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Proscribing the ‘Spiritually Japanese’: Nationalist Indignation, Authoritarian Responsiveness, and Regime Legitimation in China Today

Peter Gries¹ and Yi Wang²

Abstract

In spring 2018 China, indignant popular nationalists demanded that the “spiritually Japanese” activities of a fringe group of young Chinese who figure themselves Japanese be proscribed. The National People’s Congress quickly complied, passing legislation that made it illegal to “beautify the war of invasion.” Exploring how and why the Chinese Communist Party (CCP) responded to the demands of popular nationalists, we suggest that authoritarian representation occurs in China even beyond the bounds of everyday apolitical issues like education and healthcare. Indeed, because the CCP relies upon a nationalist claim to legitimate rule, authoritarian legislators may respond to the public on politically sensitive issues like nationalism as well. Journalists and lawyers, furthermore, can play a vital mediating role between elites and masses, facilitating the transmission of the information and expertise needed for authoritarian responsiveness. Implications for our understanding of Chinese nationalism, authoritarian responsiveness, and state legitimation in China today are discussed.

Keywords: Chinese nationalism, Sino-Japanese relations, authoritarian responsiveness, authoritarian representation, intermediary groups, authoritarian legitimation

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On February 20, 2018, two young Chinese men, dressed up in Japanese military uniforms, took exuberant photos at the Zijinshan Anti-Japanese Fort in Nanjing (see Figure 1).³ The site was sensitive: during the Nanjing Massacre 80 years earlier, Japanese troops had engaged in six weeks of mass slaughter of Chinese soldiers and innocent civilians. One of the two young men, furthermore, had previously posed for photos as an imperial Japanese soldier at Comic Con 2015 in Chengdu, mixing in with other J-pop cosplay (“costume play”) enthusiasts. On February 22, 2018, two days after the photos were taken and posted online, Nanjing police arrested the two men in Sichuan and Jiangsu, and detained them for 15 days.⁴

[Figure 1 HERE]

Figure 1: **‘Spiritually Japanese’ in Nanjing**, 20 February, 2018

The Zijinshan photos were posted on Weibo, China’s Twitter, and the public reaction against such young Chinese who style themselves Japanese – the “spiritually Japanese” (*jingshen Ribenren* 精神日本人, or *jingRi* 精日, hereafter *jingRi*) – was fast and furious. A desire for retribution was widespread. “Why pixelate?” one netizen asked. “Let everyone clearly see the ugly faces of these two scumbags!”⁵ A “human flesh search” (*renrou sousuo* 人肉搜索) kicked into high gear, as online vigilantes initiated a manhunt. They sought to rectify a perceived injustice through revenge.

Many cybernationalists directed their ire elsewhere. “China should prepare to invade Japan!”, a netizen wrote on Phoenix TV’s ifeng.com.⁶ More demanded that their own government act. “Legislation and moral education have failed to keep pace,” read one February 21 reproach on huanqiu.com, the online edition of the nationalist *Global Times* (*Huanqiu shibao* 环球时报). “More work needs to be done in these areas.”⁷

³ Zhu and Ru 2018.

⁴ Huanqiu.com 2018.

⁵ Ifeng.com 2018.

⁶ Ibid.

⁷ Zhu and Ru 2018.

Journalists, lawyers, and scholars quickly mobilized, especially in Nanjing. The Nanjing newspaper *Modern Express* (*Xiandai kuaibao* 现代快报) played a leading role in reporting “spiritually Japanese” incidents. Nanjing lawyers and scholars also participated in a public discussion of how to proscribe the “spiritually Japanese.” Writing for the *Global Times* on February 27, a Zhejiang University legal scholar argued that the *jingRi* were promoting militarism. Theirs was not speech that should be protected, but an “extremism” (*jiduan zhuyi* 极端主义) that violates China’s Criminal Law.⁸

The Chinese Communist Party (CCP) heard these angry voices. The National People’s Congress (NPC) quickly passed a new *Law of the People’s Republic of China on the Protection of Heroes and Martyrs* (*Zhonghua renmin gongheguo yingxiong lieshi baohufa* 中华人民共和国英雄烈士保护法) on April 27, 2018. It proscribed “publicizing or beautifying the war of invasion” (*xuanyang, meihua qinlue zhanzheng* 宣扬、美化侵略战争).

Just two months after two young men had taken their cosplay photos, wearing Japanese wartime uniforms and promoting Japanese militarist culture had become illegal. China’s netizens had demanded legislation—and the Party-state gave it to them.

Given the widespread view of authoritarian legislatures as top-down “rubber stamps” for decisions already made by authoritarian elites, how and why was the NPC so responsive to bottom-up citizen demands? Bridging the literatures on authoritarian responsiveness/representation, intermediary groups, and nationalist legitimation, this article argues that because of the increasing centrality of nationalism to the CCP’s claim to legitimate rule, CCP elites may be as responsive to popular nationalist demands as they are to everyday public complaints over issues like education and healthcare. Ironically, while the CCP has become decidedly *more authoritarian* under Xi Jinping’s leadership, his promised “China Dream”

⁸ Global Times 2018.

(*Zhongguo meng* 中国梦) appears to make the CCP *more responsive* to popular nationalist demands.

Our theoretic focus will be on extending existing scholarship on authoritarian representation in China with an exploration of both *how* and *when* it occurs. We will interrogate two mechanisms: 1) the role of *intermediary groups* in facilitating the transmission of vital information and expertise up from the masses to CCP elites, and 2) the role of elite *performances* of responsive rule. We also expand the scope conditions of when authoritarian representation occurs to include *nationalist legitimization*.

The article begins with a brief review of the literatures on authoritarian representation, intermediary groups, and nationalist legitimization in China. It then reviews the rapid rise of the *jingRi* as a national sensation in 2017-18 China, focusing first on popular nationalist indignation against them, and then on how Nanjing journalists and lawyers conveyed these popular demands to the CCP elite's attention. The next section interrogates authoritarian representation with a case study of Chinese People's Political Consultative Conference (CPPCC) member He Yun'ao 贺云翱, who worked closely with Nanjing journalists and lawyers to craft the legislation the NPC so quickly passed. The article concludes with thoughts on authoritarian responsiveness and legitimization in China today, and their implications for the resilience of CCP rule and the future of Chinese nationalism.

Authoritarian Representation and Legitimation

Greg Distelhorst has recently noted an “informational turn” in studies of domestic Chinese politics.⁹ Much research on authoritarian responsiveness in China explores the various institutions that help the CCP gather information about public preferences, resolving the “principal-agent problem” that plagues dictatorships. Given an information asymmetry where

⁹ Distelhorst 2019.

the authoritarian subject (agent) typically has more information about local conditions than the CCP cadre (principal), the “problem” is that the Party is not always well enough informed to get what it wants on the ground. Recent studies of petitions¹⁰, protests¹¹, environmental policy networks¹², online comments to health care reforms¹³, and investigative reporting¹⁴ all focus on how these political institutions and practices supply the CCP with the information it badly needs to overcome information asymmetry and implement good governance.

In *Making Autocracy Work*, Rory Truex argues that authoritarian legislatures like the NPC play a similar role, gathering information about public preferences and sharing it with the Party leadership. Authoritarian representation helps the CCP overcome the principal-agent challenge to good autocratic governance. Earlier work elsewhere had argued that authoritarian regimes with legislative institutions were more durable than those without them¹⁵, and that in hybrid authoritarian regimes with real elected oppositions, legislatures facilitate policy concessions to opposition elites.¹⁶ Truex shifts attention both to a closed, single-party authoritarian system (China) with an unelected legislature (the NPC), and to the public (rather than opposition elites). He convincingly shows that although they are unelected, legislators in China nonetheless represent their constituents on “everyday issues” like education and healthcare. Although sensitive issues are off limits, on “nonpolitical” issues, Truex argues, “representation within bounds” is commonplace. “Democracies,” in short, “do not have a monopoly on responsive governance.”¹⁷

Truex is right that though unelected, legislators in China nonetheless engage in meaningful authoritarian representation. Here, we further explore its mediators and

¹⁰ Dimitrov 2015.

¹¹ Lorentzen 2017.

¹² Teets 2017.

¹³ Kornreich 2019.

¹⁴ Lorentzen 2014.

¹⁵ Boix and Svolik 2013.

¹⁶ Ghandi 2008; Reuter and Robertson 2015.

¹⁷ Truex 2016, 14.

moderators: the *mechanisms* and *scope conditions* of authoritarian representation. First, *how* does authoritarian representation work? We examine both intermediary groups and elite public performances. Intermediary groups channel public demands, providing needed information and expertise to the Party-state. Given their need for both expertise and information, the NPC and the CPPCC, the two major institutions of political representation in the Chinese political system, cannot always directly respond to citizen grievances. The *jingRi* case shows how intermediary groups of local lawyers and journalists can play a vital role in facilitating authoritarian representation.

Western scholarship on intermediary groups and civil society in China sometimes celebrates their emancipatory potential for China's reform and even democratization.¹⁸ It also, however, laments their inability to constrain state power, as they have in the West. A literature on state corporatism highlighted the party-state's tight grip over intermediary groups, squeezing out space for autonomous action.¹⁹ For some, "Chinese Non-governmental Organizations" (NGOs) were so embedded within the CCP party-state that they were best thought of as GONGOs: "Government Organized Non-Governmental Organizations."²⁰ Chinese social organizations are often depicted as state-dominated and only partially autonomous—a "semi-civil society."²¹ The *jingRi* case reveals that intermediary groups of journalists and lawyers can facilitate authoritarian representation and resilience, but that they can expand, rather than limit, state power.

Another mechanism of authoritarian representation is public *performance*. Greg Distelhorst and Diana Fu have argued that Chinese citizens today perform their subjecthood, appealing to the moral duties of officials to provide for the public good.²² We similarly

¹⁸ Mertha 2009; Saich 2000; White, Howell and Shang 1996.

¹⁹ Gu and Wang 2005; Unger and Chan 1995.

²⁰ Ho 2008, 24.

²¹ He 1997.

²² Distelhorst and Fu 2019.

suggest that China's authoritarian elite also perform their rulership, seeking the consent of their subjects. The *jingRi* case highlights how Chinese elites like Foreign Minister Wang Yi and a number of CCPCC deputies took advantage of the public spotlight to perform responsible representation, boosting their own nationalist credentials, and legitimating the CCP in the process.

Second, moderators or scope conditions: *when* or *under what circumstances* does authoritarian representation occur? According to Truex, authoritarian legislators are “politically aloof,”—“reticent on sensitive issues core to the authoritarian state.”²³ Authoritarian representation in China, therefore, remains “within the bounds” of everyday apolitical issues like education and healthcare. The *jingRi* case, however, suggests that authoritarian representation also occurs *beyond the bounds* of everyday issues; the NPC can also be responsive on politically sensitive issues like nationalism. The CCP, we argue, is responsive to popular nationalist demands because it claims legitimate rule in part based upon its nationalist credentials.

The nationalist politics of state legitimation is common to many authoritarian regimes. Despite a widespread Western view that reduces authoritarian politics to brute force, “authoritarian legitimation” is no oxymoron. Persuasion is cheaper than coercion, so closed single-party authoritarian regimes rely on a variety of legitimation strategies²⁴, including heroic foundational myths, strong man charismatic leadership²⁵, and postcolonial nationalisms.²⁶

From its birth in 1949, the CCP has utilized all three strategies to legitimize its rule. Heroic mythologies about the “Long March” (*Changzheng* 长征; 1934-35) justified the hardships of Mao's Revolution. Mao's “Cult of Personality” consolidated power in His hands

²³ Truex 2016, 7, 6.

²⁴ Von Soest and Grauvogel 2017.

²⁵ Weber 1964.

²⁶ Linz 2000, 227.

during the Cultural Revolution (*Wenhua dageming* 文化大革命; 1966-76), imbuing Him with a Godlike charismatic authority. And the CCP's claim to rightful rule at "Liberation" (*Jiefang* 解放; 1949) accentuated nationalism: "The Chinese people have stood up!" against Western and Japanese imperialism, Mao the Nationalist famously declared in Tiananmen Square on October 1, 1949.²⁷

The CCP launched a "patriotic education" (*aiguo zhuyi jiaoyu* 爱国主义教育) campaign in the early 1990s, doubling down on its nationalist claim to legitimate rule.²⁸ More recently, President Xi Jinping's promised "China Dream" of national rejuvenation and glory has helped him consolidate his power—but has also empowered popular nationalists to demand results. The nationalist public can utilize the Party-state's own nationalist grammar²⁹ to pressure the CCP to respond, not just with tougher Japan³⁰ and other foreign policies, but also, as the *jingRi* case reveals, with domestic law-making.

The 'Spiritually Japanese' Provoke Popular Indignation

The "spiritually Japanese" are a tiny group of young Chinese who imagine themselves Japanese rather than Chinese. Many *jingRi* consider Japanese racially and culturally superior to Chinese. Some embrace the historical revisionism of the Japanese Right, rationalizing Japanese imperialism as an effort to liberate Asia from white colonialism. On the whole, they are more politically extreme than the much larger apolitical group of young Chinese Japanophiles (*haRizu* 哈日族), who embrace J-pop culture, from manga (*manhua* 漫画) and anime (アニメ) to cosplay.

²⁷ Wakeman 1977.

²⁸ Zhao 1998; Gries 2004; Wang 2012.

²⁹ Shue 2010.

³⁰ Gries 2004; Gries, Steiger and Wang 2016; Cairns and Carlson 2016.

We can only speculate about the *jingRi*'s motives. Cynical about life in China today, and frustrated with China's socio-political problems, they romanticize life in neighbouring Japan. Kevin Carrico has thoughtfully argued that for Han chauvinists in China today, the tension between the mundane daily grind of urban life and a promised national glory finds its release in a racially pure imagined past, a neotraditionalism where the Han reign supreme.³¹ It could be that for the *jingRi*, that release from the daily grind is found not in an invented Chinese past, but in what social psychologists call "social mobility,"³² or "exit" from a perceived negative identity (Chinese) to a perceived positive one (Japanese). It can be seen as an example of what Chinese nationalist Wang Xiaodong 王小东 criticized nearly two decades ago as "reverse racism" (*nixiang zhongzu zhuyi* 逆向种族主义), favouring foreigners over fellow Chinese.³³ Unlike other far-right groups in China, the *JingRi* embrace rather than reject a foreign identity.

Over a decade ago, very small groups of young Japanese-at-heart Chinese began gathering in BBS open forums like Baidu Tieba, and on private online spaces, such as QQ groups. "The Pacific War Tieba" (*Taipingyang zhanzheng ba* 太平洋战争吧) was established in 2005, and had 24,119 members in 2016.³⁴ "A Japanese Home Tieba" (*Riben no jia ba* 日本の家吧) was established in 2007 and had 1,382 members in 2011.³⁵ In February 2013, "The Self-Defence Force of Imperial Japan" (*DaRibenguo huangxie ziweidui* 大日本国皇协自卫队) QQ group was created. "Let's establish a Greater East Asia Co-Prosperity

³¹ Carrico 2017.

³² Brewer 2001.

³³ Wang 2000.

³⁴ "Taipingyang zhanzheng ba" (The Pacific War Tieba), *Baidu Baike*, <https://baike.baidu.com/item/%E5%A4%AA%E5%B9%B3%E6%B4%8B%E6%88%98%E4%BA%89%E5%90%A7>. Accessed 21 June 2019.

³⁵ "Riben zhi jia ba" (A Japanese Home Tieba), *Baidu Baike*, <http://www.baike.com/wiki/%E6%97%A5%E6%9C%AC%E4%B9%8B%E5%AE%B6%E5%90%A7>. Accessed 21 June 2019.

Sphere,” it urged, “and attack China!”³⁶ These tiny online communities used the Internet to gather and translate stories from Japanese print and social media, and existed largely in peripheral areas of Chinese cyberspace, eluding CCP censorship.

They did not fail to anger Chinese cybernationalists, however. “Jap freaks” (*Riza* 日杂) and cybernationalists clashed on the Internet. As early as 2012, angry netizens “reported” (*jubao* 举报) “A Japanese Home Tieba” to Baidu and the government, demanding action.³⁷ Neither responded.³⁸ Some netizens then angrily circulated a conspiracy theory that Baidu left it open because of Japanese ownership of Baidu stock.³⁹

This lack of authoritarian responsiveness is noteworthy. Without the facilitating role of journalists to amplify popular nationalist demands, the CCP appears to have only paid scant and inconsistent attention to the *jingRi*. Without intermediary groups, the principal-agent problem may not always be easy to overcome.

Meanwhile, the controversy continued to simmer. “Jap freaks” began venturing offline. At a Mountaineering Festival held in Taishan in September 2014, a young man wore a t-shirt with the imperial Japanese flag on it. He was attacked before being arrested (see Figure 2).⁴⁰

[Figure 2 HERE]

Figure 2: **Provoking nationalist ire**, Taishan, September 2014

In April 2015, at the Chengdu Comic Con mentioned above, several young men wearing Japanese wartime military uniforms appeared near the pavilion. Local netizens posted their photos, and the government disciplined the event organizers.⁴¹ But the CCP still

³⁶ QQ.com 2018.

³⁷ For example, Xianyu, https://tieba.baidu.com/p/1659816616?red_tag=1420772902

³⁸ “A Japanese Home Tieba” quietly shut down three years later in 2015—without a formal explanation. <https://www.zhihu.com/question/34013130>.

³⁹ Sovissia, https://tieba.baidu.com/p/1417286021?red_tag=1415815059.

⁴⁰ People.com 2014.

⁴¹ QQ.com 2018.

did not systematically deal with the *jingRi* issue.

The *jingRi* only began to attract national attention in 2017. On August 3, four young Chinese men, wearing Japanese military uniforms, took photos outside the Sihang Warehouse patriotic education base in Shanghai. One posted the photos to their QQ blog and referred to the “Shanghai Incident” (*Shanghai shibian* 上海事变), a euphemism some Japanese use to refer to the bloody 1937 Japanese attack on Shanghai.

Online opinion was indignant. “The police need to deal with these Chinese traitors and scum,” a netizen demanded on NetEase. “Please expel these people, rescinding their citizenship,” another implored. “Put them on a national blacklist of Chinese traitors.” The Shanghai police took two of the men into “administrative detention” (*xingzheng juliu* 行政拘留) and “educated and admonished” (*jiaoyu xunjie* 教育训诫) the other two, who were under 18.⁴²

The *jingRi* sensation came to a climax in late February 2018 with two major national controversies. As mentioned above, the two *jingRi* at Shanghai Zijinshan were arrested just two days after taking their photos on February 20. Traditional and social media paid much more attention to the Zijinshan incident than previous *jingRi* controversies, nationalizing the issue. And the day after their arrest, on February 23, a 35-year-old Shanghai man named Meng 孟 posted “Killing 300,000 in Nanjing was too few” on his WeChat group. He was reported to the Shanghai police and detained for five days. But just a few days after his release, on March 3, Meng took a video in front of the Memorial Hall of the Victims of the Nanjing Massacre (*Qinhua Rijun Nanjing datusha yu 'nan tongbao jinianguan* 侵华日军南京大屠杀遇难同胞纪念馆) in which he mocked “only 300,000,” and uploaded it online. He was then detained for another eight days.⁴³

⁴² NetEase 2017.

⁴³ Guancha.cn 2018; People.com 2018.

Popular nationalists were again outraged—and not just at Meng. “Five days is too short,” one netizen wrote on guancha.cn (*The Observer*). “We need to enact new laws.” Others agreed. The state “must legislate!” one wrote. “Punish these Jap-loving national scum” (*meiride minzu bailei* 媚日的民族败类).⁴⁴

The next month, on April 19, 2018, Tian Jialiang 田佳良, a graduate student at Xiamen University, wrote “You Chinks stink” on her Weibo account, using the Japanese slur 支那 (*Shina*), a word *jingRi* and the Japanese Right often use to express their contempt for China.⁴⁵ She later referred to patriotic Chinese as “pink pigs” (*fenhong tun* 粉红豚).⁴⁶

Online opinion was again incensed. “As a Chinese, I was outraged to hear the word ‘*Shina*’,” one wrote. “Shockingly, it came from the mouth of a Chinese—and a Communist Party member!”⁴⁷ Another demanded action: “She should be expelled immediately.”⁴⁸

And so she was. On April 23, 2018 Xiamen University officially expelled Tian—and rescinded her Communist Party membership.⁴⁹

Popular indignation against the *jingRi* revealed a widespread anxiety about open challenges to the anti-Japanese nationalism mainland Chinese today are socialized into. Although the *jingRi* had existed for more than a decade in China without a formal response from the government, once the *jingRi* became a highly public and national phenomenon, the Party-state and other sub-elites quickly responded.

Intermediary Groups Facilitate Legislation

⁴⁴ Guancha.cn 2018.

⁴⁵ Zha 2018.

⁴⁶ Sina.com.cn 2018.

⁴⁷ Zha 2018.

⁴⁸ NetEase 2018.

⁴⁹ Sina.com.cn 2018b.

Nanjing journalists and lawyers played a central role in both publicizing citizen grievances and facilitating the legislation that would eventually become the national law proscribing “spiritually Japanese” activities. Jessica Teets’ work on environmental networks in China has shown how policy networks can provide elite policymakers with the information and expertise needed to address local concerns. The *jingRi* case is similar: journalists helped gather and disseminate information about popular grievances, while lawyers provided much needed legal expertise to craft the legislation. The journalists and lawyers thus acted as vital intermediaries between an indignant public and legislators, enabling authoritarian representation. They transmitted information and expertise up from the grass-roots, actively advocating policy and legal changes that would strengthen authoritarian rule.

Nanjing lawyers organized to provide much needed know-how. On December 27, 2017 the Nanjing Lawyer’s Association (NLA; *Nanjing lüshi xiehui* 南京市律师协会) and the Nanjing Legal Aid Foundation (NLAF; *Nanjingshi falü yuanzhu jijinhui* 南京市法律援助基金会) together established an “Alliance of Lawyers for Protecting the Truth about the Nanking Massacre” (ALPT; *Weihu Nanjing datusha lishi zhenxiang lüshi dalianmeng* 维护南京大屠杀历史真相律师大联盟). Its mission is to address legal issues related to the Nanjing Massacre, including assisting in civil litigation.⁵⁰ The ALPT was one of the leading organizations that advocated for legislation to deal with the *jingRi*.

After the February 20, 2018 Shanghai Zijinshan Incident, Nanjing lawyers began publicly advocating for the legal punishment of the *jingRi* activities. The ALPT organized a discussion about whether such behaviours violated the PRC Criminal Code,⁵¹ and sought to initiate public interest litigation.⁵² On February 28, Nanjing lawyer Tan Zhen 谈臻 told the media that the ALPT was considering forwarding a draft bill to the Standing Committee of

⁵⁰ Xinhuanet.com 2017.

⁵¹ Zheng et al. 2018.

⁵² An et al. 2018.

the Nanjing Municipal People's Congress for its consideration. Local Nanjing law could then serve as a model for national legislation.⁵³

Local journalists also got involved. On March 7, 2018, *The Modern Express* and the NLA co-hosted a "Joint Forum" of journalists, scholars, lawyers, and museum professionals in Nanjing to advance legislation proscribing the "spiritually Japanese." Chief editor Zhao Lei 赵磊 declared that they sought to "facilitate" (*tuidong* 推动) national legislation. Qiu Lufeng 邱鹭风, a Nanjing University law professor, suggested adding prohibitions against fascism and racism to the Criminal Law as a way to proscribe *jingRi* activities.⁵⁴

Museum professionals also participated, emphasizing the need for greater education about the War. Wu Xianbin 吴先斌, Director of the Nanjing Civil Resistance against Japan Museum, suggested organizing historical and social activities to teach young Chinese the correct view of Japan. Zhang Jianjun 张建军, Director of the Memorial Hall of the Victims in Nanjing Massacre, lamented that the existence of "spiritually Japanese" Chinese youth "exposed problems in our education system."⁵⁵ Two days earlier, on March 5, the official Weibo account of his Memorial Hall had reacted to Meng's mocking video by calling for legislation: "mild administrative punishments are insufficient. We need to enact new laws to draw a legal red line and prevent the similar incidents in the future."⁵⁶

It was practicing Nanjing lawyers, however, who took centre stage at the Joint Forum. Some suggested utilizing existing laws. The ALPT's Tan Zhen 谈臻 and Liu Wei 刘伟 suggested that the Supreme People's Court and the Supreme People's Procuratorate reinterpret extant legislation on the "Crime of Picking Quarrels and Provoking Troubles" (*Xunxin zishi zui* 寻衅滋事罪) to include "spiritually Japanese" behaviours. Wu Mingxiu 吴

⁵³ QQ.com 2018.

⁵⁴ Zheng et al. 2018.

⁵⁵ Ibid.

⁵⁶ QQ.com 2018b.

明秀 suggested that they similarly interpret extant laws against “extremism” (*jiduanzhuyi* 极端主义) to proscribe hated pro-Japanese behaviours.⁵⁷

Other Nanjing lawyers at the Joint Forum also advanced ideas for new legislation. NLA President Zhang Lijun 张利军 suggested learning from countries like Turkey which have laws proscribing “insulting national dignity” (*wuru guoge* 侮辱国格). Echoing Tan Zhen’s earlier remarks to the press, Chen Lie 陈烈 suggested writing and enacting legislation locally first, to then serve as a model and impetus for national legislation.⁵⁸

These journalists, museum professionals, and lawyers made a difference. Compared to the failed 2012 netizen efforts to “report” on “Jap freaks,” in 2018 these organized legal and media professionals successfully brought the issue to the attention of the CCP elite, providing much needed information and expertise. Legislation banning *jingRi* activities quickly followed.

From Bill to Law: Performing and Legislating Authoritarian Responsiveness

At a national press conference on March 8, 2018, the day after the Joint Forum in Nanjing, a *Modern Express* journalist asked PRC Foreign Minister Wang Yi what he thought of the *jingRi*. Wang hadn’t heard the term. Those like Meng who “humiliate the victims of the Nanjing Massacre,” the reporter explained. “They regard themselves as Japanese.”

[Figure 3 HERE]

Figure 3: **‘Chinese scum!’ Publicly insulting the ‘Spiritually Japanese’,**

Foreign Minister Wang Yi, March 8, 2018

A widely circulated video clip of the exchange reveals that Wang’s demeanour abruptly changed as he came to understand. “Chinese scum!” (*Zhongguoren de bailei* 中国人的败

⁵⁷ Zheng et al. 2018.

⁵⁸ Ibid.

类!), he angrily declared, and marched off.⁵⁹ Flaming Meng had gone from online to the real world, and from popular nationalists to the CCP elite. Socially sanctioned righteous indignation was now visibly reflected in the Party-state.

Wang Yi's direct gaze at the camera performed his disapproval for public consumption. And it was a successful performance: the video was looped and widely disseminated and viewed on Chinese social media. Why? We suggest that Wang's performance sought to publicize the authoritarian elite's responsiveness to popular grievances. As noted above, Distelhorst and Fu have argued that Chinese today perform their subjecthood, beseeching officials to act in the public interest.⁶⁰ Foreign Minister Wang's performance suggests that China's authoritarian elite also perform their rulership, seeking to legitimate authoritarian rule through publicizing their responsive governance.

The CCP did not just perform their nationalist indignation against the "spiritually Japanese"; it also delivered the goods through legislation. This section will explore authoritarian representation through the actions of CPPCC members like He Yun'ao, who reached out to the Nanjing lawyers and journalists discussed above, enabling the bottom-up transmission of information about popular nationalist grievances and legal expertise to the party-state.

March 8 was not just the date of Wang Yi's outburst. Coincidentally, it was also the day that He Yun'ao submitted his proposal (*ti'an* 提案) at the CPPCC session of the 2018 "Two Sessions" (*Lianghui* 两会). The CPPCC is an advisory body that submits bills (*yan* 议案) to the NPC, which can then be made into laws. He Yun'ao had gathered signatures on his proposed bill from 38 other CPPCC deputies, including movie star Jackie Chan, and other actors and actresses like Zhang Guangbei and Zhang Kaili. The bill would proscribe any

⁵⁹ See <https://www.youtube.com/watch?v=QQRDfdE529Q>. Accessed 9 Dec. 2019.

⁶⁰ Distelhorst and Fu 2019.

behaviours “promoting Japanese militarism, fascism, and Bushido,” and any public insult to the “dignity of the Chinese race.”⁶¹

Just two days later on March 10, at the NPC meeting of the “Two Sessions”, Jiangsu legislators submitted a bill legally proscribing *jingRi* activities. A new national law was approved the very next month, on April 27, 2018.

【Figure 4 HERE】

Figure 4: **Authoritarian Representation: He Yun’ao Gather Signatures on His CPPCC**

Bill, March 8, 2018

Why did He Yun’ao and these other CPPCC deputies respond to popular nationalist anger against the *jingRi*? Media interviews provide some insight into these questions. News about the *jingRi* personally offended He. “This is an insult to our national character and national dignity,” he told the *Beijing Youth Daily* (*Beijing qingnian bao* 北京青年报).⁶² Public indignation may also have motivated him. He viewed responsiveness to public opinion as his job. “As a member of the CPPCC, I am first and foremost a citizen,” he told the *Guangming Daily* (*Guangming ribao* 光明日报). “I should respond to the demands of the people.”⁶³ The positive feedback he had received from around the country, he later told Nanjing’s *Modern Express*, revealed that the Chinese people are “united as one” (*wanzhong yixin* 万众一心), a “patriotic predisposition” (*aiguo zhuyi de qizhi* 爱国主义的气质) that moved him deeply.⁶⁴

He Yun’ao was not alone. Other CPPCC members who signed He’s legal proposal also publicly performed their patriotism. “If we don’t love our country, are we still Chinese?” actor and CPPCC deputy Zhang Guangbei 张光北 rhetorically asked a *Guangming Daily*

⁶¹ Liu 2018.

⁶² Dong 2018.

⁶³ Sina.com.cn 2018c.

⁶⁴ Zhou 2018.

journalist. “So I felt that legislation was necessary.” In 2006, Zhang starred in the famous “War of Resistance Against Japan” (*KangRi zhanzheng* 抗日战争) TV drama *Drawing Swords* (*Liangjian* 亮剑). “The Nanjing Massacre is a history of the Chinese people’s blood and tears,” actress and CPPCC member Zhang Kaili 张凯丽 similarly told a journalist. “How can anyone trample on our feelings so casually?”⁶⁵ As noted above, Jackie Chan was another celebrity CPPCC deputy who very publicly signed on to He’s legal proposal.

It is the public nature of these performances, rather than the genuineness of their patriotism, that is of consequence. By publicly performing authoritarian representation, these CPPCC deputies helped legitimate CCP rule.

Media interviews with CPPCC Deputy He also highlight the mediating role that Nanjing intermediary groups played in proscribing the *jingRi*. Nanjing journalists, He claimed, played a major role in the passing of the legislation. “From Nanjing to Beijing,” He told the *Modern Express*, “you have always covered all of our work on the proposal. This had a great impact.” The media, in his view, did not just make CCP elites like himself and Foreign Minister Wang Yi aware of the *jingRi*; it also helped convey the people’s will to the CCP.⁶⁶

Deputy He also saw lawyers and legal scholars as playing a vital role in providing expert professional advice. “Legal professionals, especially in Nanjing, first argued that simply condemning the *jingRi* was pointless; there needed to be legal punishment,” He told the *Beijing Youth Daily*. “So [the lawyers] proposed a new law.” “The facilitation of legal professionals and academic experts,” He similarly told the *Modern Express*, was central to the “writing and rewriting of the CPPCC proposal.”⁶⁷

⁶⁵ Sina.com.cn 2018c.

⁶⁶ Zhou 2018.

⁶⁷ Dong 2018.

In short, with the help of Nanjing journalists and lawyers who provided needed information and expertise, He Yun'ao and other CPPCC deputies crafted and shepherded a bill to the NPC, which then passed a law proscribing the *jingRi*. These intermediary groups facilitated authoritarian representation and policy change on the politically sensitive issue of anti-Japanese nationalism.

Conclusions: Authoritarian Representation & Nationalist Legitimation in China Today

The “spiritually Japanese” are a tiny group of a few thousand young Chinese contrarians whose motives are unclear—perhaps even to themselves. This article has focused not on them, but on how and why the CCP responded so quickly and publicly to the popular nationalist demand in 2018 that *jingRi* activities be legally proscribed.

Over the past decade, President Xi Jinping has consolidated his personal power and the CCP's authoritarian rule. To head off opposition, the CCP has paid greater attention to evidence of social dissatisfaction. It has also added the maintenance of social stability to economic development as a promotion criterion for local cadres, incentivizing them to be responsive to popular discontent.

China scholars have followed these developments closely, paying greater attention to authoritarian responsiveness in China.⁶⁸ Much of the literature seeking to explain authoritarian resilience in China has focused on how the CCP uses various institutions and practices—from protests to petitions to policy networks—to gather the local information they need to overcome the “principal-agent problem” that plagues highly centralized authoritarian political systems. Local information is then used to govern more effectively, helping account for authoritarian resilience.

⁶⁸ E.g. Teets 2013; Heurlin 2016.

China's National People's Congress is one such institution. Rory Truex has convincingly argued that the NPC is not simply a top-down "rubber stamp" for decisions made by CCP elites; it also conveys information about local grievances bottom-up to the CCP leadership. "Within the bounds" of everyday apolitical issues from education to healthcare access, Truex persuasively demonstrates, "authoritarian representation" is no oxymoron.

The rapid CCP response to popular nationalist indignation against the *jingRi*, passing legislation in the NPC proscribing "publicizing or beautifying the war of invasion," is a good example of authoritarian representation. With the help of local Nanjing journalists, CPPCC deputy He Yun'ao conveyed vital information about citizen preferences to the NPC. And with the help of local Nanjing lawyers, He also provided needed expertise to write the new law. Deputy He thus contributed to responsive authoritarian governance.

The curious case of the *jingRi* contributes to our theoretic understanding of both *how* (mechanisms) and *when* (under what conditions) authoritarian representation occurs in China today. Mechanisms include intermediary groups and elite performances. In 2018, Nanjing lawyers and journalists played a vital mediating role between the CCP Party-state and its subjects, transmitting needed expertise and information up from the grassroots. Without the involvement of such intermediary groups, the CCP did not respond to similar popular nationalist grievances against "Jap freaks" in 2012. Given the sheer size of the Chinese population, and the number and complexity of its socio-political challenges, intermediaries are often needed to overcome the "principal-agent problem" and facilitate authoritarian representation.

Another mechanism of authoritarian representation in China is public performance. Simply *being* responsive may not be enough. The *appearance* of responsiveness may be equally important. Foreign Minister Wang Yi's very public declaration of the *jingRi* to be "Chinese scum!" performed rulership before the Chinese public, helping legitimize CCP rule.

CPPCC deputies also publicly performed their indignation against the traitorous *jingRi*.

Building on the work of Distelhorst and Fu, we argue that just as ordinary Chinese perform their citizenship in China today to cajole cadres into doing their duty, CCP elites perform their benevolent and responsive rulership to persuade the Chinese people to consent to CCP governance—and their privileged political positions. Public performance may be particularly important on highly politicized issues like nationalism, which requires ongoing and visible production and reproduction to legitimize authoritarian rule.

The curious case of the *jingRi* also contributes to our theoretic understanding of *when* authoritarian representation occurs. The scope of authoritarian representation may be broader than Truex suggests, *beyond the bounds* of everyday apolitical issues like education and healthcare. The CCP has been making a nationalist claim to legitimate rule since its founding in 1949 under Mao. Seventy years later, a “China Dream” of “national rejuvenation” and glory has become even more central to Xi and the CCP’s claims to legitimate rule. This has created ever more space for popular nationalists to utilize the CCP’s own grammar of authoritarian legitimation back against it. Popular nationalist indignation against *jingRi* incidents also included pointed criticisms of the CCP for failing to proscribe such behaviours. Deputies like He Yun’ao worked hard to represent their constituents’ desires on this issue not just because they saw themselves as “patriotic,” but because they also felt a responsibility to represent the People’s will on an issue that the CCP itself champions as a basis for its legitimate governance.

Finally, the curious case of the *jingRi* also contributes to our empirical understanding Chinese nationalism today. The pervasiveness and intensity of popular nationalist outrage against the “spiritually Japanese” in 2018 reveals just how successful “patriotic education” has been in post-Tiananmen China. Much of that socialization, whether through history

textbooks,⁶⁹ excursions to museums and other “patriotic education bases,” or “War of Resistance against Japan” TV shows or video games,⁷⁰ explicitly defines China against foreign enemies like Japan and the US. Consequently, they are less about loving China (patriotism) than about fearing or hating foreigners (nationalism). In Mainland China today, “Japanese devils” (*Riben guizi* 日本鬼子) is redundant: everyone knows that unspecified “devils” are Japanese. Contrarian Chinese like the *jingRi*, who buck the trend and associate themselves with the hated “devils,” will not be tolerated.

But the CCP may become a victim of its own success in socializing so many Chinese to hate Japan and other “imperialists.” Authoritarian responsiveness can be progressive if it means responding to popular demands for healthcare, education, and a clean environment. But authoritarian responsiveness to popular nationalism can be dangerous when it leads not just to tougher laws against perceived traitors within China (e.g. the “spiritually Japanese”), but also tougher foreign policies against perceived enemies abroad, like Japan and the US. Given that Japan and the US are also experiencing rising nationalism, greater authoritarian responsiveness in China today may not bode well for peace in the 21st Century.

⁶⁹ Wang 2012.

⁷⁰ Nie 2013.

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Biographical notes

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摘要：2018 年春天，愤怒的中国民族主义者要求政府禁止“精神日本人”——一个由自认为是日本人的年轻中国人组成的边缘群体——的有关行为。全国人大迅速予以应允，通过了相关立法禁止“美化侵略战争”。本文考察了中国国家怎样以及为什么回应了民族主义者的要求。我们认为中国的威权代表甚至超出了教育、医疗等非政治日常议题的边界。因为中国共产党依靠民族主义合法化其统治，人大和政协这样的代表机构可能在像民族主义这样关系到合法性的敏感议题上扮演其代表角色。此外，记者和律师也可以在精英和大众之间扮演关键的中介角色，以推动威权响应所需要的信息和专业知识的传播。我们也讨论了本研究对于理解今日中国的民族主义、威权响应以及合法化的意义。

关键词：中国民族主义; 中日关系; 威权响应; 威权代表; 中间团体; 威权合法化

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