, within international treaties and declarations, there is only an ambiguous account of what Human Rights are (Tasioulas, 2009). It poses a serious threat because the quality of definitiveness as to their content is a

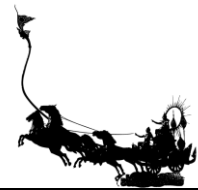


conditio sine qua non for the accomplishment of legal effectiveness (Nagel, 2014). Yet, some measures of an agreement are not the only pre-requisite to make Human Rights substantial. There are other conditions that need to be fitted together, particularly the presence of stabilizing forces to prevent and punish infractions (Moon, 2003).

Waśkiewicz (cited in Nagel, 2014) argues that one of the first formulations was elaborated, around the 17th-to-18th cc., in the writing of natural legal philosophers. The theory held that they are parts of a superior moral order, and somehow, against the principle of sovereignty. Because, to say that they incorporate inviolable traits of humankind (like freedom and equality) means that *there exist a jural principle superior to the State, which forbids it from doing certain things and commands it to do certain other* (Duguit, 1917). Of course, the obligation provoked controversies without end. Critics pointed to the fact that *law cannot easily appeal to the authority of God, nature, divine rulers, or universal ethics; it must instead appeal to the authority of democratic self-determination* (Benhabib, 2006). Admittedly, many negated the possibility of behavioral codes beyond the (monarchic or republic) authority. The clash between NL (referring to preexisting realities, inherent in nature or reason) and PL (referring to statutes enacted by a legislature) was not merely of doctrinal concern. *De facto*, it had serious consequences on how politics were characterized. Even though there can be little doubt about the centrality of both theories, NL was the one who inspired the United Nations. That is why the first article of the UDHR (1948) declares that *All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood* (UDHR, 1948, art. 1). The idea of dignity found therein is old but, as reasonable observers should likely notice, in the post-UDHR, it became pervasive. A famous example is the 1949 Grundgesetz of the Federal Republic of Germany, which affirms its inviolability (Kivistö, 2012; White, 2012).

The doctrine of Human Rights in China is influenced by the Communist Party (CCP). Under the constitution, lawmaking reflects its guidance and it is set to achieve its goals (Harrison, 1971). In the Post-Deng era, several norms were accepted but state security, development, and stability (Bianchi, 2008) have been the (Party) historical top priorities. In a similar way, although the right to life was acknowledged, the right to subsistence had more political weight (Perry, 2008). For these reasons, it is neither strange nor exceptional that international institutions have questioned China's legislative organs. In 1948, under the banner of Kuomintang (KMT)-led government, China became a signatory to the UN Universal Declaration. Despite that, with the raging conflict between the Republic of China (ROC) and the CPC, the nation subscribed to none of the UN's regimes. In 1971, after the flight of the Kuomintang party to Taiwan, the leaders of the now-victorious Communist army and of the newborn *People Republic of China* (PCR) re-affirmed the position. After the death of (PCR) first leader Maximo Mao Zedong (1976), General Secretary Deng Xiaoping in 1978, started experiments on capitalist methods of production (Zuo & Bendford, 1995). By early in the next decade, the reform which Westerners have referred to as the Open-Door policy, altered China's socio-economic structure, moving national ideology from self-sufficiency and isolationism to more active participation in global trade and human rights fora (Varrall, 2014). Meanwhile, as an involuntary effect of the interaction, foreign ideas entered the scenario and triggered democratic attempts to reform political apparatus with nonviolent tactics (Zuo & Bendford, 1995). While they constitute (on macro, meso, and micro-mobilization dynamics) pervasive forces within Western countries, inside China they were not hailed as inspirational models (Wang, 2008) because domestic politics traditionally lacked extra-institutional creative methods. During the time, a curious pattern quickly emerged. Specifically, by acknowledging both the need to ratify conventions and the problematicity of transplanting foreign political ideology into its local cultural stratum, the country embraced what was later known as "China model": a new brand of (Party-led) developmentalism. Named for its emphasis on the gradual socio-economic transformations that societies undergo to progress, the grand theory posited that democracy inevitably arises despite suboptimal initial conditions. In the case of China, the political toolbox involved "developmentalist" exceptions to the immediate implementation of UN standards (Cohen, 1988), via the balancing of fundamental rights with economic growth, social stability, and self-determination.

China censors the Web in a variety of ways, from bandwidth throttling to wholesale blocking of access to websites (Xu & Albert, 2014). The constitution protects the right to liberty, but the government has kept tight reins on all communication channels (Zittrain & Edelman, 2003). As the Internet gained in popularity and usage, censorship tactics have been upgraded (King et al. 2013). *Produced within an array of constantly shifting discourses* (Kuhn, 2016) it went beyond overt inhibition and brought to life new



challenges to democracy (Freshwater, 2004). Looking in more detail, it is possible to notice that watchdog journalism, on lower level officialdom, can function as a governance tool (Lorentzen, 2014). This is not surprising. As Noam Chomsky once affirmed, in contrast to liberal theories suggesting that news media are adversarial to established power, they can consistently produce content that serves the interests of the rulers (Klaehn, 2005). Many commentators also observed that, even if at first, authorities reacted to online political engagement with indifference and/or outright dismissal (Tong & Lei, 2013), they have since accepted it and built a comprehensive approach mixing repression with social management (Yang, 2014: abstract). Far more important and certainly more interesting are the handful of intellectuals who have tried to pattern effects of perceived Internet regulation on users. Jiang (2012) and Yang (2009) wrote that while Western netizens see it as a tool for the advancement of democracy, most Asians do not see the need for this, nor they feel that censored data is important. Yet, pessimists can counter-claim by affirming that the situation is not a problem *not only because the regime makes it difficult to access sensitive information, but also because it fosters an environment in which citizens do not demand such information in the first place* (Chen & Yang, 2017; Legerkvist & Rühlig, 2016).

4.3 Recommendations

Privacy is not about something to hide. It is about something to protect. The opposite of privacy is not security: the absence of privacy is not the presence of security and the presence of security is not the absence of privacy. Rather the absence of privacy is the presence of censorship. When you do not have privacy, when you cannot speak ideas without the judgement of others, you do not share those ideas. You are a little bit quieter; you are a little less free. Privacy is the right to the self.
(Snowden, Stockholm's Internet Days conference, 2016)

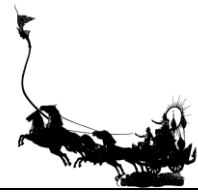
By pushing for more political transparency, and promoting interaction in mass society, the Internet can change statecraft for the better. But for all of that, it can also be abused. It can be a tool in the hand of crime syndicates. It can also be a way for the governments to *unnecessarily* curtail liberty, and invade privacy. There are strong parallels between the Internet and the real world. An oft-repeated caveat is that citizens must choose between security and civil liberties. Some are eager to make the exchange, while others think that the price is too dear. Both sides agree that it exists a dichotomy between them. It does not have to. There should be no zero-sum game. Because not only security is a right but it also essential for maintaining liberty (Neocleous, 2007; Waldron, 2003). The same conclusion is upheld by Adam Smith (1776) who maintained that *upon impartial administration of justice depends the liberty of every individual, the sense which he has of his own security*. How can we ensure that public policies are designed in the best interest of the population? There are no easy answers but the following suggestions could represent a good start:

- Full transparency in governmental operations
- Policy-makers must be held accountable
- Citizens must be informed of the purpose and built-in safeguards of laws and policies
- Independent Privacy and Civil Liberties Oversight Board(s) must be developed
- Constitutional protection(s) must be enforced
- Surveillance must be temporary, and legitimate
- Rights should be granted and not guaranteed

5. Conclusion

China has been lauded frequently for having lifted millions of people out of poverty, nonetheless, in certain areas - especially related to online freedom, it lags other countries. It is unfortunate. Because, barriers slow down progress on every level, as information flows like water in communicating vessels. Importantly, this is not to deny the overall results of domestic agendas but to indicate a kind of assistance to the citizenry that it is not limited to the economy. Most notably, one could argue that a democratic push could start an all-around evolution.

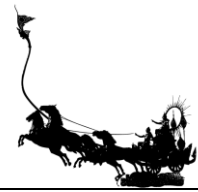
Concerning the Human Rights discourse, if we accepted the ideological interpretation of Thomas Nagel and the UN, there could be a mismatch between their perspective and the Chinese vision. But it is not clear if the concept itself can be deployed to evaluate a country that is not Western in its origins and with a different Humanism. More importantly, as mentioned in the opening of this article, there is a risk that the Human Rights doctrine ended up being a carving-knife of foreign imperialism. To conclude, it is



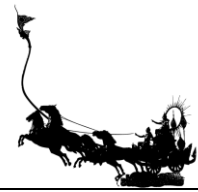
unquestionable that mistakes have been made but it is also true that a new generation of Chinese people is coming of age with aspirations for more political participation in varying degrees.

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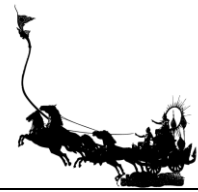
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