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自由之声

Voice of Liberation

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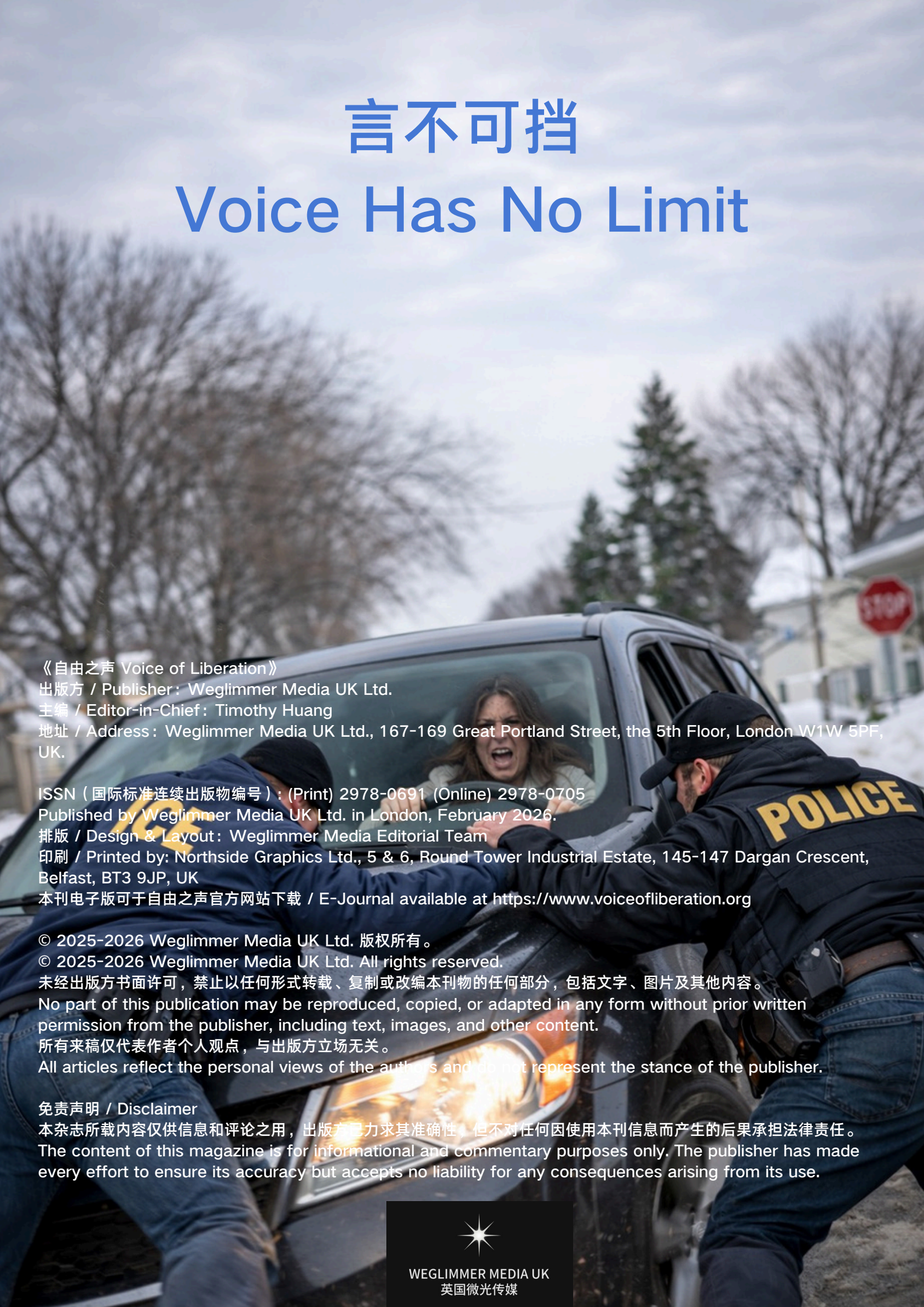
言不可挡
Voice Has No Limit



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征稿启事
Call for Contributions

自由之声杂志（Voice of Liberation）于2025年创办于英国伦敦，致力于为海外华人异议者、流亡者、思想者，尤其是旅英工商界人士提供一个自由开放的言论平台。我们正面向全球华语作者征稿，欢迎投稿人文评论、政治观察、社会纪实、散文随笔等形式的原创稿件。

一、征稿内容方向

我们欢迎以下类型的文章（不限于）：

对中国政治、社会现象的批判性分析；

海外华人群体的纪实性报道；

政治思想、历史记忆的深度评论；

对保守主义、个人权利、市场经济等议题的理论探索；

具备文学价值的叙事散文、回忆录片段、狱中书信等。

二、投稿要求

原创首发，严禁抄袭、洗稿或AI直接生成内容；

字数建议：一般文章 2000-5000 字之间，长文可协商分期刊登；

请附作者署名方式（可用笔名）、简短个人简介（100字以内）；如涉及敏感信息，请注明是否可公开作者身份；

支持中英文稿件，英文请使用英式拼写（British English）。

三、稿酬说明

目前本刊尚处于创刊初期，暂无固定稿酬制度，优秀稿件将酌情给予稿费支持，并重点推荐刊登于首页位置及官方社媒平台。随着刊物发展，我们将建立稳定的稿酬体系，并优先考虑老作者、专栏合作。

四、投稿方式

请将稿件以 Word 或 PDF 格式发送至：voiceofliberationuk@gmail.com

邮件标题格式为：“投稿＋文章标题＋作者名”

我们将在7天内给出审稿反馈，逾期未回视为未采用。

Voice of Liberation is a London-based political commentary magazine founded in 2025. We are committed to providing a free and open platform for Chinese dissenters, exiles, and thinkers in the diaspora—particularly among professionals and entrepreneurs in the UK.

We are now calling for contributions from Chinese-language writers worldwide. We welcome original submissions in the form of political commentary, cultural essays, investigative reports, personal narratives, and literary non-fiction.

1. Areas of Interest

We welcome (but are not limited to) the following types of articles:

Critical analysis of Chinese politics and social realities;

In-depth reporting on overseas Chinese communities;

Essays on political theory, historical memory, and ideological reflection;

Explorations of conservatism, individual rights, and free-market principles;

Literary-quality prose: personal memoirs, prison writings, narrative essays.

2. Submission Guidelines

Submissions must be original and unpublished. Plagiarism, AI-generated content, or derivative rewriting is strictly prohibited.

Suggested length: 2,000 – 5,000 words. Longer pieces may be published in instalments by arrangement.

Please include your preferred byline (real name or pseudonym) and a short bio (within 100 words).

If your identity is politically sensitive, please indicate whether your name can be published.

Submissions are accepted in both Chinese and English. English pieces should follow British spelling conventions.

3. Payment

As a newly founded publication, we currently do not offer fixed remuneration. However, outstanding contributions may receive honorariums and will be featured prominently on our homepage and social media platforms.

As the magazine develops, we plan to establish a sustainable compensation model, with priority given to returning writers and regular columnists.

4. How to Submit

Please send your manuscript in Word or PDF format to: voiceofliberationuk@gmail.com

Email subject line: “Submission + Article Title + Author Name”

We will respond within 7 days. If you do not hear from us by then, your submission may be considered declined.

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封面故事

论 ICE 击毙美国公民

By *Timothy Huang*

2026 年 1 月 7 日，明尼苏达州明尼阿波利斯市发生的一起执法致死事件，迅速成为美国国内乃至国际舆论的焦点。事件的主角，37 岁的美国公民蕾妮·妮可·古德（Renee Nicole Good），在试图干预联邦探员执法时被击毙。为了透过喧嚣的政治迷雾看清事实，我们必须首先基于现有证据对事件进行冷峻的法医式重构。

根据国土安全部（DHS）的报告及现场视频证据，事发时 ICE 探员正针对特定的非法移民目标执行逮捕令。古德作为反 ICE 组织的激进活动人士，与其同伴驾车抵达现场，意图对执法过程进行“监察”或阻挠。冲突的升级并非始于言语争执，而是始于古德驾驶其 SUV 车辆冲向执法探员的那一刻。在此情境下，车辆不再是单纯的交通工具，而转化为具有致命杀伤力的武器。探员乔纳森·罗斯在面临车辆撞击的迫切威胁下，连开三枪，击穿挡风玻璃导致古德死亡。这一连串动作发生在数秒之内，其性质由“公民抗议”瞬间质变为“致命武力攻击”。

在事件发生后，部分舆论试图将古德描绘为对抗国家暴政的英雄，甚至将其与1989年著名的“坦克人”相提并论。这种类比在政治哲学与现实物理层面均存在根本性的逻辑谬误。“坦克人”面对的是中共军队的坦克纵队，其背景是独裁政权动用战争机器镇压和平请愿的本国公民。该政权的行动缺乏民主授权与法治基础，因此，“坦克人”的肉身阻挡象征着正义对无道权力的道德反抗。相比之下，ICE 探员的执法行动源于美国国会（立法机构）制定的联邦移民法，执行的是宪法赋予行政分支的主权职能——边境管控与移民执法。古德所对抗的并非“暴政”，而是经由民主程序确立的法律秩序。在文明国家,公民对法律的不满应通过立法听证、司法诉讼或选举来表达，而非通过物理暴力阻碍执法。

在“坦克人”场景中，坦克是绝对的强势方（钢铁机器），人是绝对的弱势方（血肉之躯）。然而，在古德事件中，这一强弱关系被彻底颠倒。古德驾驶的是一辆重达数吨的 SUV，而探员则是暴露在外的行人。在物理学层面，驾驶车辆的古德是绝对的“强势方”，持有手枪但在车辆动能面前不堪一击的探员反而是“弱势方”。探员开枪并非强权对弱者的屠杀，而是弱势个体在面临巨型机械碾压威胁时的自卫本能。将一个驾驶致命武器冲向行人的攻击者美化为“坦克人”，不仅是对历史的无知，更是对暴力的纵容。

为了进一步阐明探员使用致命武力的正当性，必须引入物理学视角，量化车辆作为武器的实际威胁。在现代社会的安全语境下，车辆往往被视为比枪支更具毁灭性的“穷人的坦克”。杀伤力在物理学上主要由投射物的动能决定，我们可以通过对比标准军用步枪子弹与普通 SUV 的动能，来直观理解威胁的悬殊。一辆仅以 35 英里/小时（约 56 公里/小时）速度行驶的 SUV，其携带的动能约为 222,000 焦耳。相比之下，AR-15 步枪发射的 5.56mm 子弹动能仅为 1,500 焦耳。这意味着，车辆的破坏力是高威力步枪子弹的 148 倍。即使探员身穿防弹衣，防弹衣的设计仅能通过分散动能来防御几千焦耳的冲击，面对二十万焦耳的车辆撞击，人体骨骼与脏器会瞬间崩解。因此，当古德驾驶车辆冲向探员时，她所构成的威胁远超一名持枪歹徒，探员面临的是一种绝对的、不可防御的毁灭性力量。

车辆作为武器的极端威胁性，在当今中国的“张献忠”现象中得到了最血腥的验证。“张献忠”原为明末农民起义军领袖，以屠杀著称。在当代中国互联网语境中，“献忠”已成为无差别反社会暴力攻击的代名词，特指那些因社会、经济绝望而寻求“报复社会”的个体。在2024年的珠海体育中心惨案中，一名62岁男子因离婚财产纠纷，驾驶越野车冲入人群，

造成 35 人死亡，43 人受伤。而在同年的常德学校门前冲撞事件中，另一名袭击者驾车冲撞小学生，同样造成多人死伤。这些案例表明，车辆是实施“低技术、高致死”攻击的完美载体。它不需要特殊训练，随处可得，却能在大规模杀伤效率上媲美爆炸物。在古德事件中，无论其主观意图是“阻挡”还是“杀害”，客观上她已经启动了一个“献忠式”的杀戮机器。对于现场执法者而言，任何犹豫都意味着死亡。将车辆视为“非武装”是致命的认知误区；车辆本身就是重型武装。

在确认了车辆威胁的致命性后，我们需要探讨公民在面对警察执法时的行为准则。在文明国家，公民与警察的互动应当遵循一种基于功利主义的理性计算，即最大化生存概率与权益恢复，最小化不可逆损失。

基于博弈论与风险评估，我们可以将公民应对执法的策略划分为四种模式。这一分类揭示了为何“绝对服从”是唯一理性的选择。

模式	公民状态	应对策略	结果	损失性质	推荐度
模式 I	无辜	服从	短期羁押、时间损失	可弥补（国家赔偿、法律洗冤）	最优策
模式 II	无辜	反抗	暴力升级、受伤或死亡	不可弥补（生命不可复生）	极度非理性
模式 III	有罪/错误	反抗	被击毙或重判	毁灭性（自取灭亡）	最差策略
模式 IV	理想状态	执法完美	正义自动实现	不存在（乌托邦幻觉）	无效假设

当一个无辜公民遭遇警察错误执法时，理性的选择是服从。虽然这会导致尊严受损、时间浪费甚至遭遇短暂的牢狱之灾，但这些损失在文明国家的法律体系中是可逆的。公民可以通过诉讼获得巨额国家赔偿，并在法庭上恢复名誉。这种“先服从、后追责”的机制，正是法治社会区别于丛林法则的核心。

若无辜公民因愤怒而选择现场暴力反抗（如古德），局势将瞬间失控。警察作为国家暴力的执行者，受过专业训练并持有致命武器，其首要职责是控制局面而非辨析真相。一旦发生肢体冲突，无论公民多么占理，其肉体都将面临被摧毁的风险。生命的丧失是不可弥补的。任何试图在街头用拳头（或车辆）争夺“正义”的行为，都是以不可逆的生命筹码去赌博，这在功利主义视角下是极度愚蠢的。

蕾妮·古德属于第三种模式。她主观上认为自己在捍卫弱势群体（正义），但客观上她正在暴力阻碍联邦执法并袭击探员（重罪）。这种“主观正义感”往往会导致狂热的牺牲。当一个人误以为自己是正义的化身而对警察动武时，她实际上是在自杀。

许多激进人士（如白左群体）的逻辑前提是要求警察必须“完美”——绝不抓错人、绝不误判威胁。然而，人非圣贤，执法误差是统计学上的必然。将个人安危寄托在警察“永不犯错”的假设上，而不是依靠自己的理性“服从策略”来规避风险，是一种幼稚的乌托邦思维。

因此，在文明国家，街头不是审判庭，更不是战场。公民与警察的博弈存在明显的信息不对称和武力不对称。绝对服从并非基于对权力的奴颜婢膝，而是基于对生命价值的理性计算。只有活着走出执法现场，公民才拥有在法庭上讨回公道、惩罚滥权警察的机会。

古德之所以会陷入“模式 III”的悲剧，与其深受的进步主义意识形态密不可分。这种被中国网络舆论概括为“白左”及其亚种“黄左”的思潮，在资源分配和道德判断上表现出深刻的伪善与双重标准。

“白左”并非指肤色，而是指一种特定的西方左翼意识形态，其核心特征是“慷他人之慨”。他们热衷于接收难民、非法移民，但这通常是为了满足自己的道德优越感。他们往往居住在治安良好的富人区，并不直接承担移民涌入带来的治安恶化与资源挤兑后果。这种后果被转嫁给了底层工薪阶层。在 ICE 执法问题上，“白左”主张将有限的公共资源（法律援助、社会福利、住房）优先分配给违反法律的

We The States
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非公民，而对纳税的本国公民（特别是作为受害者的社区居民）漠不关心。古德作为一个美国公民，为了保护非法居留者而攻击本国执法者，正是这种价值观错乱的极致体现——为了抽象的“人类大爱”而献祭具体的法治契约。

然而，“白左”挥霍自己国家的政治遗产，尽管是错的，但本身是无可厚非的。而那些盲目追随“白左”叙事的华裔自由派人士——也就是黄左——则更加离谱。传统的亚裔价值观强调勤奋、守法、家庭与秩序。然而，“黄左”却拥抱那些反精英、反秩序、纵容犯罪的激进政策（如取消标准化考试、削减警察经费）。这种行为被批评为“精神上的自我殖民”，他们为了获得白人主流自由派的认可，不惜背叛自身族群的根本利益（安全与公平竞争环境）。在“白左”构建的身份政治金字塔中，亚裔往往处于“被剥削”的底层（被视为拥有特权的“伪白人”）。“黄左”不仅不对此反抗，反而积极为这种歧视性体系辩护，这种逻辑上的自洽建立在极度的自我厌恶之上。

在古德事件中，无论是白人激进派还是亚裔支持者，他们都陷入了一种“资源的道德挪用”：他们挪用国家维护边境安全的资源来资助违法者，挪用警察的执法权威来表演个人的反叛，最终导致了社会契约的崩塌。

蕾妮·古德事件的深层根源，在于美国联邦制结构的崩坏，即“国家”与“地方”在定义“人民”这一概念上的根本冲突。这一危机早在1788年美国宪法批准辩论时，就被反联邦党人领袖帕特里克·亨利精准预言。

帕特里克·亨利在弗吉尼亚批准公约上，对宪法序言中的“我们人民”（We the People）提出了振聋发聩的质问：

“是谁授权他们说‘我们人民’（We the People），而不是‘我们各州’（We the States）？”

亨利敏锐地指出，通过使用“我们人民”，宪法正在构建一个“集权的国家政府”,从而抹杀各州的主权独立性。美国应当是一个由主权州组成的联邦。在这种结构下，各州拥有界定其政治共同体的权力，包括决定谁是这个社区的成员。而“我们人民”的逻辑，意味着存在一个凌驾于各州之上的“国家公民”群体。联邦政府通过代表这个抽象的“全体人民”，获得了直接管辖每一个体的权力，从而架空了地方自治。

今日的 ICE 执法困境，正是亨利预言的现实回响。移民政策是“这一大统政府”权力的极致体现。联邦依据华盛顿制定的统一标准，决定谁可以留在明尼阿波利斯的街道上。这对地方社区而言，是一种外部强加的意志。由于失去了“我们州”的法理屏障，地方社区（如古德所在的左翼社区）无法通过合法途径拒绝联邦的干预，只能诉诸于“庇护城市”政策或激进的肉体对抗。这种对抗实质上是地方试图夺回对“谁是我们的邻居”这一核心政治问题的定义权，但由于宪法结构的制约，这种努力往往演变为违法行为。

如果说帕特里克·亨利揭示了危机的宪法根源，那么托克维尔则提供了危机爆发的社会学解释。在《论美国的民主》中，托克维尔将乡镇视为自由的学校，而乡镇自治的核心在于对“陌生人”的接纳权。托克维尔认为，新英格兰乡镇之所以充满活力，是因为居民直接参与公共事务。在一个健康的自治体中，接纳一个“陌生人”成为社区成员，是基于社区的共同意志和互利契约。当社区认为某人有益时，他们接纳其为邻居。然而，在现代联邦体制下，这种权利被剥夺了。联邦政府强迫地方接纳非法移民（通过开放边境政策），或者强迫地方驱逐社区已接纳的人（通过 ICE 突袭）。

当乡镇失去了对自己边界的控制权，地方自治就“空心化”了。蕾妮·古德试图在微观层面（她的街道、她的邻居）行使一种本该属于主权国家的权力——保卫边界。只不过，她保卫的是“反向边界”（阻止国家机器进入社区）。这导致了判断标准的精神分裂。在当地社区的标准下，该移民可能是个“好邻居”；但在联邦的标准下，他是个“罪犯”。由于缺乏“我们州”的缓冲机制，这两种标准在街头发生了致命碰撞。托克维尔警告说，当中央集权过度伸张，它会让公民变得孤立和软弱，最终导致“多数人的暴政”。古德的行为，某种意义上是地方共同体在面对强大的中央集权（联邦执法）时，一种绝望且非理性的反弹。

蕾妮·古德之死是一场悲剧，但这绝非一曲对抗暴政的赞歌，而是一记关于法治与秩序崩塌的警钟。一方面，我们必须破除将车辆袭击浪漫化的政治叙事。车辆是致命武器，在动

能物理学面前，没有任何政治口号能赋予驾驶者豁免权。探员的开枪是面对“献忠式”威胁的必然反应。公民必须重新以此为戒，确立“绝对服从执法”的生存底线。在法治国家，正义的战场在法庭，而非街头。试图用肉体或车辆挑战国家暴力机器，只会导致不可挽回的毁灭。另一方面，“白左”与“黄左”的伪善必须被揭露。他们通过鼓励对抗、模糊法与非法的界限，将理想主义者推向了死亡的边缘，而自己却躲在道德高地上毫发无损。

而在更深的层面，我们必须重新审视帕特里克·亨利与托克维尔的智慧。美国当前的撕裂，根源在于“我们人民”这一抽象概念吞噬了具体的“我们州”与地方乡镇。如果不能在宪制层面重建中央与地方在人口流动与社区定义权上的平衡，类似的流血冲突将不再是孤例，而将成为这个分裂国家的新常态。在一个拥有 3.3 亿人口、枪支泛滥且意识形态极化的国家，警察执法的权威性是维系社会运转的最后一道防线。任何试图削弱这一防线、将暴力抗法正当化的理论，都是在为真正的霍布斯式丛林铺路。

Dollors
AI-Generated by Timothy Huang

Cover Story: On ICE's Fatal Shooting of a US Citizen

By *Timothy Huang*

On 7 January 2026, a fatal law-enforcement incident in Minneapolis, Minnesota, rapidly became a focal point of domestic – and even international – commentary. The central figure, a 37-year-old US citizen, Renée Nicole Good, was shot dead while attempting to interfere with federal agents' enforcement action. To see through the political noise, we should begin with a cold, forensic reconstruction based on the evidence currently available.

According to the Department of Homeland Security account and video from the scene, ICE officers were executing an arrest operation against a specific immigration target. Good, described as an activist in anti-ICE circles, arrived with companions by car, intending to 'monitor' or obstruct the enforcement process. The escalation did not begin with a verbal quarrel; it began the moment Good drove her SUV towards the officers. In that instant, the vehicle ceased to be a mere means of transport and became a potentially lethal weapon. Faced with an imminent threat of impact, Officer Jonathan Ross fired three shots, punching through the windscreen and killing Good. The entire sequence unfolded within seconds, and its character shifted – almost at once – from 'public protest' to 'an attack involving potentially deadly force'.

After the shooting, some voices sought to cast Good as a heroine resisting state tyranny, even likening her to the iconic 'Tank Man' of 1989. That analogy collapses at both the level of political philosophy and the level of physical reality. 'Tank Man' stood before a column of tanks deployed by an authoritarian regime to crush peaceful petitioners. That regime lacked democratic authorisation and the foundations of the rule of law; the lone body in the street became a moral rebuke to illegitimate power. By contrast, ICE officers act under federal immigration statutes enacted by Congress, performing a sovereign function assigned to the executive branch by a constitutional order: border control and immigration enforcement. What Good confronted was not 'tyranny', but a legal order established through democratic procedures. In a civilised state, dissatisfaction with law is expressed through hearings, litigation, and elections – not through physical violence that blocks enforcement.

In the 'Tank Man' scene, the tank is the absolute strong party (steel machinery), and the human being the absolute weak party (flesh and blood). In the Good incident, that relationship is inverted. Good was behind the wheel of a multi-tonne SUV; the officers were pedestrians exposed in the open. In pure physical terms, the driver of a moving vehicle is the 'strong party'. The officer with a pistol – pitifully fragile against the kinetic force of a vehicle – was the 'weak party'. The shooting was not a massacre of the weak by the powerful; it was the survival response of a vulnerable individual faced with the threat of being crushed by heavy machinery. To romanticise an attacker driving a deadly weapon at pedestrians as a 'Tank Man' is not only historical illiteracy; it is indulgence towards violence.

To clarify the justification for deadly force, we need to bring in a physical perspective and quantify the threat a vehicle poses when used as a weapon. In contemporary security contexts, vehicles are often treated as more destructive than firearms – 'the poor man's tank'. In physics, lethality is largely driven by kinetic energy. A simple comparison between a standard military rifle round and an ordinary SUV makes the disparity intuitive. An SUV travelling at only 35 mph (about 56 km/h) carries roughly 222,000 joules of kinetic energy. By contrast, a 5.56mm round fired from an AR-15 carries around 1,500 joules. That means the destructive potential of the vehicle is, on this comparison, about 148 times greater than the rifle round. Even with body armour, which works by dispersing energy across a surface area, protection is designed for impacts in the range of a few thousand joules. Against a two-hundred-thousand-joule collision, bones and internal organs fail catastrophically. When Good drove towards the officers, the objective threat exceeded that posed by an armed assailant; the officer faced an

overwhelming, effectively non-defendable destructive force.

The extreme lethality of vehicles-as-weapons has been illustrated in the grisliest ways by what Chinese online slang has labelled the 'Xianzhong' phenomenon. The term originally references Zhang Xianzhong, a late-Ming rebel leader remembered for slaughter; in modern internet usage, *xianzhong* has become a shorthand for indiscriminate, anti-social violence – often linked to despair and a desire to 'take revenge on society'. In widely discussed cases in recent years, drivers have rammed crowds in public spaces, causing mass casualties. These incidents underscore why vehicles are an ideal platform for 'low-tech, high-lethality' attacks: no specialised training is needed, the tool is ubiquitous, and the killing efficiency can rival explosives. In the Good incident, whatever her subjective intent – 'blocking' or 'harming' – she had objectively initiated a mechanism of lethal force. For officers on the scene, hesitation can be fatal. Treating a vehicle attack as 'unarmed' is a deadly misconception; the vehicle itself is heavy armament.

Once the threat's lethality is recognised, the next question is how citizens should behave when confronted by police enforcement. In a civilised country, the citizen–police interaction should follow a rational, utilitarian calculus: maximise the probability of survival and eventual rights-restoration, and minimise irreversible loss.

Using basic risk assessment and game-theoretic intuition, we can classify a citizen's response to enforcement into four modes. This classification also shows why 'absolute compliance' is, in practice, the only rational choice.

Mode	**Citizen's status**	**Response strategy**	**Outcome**	**Nature of loss**	**Recommendation**
Mode I	Innocent	Comply	Short-term detention; loss of time	Remediable (compensation; legal vindication)	Best option
Mode II	Innocent	Resist	Escalation; injury or death	Irremediable (life cannot be restored)	Deeply irrational
Mode III	Guilty / in the wrong	Resist	Fatal shooting or severe sentence	Devastating (self-destruction)	Worst option
Mode IV	Ideal world	Perfect enforcement	Justice automatically achieved	None (utopian fantasy)	Invalid assumption

When an innocent citizen is wrongly targeted, compliance is the rational choice. It may involve humiliation, wasted time, even brief imprisonment, but these losses are reversible under a functioning legal system. One can sue, obtain substantial compensation, and restore reputation in court. This 'comply first, hold power accountable afterwards' mechanism is a core distinction between the rule of law and the law of the jungle.

If an innocent citizen, driven by anger, chooses immediate violent resistance (as Good did), the situation can spin out of control. Police are trained and armed; their priority in a volatile encounter is to control the scene, not to adjudicate ultimate truth. Once physical conflict begins, even the person in the right faces the risk of bodily destruction. Death is irreversible. Any attempt to win 'justice' on the street with fists – or with a vehicle – stakes an irreplaceable life on a gamble. From a utilitarian perspective, it is profoundly foolish.

Good fits Mode III. Subjectively, she may have believed she was defending a vulnerable group – what she saw as justice. Objectively, she was obstructing federal enforcement and attacking officers – conduct that courts may treat as a grave offence. 'Subjective righteousness' can easily mutate into fanaticism. When someone convinces themselves they are justice incarnate and uses violence against police, the line between martyrdom and suicide disappears.

Many radicals operate on the premise that police must be 'perfect': never arrest the wrong person, never misread a threat. Human beings are not saints; enforcement error is statistically unavoidable. To entrust one's safety to the fantasy that police will never err – rather than to one's own rational strategy of compliance that reduces risk – is childish utopianism.

In a civilised country, the street is not a courtroom, and it is not a battlefield. The citizen–police 'game' is characterised by severe information asymmetry and overwhelming force asymmetry. Absolute compliance is not servility; it is a rational accounting of the value of life. Only by walking away alive does a citizen retain the chance to seek justice in court and punish abuse of power through lawful mechanisms.

Good's slide into the tragedy of Mode III is inseparable from the progressive ideological milieu that shaped her. In Chinese internet discourse, this is often summarised with the slur-like label *baizuo* ('white leftist', a term aimed at a particular style of Western left politics) and its derivative *huangzuo* ('Chinese leftist' framed as an imitator). These labels describe a worldview marked, in the author's view, by hypocrisy and double standards in both resource allocation and moral judgment.

Here, 'baizuo' is not a claim about skin colour; it refers to an ideological posture sometimes characterised as 'generosity at others' expense'. Its adherents champion refugees and irregular migrants, often as a performance of moral superiority, while living in secure, affluent neighbourhoods insulated from the strains of resource competition and public-safety risks. Those costs are displaced onto working-class communities. In immigration enforcement debates, this stance can prioritise scarce public resources – legal aid, welfare, housing – for non-citizens in breach of the law, while showing indifference towards taxpayers and local residents who bear the consequences. Good, a US citizen attacking her own country's law-enforcement officers in defence of unlawful residents, becomes – in this framing – the most extreme expression of that moral inversion: sacrificing a concrete rule-of-law contract for an abstract 'universal love'.

If Western elites squander their own political inheritance, that may be wrong, yet it is at least their own choice, and their own resource to waste. What looks more perverse is the posture of certain Chinese Leftists – the 'huangzuo' – who adopt that narrative uncritically. Traditional Asian values emphasise diligence, legality, family, and order. Yet such Leftists embrace radical policies perceived as anti-meritocratic, anti-order, or permissive towards crime (for example, weakening policing or dismantling standardised tests). Critics describe this as a kind of 'psychological self-colonisation': a pursuit of approval from the dominant liberal mainstream at the expense of their own community's interests – security and fair competition. Within the hierarchy of identity politics, Asians are often treated as the 'exploitable base', recast as 'pseudo-white' and therefore a legitimate target. To defend that discriminatory structure requires a grim internal logic rooted in self-repudiation.

In the Good incident, we see a pattern of what might be called 'moral misappropriation of resources': appropriating state capacity intended for border security to shelter lawbreakers, appropriating police authority as a stage for personal rebellion, and, in the end, weakening the social contract itself.

The deeper root of the Good incident lies in a breakdown within America's federal structure: a fundamental conflict between 'nation' and 'state' over who gets to define 'the people'. This crisis, the author argues, was foreseen with precision by the Anti-Federalist leader Patrick Henry during the constitutional ratification debates of 1788.

We the People
AI-Generated by Timothy Huang

At the Virginia Ratifying Convention, Henry posed a ringing challenge to the Constitution's opening words – 'We the People':

'Who authorised them to speak the language of 'We the People', instead of 'We the States'?'

Henry's point was that the phrase 'We the People' constructs a centralised national government that erodes the independent sovereignty of the states. America, in his view, ought to be a confederation of sovereign states. Under such an arrangement, each state retains the power to define its political community – deciding who belongs. The logic of 'We the People', by contrast, implies a national citizenry standing above the states. By claiming to represent this abstract whole, the federal government acquires direct authority over individuals, hollowing out local self-government.

Today's ICE enforcement dilemma is presented here as an echo of Henry's warning. Immigration policy is the sharpest expression of 'great consolidated government'. The federal state, via ICE, applies uniform standards drafted in Washington and decides who may remain on the streets of Minneapolis. For local communities, this can feel like an externally imposed will. Having lost the legal barrier implied by 'We the States', local communities – such as the left-leaning milieu around Good – cannot easily reject federal intervention through local law. They fall back on 'sanctuary city' policies or, at the extreme, physical confrontation. In this reading, such confrontation is a local attempt to reclaim the power to define who counts as 'our neighbour', yet constitutional constraints push that impulse into illegality.

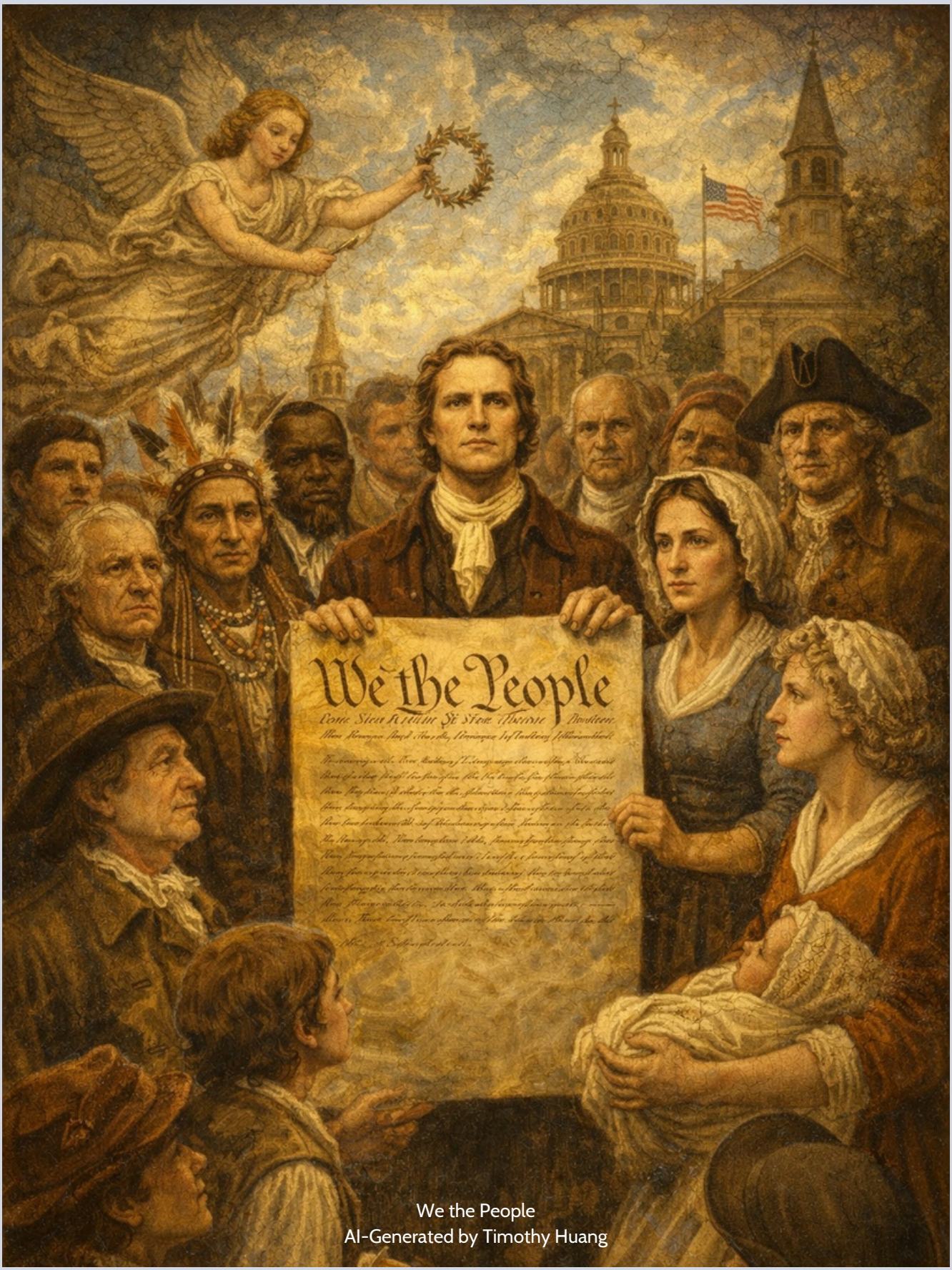
If Patrick Henry illuminates the constitutional root, Alexis de Tocqueville supplies a sociological explanation for how the crisis erupts. In *Democracy in America*, Tocqueville treats the township as a school of liberty, and places at the heart of township self-rule the power to decide whether to admit a 'stranger'. In a healthy polity, taking in a stranger as a community member is grounded in common will and reciprocal contract: the community accepts someone when it believes that person will be beneficial as a neighbour. Under a modern federal regime, the right is stripped away. The federal government can force localities to accept irregular migrants through permissive border policy – or force localities to expel people the community has, in practice, already accepted through ICE raids.

When a township loses control of its boundaries, local self-government becomes 'hollowed out'. Good attempted, on a micro level – her street, her neighbours – to exercise a kind of border-defence power that properly belongs to a sovereign state. The twist is that she defended an inverted border: blocking the state from entering the community. This produces a split standard. By the community's moral register, the target may be a 'good neighbour'; by the federal register, the target is an offender. Without the buffer of 'We the States', the two standards collide on the pavement – fatally. Tocqueville warned that excessive centralisation isolates and weakens citizens, culminating in a new form of domination. Good's act becomes, in this framing, a desperate and irrational recoil by a local community facing a powerful central authority.

Renée Good's death is a tragedy. Yet it is not an anthem of resistance to tyranny; it is an alarm bell warning of a fraying rule of law and collapsing order. On one side, we must reject political narratives that romanticise vehicle attacks. A vehicle is a lethal weapon; no slogan grants the driver immunity from physics. The officer's gunfire was a foreseeable response to a destructive threat. Citizens should take this as a renewed lesson and establish a baseline rule for survival: comply with enforcement. In a rule-of-law state, the battlefield for justice is the courtroom, not the street. Trying to challenge state force with one's body – or with a vehicle – ends in irreversible ruin. On the other side, the hypocrisy of 'baizuo' and 'huangzuo' demands exposure: by encouraging confrontation and blurring the line between lawful and unlawful, they push idealists towards the edge of death while remaining untouched on their own moral high ground.

At a deeper level, we are urged to revisit the wisdom of Patrick Henry and Tocqueville. America's current rupture stems from the abstract 'We the People' swallowing the concrete 'We the

States' and the township. Without constitutional rebalancing between centre and locality over population movement and the right to define community membership, such bloodshed will cease to be exceptional and will become a new normal in a divided country. In a nation of 330 million people, saturated with firearms and polarised by ideology, the authority of law enforcement is the last line keeping society functioning. Any theory that seeks to weaken that line, or to legitimise violent resistance to law, paves the way for a truly Hobbesian jungle.



We the People
AI-Generated by Timothy Huang

新闻背后

“贡献型永居”动了谁的蛋糕？

By *Christina Zhao*

2025 年 11 月 20 日，英国内政大臣莎巴娜·马哈茂德（Shabana Mahmood）投下了一枚重磅炸弹：备受争议但财政上势在必行的“贡献型永居”（earned settlement）政策正式出台。这一政策彻底终结了英国长达数十年的“自动永居”时代，将大多数申请人的居住要求从 5 年延长至 10 年，并引入了严苛的“贡献”指标——从财政偿付能力到社会融入度。新政一出，舆论场哀鸿遍野。从所谓的“移民权益组织”到以人权律师为代表的“职业活动家”阶层，反对的声音震耳欲聋。然而，如果剥去这些抗议声中“人权”、“公平”和“承诺”的华丽外衣，我们看到的内核是什么？

遗憾的是，外界对此政策的激烈反弹，并非源于对正义的追求，而是源于对“躺平”机会丧失的恐慌。旧有的五年永居路径，实际上为一部分低技能、低贡献群体提供了一条通往英国高福利体系的捷径——我们称之为“五年冲刺，终身吊床”模式。新政通过引入“福利惩罚机制”（领福利逾 12 个月需等待 20 年）和“财政韧性”测试，精准打击了这一食利阶层。此时此刻的喧嚣，不过是那些原本计划在拿到身份后立即“躺平”吃福利的人，在发现饭碗被打破时的本能尖叫。

1. “人道主义”面纱下的财政黑洞

要理解为什么反对派的愤怒如此真实且剧烈，我们首先必须理解他们失去的到底是什么。在2025年之前，英国的移民体系在某种程度上充当了一个庞大的、缺乏甄别的福利分配机器。长期以来，支持宽松移民政策的论据是“移民是经济的净贡献者”。然而，到了2025年中期，这一神话被国家统计局（ONS）和就业与养老金部（DWP）发布的冷酷数据无情粉碎。数据显示，仅在 2025 年 4 月至 6 月期间，就有近 190 万外国公民在英国申领福利。如果加上出生在国外的英国公民，这一数字飙升至 340 万。这是一个惊人的比例，意味着在英国的福利体系中，非本土出生人口占据了巨大的份额。

更为致命的是福利依赖的结构性问题。截至 2025 年 6 月，虽然通用信贷（Universal Credit, UC）的申领者以本国公民为主，但在非欧盟永居群体中，申领比例已上升至 2.7% 。这仅仅是冰山一角。在难民群体中，高达 66% 的成年人正在申领通用信贷。旧制度允许通过人道主义或低技能工作签证进入英国的人，在短短五年后获得永居权，从而获得与从不间断纳税的英国公民同等的福利待遇。这在经济学上相当于一种套利行为：用五年的低税收贡献（甚至零贡献），换取未来数十年的高福利回报。2025 年的改革，正是为了堵死这个漏洞。

更令人担忧的是，在中国网络语境中，“躺平”是指放弃过度竞争，维持最低生存标准。但在英国的高福利语境下，“躺平”意味着一种更为积极的资源攫取策略：通过最小化的劳动投入，最大化地获取国家补贴。伦敦的生活成本极高，根据统计，单身人士维持体面生活需要年收入达到 4.7 万英镑。然而，对于一个低技能移民来说，如果在旧制度下获得永居，他并不需要赚取 4.7 万英镑。他只需要赚取最低工资，然后通过申请住房福利、市政税减免和通用信贷来填补缺口。

在伦敦二区（Zone 2），一套一居室公寓的租金约为每月 1500 至 2000 英镑。对于年薪 2.5 万英镑的护理人员来说，这是无法负担的。但在旧制度下，一旦获得永居，国家将通过 LHA 承担大部分租金。移民健康附加费（IHS）虽然在上涨，但一旦获得 ILR，这项费用即刻消失，取而代之的是完全免费的 NHS 服务。反对派之所以愤怒，是因为新政将这一“福利天堂”的门槛从 5 年推迟到了 10 年甚至 20 年。对于那些已经在心中计算好“还有两年就能领房补”的人来说，这无异于晴天霹雳。

2. 粉碎“搭便车”的机制

The State's Great Burden
AI-Generated by Timothy Huang

内政大臣莎巴娜·马哈茂德（Shabana Mahmood）推出的新政，并非简单的修修补补，而是对移民激励机制的根本性重塑。每一个条款都精准地指向了“躺平”行为的软肋。

新政的核心是将大多数申请人的居住要求从5年延长至10年。这一改变彻底破坏了短期投机者的算盘。在旧制度下，5 年是一个可以忍受的“潜伏期”。许多人愿意在低薪、恶劣的条件下工作 5 年，因为他们知道终点线很近。一旦越过终点线，他们就可以辞去辛苦的工作，转而从事更轻松的兼职，或者完全依靠福利生活。将门槛提高到10年，意味着申请人必须将自己职业生涯中最黄金的十年贡献给英国劳动力市场。这不仅是对忠诚度的考验，更是对财政贡献能力的筛选。只有那些真正有能力在英国长期立足、不需要依赖国家救济的人，才能熬过这十年。

如果说延期是常规武器，那么“福利惩罚”则是核武器。新政规定：申请人在过去若领取福利超过 12 个月，其永居等待期将延长至 20 年。

这一条款是对“战术性贫困”的精准打击。在过去，许多移民（特别是持有特许签证或配偶签证的人）会通过申请取消“禁止使用公共资金”（NRPF）的限制，来获取福利支持。他们一边领着福利，一边积累着居住时间，最终在5年或10年后“带病提拔”为永居。新政传达了一个明确的信息：你可以选择“躺平”吃福利，但你将为此付出时间的代价。你吃了一年的福利，你的永居之路就不仅是停滞，而是被罚时。这迫使每一个潜在的“躺平者”面临一个残酷的博弈：是为了眼前的几百镑救济金而牺牲未来的身份，还是咬紧牙关去工作？大多数反对者显然是那些已经习惯了既领福利又拿身份的人，这一条款直接切断了他们的退路，这就是为什么他们称之为“残忍”。

而本次新政最令人振奋的一点在于，在永居罚时方面，将持有访问签证（Visitor Visa）入境后转换为长期签证者视同非法入境，同样需要增加20年的永居等待时长。这一规定有着十分深刻的现实背景。根据英国现行的移民法规，绝大多数的、通往永居的长期签证均不可以在申请人持访问签证入境后在英国本地申请转换，而必须返回原国籍国申请，访问签证转化为长期签证，在实践中几乎等同于持访问签证入境后申请庇护。我们无法探究这些庇护申请者是否有合理的理由，但有一点是确定的，他们申请访问签证，并不是出于真实的“访问”目的，而是将其作为入境英国的欺骗性手段。因此，在本质上，持访问签证入境后申请庇护，与从英吉利海峡坐船偷渡入境者并没有本质区别，二者都是绕过英国移民边境管理规则的非法行为。既然英国已经对非法入境者实施了永久不得归化入籍的惩罚性措施，那么对于次一级的、却有着相同本质的访问签证入境转庇护，设定稍逊一筹的惩罚规则——永居等待时长增加——就显得顺理成章了。

同时，新政不再掩饰对高净值人群的偏爱，引入了分层结算体系：加速通道（3-5 年）仅限高收入纳税人（年收入超过£50,270 或£125,140），这是赤裸裸的“金钱换时间”；标准通道（10 年）适用于普通劳动者；延长通道（15-20 年）适用于低技能工人（如护理人员）和福利领取者。反对派指责这是“歧视”。没错，这就是歧视——是对财政贡献度的歧视。在国家财政吃紧的当下，一个每年缴纳 2 万英镑税款的白领，和一个每年消耗 2 万英镑福利的兼职人员，对国家的价值显然是不同的。反对派的愤怒，源于他们无法接受这种基于经济价值的诚实评估。

新政还引入了更为严苛的个人素质要求：CEFR B2 等级的英语能力，意味着申请人不能只会在唐人街洗盘子，必须具备从事中高级工作的语言能力。这直接打击了那些拒绝融入、只在封闭社区“躺平”的群体。无债务与贷款违约的要求，则不再是简单的无犯罪记录，而是财政偿付能力检查。那些透支信用卡、拖欠账单的“老赖”将无法获得身份。这从源头上过滤掉了潜在的财政负担。

新政允许通过“志愿服务”来缩短居住年限。反对派对此嗤之以鼻，认为这是让劳工“免费劳动”。这种反应暴露了他们对“公民义务”的彻底漠视。在他们眼中，移民与东道国的关系纯粹是交易性的：我工作，你给钱。但永居权意味着成为社会的一员。政府要求志愿服务，是在筛选那些愿意融入社区、愿意在金钱之外做出贡献的人。对于那些只想“躺平”的人来说，额外的志愿服务当然是不可接受的负担。但对于真正想要融入英国社会的人来说，这是一个展示承诺的机会。反对派的嘲讽，恰恰证明了他们代表的是前一种人。

A New Life
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3. 剖析反对派：谁在尖叫？为什么尖叫？

当我们将目光投向那些在议会大厦外抗议、在推特上发起请愿的人群时，我们可以清晰地通过社会经济学的显微镜，看到三个截然不同的利益集团。他们的反对理由虽然冠冕堂皇，但核心动机无一例外是利益的受损。

梦想破碎的食利者是最庞大、最愤怒的群体。他们中的许多人可能已经持有技术工签或护理签证在英国生活了三四年。他们的愤怒在于“预期违约”。他们来到英国时，心中的如意算盘是：忍受 5 年低薪、获得永居、申请公屋、享受全额福利、轻松生活。新政将第一步延长到了10年，并直接堵死了第三、四步。对于这群人来说，英国的吸引力瞬间减半。他们反对新政，不是因为他们热爱工作，而是因为他们不想工作那么久。

在威斯敏斯特大厅的辩论中，请愿书的内容暴露了他们的心态：“保持 5 年 ILR 路径”。为什么？因为“改变规则是不公平的”。然而，没有任何法律规定国家必须维持一个对自己不利的移民政策。这种“我来了你就不能改”的巨婴心态，正是躺平文化的典型特征。

生意受到威胁的中间商则是另一个重要的反对群体。英国拥有一个庞大的、由纳税人资助或慈善捐款维持的“移民产业综合体”。包括难民理事会、移民福利联合委员会等组织，以及专门从事人权诉讼的律师事务所。这些“职业活动家”的生计依赖于移民系统的复杂性和“受害者”的源源不断。新政通过设定硬性的量化指标（居住年限、纳税记录、英语成绩），大大减少了主观裁量的空间。规则越清晰，律师的操作空间就越小。新政要求申请人具备“财政韧性”。这意味着那些一贫如洗、依赖法律援助的“专业难民”将更难获得居留权。活动家们实际上是在为保留他们的“客户”而战。他们高呼“人权”，实际上是在维护一个允许他们通过无休止的诉讼来从公共资金中获利的系统。正如数据所示，许多所谓的“人权案件”实际上是利用《欧洲人权公约》第 8 条（家庭生活权）来规避经济门槛。新政通过将“延长居住”作为替代方案，巧妙地绕过了这一点，让律师们无从下口。

何不食肉糜的伪善者则更令人作呕。社会学家罗布·亨德森（Rob Henderson）提出的“奢侈信仰”概念，完美地解释了英国上层精英对新政的反对。这些居住在汉普斯泰德或肯辛顿的媒体人、学者和工党后座议员，强烈反对限制低技能移民。因为他们正是廉价劳动力的主要受益者。他们需要廉价的保姆、外卖骑手和护工。如果移民必须赚取高薪才能留下来，那么精英们的服务成本就会上升。同时，支持开放边境和宽松福利，能让他们在晚宴上显得“富有同情心”。但他们并不承担这些政策的成本。拥挤的公立学校、排不上队的 GP、被推高的房租——这些代价是由英国工薪阶层承担的。当这些精英指责新政“残忍”时，他们实际上是在说：“为了维持我廉价的生活方式和道德光环，请继续让纳税人供养这些低技能劳动力。”

4. 护理行业的悖论：是剥削还是回归市场逻辑？

反对派最有力的一张牌是“护理人员”。他们声称，让护理人员等待15年是“现代奴隶制”，是对这些“英雄”的背叛。

这是一种极具欺骗性的话术。事实上，英国的护理行业长期以来依赖一种扭曲的商业模式：用签证补贴工资。护理院支付给海外工人的工资往往仅略高于最低工资（约£23,200 - £25,000）。在正常市场条件下，这样的工资在英国根本招不到人。但加上“5 年后全家永居”这个巨大的隐形福利后，这份工作就变得极具吸引力。也就是说，英国政府（实际上是纳税人）一直在通过发放永居权，间接补贴私营护理院的人力成本。

2025 年的新政打破了这种补贴。如果护理人员需要15年才能拿到永居，那么“签证溢价”就大幅缩水。护理院如果想招到人，就必须提高工资，用真金白银而不是“画饼”来吸引劳动力。这恰恰是回归正常的市场逻辑。反对派所谓的“保护护理人员”，实际上是在保护护理院老板剥削廉价劳动力的特权。

5. 数据说话：在伦敦“躺平”的诱惑力

为了深入理解为什么有人会因为不能“躺平”而如此愤怒，我们需要算一笔账。在英国，特别是伦敦，做一个“福利阶级”往往比做一

个“工作阶级”更划算。下表对比了一个单身人士在伦敦工作与“躺平”的经济账：

项目	努力工作的低薪移民（年薪 £25k，pre-tax）	获得永居后的“躺平”者（无工作）
到手月收入	£1,750	£393.45（UC 标准津贴）
住房成本（1居室）	£1,600（自付）	£0（LHA 全额覆盖，约£1200-£1600）
市政税	£120	£0（减免）
交通/工作开销	£180	£0
每月剩余	-£150（入不敷出）	£393.45（净剩用于生活）

可见，年薪 2.5 万英镑的护工，扣税后月入约 1750 英镑。在伦敦二区租房（约 1600 英镑）后，甚至付不起账单。他们必须通过合租、住劣质房来生存，生活质量极低。而躺平者一旦获得永居，由于没有收入，他们有资格获得全额的住房津贴（LHA）。在伦敦部分地区，LHA 的一房费率可达每周£264（每月£1146）甚至更高。虽然这通常直接付给房东，但这笔巨大的开支被免除了。加上每月近 400 英镑的生活费，他们不仅不用工作，生活质量反而可能高于那个辛苦工作的同胞。这就是为什么 5 年永居如此重要。它是从“负资产生活”跳跃到“国家兜底生活”的龙门。2025 年的新政，通过要求10年居住和“财政韧性”，实际上是告诉这些人：你必须先证明你有能力在不依赖国家的情况下生存10年，我们才允许你留下。这直接粉碎了上述的套利模型。难怪他们会如此愤怒。而对于反对者来说，他们争取的不仅仅是一个签证，而是一张通往这一庞大福利系统的终身饭票。当莎巴娜·马哈茂德切断这张饭票时，她切断的不是“人权”，而是“特权”。

6. 结论：体面是挣出来的，不是赖出来的

2025 年英国移民制度改革，注定将作为分水岭载入史册。它标志着西方福利国家在面对人口流动冲击时的自我觉醒。这场改革引发的喧嚣，与其说是对正义的呼唤，不如说是既得利益者在退潮时的裸泳。那些抱怨“不公平”的人，是因为失去了只要熬过 5 年就能“躺平”的确定性。那些抱怨“残忍”的人，是因为国家不再为他们的人生的失败买单。那些高高在上的精英，是因为他们廉价的道德满足感被剥夺了。对于真正有才华、勤奋肯干、愿意融入英国社会的移民来说，新政虽然延长了时间，但并没有关闭大门。加速通道（3-5 年）依然为那些真正的贡献者敞开。

这正是“贡献型永居”的真谛：权利必须与义务对等。

对于那些此时此刻正在网络上大肆攻击新政的人，我们不妨报以一丝同情的嘲笑。毕竟，当一个人习惯了免费的午餐，任何要求付费的账单看起来都像是抢劫。但遗憾的是，对于他们来说，英国的免费午餐时代，已经彻底结束了。

Good Time
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Behind the News

Whose Interests Does 'Earned Settlement' Threaten?

By *Christina Zhao*

On 20 November 2025, the Home Secretary, Shabana Mahmood, dropped a political bombshell: the long-contested yet fiscally unavoidable policy of 'earned settlement' was formally introduced. The new framework brings Britain's decades-old era of near-automatic settlement to an end. For most applicants, the residence requirement is extended from five years to ten, and strict 'contribution' metrics are introduced – ranging from fiscal capacity to levels of social integration. The moment the policy landed, the public sphere erupted. From self-styled 'migrant rights organisations' to a stratum of 'professional activists' centred on human-rights lawyers, opposition was loud and relentless. Yet once you strip away the ornate wrapping of 'human rights', 'fairness', and 'promises', what is the core?

The uncomfortable truth is that much of the backlash has little to do with justice, and far more to do with panic at the loss of a chance to coast. The old five-year route to settlement effectively offered a shortcut into Britain's high-benefit welfare state for certain low-skill, low-contribution groups – what might be called the 'five-year sprint, lifetime hammock' model. By introducing a 'welfare penalty' mechanism (more than 12 months on benefits triggers a 20-year wait) and a 'fiscal resilience' test, the new regime targets this rent-seeking cohort with precision. Today's uproar is, in essence, the reflexive shriek of those who had planned to drop out of work the moment they secured status – now discovering that the bowl has been kicked away.

1. The Fiscal Sinkhole Behind the 'Humanitarian' Veil: Why the Old System Had to Go

To understand why the opposition's anger feels so visceral and intense, we first need to understand what, exactly, they believe they have lost. Prior to 2025, the UK immigration system, to an extent, functioned as a vast welfare distribution machine with insufficient screening. For years, the pro-leniency argument was that 'migrants are net contributors'. By mid-2025, that myth was punctured by hard-edged figures released by the Office for National Statistics (ONS) and the Department for Work and Pensions (DWP). The data indicated that between April and June 2025 alone, nearly 1.9 million foreign nationals in the UK were claiming benefits. If UK citizens born overseas are included, the figure rises to 3.4 million. This proportion is striking: it shows that a very large share of the welfare system is being used by people not born in the UK.

More damaging still is the structural nature of welfare dependency. As of June 2025, while Universal Credit (UC) claimants were still predominantly British nationals, the claimant rate among non-EU permanent residents had risen to 2.7%. That is only the tip of the iceberg. Within the refugee cohort, as many as 66% of adults were claiming Universal Credit. Under the old system, those who entered the UK through humanitarian routes or low-skill work visas could obtain indefinite leave to remain after just five years – and with it, access to welfare benefits on terms broadly equivalent to British citizens who had paid tax continuously. In economic terms, this resembles arbitrage: five years of low tax contribution (or even zero contribution) exchanged for decades of high welfare returns. The 2025 reform is designed to close this loophole.

There is an additional cultural misreading worth noting. In Chinese online discourse, *tǎng píng* ('lying flat') often means opting out of hypercompetition and maintaining a bare-minimum standard of life. In the context of Britain's high welfare provision, however, 'lying flat' can amount to a more active strategy of resource extraction: minimising labour input while maximising state support. London's cost of living is extremely high; by some estimates, a single person needs an annual income of £47,000 to maintain a decent

standard of life. Yet for a low-skill migrant who obtained settlement under the old regime, £47,000 was not necessary. Earning the minimum wage could be enough, with the gap made up through housing support, council tax reduction, and Universal Credit.

In Zone 2 London, a one-bed flat typically rents for around £1,500–£2,000 per month – unaffordable on a £25,000 salary for a care worker. Under the old system, once settlement was secured, the state could cover a substantial portion of rent through Local Housing Allowance (LHA). The Immigration Health Surcharge (IHS) may have been rising, yet the moment ILR was granted, that cost disappeared – replaced by full access to the NHS without the surcharge. The anger, then, is straightforward: the new policy pushes the threshold to this 'welfare paradise' from five years to ten, and in many cases to twenty. For anyone who had mentally counted down to 'two more years and I can get housing support', the change lands like a thunderbolt.

2. The 2025 'Earned Settlement' Framework: How It Breaks the Free-Rider Model

Shabana Mahmood's reforms are not minor tweaks. They rewire incentives at the root, and each clause targets the weak points of the 'lying flat' strategy.

The centrepiece is the extension of the residence requirement for most applicants from five years to ten. This single change destroys the calculations of short-term opportunists. Under the old system, five years was an endurable 'lay-low period'. Many were willing to tolerate low pay and poor conditions because the finish line was close. Once across it, they could quit gruelling work, switch to easier part-time employment, or live largely on benefits. Raising the bar to ten years means applicants must devote the prime decade of their working lives to Britain's labour market. It tests loyalty, and it filters for genuine fiscal capacity. Only those who can establish themselves long-term without leaning on the state are likely to make it through that decade.

If delay is the conventional weapon, the 'welfare penalty' is the nuclear option. The policy stipulates that if an applicant has claimed benefits for more than 12 months, the settlement waiting period extends to 20 years.

This targets 'tactical poverty' with precision. In the past, many migrants – especially those on discretionary leave or spouse routes – sought to have the 'No Recourse to Public Funds' (NRPF) condition lifted in order to access benefits. They could claim support while continuing to accumulate residence time, eventually obtaining settlement after five or ten years – effectively 'promoted while unwell'. The new rule sends a clear message: you may choose to rely on benefits, but you will pay in time. A year on welfare does not merely pause your route to settlement; it adds a penalty. This forces every potential 'lying flat' candidate into a harsh game: trade a few hundred pounds of immediate relief for the future prize of status, or grit your teeth and keep working. Many of the loudest opponents are those who had become used to both drawing benefits and progressing towards status; this clause cuts off their escape route, which is why they brand it 'cruel'.

One particularly striking element of the reform is the settlement 'penalty' applied to those who enter on a Visitor Visa and then switch to a long-term route inside the UK. The policy treats such cases as equivalent to unlawful entry for penalty purposes, likewise triggering a 20-year wait for settlement. This provision reflects a sharp practical reality. Under current UK immigration rules, most long-term visas leading to settlement cannot be switched into from a visitor route inside the UK; applicants ordinarily must return to their country of nationality to apply. In practice, 'visitor-to-long-term switch' often resembles claiming asylum after entering as a visitor. We cannot adjudicate individual motives, but one point is clear: the visitor visa was not sought for genuine 'visiting', but used as a deceptive entry method. In substance, claiming asylum after entering as a visitor is treated here as akin to crossing the Channel by boat: both bypass border management rules. If the UK already imposes punitive measures on unlawful entrants – such as permanent bars on naturalisation – then it becomes, within this logic, a consistent

step to apply a slightly lesser but related penalty to the visitor-entry-then-asylum pattern: an extended wait for settlement.

At the same time, the new regime is unembarrassed about favouring high net-worth individuals. It introduces a tiered settlement system: an accelerated route (3–5 years) reserved for high-earning taxpayers (annual income above £50,270 or £125,140) – a blunt exchange of money for time; a standard route (10 years) for ordinary workers; and an extended route (15–20 years) for low-skill workers (such as care staff) and benefit claimants. Opponents call this 'discrimination'. They are right: it discriminates by fiscal contribution. In an era of strained public finances, a white-collar worker paying £20,000 a year in tax and a part-time worker consuming £20,000 a year in benefits plainly do not represent the same value to the state. The fury comes from an inability to accept an honest ranking of economic value.

The policy also tightens personal-competence requirements. A CEFR B2 level of English means an applicant cannot remain confined to washing dishes in an enclave economy; they must have the language capacity to take on mid- to higher-skilled work. This strikes directly at groups that refuse to integrate and 'lie flat' inside closed communities. Requirements around debt and loan defaults go beyond a clean criminal record; they function as a check on fiscal solvency. Those who run up credit cards and default on bills will be screened out. The state is filtering out prospective fiscal burdens at source.

The reform also allows 'voluntary service' to reduce the required residence period. Opponents sneer, calling it 'free labour'. That reaction exposes contempt for civic obligation. In their view, the relationship between migrant and host country is purely transactional: I work, you pay. Yet settlement means becoming a member of society. Requiring voluntary service filters for those willing to integrate into community life and contribute beyond money. For those who only want to 'lie flat', additional volunteering is an intolerable burden. For those who truly want to belong, it is a chance to demonstrate commitment. The opposition's mockery reveals which group they represent.

3. The Opposition Under the Microscope: Who Is Screaming, and Why?

If we look closely at the crowds protesting outside Parliament, and those circulating petitions on Twitter, a socioeconomic microscope reveals three distinct interest blocs. Their rhetoric may sound noble, but the underlying motive is, without exception, damaged self-interest.

The largest and angriest group is composed of rent-seekers whose expectations have been shattered. Many have been in the UK three or four years on Skilled Worker or care visas. Their anger is driven by 'breach of expectation'. They arrived with a private calculation: endure five years of low pay, obtain settlement, secure social housing, draw full benefits, live easily. The new policy extends step one to ten years and blocks step three and four. For them, Britain's appeal is instantly halved. They oppose the reform not because they love work, but because they do not want to work for that long.

Debates in Westminster Hall and the text of petitions lay bare their mindset: 'keep the five-year ILR route'. Why? Because 'changing the rules is unfair'. Yet no law requires a state to preserve an immigration policy that harms its own fiscal position. The infantile attitude of 'you can't change it because I've arrived' is a classic symptom of the lying-flat mentality.

A second major bloc consists of intermediaries whose business model is threatened. The UK hosts a sizeable 'immigration-industrial complex' funded by taxpayers or sustained by charitable donations: organisations such as the Refugee Council and the Joint Council for the Welfare of Immigrants, alongside law firms specialising in human-rights litigation. These 'professional activists' depend on complexity and an endless supply of 'victims'. By setting hard quantitative metrics (years of residence, tax records, English test results), the new framework sharply reduces discretion. The clearer the rules, the less room there is for legal manoeuvre. The policy's emphasis on 'fiscal resilience' also makes it harder for impoverished, legal-aid-dependent 'professional refugees' to secure

status. Activists are, in effect, fighting to preserve their client base. They chant 'human rights', yet they are defending a system that allows them to profit from public funds through endless litigation. As data have often shown in practice, many 'human rights cases' rely on Article 8 of the European Convention on Human Rights (the right to family life) to circumvent economic thresholds. By offering 'extended residence' as an alternative, the new regime neatly sidesteps that pathway, leaving lawyers with fewer angles.

A third bloc is more nauseating still: the sanctimonious hypocrites. The sociologist Rob Henderson's concept of 'luxury beliefs' offers a precise lens on elite opposition. Media figures, academics, and Labour backbenchers in Hampstead or Kensington may loudly oppose limits on low-skill migration because they are the primary beneficiaries of cheap labour. They want low-cost nannies, delivery riders, and care workers. If migrants must earn high wages to remain, the elite's service costs rise. Meanwhile, supporting open borders and generous benefits allows them to perform compassion at dinner parties. They do not bear the costs: crowded state schools, impossible GP appointments, inflated rents – these burdens fall on the working class. When such elites condemn the policy as 'cruel', what they are saying is: 'To preserve my cheap lifestyle and moral glow, please continue to make taxpayers subsidise this low-skill labour force.'

4. The Care-Sector Paradox: Exploitation, or a Return to Market Logic?

The opposition's most potent card is 'care workers'. They claim that making care staff wait 15 years amounts to 'modern slavery' – a betrayal of 'heroes'.

This is a highly deceptive line. In reality, Britain's care sector has long depended on a distorted commercial model: using visas to subsidise wages. Care homes often pay overseas workers only marginally above the minimum wage (around £23,200–£25,000). Under normal market conditions, such wages cannot recruit enough staff domestically. Add the enormous hidden benefit of 'settlement for the whole family after five years', and the job suddenly becomes attractive. In other words, the government (and ultimately taxpayers) has been subsidising private care-home labour costs indirectly by handing out settlements.

The 2025 reform breaks this subsidy. If care workers must wait 15 years for settlement, the 'visa premium' shrinks dramatically. If care homes still want to recruit, they must raise wages – using real money rather than a promised future prize to attract labour. That is a return to normal market logic. What the opposition calls 'protecting care workers' is, in practice, protecting care-home owners' privilege to exploit cheap labour.

5. Let the Numbers Speak: The Pull of 'Lying Flat' in London

To understand why some people rage at the prospect of not being able to 'lie flat', we need to do the maths. In the UK – and especially in London – being in a 'benefits class' can look more rational than being in a 'working class'. The table below compares the monthly economics of working versus 'lying flat' for a single person in London:

Item	**Low-paid migrant who works hard (Salary £25k, pre-tax)**	**'Lying flat' after settlement (No work)**
Net monthly income	£1,750	£393.45 (UC standard allowance)
Housing cost (1-bed)	£1,600 (self-funded)	£0 (fully covered by LHA, approx £1,200–£1,600)
Council tax	£120	£0 (reduction)
Transport/work costs	£180	£0
Remaining per month	-£150 (in deficit)	£393.45 (net remaining for living costs)

The King and Servants
AI-Generated by Timothy Huang

A care worker on £25,000 has roughly £1,750 a month. Renting in Zone 2 (around £1,600) leaves them unable to cover bills. They survive through house-shares and poor-quality accommodation, with extremely low quality of life. A 'lying flat' claimant, once settled, may qualify for full Local Housing Allowance (LHA) because they have no income. In parts of London, the one-bed LHA rate can reach £264 per week (about £1,146 per month) or even higher. While it is typically paid directly to the landlord, it still removes the single largest expense. Add close to £400 a month for living costs, and a non-working claimant can end up with a higher standard of life than their compatriot who works relentlessly. That is why five-year settlement mattered so much: it was the leap from a 'negative-asset existence' to a 'state-backed existence'. The 2025 reform – by requiring ten years' residence and 'fiscal resilience' – is effectively telling applicants: prove that you can survive for a decade without relying on the state, and only then may you remain. That shatters the arbitrage model. Small wonder the anger is so fierce. For many opponents, what they are fighting for is not simply a visa, but a lifelong ticket into a vast welfare system. When Shabana Mahmood cuts off that ticket, she is not cutting off 'human rights'; she is cutting off privilege.

6. Conclusion: Dignity Is Earned, Not Demanded

The 2025 overhaul of Britain's immigration system is destined to be remembered as a watershed. It signals a welfare state's awakening when confronted with the shocks of large-scale population movement. The commotion it has triggered resembles, less a call for justice, more the exposure of vested interests as the tide goes out. Those who complain of 'unfairness' do so because they have lost the certainty that five years of endurance would guarantee a future of 'lying flat'. Those who complain of 'cruelty' do so because the state is no longer willing to pay for their personal failure. Those lofty elites complain because their cheap moral satisfaction has been stripped away.

For migrants who are genuinely talented, hardworking, and willing to integrate into British society, the door is not closed. The accelerated route (3–5 years) still remains open to true contributors.

That is the essence of earned settlement: rights must be matched by obligations.

As for those who are currently denouncing the reform online, one might offer a thin smile of sympathetic mockery. When someone grows used to a free lunch, any bill demanding payment looks like robbery. Yet for them, the era of Britain's free lunch has come to a definitive end.

自由时评

从《清平乐》到《太平年》，论中国明君理想的再度滑坡

By *Yang Xinghua*

从歌颂君臣共治的《清平乐》到歌颂纳土归宋的《太平年》，中国的艺术行业甚至连最后一点唱赞歌的曲调的自由都失去了。这一演变不仅是艺术风格的更迭，更深层地折射出当代明君梦的异化——即从向往一个能够容忍异见、遵循法度、甚至略显软弱的仁君，堕落为一种对好大喜功、乾纲独断的政治强人的心理依附。在这一新范式中，政治的最高道德不再是仁爱与克制，而是统一与秩序；臣民的最高智慧不再是“死谏”，而是“纳土”与“顺势”。

在中国的大众文化场域中，古装历史剧从未单纯地充当娱乐产品，而是承载着极其厚重的现实隐喻功能。作为史官文化的现代变体，电视剧通过对历代王朝兴衰的演绎，构建了一套关于何为良治、何为明君的通俗政治哲学。每一部现象级历史剧的诞生，都精确地对应着特定时期的社会心理需求与政治审美取向。如果说本世纪初的《雍正王朝》呼应了改革攻坚期对实干型强人的渴望，2015 年的《琅琊榜》寄托了中产阶级对程序正义与沉冤昭雪的理想主义诉求，那么 2020 年至 2026 年这一时间跨度内的历史剧流变，则揭示了一种更为复杂且危险的心理转向。

2020 年的《清平乐》，以北宋仁宗朝为背景，核心叙事围绕君臣共治的制度困境与皇帝个人的情感压抑展开。其关键词是仁、忍与憋屈。而 2026 年初播出的《太平年》，以五代十国末期吴越国“纳土归宋”为题材。其核心叙事围绕“统一”、“终结乱世”与“政治决断”展开。其关键词是“大一统”、“太平”与“舍得”。从《清平乐》到《太平年》的跨越，标志着“明君梦”的实质性沉沦。在 2020 年，公众尚且对受到文官制度制约、无法随心所欲的宋仁宗感到“憋屈”但抱有同情，这意味着人们潜意识里仍认可“权力应当被关进笼子”的现代政治伦理（尽管这种认可伴随着某种对效率的不满）。然而到了 2026 年，《太平年》通过对“纳土归宋”这一历史事件的崇高化处理，成功地构建了一种新的政治神学：为了宏大的太平愿景，个人的尊严、地方的自治、甚至家族的荣辱都必须无条件地献祭给绝对的中心权力。此时的观众不再寻求权力的制衡，而是狂热地依附于那个能够扫平四海、建立不世之功的独裁君主。

《清平乐》在立意上是一次极具野心的尝试。与以往聚焦于帝王开疆拓土或后宫争宠夺权的历史剧不同，该剧极其罕见地将镜头对准了守成之君——宋仁宗赵祯。剧名清平乐本身就暗示了一种温吞、平和但缺乏激情的政治氛围。在剧中，宋仁宗被塑造为一个拥有极高道德自觉，却因此而丧失个人自由的悲剧人物。他的对手不是奸臣，也不是外敌，而是由范仲淹、欧阳修、韩琦等“千古名臣”组成的庞大文官集团，以及这些集团背后所代表的祖宗家法与儒家礼教。该剧花费了大量笔墨描绘台谏制度如何运作。当仁宗想要提拔宠妃张妙晗的亲属，或者想要保护自己最心爱的女儿徽柔免受不幸婚姻的折磨时，总是遭到谏官们铺天盖地的弹劾。这些弹劾并非出于私利，而是为了维护法度与平衡。这种叙事结构实际上触及了君臣共治的核心悖论：一个严格遵守程序的明君，必然是一个在个人意志上被阉割的君主。《清平乐》试图展示这种“通过自我克制来实现天下大治”的高贵，但在传播效果上却遭遇了滑铁卢。

“憋屈”是《清平乐》播出期间社交媒体上出现频率最高的评价词。这一词汇的流行，深刻地反映了当代受众对有限权力的无法忍受。观众习惯了爽文式的因果报应和雷厉风行，对于剧中大量的朝堂辩论、奏疏朗读感到厌烦。数据表明，认为剧情节奏缓慢的评论占据了负面评价的主流。在传统的儒家叙事中，仁宗的忍是圣德。但在崇尚丛林法则与狼性文化的现代商业社会中，这种忍被解读为无能。观众发问：“当皇帝当到这个份上，连自己的女儿都

护不住，有什么意思？”这种质问标志着公众心理已经开始背离“仁政”的理想，转而渴望一种能够打破规则、快意恩仇的强权。在《清平乐》中，原本在教科书中光芒万丈的文人集团（背诵天团），在电视剧的戏剧冲突中往往扮演着反派的功能。范仲淹的耿直被刻画为一种不近人情的道德绑架，司马光的固执甚至导致了公主的悲剧——正如原著小说的题目：《孤城闭》。

这种处理方式无意中迎合了一种反智主义与反精英主义的思潮。它暗示：那些满口仁义道德的知识分子，实际上是阻碍国家机器高效运转、阻碍最高领袖实现个人意志的绊脚石。虽然剧作本意可能是展现君子和而不同的复杂性，但在“憋屈”的舆论场中，它加速了共治理想的幻灭。观众开始厌恶这种喋喋不休的议会式政治，潜意识里呼唤一个能让所有人闭嘴的强人。

《清平乐》在历史观上的探索是小心翼翼的。它试图在不违背史实的前提下，通过挖掘人物内心来解构宏大叙事。然而，这种微观视角的尝试在2020年的舆论环境中显得格格不入。当时的中国正处于新冠疫情初期，社会高度动员，集体主义情绪高涨。一部讲述皇帝如何被制度束缚、如何在孤独中挣扎的剧作，显得过于小资产阶级情调且缺乏力量感。它的失败，实际上宣告了内省式历史剧的终结，为随后到来的宏大叙事回归腾出了生态位。

在《清平乐》之后的几年，中国尤其是影视行业经历了一场深刻的供给侧改革与内容重塑。理解这一过渡期，是理解2026年《太平年》为何会呈现出如此面貌的关键。国家广播电视总局在此期间发布了一系列指导意见，明确反对宫斗剧、耽改剧以及涉及历史虚无主义的题材，留给创作者的空间被极度压缩。既不能拍后宫的儿女情长（如《如懿传》），也不能拍皇帝的无能与软弱（那会缺乏正能量）。剩下的唯一安全且受鼓励的路径，就是大一统叙事——即讲述历史上那些致力于国家统一、民族融合的英雄故事。随着国际环境的日益严峻，外部压力转化为内部对安全与统一的极致渴求。文化产品开始承担起凝聚共识的责任。在这一背景下，五代十国这一大分裂时期，以及宋初的大一统进程，成为了完美的历史镜像。它允许创作者讨论分裂的痛苦与统一的必然，从而精准地击中当代观众的爱国主义G点。

2026年的《太平年》，可以被视为对《清平乐》的一次全面反拨。如果说《清平乐》是关于克制，那么《太平年》就是关于征服与臣服。《太平年》选取的切入点是吴越国主钱弘俶“纳土归宋”的历史事件。在传统的通俗演义中，投降往往被视为屈辱。但在《太平年》中，这一行为被升华为一种至高无上的政治智慧与道德牺牲。剧中由白宇饰演的钱弘俶，被塑造成一个“舍一家一姓之荣，保千万生灵之安”的圣徒。曾执笔《建党伟业》等主旋律影片的编剧董哲运用了极为宏大的笔触来描绘钱弘俶的心路历程。剧作极力论证，钱弘俶之所以伟大，不是因为他治理好了吴越（虽然吴越确实富庶），而是因为他识时务。他看清了赵宋代表了历史的正统与大势，因此主动放弃了主权。这种叙事隐含了一个危险的逻辑：当面对一个更强大的中央集权力量时，地方的自治权、文化的独立性甚至政治的尊严都是次要的。真正的“明君”应当懂得如何优雅地成为附庸。

朱亚文饰演的赵匡胤，则呈现了另一种“明君”范式——好大喜功的征服者。与宋仁宗的“优柔寡断”不同，赵匡胤在剧中展现的是一种虽千万人吾往矣的霸气。剧作通过宏大的战争场面来渲染武力统一的正当性。所谓“好大喜功”，在剧中被置换为“为万世开太平”。为了这个终极的太平，过程中的杀戮、权谋以及对异己势力的清洗都被赋予了神圣的意义。观众在观看过程中，被引导去崇拜这种能够解决问题的强权，而不是纠结于手段的合法性。

在《清平乐》中，异见者（谏官）是主角；在《太平年》中，异见者是阻碍历史车轮的螳臂。剧情设置中，吴越国内部反对纳土的臣僚被描绘为短视、自私或守旧的势力。这种二元对立的设置，彻底抹杀了政治博弈的复杂性。它告诉观众：在大一统的绝对真理面前，任何形式的辩论都是多余的。这标志着君臣共治中“共”的基础被抽离，剩下的只有君主的独断与臣下的执行。

对比两剧的女性角色，亦能发现明显的退步。《清平乐》中的曹皇后是一个具有政治头脑、甚至在某些时刻能与皇帝分庭抗礼的管理者。她代表了女性在儒家政治秩序中依然保有的人格独立性。《太平年》孙太真则被描述为“海的女儿”，是钱弘俶身边“温暖而有力的一抹红色”。她的功能回归到了传统的抚慰者

与陪伴者。甚至有评论将其比作“小美人鱼”——一个为了爱或大义而牺牲声音与自我的形象。这种女性角色的柔化与去政治化，与剧作整体强调顺从的基调是同构的。

从 2020 年对仁宗的恨铁不成钢，到 2026 年对赵匡胤和钱弘俶的顶礼膜拜，这一演变揭示了当代中国人集体心理的三个关键位移。

首先，对复杂性的厌倦与对确定性的渴望。“君臣共治”本质上是一种复杂的博弈模型。它意味着决策成本高、效率低、且结果往往是妥协的产物。在2020年及随后的不确定性时代（后疫情时代的经济波动、社会内卷），中国民众对这种低效的民主失去了耐心。相比之下，《太平年》提供的独裁明君模型简单明了：君主全知全能，指令自上而下，问题迎刃而解。这种对确定性的渴望，压倒了对程序正义的追求。中国人潜意识里认为，只有依靠一个强有力的手腕，才能在充满敌意的世界中生存下去。

其次，功利主义的历史观和成王败寇的升级版。“好大喜功”在传统儒家语境下是一个贬义词，往往与劳民伤财联系在一起（如汉武帝晚年）。但在《太平年》的叙事中，这一概念被彻底洗白。 剧作通过精密的视听语言（CCTV-1 黄金档的背书、电影级的特效、宏大的配乐），构建了一套“发展主义合法性”。即：只要结果是“太平”的、版图是扩大的、国家是强大的，那么君主个人的野心（好大喜功）就是值得被歌颂的雄心。这种逻辑极大地降低了观众对权力的道德要求，使得依附强者成为一种理性的生存策略。

最后，从“内圣”到“外王”的焦虑转移。宋仁宗代表的是“内圣”路线——关注内部治理、文化建设与百姓生计。赵匡胤代表的是“外王”路线——关注外部征服、军事胜利与版图扩张。当代中国社会的关注点正经历类似的转移。随着经济增速的放缓，单纯依靠内部生活水平提升来获得满足感变得越来越难。因此，将视线投向宏大的地缘政治胜利、投向万邦来朝的历史荣光，成为了一种心理补偿机制。观众需要在《太平年》的宏大叙事中，获得在现实生活中稀缺的集体效能感。

从君臣共治沦落为纳土归宋，从社会学的角度来看，它精准地描述了一种范式的崩塌。所谓沦落，并非指电视剧制作水平的下降，而是指政治想象力的贫困化。在《清平乐》中，我们尚且能看到一种关于“如果皇帝不那么独裁会怎样”的思考，虽然这种思考被处理得很纠结，但它至少承认了多元政治力量存在的合理性。然而到了《太平年》，这种思考被彻底抹平了。历史被简化为一条通往大一统的单行道，君主成为了驾驶这辆战车的唯一司机。

这种演变标志着公民意识的退潮：观众不再代入那个敢于直谏的范仲淹，而是代入那个渴望被明主收编的钱弘俶。这同时也意味着独裁依附的固化；好大喜功不再是缺点，而成为了领袖魅力的核心来源。人们不再相信制度可以带来安稳，只相信强人的意志可以带来太平。“纳土归宋”的故事被重新挖掘，不仅是为了怀古，更是为了规训。它在2026年的屏幕上反复播放，仿佛在对所有的观众进行一场关于顺从的集体催眠。最终，《太平年》所营造的那个太平盛世，剥离了《清平乐》中那些虽然嘈杂但充满人性的争吵，留下的是一片死寂般的整齐划一。这或许就是当代中国人心目中明君梦的最终归宿——不再梦想成为权力的合伙人，只梦想成为权力治下那个安分守己、感恩戴德的幸存者。中国人最悲惨的境界仍未到来。

电视剧《清平乐》剧照

Oh! Comments

From *Serenade of Peaceful Joy* to *Swords into Plowshares* – The Further Slide of China's 'Benevolent Ruler' Ideal

By *Yang Xinghua*

From *Serenade of Peaceful Joy*, which romanticised a polity of shared rule between monarch and officials, to *Swords into Plowshares*, which extols the 'peaceful submission' of a regional kingdom to the Song, China's cultural industry has lost even the last scraps of freedom in how it sings its praises. This shift marks more than a change in artistic fashion. It reveals a deeper mutation of the contemporary 'benevolent-ruler dream': a longing once directed towards a humane sovereign – one who could tolerate dissent, abide by rules, and even appear a little soft – has degenerated into psychological attachment to a power-hungry strongman who monopolises authority. Under this new paradigm, the highest political virtue is no longer 'benevolence' or 'restraint', but 'unity' and 'order'; the highest wisdom of subjects is no longer dying to remonstrate, but 'offering up territory' and 'going with the tide'.

In China's mass cultural sphere, period costume dramas have never functioned as mere entertainment. They carry heavy contemporary allegory. As a modern variant of the 'court historian' tradition, television constructs a popular political philosophy by dramatising dynastic rise and fall – an accessible theory of what counts as 'good governance' and what makes a 'wise ruler'. Every blockbuster historical drama maps precisely onto the social psychology and political aesthetics of its time. If *Yongzheng Dynasty* in the early 2000s resonated with a desire for a hard-driving strongman during a period of difficult reforms, and if *Nirvana in Fire* (2015) embodied the middle class's idealistic yearning for due process and the clearing of wrongful convictions, then the evolution of historical dramas across 2020 to 2026 reveals a more complicated – and more dangerous – turn in the collective psyche.

Serenade of Peaceful Joy (2020), set in the reign of Emperor Renzong of Northern Song, centres on the institutional dilemma of 'co-governance' and the emperor's own emotional repression. Its keywords are 'benevolence', 'endurance', and 'suffocation'. *Swords into Plowshares*, broadcast in early 2026, takes as its theme the Wuyue Kingdom's 'submission of territory to the Song' at the end of the Five Dynasties and Ten Kingdoms era. Its narrative revolves around 'unification', 'ending chaos', and 'political decision'. Its keywords are 'grand unity', 'great peace', and 'the courage to let go'. The leap from *Serenade of Peaceful Joy*to *Swords into Plowshares* signals a substantive sinking of the 'wise-ruler dream'. In 2020, the public could still feel stifled by a ruler constrained by the civil bureaucracy, yet retain sympathy for him – suggesting a residual, subconscious acceptance of the modern ethic that power ought to be caged (even if that acceptance came with frustration at inefficiency). By 2026, however, *Swords into Plowshares* elevates 'submission to the Song' into a sanctified act and constructs a new political theology: for the grand vision of 'peace', individual dignity, local autonomy, even a family's honour and shame must be offered up unconditionally to absolute central power. Viewers no longer seek checks on authority; they attach themselves fervently to the dictator who can pacify the realm and carve out eternal glory.

Serenade of Peaceful Joy was, in intent, an unusually ambitious experiment. Unlike the many historical dramas fixated on conquest or palace intrigue, it trained its camera on a 'maintenance emperor' of consolidation: Zhao Zhen, Emperor Renzong. Even its title hints at a tepid, gentle political atmosphere – peaceful, steady, and short of drama. In the series, Renzong becomes a tragic figure of intense moral self-awareness who, for that very reason, loses personal freedom. His adversaries are not treacherous ministers or foreign enemies, but the vast civil-official establishment embodied by 'immortal names' such as Fan Zhongyan,

Ouyang Xiu, and Han Qi – along with the ancestral rules and Confucian rites that this establishment represents. The drama devotes significant attention to how the remonstrance system operates. Whenever Renzong seeks to promote the relatives of his favoured consort Zhang, or to protect his beloved daughter Huirou from a disastrous marriage, he is met with a barrage of impeachments. These attacks do not stem from private gain, but from the defence of 'law' and 'balance'. The structure touches the central paradox of 'shared rule': a ruler who strictly follows procedure must, in personal will, become a castrated monarch. The series tries to ennoble this ideal of 'achieving good order through self-restraint', yet it suffered a communications defeat.

'Stifling' became the most frequent verdict on social media during the show's broadcast. The popularity of the word revealed a deep contemporary intolerance of limited power. Audiences accustomed to the dopamine logic of web fiction – instant retribution, swift justice – grew impatient with the prolonged courtroom-like debates and memorial readings. Data suggested that complaints about 'slow pacing' dominated the negative reviews. In the classical Confucian narrative, Renzong's endurance is a saintly virtue. In a modern commercial society that celebrates jungle logic and 'wolf culture', endurance gets recoded as incompetence. Viewers asked: 'What's the point of being emperor if you can't even protect your own daughter?' That question marks a psychological departure from the ideal of benevolent rule, and a turn towards the craving for a power that can smash rules and deliver catharsis. In *Serenade of Peaceful Joy*, the scholar-official group – revered in textbooks – often functions as the antagonist within the drama's conflicts. Fan Zhongyan's uprightness becomes moral coercion; Sima Guang's stubbornness even helps propel the princess's tragedy – much as suggested by the title of the original novel, *Lonely City Closed*.

This treatment inadvertently flatters a strain of anti-intellectualism and anti-elitism. It implies that the literati, forever mouthing benevolence and morality, are in practice obstacles to the efficient operation of the state machine and obstacles to the supreme leader's will. The creators may have intended to show the complexity of 'harmony without sameness', yet within an atmosphere dominated by 'stifling', it accelerated the collapse of the co-governance ideal. Audiences began to loathe this endless parliamentary-style politics and, subconsciously, to summon a strongman who could make everyone shut up. The series' historical exploration was cautious. It sought, without violating the record, to deconstruct grand narratives by excavating inner lives. Yet this microscopic perspective clashed with the discourse environment of 2020. China was in the early phase of the COVID-19 pandemic: society was highly mobilised, collectivist sentiment surged. A drama about an emperor bound by institutions and struggling in loneliness appeared too 'petty-bourgeois' and insufficiently forceful. Its failure effectively proclaimed the end of the introspective historical drama and cleared an ecological niche for the return of grand narrative.

In the years after *Serenade of Peaceful Joy*, China's film and television sector underwent a deep supply-side overhaul and content remoulding. Understanding this transitional period is key to understanding why *Swords into Ploughshares* took the form it did in 2026. Over that time, the National Radio and Television Administration issued a series of guidance documents opposing 'palace-intrigue dramas', 'boys' love adaptations', and themes linked to 'historical nihilism'. Creative space was squeezed to an extreme. One could no longer safely shoot palace romance (as in *Ruyi's Royal Love in the Palace*), nor portray an emperor's weakness and incompetence – insufficiently 'positive energy'. The only remaining path that was both safe and actively encouraged was the 'grand unification narrative': heroic stories about those who pursued national unity and ethnic integration. As the international environment grew harsher, external pressure translated into an internal craving for 'security' and 'unity'. Cultural products were assigned the task of forging consensus. Against that backdrop, the Five Dynasties and Ten Kingdoms – an era of 'great fragmentation' – and the early Song's project of 'grand unity' became a perfect historical mirror. It allowed creators to dramatise the pain of division and the inevitability of unification, striking precisely at contemporary patriotism's most sensitive trigger point.

Swords into Plowshares can be read as a comprehensive repudiation of *Serenade of Peaceful Joy*. If the latter concerned 'restraint', the former concerns 'conquest' and 'submission'. Its chosen entry point is the Wuyue ruler Qian Hongchu's historical act of 'offering up his realm to the Song'. In traditional popular storytelling, surrender is shame. In this drama, it is elevated into supreme political wisdom and moral sacrifice. Qian Hongchu, played by Bai Yu, is framed as a saint who 'relinquishes the glory of one house and one clan to secure the lives of millions'. The screenwriter Dong Zhe, known for major 'main melody' films such as *The Founding of a Party*, deploys sweeping strokes to portray Qian's inner journey. The drama argues that Qian's greatness lies not in how well he governed Wuyue (though Wuyue was indeed prosperous) but in his 'knowing the times'. He recognises the Zhao-Song as the 'orthodoxy' and the 'trend of history', and therefore voluntarily abandons sovereignty. The narrative carries a dangerous implication: when confronted with a stronger centralised power, local autonomy, cultural distinctiveness, and even political dignity become secondary. A truly 'wise ruler' should know how to become a vassal with grace.

Zhu Yawen's Zhao Kuangyin, by contrast, embodies another 'wise-ruler' template: the glory-seeking conqueror. Where Renzong hesitates, Zhao radiates the swagger of 'though ten million oppose me, I go'. The series uses grand battle sequences to legitimise unification by force. What might once have been condemned as 'craving merit and greatness' is reframed as 'opening peace for ten thousand generations'. In the name of this ultimate 'peace', the killings, intrigues, and purges along the way are endowed with sanctity. Viewers are guided to worship a power that 'solves problems', not to interrogate the legality of its means.

In *Serenade of Peaceful Joy*, dissenters – the remonstrating officials – are protagonists. In *Swords into Plowshares*, dissenters are mantises trying to stop the cart of history. Within the plot, Wuyue officials who oppose submission are depicted as short-sighted, selfish, or hidebound. This binary arrangement erases political complexity. It tells viewers that before the absolute truth of 'grand unity', all debate is superfluous. The very basis of the 'shared' in 'shared rule' is extracted, leaving only the monarch's unilateral decision and the officials' execution.

A comparison of the two dramas' female characters reveals an equally clear regression. In *Serenade of Peaceful Joy*, Empress Cao is politically astute and at times can contend with the emperor as an administrator in her own right. She represents a form of personal independence that women could still possess within the Confucian political order. In *Swords into Plowshares*, Sun Taizhen is described as a 'daughter of the sea', a 'warm and powerful touch of red' beside Qian Hongchu. Her function returns to the traditional roles of 'comforter' and 'companion'. Some commentary even likens her to the Little Mermaid – a figure who sacrifices voice and self for love or for a higher cause. This softening and depoliticisation of the female role mirrors the drama's overall insistence on 'compliance'.

From the 'hating him for failing to be strong enough' directed at Renzong in 2020 to the reverent worship of Zhao Kuangyin and Qian Hongchu in 2026, this evolution reveals three key displacements in contemporary Chinese collective psychology.

First, fatigue with complexity and a hunger for certainty. 'Shared rule' is, at bottom, a complex model of bargaining: high decision costs, low efficiency, outcomes produced through compromise. In 2020 and the subsequent age of uncertainty – post-pandemic volatility, economic wobble, social 'involution' – many Chinese lost patience with this kind of 'inefficient democracy'. *Swords into Plowshares* offers a simpler model: the omniscient, omnipotent ruler; top-down commands; problems resolved at a stroke. The hunger for certainty overwhelms the pursuit of procedural justice. At a subconscious level, many conclude that only a strong hand can ensure survival in a hostile world.

Second, a utilitarian view of history, and an upgraded version of winner-takes-all. In traditional Confucian language, 'craving merit and greatness' is pejorative, associated with exhausting the people and draining the treasury (as with

Surrender
AI-Generated by Timothy Huang

Emperor Wu of Han in his later years). In *Swords into Plowshares*, the concept is scrubbed clean. Through meticulously crafted audiovisual rhetoric – the endorsement of CCTV-1 prime time, film-grade effects, swelling music – the drama builds a 'developmentalist legitimacy': if the result is 'peace', the territory expands, the state becomes strong, then the ruler's personal ambition is noble aspiration worthy of praise. This logic lowers the moral demands viewers place on power, making 'attaching oneself to the strong' appear a rational survival strategy.

Third, an anxiety shift from 'inner sageliness' to 'outer kingliness'. Renzong represents the route of inner governance: internal administration, cultural construction, and people's livelihoods. Zhao Kuangyin represents the route of external triumph: conquest, military victory, territorial expansion. Contemporary China's attention is undergoing a similar migration. As growth slows, it becomes harder to draw satisfaction from improved living standards alone. Turning towards grand geopolitical victories and fantasies of 'all nations paying tribute' becomes a compensatory mechanism. Viewers seek, in *Swords into Plowshares*'s vast narrative, a scarce sense of 'collective efficacy' absent from daily life.

From shared rule to 'offering up territory', the story describes – sociologically – a precise collapse of paradigm. The 'slide' does not refer to declining production quality, but to the impoverishment of political imagination. In *Serenade of Peaceful Joy*, one could still glimpse a thought experiment – however tortured – about what might happen if the emperor were less autocratic. It at least acknowledged the legitimacy of plural political forces. By *Swords into Plowshares*, that possibility is flattened. History becomes a single-lane road leading inevitably to 'grand unity', and the monarch becomes the sole driver of the war-chariot.

This shift signals the ebbing of civic consciousness. Viewers no longer identify with a Fan Zhongyan who dares to remonstrate, but with a Qian Hongchu who longs to be absorbed by an enlightened master. It also indicates the solidification of authoritarian attachment: 'craving merit and greatness' is no longer a flaw, but the core of leadership charisma. People stop believing that institutions can provide stability; they believe only the strongman's will can bring peace. The story of 'submission to the Song' is resurrected not merely to savour the past, but to discipline the present. Replayed again and again on screens in 2026, it resembles a collective hypnosis in obedience. The 'great peace' conjured by *Swords into Plowshares* strips away the noisy yet humane quarrels of *Serenade of Peaceful Joy* and leaves only the dead silence of uniformity. Perhaps that is the final destination of today's 'wise-ruler dream': no longer dreaming of becoming a partner in power, dreaming only of being a compliant survivor under power's rule – grateful, well-behaved, and still breathing. For the Chinese, there is always a worse path.

理论高地

为什么奥地利学派并不必然反对知识产权

By *Timothy Huang*

一些奥地利学派学者对知识产权的反感和批判由来已久，然而，在很大程度上，他们的反感更多出于知识产权由国家加以保护（而缺少自然法基础）这一特点，他们的批判更多聚焦于知识和产权这两个表层概念。很多批评者没有意识到，知识产权并不简单等同于给“知识（思想）”设定的产权，他们与其说是发现了保护知识产权与奥派所倡导的正义观念的矛盾之处，不如说是对国家强制力介入私权划定与保护保持着（作为奥派学者）天然的警惕。然而，如果将一切公权力与私权利交汇之处界定为非正义，我们就无法将奥地利学派与无政府主义区别开来。本文将首先指出，许多奥地利学派学者（尤其是国内学者）对知识产权的批判是基于其对知识产权错误或有缺陷的认识或定义，也经常混淆了保护知识产权和以知识为客体授予垄断性特权两种行为。随后，本文将分别考察专利权、商标权、著作权三种典型却各异的知识产权是否真的与奥地利学派对正义的要求存在根本性矛盾。最后，本文指出，至少在很大程度上，我们不能认为奥地利学派的诉求与知识产权保护必然存在整体性的、根本性的、不可调和的矛盾，与此同时，奥地利学派所反对的“知识产权”很可能仅仅是国家对思想市场的不当规制。

一

“知识产权”是“Intellectual Property”的汉语普通话翻译。显然，这一翻译未得其神；相比较之下，台湾学者“智慧财产权”的翻译就准确得多。许多内地学者纠结于“知识”、“（财）产权”，以及随之而来的、对于“知识”上能否设定“产权”的讨论，殊不知，作为舶来品的“知识产权”从定义上本身就是财产权（property）的一种；从台湾学者的角度看，“知识产权”并不一定是“知识上的产权”（无论其产权是否存在现实性），而是一种与智慧相关、或以智慧形式存在的财产权，这就极大地扩充了其内涵。基于习惯考量，本文在本节之外仍将统一使用“知识产权”这一名称，

然而，我们必须认识到，对这一名称望文生义，实际上是将财产权的一个下位概念拔高到了与之同等的位阶；对于“知识”之上能否设定一种产权的讨论本身便是无用功。例如，很多学者似乎认为，从财货的稀缺性与排他性角度看，知识之上无产权——一个人占有了某个苹果，其他人就无从占有该苹果，一个人掌握了知识，但将其传授给他人，他们就同时掌握（而非拥有）了这部分知识；可见，知识不具备排他性和稀缺性，根本不可能成为财产权的客体（即知识无法被“拥有”）。

然而，真实的逻辑并非如此。若想使得传授知识成为“智慧财产权”意义上的问题，此人首先要对这部分知识有着财产权意义上的权利（而不是自然法意义上的占有或是纯粹的掌握与习得），如果这部分知识传授之后，必然出现传授者和被传授者平等地“享有”此知识的效果，即，如同许多学者所认为的那样，该部分知识不具备稀缺性和排他性；更基础的观察是，此人事前对这部分知识的掌握根本谈不上“拥有（这部分知识）产权”。

但是，关键在于，我们不能直接假设所有知识都只能被掌握而无法被拥有，或者所有“知识”都会在被传授后达到上述共同享有之效果。“某知识（是否）具备排他性和稀缺性”是一个具体的、微观的、需要经验证据的事实性条件，它完全可以藉由“知识”的自有特点、传授方式、利用形式、传播程度等诸多因素发生变化，而非知识作为宏观概念而具有的本身的、确定的性质。例如，在金庸武侠小说里，打狗棒法由历代丐帮帮主口耳相传，只有帮主、前帮主、帮主继任者能够掌握，而非江湖上广泛流传的基础武功，那么打狗棒法作为一门武功就具有了一般财货的

The Price of Knowing
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排他性与稀缺性——即使传授完成后两任帮主都掌握了打狗棒法，但这附有严格条件和情形的“传承”与上文中笼统的、无限延展的“分享式的传授”有本质区别。那么，作为成为丐帮帮主的必要条件之一，打狗棒法当然可以成为财货，可以设定产权——帮主继承权的确认难道不就是产权的转移吗？难道授予下任帮主打狗棒是财产转移、传授打狗棒法便成为了“分享人类共有之财富”？可见，“知识”究竟是参照牛顿力学定律成为不具有稀缺性和排他性的人类共同财富，还是参照打狗棒法成为一种典型的“智慧财产”，完全是一个具体的问题，而不能以张口就来的方式予以整体定性。[i]

进而，某些自诩为奥地利学派的学者必须说明，各种以商业秘密形式存在的技术、工艺、策略等，为何必须永远保持商业秘密之形式，为何不能成为商业秘密所有者的“财产”（即转化为专利权），而必须成为一种保存“知识”的特殊形式。按照他们的一贯定义，这类商业秘密既是稀缺的，也是排他的，难道一只充满灵性的、一旦离开主人便会跳崖自尽的小狗[ii]不属于经济学意义上的财产吗？

奥地利学派学者常犯的另一个重要错误是混淆了国家保护知识产权的行为与国家以（笼统的）知识为客体授予垄断特权的行为。后者起源于中世纪。彼时意大利城邦为了促进工商业发展，常常授予某项先进生产技术的发明者在本城邦独自运用该技术（以牟利）的特权，从而鼓励发明创造，这便是专利权的前身。然而，从来没有哪个城邦向公民授予过独自享有特定知识的权利，类似的假想却常见于对知识产权的批判性著作中。英王授权牛顿爵士独自享有牛顿力学定律当然是荒谬的，但更重要的是，这同时也是虚构的、不现实的。从来没有哪个国家——哪怕它建立了最最专制的政权——试图将特定理论知识作为特权授予给公民，它们所限制和作为特权授予的，无非是特定的行为，而这些行为一旦恰恰是基于特定“知识”做出的，便成了“对知识产权的保护”。

可见，知识本身和对特定知识的利用（方法）完全是不同的概念——这类似于、但不同于著作权理论中思想与思想之表达的区别。牛顿力学定律显然属于全人类的共同财富，无法也不应该由某位或某些公民独占；然而，利用牛顿力学定律做出的种种发明创造却皆名花有主。对于国家以笼统的知识为客体授予垄断特权特权的行为，我们必须首先进行划分：若该知识具备财货属性，则归属于保护知识产权的行为，否则，归属于狭义的授予垄断特权的行为——而根据上文所述，这部分行为根本是虚构的和不现实的（但仍然是可能发生的）。这一狭义的授予垄断特权的行为，与国家利用强制力排除市场竞争别无二致，它当然值得一切珍视自由的人（而不局限于奥地利学派）的批判，但是这一类情形在本质上仍然是虚构的。由此所引发的担忧尽管不是空穴来风，却显得溢美溢恶、过犹不及，有失偏颇；由此所带来的、所谓基于奥地利学派观点的对知识产权的批判，更是有失奥地利学派一贯的严谨逻辑，考虑到其结论与奥地利学派的重要代表人物们大致相近，这甚至有贬低和污名化整个学派的嫌疑。

二

中国在制定法层面上，笼统地把专利权、商标权、著作权归于《知识产权法》的保护之下。然而，这是三种完全不同的权利，它们（各自）对于奥地利学派理论体系的的挑战值得分别加以考量。

从“专有其利”的角度出发，专利权的本质是一种得到国家对某种利益的保护的权利——而这种利益来源于或仰仗于特定的技术、知识、设计等。此种保护是否与奥地利学派的正义体系相抵触，取决于具体的奥派学者是否坚持国家对财产权的任何介入都存在道德问题与风险。甚至，对某一学者观点的不同解读，也会导致对其反对专利权的必然性的不同态度。例如，如果坚持自发性秩序从其宏观表现上看是一种单向的、不可逆的选择，那么很容易认为，类似专利权这种国家保护是自发性秩序的阻碍因素；然而，如果认为自发性秩序不仅仅包括个体通过人的行动自发形成的秩序，还包括人的行动对已有秩序的自觉反馈与修正，那么就很难断言，国家对财产权的任何介入一定是与奥派观念相冲突的。如果如门格尔所言，价值和对价值的判断都是主观的，

那么，如果允许公民在一般财物被侵害时诉诸于公权力加以维护自己的财产权，为什么要拒绝公民在其自身所认可的“特殊”财物被侵害时做出同样的回应呢？一种专有其利的权利，并不会因为其所指代之物的性质而归于无效。如果我们允许个体通过自家房子地下的金矿致富，那我们就无法拒绝他们因为自己脑中对知识的利用方法致富——只要这知识确能如愿带来财富。当然，我们必须认识到，将专利权视为不允许别人利用别家屋下金矿的比喻是不准确的——既然“知识”是人类的共同财富，那么便只有一座“知识的金矿”，但是，对它的不同的、独特的利用手段，则是通往金矿的不同的、独特的道路——其开拓者的权利不言而喻，其有限性、稀缺性、排他性亦不言而喻。[iii]

商标权则是另一种情境。商标是商事活动中自然形成的用以证明商品或服务来源的手段，是消费者一瞥便能将某种商品或服务与特定的品质相联系的途径。所谓侵犯商标权，无非是冒用、盗用他人商标，本质上是自然法中反偷窃与欺诈在现代法律体系中的自然反应，本无所谓上升到哲学高度。然而，由于商标并非自己出现，而是由人设计和改进，并且由商人的行为所维护（或毁灭），对其保护和管制便被打上了干预思想市场的烙印。但是，很明显，如果认为商标的确是一种“智慧财产”，那么它一定是与其背后的产品或服务紧密相连的。我们看到许多商标，之所以会产生正面的反馈，并不是由于商标本身的设计及其蕴含的智慧与美感（如是则涉及到著作权等问题），而是其背后的产品和服务。可见，商标权本质上就是对商誉的保护权——对于自身的合法资产，公民当然有权在其受到侵害时寻求国家的保护。而对于商标设计本身的争议，虽以商标本身为对象，但却归于著作权的范畴。

著作权问题相比前二者要复杂的多。从一般原理上讲，在某一公民对特定思想作出（首次）特定表达后，要求其他公民不得作出同样表达（不局限于发表）在道德上是不合理的。公民的言论自由不应受到其他公民已作出相同或相近表达之事实的限制，尽管在特定环境下（例如学术著作）雷同表达或引用观点需要特殊的标注。然而，这并非政治学中对著作权讨论的常见情形。当我们从政治哲学视角讨论著作权时，我们较少涉及他人独立产生的思想是否有权表达的问题，例如关于牛顿和莱布尼茨发明微积分的争议；相反，我们聚焦于，针对某一特定的思想表达，何人有权作出的问题——某位创作者、某家出版社、某家学术机构等，都可能要求其他表达者“停止侵权”——这一侵权的对象不是自己表达的权利，而是自己（及其他有权者）排他性表达的权利。

作为私权利的排他性表达是否与奥地利学派的基本观点相矛盾，取决于这一权利的产生方式（而非维护方式——我们应当反复强调这一点，即寻求国家保护某种私权利与国家强制介入某一私权利领域之区别）。假设孤岛之上仅有的甲乙丙三人约定，对于甲的特定思想成果，乙有权进行公开表达和传播，而丙哪怕以合理合法方式取得了该思想成果，亦不得如此，我们不能认为这一约定与奥地利学派对正义的基本要求相违背。如果孤岛上有许多人，他们共同签订了这样一份合约，我们同样不能认为它与奥地利学派对正义的基本要求相违背。

那么，如果该合约并非由所有人共同签订，而仅仅由一部分人签订，它的效力是否及于未签约者？

例如，我们假设，该孤岛上有甲乙丙丁四人，甲乙二人签订了上述合约，约定乙发布和传播甲的思想成果，现丙通过乙的发布和传播获得了甲的思想成果，乙是否有权要求丙不得将其传播给丁？从合同角度来看，答案似乎很明确：丙不可能一觉醒来就自动获得了该成果，而是从乙处通过某种方式获得的；如果该方式是合法的，并且乙不限制丙的再传播，那么乙自然无权要求丙不得传播给丁；反之，如果丙是以非法手段从乙处获得了该成果，或乙向丙有效地表达了限制再传播的要求，那么丙就不得将该成果传播给丁——但是这违反的是乙丙二人之间的约定，而非某种基本权利或原理。[iv]可见，未签约方是否有权再传播特定的思想成果，本质上取决于其取得该成果的方式及取得时的相关约定，而与该思想成果的产生者关系较少。在很多情形下，即使是未签约的“丙”，也可能受到“甲乙”之间合同的约束。[v]

这也是典型的著作权授权纠纷中常见的争议焦点。事实上，著作权本身是否立得住脚，不是一个原则性、宏观性的问题，而是一个具体的、事实的问题；而奥地利学派对著作权的批判恰恰是原则性的——原则当然可以用以批判具体问题，但在这一问题上，奥派未免有杀鸡用牛刀之嫌，并且有误伤的危险。

三

我们已经看到，知识产权的绝大多数情形并不与奥地利学派存在原则性的冲突。奥地利学派对知识产权的批判，很可能是对国家不当规制思想市场的批判的扩大化。

根据奥地利学派的基本理论，国家对市场的介入无时不在扭曲价格信号，阻碍市场参与者之间的竞争与合作；自然地，在思想市场上，阻碍思想的自由传播与利用，同样扭曲了（思想之间优胜劣汰的）价格信号，既不利于市场参与者的切身利益，又不利于思想、技术本身的发展。然而，这种阻碍并非是由于知识产权的存在，而是国家对制度的恶意利用。如果藉此便要否定知识产权本身，则有错判对象的嫌疑。

假设如下情形。在一个保护知识产权的国家，公民甲依靠天赋钻研出某项技术，依申请获得了专利。如果他不申请该专利，是否更有助于思想者之间的竞争与合作、更有助于思想本身的自由传播与利用？如果甲对于某对象有确定的专利权，则一方面他必须将专利内容公开，另一方面他可以“专有其利”[vi]——设想相反的情形，他便不得不通过商业秘密的形式对此予以保护。问题在于，我们不能预设所有技术秘密都属于“商业秘密”；如果该公民无法对该秘密进行商业开发，该秘密便只能称为“心里的秘密”，而对其毫无价值；相反，若能通过专利形式予以固定，则无论甲是否具有对其进行商业利用的条件，均不影响其对自身天赋的产物的收益——这亦是自由市场的追求之一，其与相应的国家介入的单纯缺失相比，孰轻孰重并不明显。

相反，我们如果将枪口从具体的专利制度（或其他知识产权制度）移开，会发现该公民甲从基于其天赋的特定表达中获得的收益，本质上取决于市场的完善程度、法制的健全程度、政治的文明程度、技术的开放程度，而较小在原则性上受到选择专利制度或商业秘密制度对其创造进行保护和利用的影响。市场、法制、民主不健全的前提下，无论国家是否支持专利制度、是否通过知识产权对思想市场进行规制，公民的思想自由以及思想和创造力所带来的财富收益都难以得到保障，相反，在健全的市场、法制和民主政治下，无论公民选择国家强制力对其创造进行保护，或运用商业秘密制度对其进行私力保护，其思想的光芒和收益都将并存。尤其是，我们很容易发现，公民甲对权利保护和利用方式的选择并不能在很大程度上影响最终结果；该项技术是否得到充分利用、是否促进科技发展，并非通过专利制度或商业秘密制度的选择一早确定的，而是通过技术与市场的互动、创造者与开发者、消费者的联系而不断变化、不断发展的。知识产权制度在很多情况下成为了错误的靶子。反对国家对思想市场的管制，并不需要通过反对具体的知识产权制度进行。

奥地利学派为何要反对知识产权？归根结底，无非是因为，承认这项权利，便是承认了国家干预（思想）市场的某种正当性。考虑到奥派学者的政治立场，为了笼统地反对国家干预，对本就出于政府创制且现实中漏洞百出的知识产权制度展开批判是无可厚非的；考虑到部分奥派经典著作产生的社会背景以及明确的批判对象，其结论和逻辑的战斗性是可以理解的[vii]。但是在今天，对知识产权制度进行系统批判的历史背景已经不复存在，以奥地利学派理论为基础，笼统地将知识产权制度定义为思想市场上“看得见的手”而进行攻讦，则显得不合时宜了。在政治学和经济学上，我们对自由的信仰应落脚于，始终相信“看不见的手”在公平性和有效性方面完全胜过“看得见的手”，而非看见“政府的手”便欲除之而后快；如果我们坚信自由市场上“看不见的手”的力量，便不会惊讶于它有时会对“看得见的手”加以利用。正如前文所言，自发性秩序不仅仅包括个体通过人的行动自发形成的秩序，还包括人的行动对已有秩序的自觉反馈与修正。

综合以上论述，我们不能认为奥地利学派的诉求与知识产权保护必然存在整体性的、根本性

的、不可调和的矛盾；部分奥派学者对知识产权制度的批判很可能是惯性或惰性使然。

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[i] 由此，下文所称的“知识”，如无特别注明，均指在具体意义上具有财货属性的知识。

[ii] 这只“小狗”正如一旦被曝光就失去其价值的各类商业秘密一般。

[iii] 我在《对专利权“矿道”理论的几点修正》一文中对此处观点进行了详细论述和部分修正，2021 年 5 月 11 日加注。

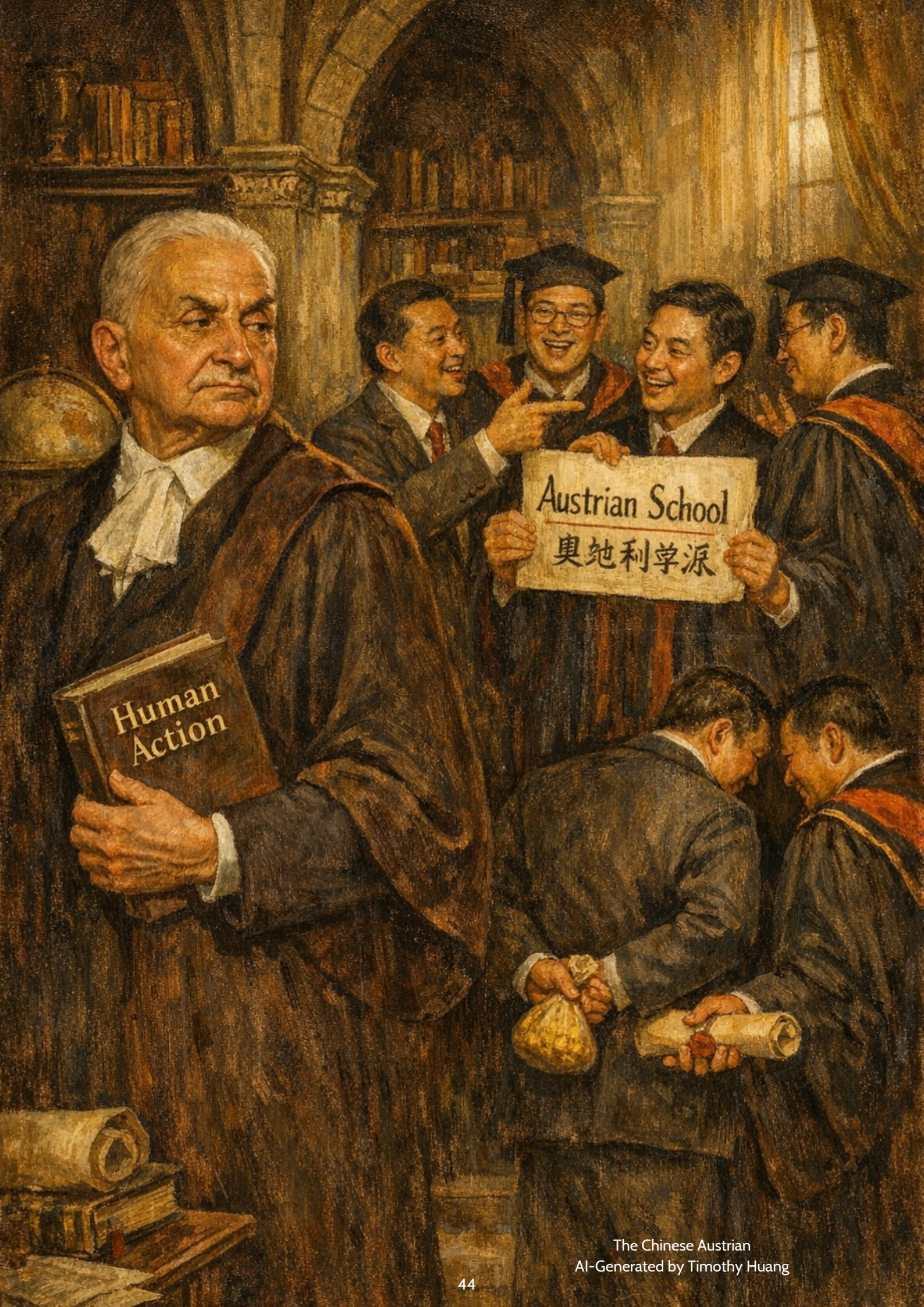
[iv] 相反，如果我们纠结于自然法视角或人权视角，我们很容易陷入思想表达能否被限制之类的争论中，而忽视了这一问题的本质。人的思想表达能否被限制？思想本身是否具有财货属性？思想之上是否能够设定产权？思想能否被独占？这些问题及其延伸虽然个个触及问题本质，却难以给出令人满意的回答。对于奥地利学派所崇尚的逻辑推演方法而言，如果能够证明人的思想表达不能被限制，或思想本身不具备财货属性，或思想之上无法设定产权，或思想无法被独占等等，著作权自然就被轻而易举地驳倒了。但是，上述证明却极为困难，因为其否定答案的基础在很大程度上来源与奥地利学派本身的原理，而它们并不都得到了其他学派的认同。

[v] 这里可能存在疑问：如果考虑四人均签约的情形为丙丁二人放弃了自由传播甲思想成果的权利，那么在他们没有放弃该权利时，为何会受到甲乙二人合约之限制？原因在于，我们不能假设每个人都是饱满的、拥有全套权利的完美孩童，而仅仅通过放弃某些权利才使得特定范围内权利义务关系开始运行。如果甲乙丙丁四人均签约，我们当然应视为丙丁二人放弃了表达甲的思想成果的权利，然而，我们必须意识到，这一权利的基础是甲不对该思想成果的传播作出任何限制，而将其作为“人类共同的财富”加以公开；而在甲决定授权乙独家传播该成果时，该成果便已经失去了“共同财富”的地位，而丙丁二人亦不再“享有”该思想成果。

[vi] 至于在一个正常的市场经济环境下，不依赖国家强制力的专利权保护，该公民是否同样可以凭借该技术所带来的竞争优势及商业秘密保护机制“专有其利”，并非专利制度在功利主义意义上是否具有可欲性的必要条件。

部分奥地利学派学者并不认同该观点：专利权的支持者所宣扬的“效用”无需借助专利制度即可实现，而公权力的无端介入则白白地牺牲了市场的自由与效率。那么，问题究竟是专利制度还是公权力的介入呢？在此问题上，前述奥地利学派观点无非表达了公权力的介入对市场本身存在巨大成本的认识；自然地，如果没有足够的理由支持其介入，则应对其保持警惕甚至反对。然而，我们（尤其是奥地利学派学者）不能以经济视角（甚至是会计视角）审视这一“成本”，不能认为必须有足以覆盖的收益才可接受；相反，这一成本是可以通过良好的政治秩序、充分的民主监督、开明的思想文化极大压缩的。如果有足够的道德理由支持公权力的某项介入，自是最好；若相应的道德理由不足，并不必然意味着反对此项介入的道德理由便是充足。在学术领域，敌人的敌人未必是朋友。

[vii] 同样的情形还可见诺齐克撰写的自由意志主义大作《无政府、国家和乌托邦》，毋论其中的观点有不少在诺齐克晚年被其自身否定，其论述本身充满着战斗性与批判性。考虑到其诞生本就是为了反驳罗尔斯数年前出版的《正义论》，这一现象也就不难理解了。



The Chinese Austrian
AI-Generated by Timothy Huang

Idea Sphere

Why the Austrian School Does Not Necessarily Oppose Intellectual Property

By *Timothy Huang*

Among some Austrian School scholars, distaste for and criticism of intellectual property has a long history. Yet, to a large extent, that distaste springs less from the substance of intellectual property than from the fact that it is protected by the state (and lacks a natural-law foundation). Much of the criticism remains fixed on the surface concepts of 'knowledge' and 'property'. Many critics fail to see that intellectual property does not simply amount to creating property rights in 'knowledge (ideas)'. They have not so much discovered a contradiction between intellectual property protection and Austrian notions of justice, as maintained an instinctive vigilance – appropriate to Austrian scholars – towards the state's coercive involvement in demarcating and enforcing private rights. But if we treat every junction between public power and private right as unjust by definition, we would lose any meaningful way to distinguish the Austrian School from anarchism. This essay first argues that many Austrian scholars (especially those writing in Chinese) criticise intellectual property on the basis of mistaken or defective understandings and definitions, and frequently conflate protecting intellectual property with granting monopoly privilege over 'knowledge' as such. It then examines, separately, whether patents, trade marks, and copyright – three familiar yet fundamentally different forms of intellectual property – truly conflict with Austrian requirements of justice. Finally, it suggests that, at least to a significant degree, we should not assume an overall, fundamental, irreconcilable conflict between Austrian demands and intellectual property protection; what the Austrian School is really opposing under the label 'intellectual property' may simply be the state's improper regulation of the market for ideas.

I

The word 'Intellectual property' in the Mandarin Chinese misses the spirit of the term. By comparison, the Taiwanese rendering – zhìhuì cáichǎnquán ('rights in intellectual/creative property') – is more accurate. Many Chinese writers become preoccupied with 'knowledge', '(property) rights', and the question of whether 'knowledge' can be an object of property at all, failing to recognise that, as an imported concept, 'intellectual property' is, by definition, a form of property. From the Taiwanese perspective, 'intellectual property' does not necessarily mean 'property rights in knowledge' (whether or not such rights can exist in reality); it denotes property rights related to, or embodied in, intellect – an interpretation that greatly broadens its scope. For reasons of convention, this essay will continue to use the term 'intellectual property' outside this section.

We must nevertheless recognise that taking the term literally elevates a sub-category of property to the same rank as the broader category itself; the debate over whether one can set 'property rights' on top of knowledge becomes wasted effort. Many scholars argue, for instance, that because knowledge lacks scarcity and exclusivity, it cannot be the object of property: if one person possesses an apple, others cannot possess the same apple; if one person masters some knowledge and teaches it to others, then others also master it simultaneously (they do not 'own' it). Hence, knowledge cannot be exclusive or scarce, and therefore cannot be owned.

Yet the real logic is not so simple. For 'teaching knowledge' to become a question in the sense relevant to intellectual/creative property, the teacher must first possess a right that counts as property in the legal-economic sense (not merely 'possession' in natural-law terms, nor the simple

fact of learning or mastery). If, after teaching, the teacher and the learner necessarily 'enjoy' the knowledge on equal terms – as many assume – then, more fundamentally, the teacher's prior mastery of that knowledge never amounted to 'owning property rights in it' in the first place.

The key point is that we cannot simply assume that all knowledge can only be mastered and never owned, or that all 'knowledge' will, once transmitted, inevitably produce the effect of shared enjoyment described above. Whether a given body of knowledge is exclusive and scarce is a concrete, micro-level, empirical condition. It can vary with the nature of the knowledge itself, the method of transmission, the mode of use, the extent of dissemination, and many other factors. It is not a fixed characteristic of 'knowledge' as a macro concept. Consider, for example, Jin Yong's wuxia novels: the 'Dog-Beating Staff Technique' is passed orally from one Beggars' Sect leader to the next; only the leader, the former leader, and the designated successor can master it. It is not a basic martial art circulating widely in the world. In that setting, the technique possesses the same exclusivity and scarcity we associate with ordinary goods. Even if, after transmission, two leaders both master it, this conditional and situational 'succession' differs in kind from the vague, indefinitely extensible notion of 'sharing through teaching'. As one of the prerequisites for becoming sect leader, the technique can of course function as an asset and be subject to property-like allocation: is recognition of succession to leadership not itself a transfer of rights? Is handing over the physical staff a transfer of property, while teaching the technique suddenly becomes 'sharing humanity's common wealth'? Whether 'knowledge' should be treated like Newtonian mechanics – common wealth lacking scarcity – or like a sect secret – an archetypal form of 'intellectual property' – is a specific question. It cannot be determined by casual, sweeping assertions.

Some self-identified Austrian scholars should also explain why technologies, processes, and strategies that exist as trade secrets must forever remain only trade secrets; why they cannot be treated as the 'property' of their holders (for example, by becoming patents), and must instead remain a special method of preserving 'knowledge'. On their own definitions, trade secrets are both scarce and exclusive. If a highly intelligent dog that would throw itself off a cliff upon leaving its owner can be an economic asset, why must an exclusive, scarce trade secret be excluded by definition?

A second major mistake common among Austrian critics is to conflate the state's protection of intellectual property with the state's granting of monopoly privilege over 'knowledge' as such. The latter has medieval origins. Italian city-states, seeking commercial development, would grant an inventor the exclusive privilege to use a particular advanced production technique in that city-state for profit – an antecedent of the modern patent. But no city-state ever granted citizens the right to exclusively possess a given piece of knowledge. That fantasy often appears in critical writings, yet it is precisely that: fantasy. It would be absurd for a king to grant Sir Isaac Newton exclusive rights to Newtonian mechanics – but more importantly, it is not what states have ever actually done. Even the most autocratic regime has not tried to allocate theoretical knowledge as a privilege. What states restrict and confer are specific acts. When those acts happen to be based on particular 'knowledge', the restriction is then described as 'protecting intellectual property'.

Knowledge itself, and methods of using particular knowledge, are therefore distinct concepts – analogous to, though not identical with, copyright theory's distinction between idea and expression. Newtonian mechanics belongs to humankind and cannot – and should not – be monopolised by any citizen. But inventions built on Newtonian mechanics are owned by someone. When we criticise the state for granting monopoly privilege over 'knowledge', we must first distinguish cases: if the relevant 'knowledge' has the character of an asset, then we are speaking of protection of intellectual property; if not, we are speaking of a narrower act of conferring monopoly privilege. As argued above, that narrower scenario is largely fictional and unrealistic (though not impossible in principle). It is, in substance, no different from using coercion to exclude market competition – something any lover of liberty would condemn.

But treating such a largely imagined scenario as the core of 'intellectual property' criticism risks exaggeration and distortion. Criticism offered in the name of the Austrian School on this basis often departs from the School's characteristic rigour; given that the resulting conclusions look superficially similar to those of certain prominent Austrians, the effect can even be to demean and stigmatise the entire tradition.

II

Chinese statutory law commonly groups patents, trade marks, and copyright together under the rubric of 'intellectual property' protection. Yet these are three fundamentally different rights. The challenge each poses to Austrian theory should be assessed separately.

From the perspective of 'exclusive enjoyment of gains', a patent is essentially a right protected by the state in respect of a certain benefit – a benefit derived from, or dependent upon, particular techniques, knowledge, or designs. Whether such protection conflicts with Austrian justice depends on whether the Austrian in question insists that any state involvement in property rights is morally problematic and risky. Even differing readings of a single scholar can generate different answers. If one treats spontaneous order, in macro terms, as a one-way, irreversible choice, then one might readily view state-backed protection such as patents as an obstacle to spontaneous order. If, however, one understands spontaneous order to include not only the order formed spontaneously through human action, but also conscious feedback and correction by human action upon existing order, it becomes much harder to claim that any state involvement in property must conflict with Austrian thought. If, as Menger argued, value and value-judgements are subjective, then if citizens may invoke public authority when ordinary property is infringed, why must they be barred from doing the same when what they regard as a 'special' asset is infringed? A right to exclusive benefit does not become void merely because of the nature of the thing to which it refers. If we allow individuals to become wealthy from a gold mine beneath their house, it is difficult to deny them wealth created by a method of using knowledge in their own mind – provided that method can indeed generate wealth. Of course, it would be misleading to treat a patent as though it were a right to prevent others from mining the gold beneath their houses. Since 'knowledge' is common wealth, there is only one 'mine of knowledge'. But distinct, unique methods of using it are distinct, unique paths to the mine – paths whose pioneers plainly have claims, and whose scarcity, exclusivity, and limitedness are likewise plain.

Trademarks present a different setting. A trademark is a naturally emerging device in commerce that signals the source of goods or services: a glance allows consumers to associate a product with a particular quality. Infringement is, at bottom, the misuse or theft of another's mark – essentially a modern legal response to the natural-law prohibitions on theft and fraud. There is no need to elevate it into a grand philosophical dispute. Yet because trademarks do not arise on their own, but are designed and refined, and because their value is sustained (or destroyed) by merchants' conduct, their regulation is sometimes painted as interference in the marketplace of ideas. Still, if a trademark is indeed a kind of intellectual asset, it is necessarily bound tightly to the goods or services behind it. Many trademarks generate positive feedback not because of the aesthetic genius of the mark itself (which would implicate copyright and related questions), but because of the underlying product and service. Trademark rights are, therefore, in essence, rights protecting goodwill. Citizens plainly have the right to seek state protection when their lawful assets are infringed. Disputes about the design of a mark, though nominally about the mark, tend to fall more properly within the scope of copyright.

Copyright is far more complex than the first two. In general principle, once a citizen has made a particular expression of a particular idea, it is morally unreasonable to demand that other citizens must not make the same expression (even if they do not publish it). Freedom of expression should not be constrained merely by the fact that someone else has expressed something similar, even though in particular contexts (for example, academic writing) similar expression or borrowing

of ideas requires special attribution. But this is not the typical scenario in political-philosophical discussion of copyright. When we debate copyright at the level of political theory, we seldom focus on whether another person who independently developed the same idea has the right to express it – such as the Newton–Leibniz dispute over calculus. Rather, we focus on who has the right to make a particular expression: a creator, a publisher, an academic institution, and so on may demand that others 'cease infringement'. The asserted object is not the right to speak, but the right to exclusive expression.

Whether a right of exclusive expression conflicts with Austrian fundamentals depends on how that right is generated (not on how it is enforced – a distinction worth repeating: seeking state protection of a private right is not the same as the state coercively intervening in the private-right domain). Imagine three people – A, B, and C – on an island who agree that B may publicly express and disseminate A's specific intellectual creation, while C may not do so even if C acquires the work by lawful means. We cannot say that such an agreement violates Austrian demands of justice. If many people on the island sign such a contract, the conclusion remains the same.

But if only some sign it, does the contract bind those who did not?

Suppose there are four people – A, B, C, and D. A and B sign the agreement above, allowing B to publish and disseminate A's work. C then acquires A's work through B's publication. Does B have the right to demand that C not pass it on to D? From a contractual perspective, the answer depends on how C acquired the work. C did not simply wake up and possess it; C obtained it from B by some route. If the route was lawful and B imposed no restriction, B cannot demand that C refrain from passing it on. If, however, C acquired it unlawfully, or if B clearly and effectively imposed a restriction on onward dissemination, then C must not pass it on – but the breach would be of the agreement between B and C, not of any general principle. Whether an unsigned party may disseminate a particular work therefore turns primarily on the manner of acquisition and the accompanying terms, and far less on the relationship to the original creator. In many situations, even an 'unsigned' C can be bound by the A–B arrangement.

This is the typical fault-line in copyright licensing disputes. In truth, the viability of copyright is not a purely principled, macro-level question; it is a concrete, fact-sensitive one. Austrian criticism of copyright, however, tends to be principled and sweeping. Principles can certainly critique specifics, but here the Austrian approach risks using a sledgehammer to crack a nut – and risks collateral damage.

III

We have seen that most instances of intellectual property do not conflict with Austrian principles at the level of first-order theory. Much Austrian criticism of intellectual property may be an overextension of criticism directed at the state's improper regulation of the market for ideas.

In Austrian theory, state intervention in markets constantly distorts price signals and obstructs competition and co-operation among participants. By the same reasoning, obstructing the free dissemination and use of ideas in the marketplace of ideas distorts the 'price signals' by which ideas compete and are selected. It harms participants' interests and impedes the development of ideas and technologies. Yet such obstruction is not caused by the mere existence of intellectual property, but by the state's abusive use of institutions. To reject intellectual property itself on that basis risks misidentifying the target.

Consider a hypothetical. In a state that protects intellectual property, Citizen A develops a technology through talent and study, and obtains a patent upon application. If A did not apply, would that better promote competition and co-operation among thinkers, and better facilitate the free dissemination and use of ideas? If A holds a clear patent right, A must disclose the patented content and may also enjoy exclusive benefit. In the alternative, A would need to rely on trade secrecy. But we cannot assume that every technical

secret can or should remain a 'trade secret'. If A cannot commercialise the secret, it becomes merely a 'secret in the mind' with little value; by contrast, fixing the invention through a patent allows A to capture returns from the product of their talent regardless of whether A personally has the means to commercialise it. That is also one of the aims of a free market. Compared with the mere absence of state involvement, it is not obvious which arrangement is superior in every case.

If we shift attention away from patent doctrine (or other intellectual property regimes), we see that A's returns from expression grounded in talent depend chiefly on market maturity, the soundness of the legal system, political civilisation, and the openness of technology – and only marginally, at the level of principle, on whether protection takes the form of patents or trade secrets. Where markets, rule of law, and democratic governance are weak, citizens' intellectual freedom and the wealth generated by ideas are difficult to secure regardless of whether the state supports patents or regulates the idea market through intellectual property. Where markets, law, and democratic politics are healthy, the brilliance and returns of ideas can coexist whether citizens rely on state enforcement or on private mechanisms such as trade secrecy. In particular, the creator's choice of protection mechanism often does not decisively determine the final outcome. Whether the technology is fully used and whether it promotes innovation are not fixed in advance by choosing patents over trade secrets; they evolve through ongoing interaction between technology and the market, and through changing relationships among creators, developers, and consumers. In many cases, intellectual property becomes the wrong target. One can oppose state control over the marketplace of ideas without needing to oppose specific intellectual property regimes as such.

Why, then, do Austrian scholars oppose intellectual property? Ultimately, because recognising such rights is seen as recognising some legitimacy to state intervention in (idea) markets. Given many Austrian scholars' political stance, a broad critique of state intervention, applied to an intellectual property system that is both government-created and practically flawed, is understandable. Given the historical context and concrete targets of certain Austrian classics, the combative nature of their logic is also comprehensible. Yet today, the historical conditions that once made a systematic, sweeping critique of intellectual property feel urgent have largely disappeared. To treat intellectual property, in the name of Austrian theory, as the 'visible hand' in the marketplace of ideas and to attack it wholesale now feels out of step. In political economy, faith in liberty should rest on an enduring conviction that the invisible hand outperforms the visible hand in both fairness and effectiveness – not on a reflex to eliminate 'the hand of government' whenever it appears. If we truly trust the power of the invisible hand, we should not be surprised that it can sometimes make use of the visible hand. As argued earlier, spontaneous order includes not only order spontaneously formed through human action, but also conscious feedback and correction by human action upon existing order.

Taken together, these arguments suggest that we should not assume an overall, fundamental, irreconcilable contradiction between Austrian demands and intellectual property protection. The habitual attacks launched by some Austrian writers against intellectual property may have more to do with inertia than necessity.

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Christina Zhao，本期文章作者之一。她在来信中希望我们不要透露她的身份信息。我们充分理解Christina在如今的言论环境下的考虑，并尊重她的要求。

Christina Zhao is one of the contributors to this issue. In her message, she asked that we do not disclose any identifying information about her. We fully understand Christina's concerns in today's climate of public expression and will respect her request.

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