Social Credits in China: Responses from a Variety of Chinese Citizens About China's New Data Aggregation Initiative

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In Nineteen Eighty-For, prophesizing a dystopian future replete with mass surveillance, George Orwell introduced the concept of Big Brother.1 Today, given technology’s ineluctable advancement, governments now have the capability to bring Orwell’s fears to life. In response, countries have enacted privacy laws that seek to limit the degree to which governments and corporations may aggregate data on their citizens. However, the domestic legislation across countries has been far from uniform. On the one hand, the European Union recently enacted sweeping privacy regulations that severely restrict the amount of data that countries and corporations may collect and store on behalf of their citizens.2 By contrast, in what one may roughly call the “middle ground,” sits the United States. There, legislation limits the degree to which the government may aggregate and use data, but regulations on data aggregation by private companies are less restrictive.3 Finally, on the far other end of this spectrum, sits China.

This paper will focus on China’s new data aggregation initiative known as the Social Credit System (SCS).4 Essentially, China is in the process of creating a database that attributes a citizenship score to all of its citizens. As will be discussed more below, a person’s score will have profound

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1 George Orwell, Nineteen Eighty-For (Secker & Warburg 1949).
2 The EU’s new regulation is known as the General Data Protection Regulation (GDPR). It places strict limits on when data can be collected and processed. See, for example, Tal Z. Zarsky, Incompatible: The GDPR in the Age of Big Data, 47 Seton Hall L. Rev. 995, 1005 (2017) (“Article 5(1)(b) of the GDPR sets forth the fundamental notion that personal data must be collected for a ‘specific, explicit and legitimate’ purpose and cannot be further ‘processed’ (a term broadly defined) in a way which is ‘incompatible’ with such original purposes.”).
4 See Alexandra Ma, China has started ranking citizens with a creepy ‘social credit’ system — here’s what you can do wrong, and the embarrassing, demeaning ways they can punish you (Business Insider, April 8, 2018), available at http://www.businessinsider.com/china-social-credit-system-punishments-and-rewards-explained-2018-4.
consequences on her daily life, including her ability to access credit, rent cars, secure favorable housing, etc.

This paper will have two main parts. First, I will outline China’s proposed data aggregation system. Second, I will discuss the findings of my research that I performed while I was on the International Immersion Program’s (IIP) trip to China. While on the IIP trip, we met with a variety of Chinese officials, academics, and companies. When possible, I asked a variety of questions related to data security and China’s new data aggregation system. The responses I received, while anecdotal, demonstrate that there may be a profound difference in how China views the government’s role in data aggregation compared to its “Western” counterparts. In general terms, the suspicion regarding “Big Brother” that is often articulated in the US and Europe was completely absent whenever I inquired about the potential implications of the SCS. Instead, when people were aware of the SCS’s existence, the responses were uniformly positive. Given that much of my research was anecdotally driven, it will not be possible to draw firm conclusions. However, the anecdotes, analyzed conjunctively, provide some fascinating insight into Chinese culture and the current and future relationship between the Chinese government and its citizens.

I. The Social Credit System in China

The Social Credit System (SCS) is a massive data aggregation initiative that is tantamount to a database that scores people based on their national reputations. The system will have a variety of

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5 Many people I spoke with were unaware that China is implementing a new data aggregation system. This will be discussed more below. However, as a preliminary note, I was quite surprised that people lacked awareness of a system that may have profound implications on privacy in China.

6 Readers who have seen *Black Mirror* may recall an episode that portrays a future society in which social scores are pervasive. In the episode, the scores determine where people can work, live, and the services they may access. The genre of the show is science fiction, but the social system used in the episode is markedly similar to China’s SCS. In other words, a TV series that highlights the potential dystopian future applications of technology will soon become a reality in the most populous country in the world.
focuses, but the one that was the emphasis of my inquiry while in China assesses “societal integrity.” It is this aspect of the system that will assign individual citizenship scores to all Chinese citizens.

To arrive at a score, China’s system will use a variety of inputs. These include consumer behavior, social media activity, and real-world occurrences such as speeding tickets and neighborly disputes. Given the development of surveillance technology, the degree to which China’s system could incorporate real-world behavior is staggering. Once all of the inputs are aggregated, there will likely be some algorithm that uses the inputs to generate an overall citizenship score. Unsurprisingly, the precise nature of this algorithm is unclear.

The consequences of one’s score will be profound. A score will impact one’s ability to access credit, access social services, move, travel, etc. Thus, in many ways, a person’s citizenship score will determine how “free” he is able to live in Chinese society. Further, as Chinese citizens begin to

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7 For example, in addition to rating individual people, the system will also assess “commercial integrity.” These ratings will be focused on the corporate level. Thus, it appears as if China’s system will apply to all levels of society. Of course, the degree to which all people, regardless of social status, will be assessed equally, is far from clear. See Planning Outline for the Construction of a Social Credit System (2014–2020), available at https://chinacopyrightandmedia.wordpress.com/2014/06/14/planning-outline-for-the-construction-of-a-social-credit-system-2014-2020/.


9 Adam Greenfield, China’s Dystopian Tech Could Be Contagious, The Atlantic (Feb 14, 2018). The potential psychological implications of a society that is constantly surveilled are drastic. Indeed, it is unclear if meaningful freedom and perpetual surveillance can coexist. This paper, though, will not focus on these implications. Instead, it will examine what I gleaned from my conversations with Chinese citizens.

10 Part of our trip included a visit to Sensetime, a Chinese data company. This company possesses powerful technology that enables the seamless, real-time tracking of people and vehicles. More on this will be discussed below.

11 For a list of some of the implications of one’s citizenship score, see Ma, China has started ranking citizens with a creepy 'social credit' system — here's what you can do wrong, and the embarrassing, demeaning ways they can punish you (cited in note 4).
grapple with the reality of living in a society in which they are constantly monitored and assessed, there could also be severe psychological consequences.\textsuperscript{12}

II. IIP Trip Research Summary

A. Research Logistics and Caveats

As noted above, the research I conducted while on the trip was largely anecdotal. Whenever proper, I asked people that we met with for their thoughts on citizenship scores and potential implications. I did not have the opportunity to ask meaningful follow-up questions, nor did I have the opportunity to pushback on answers that seemed to skirt around the question (this happened a few times!). Thus, my research findings are not “generalizable” in the sense that they have not undergone a statistical analysis that would enable one to draw broad conclusions from the data. However, I did ask a variety of people, across a variety of contexts, about citizenship scores. Thus, while anecdotal, my data does offer an interesting cross-section of how a broad array of Chinese citizens perceive citizenship scores. At the very least, then, my research provides an interesting perspective on how a collection of Chinese citizens are making sense of their government’s data aggregation initiative.

There is another caveat to my research that is centered on the degree to which free expression is possible in China. The IIP Trip was sponsored by the China United States Exchange Foundation (CUSEF). While the precise source of our trip’s funding is unclear, it is likely that the Chinese government sponsored a substantial portion of our trip. Further, on our trip, we were

\textsuperscript{12} See, for example, Jennifer Golbeck, \textit{All Eyes on You} (Psychology Today, September 2014), available at https://www.psychologytoday.com/us/articles/201409/all-eyes-you (“The result [of constant surveillance] can be demoralizing and even paranoia-inducing. Lacking the power to control what, when, and with whom we share . . . our sense of self may be diminished, leading to self-doubt internally and self-censorship externally, as we begin to fixate on what others will think about every potentially public action and thought, now and in the future.”).
always accompanied by a chaperone that was a representative of the CUSEF. This chaperone happened to be a member of China’s communist party with “high up” connections. Thus, whether our meeting hosts were able to speak candidly is unclear. In all likelihood, though, a stinging critique of the SCS would have been unthinkable. Thus, while you are reading my research findings, keep in mind that the answers I received may have been quite different had the questions been asked off the record (and without a communist party member in the room).

Along these lines, there was one conversation at Peking University Law School\textsuperscript{14} that speaks directly to this question. In essence, a student on the IIP Trip asked a law professor about academic freedom in China. Specifically, the person asked whether professors could criticize the government, and whether the communist party exerted control over intellectual thought.\textsuperscript{15} The professor responded that academics have wide latitude to speak out so long as they are being “helpful.” The insinuation was that in the United States, freedom of speech has been coopted by individuals for destructive purposes. In other words, the so called unrestrained “marketplace of ideas” gives cover to speech that is destructive to society. Thus, to avoid these bad outcomes, China limits its free expression to “helpful” speech. While the question of where to draw the line in free expression is nuanced and interesting, I do not think limiting speech to what the government considers to be “helpful” is consistent with any notion of free expression as that term is understood in the United States.

\textsuperscript{13} This again speaks to the anecdotal nature of my research, but this quote comes from a fellow trip participant who was fluent in Chinese and who happened to have a few in-depth conversations with our CUSEF chaperone.

\textsuperscript{14} Peking University is one of China’s flagship academic institutions.

\textsuperscript{15} In one sense, the mere fact that we were able to ask this question speaks to the lack of official censorship that occurred during the trip, at least in terms of explicit restraints that were placed on University of Chicago students. However, it would not have been possible to ask such a question while we were meeting with government officials. When we met with actual government officials, all of our questions were pre-screened, and we were not able to ask questions deemed unacceptable.
My takeaway from the professor’s words, then, was that people would likely not feel free to criticize the SCS. The SCS is a big initiative, and the Chinese government is undoubtedly aware that academics in other countries are looking at it with intense skepticism. Thus, it is unlikely that criticism of the SCS would fall into the “helpful” category of speech. In any event, even with this caveat in mind, the responses I received while investigating social credits in China still lead to interesting conclusions. I will detail the content of these conversations in the next section.

B. Responses to Questions about Citizenship Scores in China (and other Related Matters)

This subsection will detail the responses I received when asking about the SCS while on the IIP trip. As noted above, I was unable to ask government officials about the system. Whenever we met with the government, all of our questions were pre-screened. Unfortunately, no questions about the SCS made the cut. However, I did get responses from a variety of academics and officials from Chinese companies. Further, there were a few instances in which I (or fellow students) asked questions about data security or aggregation more generally without specifically inquiring about the SCS or its implications. To the extent that these responses were relevant to the focus of my research, I have also outlined them below.

1. Peking University Law School

The first time I was able to ask meaningful questions about the SCS was at Peking University Law School. As noted above, Peking University is one of China’s flagship academic institutions.

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16 I do not think this is necessarily a red flag. The government agencies we met with were not directly involved with designing or implementing the program. However, given that the entire government will be using SCS-derived data, there certainly would have been an opportunity for government officials to discuss future uses for the SCS had they been willing.

17 For example, one of the companies we visited was Sensetime. Sensetime specializes in development surveillance and tracking technology. While we were visiting the company, I did not have the chance to ask directly about how Sensetime’s technology could be used to implement the SCS. However, a co-participant did ask about implications for privacy, which I determined was sufficiently relevant to warrant inclusion below.
While at the university, we met with two law professors, and our questions were not pre-screened at all. I had the chance to ask about the SCS in China, and my question was as follows: “I recently took a class on privacy law while at the University of Chicago. One thing we discussed in class was China’s new citizenship score data aggregation system. What do you think are the implications of this system on the future of privacy in China?” Before I asked the question, I was expecting an interesting response. I was thinking that the professors would be eager to demonstrate the merits of the SCS to Americans who may be unable to see beyond the perspective of their own privacy norms. However, the initial response was blank faces! Neither professor had any idea what I was talking about. After thinking for a bit, one of the professors figured out that I was referring to the SCS, but the other professor had no idea about the system’s existence. This in and of itself was fascinating. It is inconceivable that an analogous situation could unfold in the United States. If the United States were contemplating a massive new data aggregation system, would two law professors from Harvard, Yale, or Stanford be completely unaware of the system’s existence? It is hard to imagine this being the case.

Interpreting this ignorance, it is likely indicative of a degree of trust that Chinese citizens have in the Chinese government that is completely absent in the United States. I do not think the professors feigned ignorance to avoid answering a difficult question, because they both seemed genuinely confused when I asked about the SCS. While trust has its merits, it may be dangerous if it leads to unawareness of a sweeping data aggregation initiative. As noted above, the SCS could lead to the erosion of meaningful freedom in China. If such a system is implemented while many Chinese citizens are unaware of its existence, the SCS could become entrenched before people even realize

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18 It was here that we heard one professor’s take on free speech in China: people can say what they want about the government as long as it is “helpful.”
19 I asked this question hoping that I would be able to ask a follow-up that addressed Orwellian concerns. Unfortunately, the trajectory of the conversation did not allow such a follow-up.
what is at stake. Had the Peking University professors been unique, I would feel less confident concluding that there is, indeed, systemic unawareness of the SCS. However, these professors would prove to be the rule rather than the exception.

The initial ignorance aside, one of the professors eventually determined that I was referring to the SCS. She then proceeded to explain how the SCS is a valuable tool because it will improve the efficiency of local governments. In China, due to its vast geographical size, many governmental responsibilities fall to local governments. The professor described the local governments as being much less effective than China’s federal government. However, she predicted that the SCS would lead to improvements in the ability of local governments to provide services to citizens. Further, she also noted that the SCS would be able to reduce the transaction costs of government action across all levels of government.

The professor did not qualify the merits of the SCS with potential drawbacks. To me, a logical question to ask when considering the merits of a new proposal is the cost of achieving those benefits. The obvious question, whether sacrificing privacy justifies the reduced transaction costs or the increased efficiency of local governments, was never considered. One potentially noteworthy factor is that this professor is a member of the communist party. Perhaps her party membership, and the need to limit her talk about the government that which is “helpful,” made the professor unwilling to discuss the potential downsides of the SCS.

On a related note, the professor then discussed privacy in the United States. She attempted to portray the SCS as really no different from what private companies in the United States do all the time. The only difference is that the government is seeking to use the information to improve society and not to sell more consumer goods (which is ostensibly why US companies aggregate consumer information). For a variety of reasons, this retort was underwhelming. It is one thing to
aggregate information to sell more products, it is another thing entirely to aggregate information to give citizens a numerical score that will determine their ability to access services. Further, there is also reason to believe that people in the US are less willing to trust private companies when they aggregate information on customers in a manner that is systematic, and for uses that can lead to substantial consequences. For example, consider credit scores. In response to complaints about how companies were using credit scores, the United States implemented the Fair Credit Reporting Act.\(^{20}\) Thus, the viability of the SCS in China compared to the United States is not as simple as trust being placed in the government versus private actors. Rather, it seems that privacy norms in China, whether it be government or private actors in play, are simply more relaxed than privacy norms in the United States. Or, more cynically, perhaps Chinese citizens such as the professors at Peking University do not possess sufficient freedom to assert their privacy interests.

Finally, the last part of our conversation about the SCS pertained to its specific contours. According to the professor with knowledge of the program, the scope of the SCS is still uncertain. However, she did say that there was sufficient pushback to the idea of taxing authorities using SCS data to quash that potential application altogether. But yet, if some law professors are totally unaware of the SCS’s existence, it is unclear how meaningful the dialogue will be as the Chinese government determines the precise applications of the SCS.

Overall, my big takeaway from our visit to Peking University is that the SCS is flying mysteriously under the radar, to the point where a professor at China’s flagship law school does not even know of its existence! Further, either academics lack the freedom to address the negative implications of the SCS, or there is genuine faith that the system will work well. If it is the latter, this

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is indicative of drastically different privacy norms in China compared to elsewhere. Finally, given that Peking University professors occupy a privileged position in Chinese society, perhaps the stakes of the SCS are lower for university professors than they are for citizens that occupy a lower position on the social hierarchy.

2. Shenzhen University

Shenzhen University is a relatively new academic institution in the city of Shenzhen. Shenzhen itself is a new city, and it serves as the de facto capital of China’s technology industry. While at the university, the IIP group met with two law professors. I had the chance to ask a few questions regarding the role of lawyers in China, and also directly about the SCS.

Regarding my SCS-focused questions, I did not receive any responses that indicated substantial awareness of the program. However, the lack of a meaningful response may have been due to a language barrier rather than avoidance of an uncomfortable question. In any event, given the lack of a response to my SCS-themed question, I decided to ask a more general question about the role of lawyers in China. Paraphrasing, I asked: “In the United States, lawyers are sometimes viewed as necessary because of their ability to fight against government abuse. How does this compare to the role of lawyers in China?”

A professor proceeded to answer this question in a manner that surprised me. The professor did not mention the role of lawyers once. Instead, the professor extolled the virtues of government action, and on numerous occasions noted how helpful the government has been in promoting China’s economy. Further, the professor asserted that competition among cities for business will ensure that governments do not exercise excessive power. Seemingly, the thought of critiquing

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21 Given that Shenzhen is essentially China’s Silicon Valley, perhaps the salience of government’s intertwinement with business was more prominent here. In any event, I was surprised that the answer did not address the potential for government overreach at all.
China’s federal government, which would be unaffected by the competitive dynamics that purportedly mitigate government overreach, was inconceivable. In finishing her answer, the professor affirmed that “government is good.”

I drew a few conclusions from our session with the law professors at Shenzhen University. First, the unawareness of the SCS was not limited to the Peking University professors. Instead, sets of law professors from two different Chinese universities had very little knowledge about the system. This was a stunning revelation. This would be similar to law professors in the United States being unaware of Edward Snowden’s NSA revelations—an inconceivable scenario. Second, the willingness of professors in China to critique their government, even hypothetically or incidentally, is quite absent. Here, the limitations of anecdotal data are especially prominent. However, for law professors at two Chinese universities to have no thoughts regarding negative implications of the SCS is telling. At the very least, it seems reasonable to conclude that the Chinese government will likely encounter little resistance from academics when they begin to implement the SCS. Perhaps resistance would not be compatible with the notion that expression in China is free so long as it is “helpful.”

3. Sensetime

Sensetime is a Chinese company that is currently developing surveillance technology. While visiting the company, they were quite upfront about their capabilities: using cameras, the company has technology that is able to track the movements of cars and people automatically. They accomplish this with cameras that have sensors that are able to read faces and license plates. Further, the company representative were also transparent about their close relationship with the Chinese government. Indeed, one representative told us that some of their research and development was driven by requests from China. Thus, if you couple Sensetime’s technology with omnipresent
cameras, one implication is that the Chinese government will have the ability to track and monitor its citizens in a seamless manner. This technology could be quite useful as China implements the SCS: the Chinese government will have near unlimited access to “real world” behavioral data points when calculating citizenship scores.

As noted above, Sensetime is aware of China’s interest in their technology. Company representatives were transparent about how China actively solicits and implements Sensetime’s technology. Further, when discussing their relationship with China, the company officials did not attempt to clarify Sensetime’s independence. However, we did have the opportunity to ask about potential implications of Sensetime’s technology in a breakout session.

I was unable to ask a question directly about the SCS, but a co-participant inquired about whether Sensetime was worried about uses of their technology that could encroach on privacy interests. In response, the company official discussed how Sensetime does not actually use the technology themselves. Instead, they are simply developing the technology so that other companies or governments may use it. Thus, in other words, even though the question asked about dystopian uses of the technology, the answer did not address this concern at all.

What is one to make of this non-answer? There are a few possible explanations. One is that sinister uses of Sensetime’s technology are simply not on the company’s radar. Coming from a US perspective, this is hard to imagine. However, if China indeed has drastically different privacy norms, then failing to consider potential applications of the technology is more plausible. Another explanation is that Sensetime is aware of how their technology could be used by governments

22 Coming from a US perspective, this was quite odd. Companies that work closely with the government in the United States would likely try to distance themselves in some capacity to avoid the perception of being a government puppet. However, with Sensetime, this never happened. This could speak to differing norms, or could also be indicative of the fact that the Chinese government simply exerts more control over Chinese companies given the different system of government.
(especially China) to systematically surveil and control citizens, but that the company was told, as preparation for our visit, not to discuss such matters. I do not think this explanation is likely. We were not asked to provide questions in advance, and given the numerous circumstances in which we were required to provide an advanced list of questions (e.g. whenever we met with Chinese government officials), it is reasonable to infer that no official censorship was operative here. A final explanation is that translational issues prevented the company official from understanding the heart of the question. This also seems unlikely given that Sensetime is an international company and is therefore required to conduct a lot of business in English.

The most reasonable conclusion from our experience with Sensetime, then, is that dystopian uses of their technology are not a salient concern. Indeed, much of our conversation was centered on how Sensetime’s technology could improve things like social media experiences. This experience, combined with some of our prior experiences that I have detailed above, began to paint a picture that privacy norms in China are simply different than the norms that I am accustomed to (and diametrically opposed to the privacy norms embodied in Europe’s GDPR). The notion of differing privacy norms would be somewhat confirmed when we had the chance to ask questions to a CUSEF leader.

4. Discussion with the CUSEF leader.

While in Shanghai, we had a dinner with a person who helps run CUSEF. After eating, we were given the chance to ask him questions about whatever we wanted. I took this opportunity to ask another question about the SCS.

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23 It is always worth noting that the other explanation, that Chinese citizens do not feel comfortable discussing privacy concerns, could also be an explanatory factor. This discomfort would likely only be exacerbated when talking with a group from the United States.
Initially, in line with prior experiences, he did not know what I was talking about. It was not until I clarified my question with specifics about the SCS that he realized what I was referring to. As noted above, this unawareness of what is seemingly a revolution in social control was striking. Addressing the SCS specifically, the CUSEF leader was not concerned at all about the potential for abuse. Like the professors from Peking University, he extolled the potential virtues of the system (efficiency in local government, reduced transaction costs, etc.) while categorically avoiding potential drawbacks. Given that the CUSEF leader almost certainly has an agenda of inculcating a favorable image of China, perhaps his avoidance of negative aspects of the SCS is unsurprising. However, the explanation may not this simple, especially since this was the unanimous response across a variety of contexts whenever I asked about the SCS.

The CUSEF leader’s next part of his answer shed some light on the notion of differing privacy norms. Perhaps in response to a bemused look on my face, he went on to explicitly detail how privacy norms in China, especially regarding the trust citizens place in the government, are fundamentally different from what we experience in the West. In the West, the social contract theory is embedded in our notion of government. Speaking generally, we give some of our freedom to the government in exchange for stability, but we are generally skeptical of government overreach. No such notion is embedded in the framework of Chinese society. Thus, according to the CUSEF leader, initiatives like the SCS are simply met with less skepticism than they would be if they were introduced elsewhere.

III. CONCLUSION

The results of my research, while anecdotal, are telling. Across the board, the people I spoke with were either unaware of the SCS, or entirely unbothered by its potential privacy implications. The fact that this mindset extended to professors at China’s premier law school is worrisome.
Indeed, one would expect that legal scholars would be the group most aware of the SCS, and the group best positioned to mitigate some of its negative consequences. And yet, this was not the case. Thus, it appears as if the SCS will proceed in China without any meaningful oversight or pushback from people outside of the government. If history is any indicator, such concentrated power, and lack of outside oversight, could be dangerous for Chinese citizens. As 2020 inches nearer, and the SCS gets closer to complete implementation, it will be interesting to see how the people of China receive the new program. But, given the unanimously optimistic outlook that people who were aware of the SCS embodied, perhaps the dystopian future that I am envisioning will not materialize.

In terms of overall takeaways from my experience in China, there are a few. First, Chinese citizens trust their government a lot more than American citizens do. Whether this trust is sincere, or the result of coercion, is unclear. Further, it is also unclear whether this mindset would be shared by Chinese citizens who occupy lower positions on the social hierarchy. Indeed, all of the people we met with held positions of privilege. Perhaps it is easy to trust the government when that trust has led to a prosperous life. However, it is safe to say that elites in the United States would certainly be distrustful of a surveillance overhaul like the SCS. Thus, even given these caveats, it is reasonable to conclude that people in China are less skeptical of their government than people in the United States.

Second, the notion of individualized privacy was absent. Whenever I asked about the negative privacy implications of the SCS, I received answers that completely failed to address the question. Further, when we visited Sensetime, the company representatives were gleeful as they demonstrated how their technology could track an individual person from his house, to work, and back to his house, in an entirely automatic fashion. And, when we asked follow-up questions that were critical of the implications of such technology, the only response we received was excitement about social media applications. It is inconceivable that an American company would display such
technology without at least paying lip service to how they are attempting to mitigate potential abuses.

In sum, my research in China revealed three main findings.\footnote{Again, given the anecdotal nature of my research, I do not pretend that these findings are scientifically generalizable. However, I did ask questions to a wide array of people, and the answers were essentially unanimous. Thus, to some extent, my research findings may be indicative of general trends in Chinese society.} First, people are either unaware of the SCS, or optimistic about its ability to enhance government efficiency. Second, distrust of the government is much less pronounced in China, at least among elites. And finally, the notion of individualized privacy is seemingly unimportant. Analyzing these main findings conjunctively, it is unclear where the resistance to the SCS will come from if it does devolve into a totalitarian device for social control. In any event, as China begins to fully implement the SCS, it will be fascinating to watch how the situation unfolds.