

Deconstructing the Sublime Kills Free Speech?

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Abstract: Recently, a Chinese stand-up comedian was reported for allegedly insulting the military in his stand-up comedy, which eventually led to the downfall of his acting career, a police investigation, and left significant implications on the entire stand-up comedy industry. To understand the gravity of the situation, it is necessary to go back to the roots of Chinese history and culture. In China, the military holds significant importance as a constitutional institution, a status deeply rooted in the country's historical context. This importance is reinforced by the contemporary political structure known as the Party-Government-Military Trinity. Within this framework, the Communist Party's mass line plays a crucial role in establishing a strong foundation for the party's acquisition and legitimacy of political power. Additionally, the military's image serves as a symbol of political authority and national security.

Keywords: Political constitutionalism; Freedom of expression; Military; Party politics

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1. Introduction

In 2023, a Chinese stand-up comedian was condemned on online platforms for a statement he made. Eventually, the comedian released an apology and announced the cessation of all activities for allegedly insulting the military. After the incident, the Beijing Municipal Bureau of Culture and Tourism issued a circular, that decided required the comedian's agency to suspend all of his performance activities in Beijing indefinitely. In addition, public security also intervened in the investigation of this stand-up comedian ^[1].

Despite varying opinions, it is crucial to momentarily set aside political biases and value judgments. The talk show insult directed at the military not only sparked support or opposition but also delved into the ideological discourse of constructing pathways. It questions how the concept of the "military" is revered to the point of becoming an untouchable "political bottom line." This article aims to examine these issues from the perspective of political constitutionalism. It explores whether the redefinition of freedom of expression boundaries due to the deconstruction of mainstream values has led to a form of "political correctness" in modern China.

As a matter of fact, in order to decipher the deeper causes of this phenomenon, it is necessary to consider military issues within the context of the national constitutional system. Examining historical perspectives,

from the late Spring and Autumn period's "Zuo Zhuan," which emphasized the significance of military matters in state affairs, to Mao Zedong's modern assertion that "power comes out of the barrel of a gun," reveals a consistent theme across different historical stages. Military power has been intricately linked to the construction of the state and the exercise of state authority. The military has been pivotal in both the modern era of the Communist Party of China (CPC) and throughout the broader history of the party.

It is undeniable that the military has played an important role in the history of the Chinese Communist Party. Therefore, this paper aims to explore how the concept of the military has shaped the constitutional system of the State and become part of the inviolable mainstream values from the perspective of Chinese history and culture and the modern political order, and how the discourse of public opinion fostered by the current international situation has amplified this "anger."

Ultimately, this paper intends to analyze the reason behind the unconscious anger and discuss the issue of "insulting the military in a talk show" from the perspective of political constitutionalism, and reiterate the importance of the military in shaping a country's constitutional system in the context of China's history and society.

2. The military as a national constitutional issue: historical and cultural roots

There has been little research on the military as a constitutional issue, but Prof. Su Li of China has keenly perceived the "fringe area" of academic research on the issue of military shaping of the constitutional system. He pointed out in his book *Big Country Constitutionalism* that the so-called "shaping" has two levels of connotation ^[2].

Firstly, military power serves to establish and safeguard a country in a universal sense. Secondly, it is intricately connected to China's historical context. Throughout its history, China has been a large country characterized by agrarian civilization and the coexistence of multiple ethnic groups. The military has consistently played a crucial role in shaping the constitution and ensuring the existence of dynasties. In each dynasty, rulers need to make systematic and balanced considerations at the constitutional level. This involves not only relying on military and defense power to address internal and external challenges but also integrating political and financial power to either support or regulate the military system.

On one hand, the significance of the military to a state is evident in the level of external recognition. Despite the principle of international law asserting equality among all countries, irrespective of size, the practical ability to engage in warfare independently is often seen as crucial for a nation to be considered a "normal state" with full sovereignty. Military power plays a decisive role in determining whether a people, a country, or a civilization can establish itself, endure, and thrive in a particular region.

On the other hand, while military statehood is not a traditional aspect of Chinese governance, China's unique historical experience adds a distinctive layer to this issue. Throughout its history, China has primarily operated as a self-sufficient small peasant economy, lacking an inherent impetus to organically evolve into a major power. However, the necessity to address challenges such as frequent flooding of the Yellow River and tensions between farming and nomadic regions compelled the establishment of an extensive agricultural area. This undertaking, centered on the North China Plain, required significant water conservancy and irrigation projects. Achieving this monumental task depended on the capabilities of a powerful central government capable of efficiently integrating, organizing, and coordinating human and material resources. The creation of such a government was rooted in the unity guaranteed by military power. In an agrarian country like China, the ability to contemplate and implement various cultural, economic, and social measures hinged upon the

foundation of military strength. This paved the way for the gradual construction of a more expansive and universal political and cultural identity. The result was the formation of a civilization that transcends both space and time, commonly recognized by posterity as “*Huaxia*.”

3. The shaping of political power in modern China

3.1. The first period: from 1949 to the late 1980s

In this period, China’s military-political relations did not conform to the most influential political science theories of the 1950s. In the book *The Soldier and the State*, Huntington examined military-political relations in the context of constitutionalism. He argued that these relations, delineating the connection between the military and the government, primarily manifested in the control of two distinct groups: the officer group and the civilian group. These controls could be classified into two types. The first type, subjective civilian control, involved the oversight of military forces by a specific civilian group. The second type, objective civilian control, manifested through the military’s professionalization, allows autonomy in managing policy and strategy while ensuring its detachment from political involvement. This objective control aimed to maintain a balance, preventing the military from becoming entangled in political affairs ^[3].

However, the situation assumed by these two models did not exist in China at that time. Instead, China exhibited substantial overlap between military officers and political leaders, rather than a control-and-be-controlled relationship, and the top leaders of the CPC were experienced military commanders and senior PLA officers holding key party positions, similar to other communist regimes ^[4].

It was not until the late 1980s that scholars Amos Perlmutter and William LeoGrande proposed a categorization of party-military relations under communist regimes ^[5]. Based on the extent of institutional autonomy the military had in relation to the party, the two scholars identified three models: coalition, symbiosis, and fusion. At the time, China was characterized as a case of symbiosis, reflecting an organic relationship where the party and the military were intricately intertwined and interdependent. Key features of symbiosis included “a low level of differentiation between military and non-military elites” and “an elite cycle between military and non-military positions.” This symbiotic relationship, contrary to Huntington’s assumption, resulted in the politicization and professionalization of the People’s Liberation Army (PLA), where elements of both coexisted. The party-military symbiosis underwent a bifurcation in the late 1980s and early 1990s. On one hand, the military elite lost much of its political influence, and the PLA’s representation in the highest party organs declined accordingly; on the other hand, the CPC underwent a generational transition that did not result in the rise of a new leadership with a significant military background. Indeed, while earlier CPC leaders enjoyed unconditional loyalty from the PLA due to their relationships with senior PLA officers, the new leaders were more technocratic and had only sporadic interactions with the PLA in their previous careers. Deng Xiaoping’s stepping down as Chairman of the Central Military Commission in 1989 thus became a turning point in the transformation of the new military-political relationship, and the bifurcation of the dual elites ultimately led to the decline of two fundamental features of the military-political symbiosis: the increased polarization between military and non-military elites, and the gradual disappearance of the cycle of the two between military and non-military positions.

3.2. The second period: Early 1990s to the present times

Entering the second period, since the early 1990s, China’s military-political relations have entered a new phase. Although symbiosis has become a thing of the past, scholars have made different attempts to define China’s military-political relations in the second period, but still have not reached a consensus.

One observed trend noted by scholars is the inclination towards the nationalization of the military. Although the PLA was initially the party army of the CPC, some argue that it is currently undergoing “creeping nationalization” – a slow, contradictory, but still persistent process ^[6].

Another perspective put forward by scholars is the “conditional compliance” model, initially introduced by Ellis Joffe and further elaborated by James Mulvenon. This model posits that the PLA will persist in adhering to directives from the CPC due to its ongoing acknowledgment of the authority wielded by the party leadership ^[7]. In contrast to previous dynamics, present-day obedience within the PLA is contingent. For the CPC leaders to secure compliance, they must recognize the PLA’s autonomy in crucial areas such as defense planning, military modernization, internal organization, and budget allocation. Under the conditional obedience model, professionalization has not supplanted politicization; the PLA remains both professionalized and politicized. Instead of evolving into a national army, it continues to function as the CPC’s army. Consequently, some scholars argue for characterizing China’s military-political relationship as a party-military relationship ^[8].

4. Summary

To comprehend the incident of insulting the military on a talk show and the subsequent punishment, it is crucial to scrutinize the military matter within the framework of the national constitutional system. This examination should encompass the construction of modern military-political relations, considering perspectives rooted in historical and cultural contexts, as well as the contemporary military-political order.

From a historical and cultural standpoint, the shaping of Chinese civilization has traditionally relied on the military to establish and maintain long-term peace and security, making the military particularly significant to the country’s constitutional system. In the examination of the military-political relationship in contemporary China, it becomes evident that under the current political order, there exists an interpenetration of the party-military-political trinity. This interdependence explains the strong reaction of the Chinese government to insults directed at the military on the talk show. The military, as a symbol of the ruling party’s authority, represents an inviolable “legal system” that cannot be disparaged or undermined. In the current global political landscape marked by deadlock and confrontation between China and the United States, a new Iron Curtain is descending, and the military’s image has come to symbolize political authority and national security, becoming an integral part of the revered mainstream values.

Disclosure statement

The author declares no conflict of interest.

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