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Arthur Rosett

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Post-Lecture Discussion

SPEAKER: ARTHUR ROSETT
MODERATOR: DONALD P. KOMMERS
SPEECH: "LEGAL STRUCTURES FOR SPECIAL
TREATMENT OF MINORITIES IN THE
PEOPLE'S REPUBLIC OF CHINA"
DATE: MARCH 2, 1991

Professor Kommers: Well, let me kick off the discussion by making one remark of my own. Arthur Rosett's talk taught me quite a bit. As a matter of fact, I was fascinated by what he had to say—in part because I know very little about China. I know much more about Japan, having spent some time there. I am fairly familiar with the Tibetan situation and the Mongols, but I had no idea that there were so many other minorities in China.

I was impressed by the observation that he made about the creation of autonomous centers of power, at least culturally speaking, containing the seeds of their own contradiction, because that would certainly seem to be true. When I think of communist systems, particularly those which have existed in other parts of the world, I think of forced collectivization; I think of pervasive systems of social controls; I think of centralized economic and political controls. Under Leninist-Marxist theory, this is the only way that you can transform a society based on socialist principles. I am simply wondering why the Chinese authorities would think that they can bring about such transformation in Chinese society, while they simultaneously tolerate the resurgence of these minorities in the sense that you have described.

Professor Rosett: Well, it really does lend itself to a dialectic analysis. On the one hand, the theoretical statements are still the theoretical statements of the United Front—that this is a transitional phenomenon, and that there will be a unified development of universal national and proletarian attitudes. On the other hand, there is a heavy investment in the creation of minority cadre, or leadership, and language—incentives to assert differentness on a permanent basis. I don't see anything in the official literature that recognizes this contradiction, which either means that it is not perceived, which I doubt, or that they simply do not have an

ideological basis upon which to analyze it, which I think is likely to be the case. And so you do have this appearance that they are marching down two sides of the street at the same time.

You mentioned Tibet. Chinese worries about Tibet in the 1950s were genuine. India was a perceived threat, and the need to have military security there was clear. The first disturbance in Tibet was in 1958, which, interestingly, was around the time of the disputes with the Indians. It was also around the time that things were happening in China following the revolution—for which Tibetan society provided a classic example of a feudal society, quite literally. The reaction in China was very harsh, both on military grounds and on ideological grounds, and the treatment of Tibetans was terrible.

There is now a situation in Tibet where we are told the Han cadres have been largely removed from Tibet. More than 95% of the population in Tibet, that is, in the Autonomous Region of Tibet, is Tibetan. Han settlers and the military colonies have been largely removed, and the cadre is predominantly Tibetan. Furthermore, Han are discouraged from living in Tibet, and there is subsidization of Tibetan education. China is investing very heavily in Tibet, and the Tibetan state lives by the leadership in the Peoples' Republic, which is quite conciliatory toward them. It may not sound that way to us; they get really angry when outsiders give the Dalai Lama the Nobel Peace Prize and things like that. But if you look at the way they deal with the Tibetans, it is a far cry from the policy of not many years ago.

Professor Kommers: Questions from the audience?

Participant: Arthur, you mentioned that there is sort of a backlash that is building and a number of factors (I am predicting, I really don't know) that might be influencing that. I wonder if I could give you a few factors, and you can give what your impression is, and how much influence each one of those factors might have. One, you talk about natural resources, and that is obviously an economic thing. It is not hard to understand that this would produce some tension. Second, to the extent that the minority groups are expanding so rapidly, is that producing some sort of a paranoia on the part of the majority? Even though you put the minorities at still approximately 100 million people, which is a relatively small percentage of the Chinese population, is the rate of expansion causing some tension? And is there some sort of boundary-

line problem which is really increasing the tension? To the extent that there is not much of a border, and people perceive definite advantages, particularly, I would imagine, not only an educational advantage, but a family advantage, are people just flocking over, and is that causing lots of pressure?

And then the third thing, which you did mention, although not prominently in your talk, is Tienanmen Square. How much could that be influencing things? Related to that, one might perceive ways in which the government could use the majority as a threat or a scare to minority groups in order to reestablish at least some minimal level of credibility in the population as a whole, and sort of represent a majority against which to try and hold back the problems caused by these minority groups. Could you speculate a little about this?

Professor Rosett: This is going to have to be speculation. I can't tell what the large increase in the numbers of the reported population of minority groups reflects. I am prepared to assert that a very substantial part of it is not an actual increase in the numbers of people. It may be a change in legal status. It may be a change in the way of counting people. But birth rate alone doesn't account for these numbers.

I think the fact that these numbers have been very widely reported in the Chinese language press, the domestic press, and leadership speeches about the need to apply the family policies to the minorities is a sign of very genuine resentment by the Han people of the special privileges being granted to minorities. And to conjure up this image of "what if they become too numerous" sounds like the first chapter of the book of Exodus. "What if they become too numerous for us?" Minority groups have been hearing that worry for a couple thousand years.

The reality actually may be the exact opposite. There is an order to calm the situation in Tibet and the government's policy has been to remove the Han people, but that may be an exception. Most of the minority or autonomous areas are open to some settlement by the Hans. As a result, the Mongols in the North and the peoples of Sichuan in the West are now minorities in their autonomous areas. They all live there, but the number of Hans that have come in is so great that the people of Sichuan have become minorities there.

The allocation of the benefits of exploitation of natural resources is a question for all Chinese areas. As central planning is

dismantled, and alternative mechanisms for dealing with foreigners and with investment become clearer, some of these people probably will find that they have a lot in common. Those questions are everywhere. Two-thirds of the territorial space of China is under an autonomous regime, and that includes large areas where unexploited natural resources are found. These questions are found in particularly aggravated form there. I find it hard to believe that the central government, which is a Han government—whatever it is in formal terms, it is a Han government—is ever going to let all the goodies from exploiting the West and Northwest go primarily to those autonomous areas. How that will be played out, they will have to figure out, and we will have to wait and see.

Participant: I wanted to ask for some more details on the powers of the autonomous regime. It seems that a perusal of the Constitution suggests that they are autonomous on their own, but that everything they do is subject to higher authority. Their actions can be overridden by the central government any time. Is that true, or is there actually a body of reserved powers that they can exercise?

Professor Rosett: Both.

Participant: Apart from the central government?

Professor Rosett: Both. China is a “unitary multi-national state.” That is the phrase they like. It is a unitary government. In theory, there is no local legislation without permission from the central government. Within commercial and contract law, for example, much of what comes down as local laws, as local ordinances and regulations, is in fact drafted in Beijing, sent out to the laboratory of the locality, and pushed onto the local government by the center.

But I don't think that is completely accurate because the central government has always had only a limited presence in the locality. The reality always has been largely local self-government and self-regulation, not central government. And that is mixed with the very broad grants of power under the laws on regional national autonomy.

Thirdly, and the big “if” factor in my view, is the concern for legality which the present government insists upon. They may have slipped at the time of Tienanmen and not paid too much attention to the law when they imposed martial law. However, my impression is that, on a bureaucratic level, legality does have some

meaning in China today. And, therefore, I am inclined to take quite seriously the laws on regional national autonomy, which do give the local units of government unusually broad power. And I would cite some of the studies by American anthropologist David Wu in his article on the Bai people, where he suggests there is jealousy in the Han villages over the fact that neighboring minority villages are much more free from regulation. They are left relatively free to run their own affairs.

Participant: One issue puzzles me: the relationship between the party and the local government. Normally, there was local autonomy in this regime, but that was not reality, because the party was in fact more in control from the center. This exercise of the central government locally would even remove the autonomy they had and insist that they take their orders from the center.

Professor Rosett: Yes.

Participant: How is this relationship between the party and the government, and how monolithic is the party? How much is it in control in Beijing in regard to resistance made?

Professor Rosett: The building of local party cadre was a very frustrating feature of the early two decades following liberation, after 1949. The Party found it difficult to build a base among the minority peoples. Minority peoples did not back them by and large during the revolution. In the period after the revolution, the traditional cultures did not look on the Communists with great favor. It was frustrating for the Party building those cadres.

I think there was a great deal of quiet advice from Han advisors, who really held all the power. We're talking about a very broad picture, one which is not written about publicly and one about which few Chinese are willing to talk. My understanding, however, is that in the last two decades there have been, and are now, very substantial minority party cadres. While those may be minority group members, to what extent they represent a minority interest as opposed to a central interest is a more open question. I think we also ought to bear in mind that the Communist party of China is having a very difficult time deciding what it believes is the center right now, and perhaps the mention of Tienanmen is the place to bring that in. There is a substantial degree of paralysis, and this isn't a period of great central initiative.

What would happen if a new, younger, and more vigorous regime were to come into power at the center, and what impact would that have in the regions of autonomous areas? I think your basic point is the reason why I have been so very cautious in talking about legality in terms of formal structures, because the truth is that formal structures traditionally haven't meant very much.

Participant: If two-thirds of the areas are put under this autonomous regime, wouldn't these minority groups really become a majority? Does it cause a real danger of fragmentation? This is my first question.

Professor Rosett: Well it is one man, one vote. Not one tree, one vote.

Participant (continued): But in terms of the areas, especially what you said about them being given such a high degree of autonomy—even if that has actually been implemented, one could really see that the area directly under very strong control of the central government would be so limited. Anyway, I think this probably is one area where, as you said, we don't get much information, and not much is written, and so on. I'm just wondering what has been the actual effect of the autonomous law that has been applied. And then, a related question really, if this whole autonomous policy is so effective, then why do people get the impression that people in Tibet still demand to be independent rather than be very content with such a positive affirmative quota and so on?

Professor Rosett: I think, very simply, the people of Tibet are separatists. They want to be independent. They feel that they are not Chinese, and they don't just want autonomy. They want their own nation, and that, under the policy as I described it, is not permitted.

If I may return to the question of parallel party organizations: In addition to the parallel party organizations, Professor Chen's remarks remind me that we did not talk about the Army. And particularly in many of these areas that are border areas, going back at least a thousand years and in modern times in China, these areas have traditionally been the subjects of military governments. While the civil regime is autonomous, there is also a military presence which is not under civil control in these areas.

Participant (interruption): Is it under the control of the party?

Professor Rosett: That is the point at which I wanted to connect it, because the relationship between the military and the party is one of the great puzzles of modern Chinese history, as we can see from the membership of the military commission these days.

Participant: Which kind of treatment does China reserve for Hong Kong after British rule?

Professor Rosett: Hong Kong is really going to have a different status. It will be treated as a special zone which is autonomous. The basic law for Hong Kong is going to be distinct. It will not be a minority area. In fact, the vast majority of people in Hong Kong are Han, not minority people. It's not a minority area by any definition.

Participant: Just two quick questions. I am interested in the exemption from family planning law. My first question is whether or not that applied across the board in relation to minorities, or whether or not there is a difference of minorities in terms of religion. I just want to understand what informed this exemption.

Professor Rosett: Nobody knows, and it's pretty clear that, as they try to bring minorities under the family planning policy, it's going to apply very differently in different places. It is very clear that people in Muslim areas, and Muslim people within metropolitan China, are particularly resistant to family limitations. And they have Koranic verses to defend their position.

It is also very clear to other groups (Manchus come to mind). Where there is a higher degree of urbanization and a high degree of assimilation, the family plan policy is applied very differently than it is with the Han people. I think that as far as the leadership is concerned this is very much indicative of expediency, not of any broad policy statement. Of course family planning, as it really applies in China to Han people, has also been the subject of a great deal more expediency than policy. There are great general policy statements, but how it works in the rural countryside is something very different.

Participant: This concern for legality which the Chinese claim—does that extend to international law and the resolutions

concerning Tibet? And my second question is how recently did the removal of Chinese from Tibet begin? Because up until the late 1980s there were indications that the repopulation plans were going ahead. Could you respond to those two?

Professor Rosett: The first one I simply don't know the answer to. It is clear that the government of the People's Republic of China takes the position that the Tibetan problem is an internal one, and they resent international involvement. But beyond that, China is a signatory to a number of human rights conventions, and I don't understand how they reconcile their policies.

As far as resettlement of Han is concerned, I must say you know something I do not, because I am not aware that they permit Han settlement within the Autonomous Region of Tibet in the late 1980s. You're going to have to tell me more about that. I do know that the Autonomous Region of Tibet is itself a truncated territory in terms of the areas in which Tibetan people live.

A substantial majority of Tibetans technically don't live in Tibet. They live in either of two other provinces, both of which have absorbed parts of the demographic area in which Tibetans have lived. I'm not aware that within the Autonomous Region of Tibet such Han settlement is being permitted, or was permitted in the late 1980s. If you know that it has been, I'd be grateful if you would tell me. Certainly in earlier periods, there was substantial Han resettlement in Tibet, and that was very much a cause of rebellion by the Tibetans. But I don't think that is a recent phenomena. I may be wrong.

Participant: If I may add, I think you were right that during the early period, they resettled enough Han people there, so it is really no longer the critical issue today in the '90s. But the population increase of the Han certainly was very significant during that early period back in the '50s, '60s, and '70s.

Professor Rosett: That's certainly true, but my understanding is that today Tibet, the Autonomous Region of Tibet, is 95 percent Tibetan.

Professor Kommers: I think I'll exercise my prerogative as Chairman. I think we'll have to call the meeting to a close. We can have one last question.

Participant: I want to offer a comment as someone who was born in a country that was in the shadow of the state of China—Vietnam.

Professor Rosett: Yes.

Participant (continued): I think some of the questions here suggest that there is a certain difficulty in an American audience, principally, to understand a situation such as China, and the Han-Chinese relationship with other ethnic groups that surround it. I think the issue really may be the dysfunction between language and power—as with the gentlemen who asked whether they are afraid of their minorities, for example. I really think that in the history of Chinese relations with Vietnam, since the idea is that because we are weaker, we are not ever to be feared. Do you see what I am saying? I think that is actually very important—I want to say that is important, because it was very beneficial to Vietnam to be a vassal-like entity in relation to China. The system described Vietnam as inferior and subordinate to China, but the actual practice of power was quite the opposite.

There was incredible respect for space in the Vietnamese entity after China invaded two or three times. That is actually a different matter. Sometimes a deposed Vietnamese monarch went to China and asked that they help reinstate him over the successor, but the actual ongoing relationship between the two groups, I think, gave incredible political stakes for the Vietnamese entity to develop. And, notwithstanding the communist ideology, much of what you told me really helped me understand it better, because I place us almost on a continual relationship from the Han all the way out to the Southeast Asian nation state.

Professor Rosett: Right.

Participant (continued): Therefore, there is a dysfunction between whatever the language might be of the united front and what in fact this was in practice. And even when it wasn't in practice, there are degrees and scales of it as a continuum of practices, none of which may match the language itself.

And this is along the lines of thinking of the examination of the discourse as important—but it would be important to put the discourse against practices of power. Now in the United States we have a dysfunction too; it works the other way.

Professor Rosett: Yes.

Participant (continued): It means they are called "children of the state" in words. I mean it is rather scary to think of how children are treated. There is a dysfunction of power and language too, but it goes somewhat the other way. Likewise, while Grenada, for example, can be a threat to the United States, that is inconceivable for the Vietnamese to the Chinese. There is no way the Vietnamese would be a threat to the Chinese.

I am just trying to point out a contrast between these two huge entities, who have an impact on their neighbors, and speak about the differences in how they act with such neighbors.

Professor Rosett: You made a wonderful closing remark. I still hear something echoing in my ear—something Henry Steiner said yesterday, that what we need are the Grand Old Empires. I'm trying to suggest that if you closely read current Chinese policy on this subject, it still resonates with the attitudes that you are describing.

The dialectical contradictions are inescapable, and one can only be hopeful regarding other aspects of this situation. Sharon O'Brien was down earlier about native Americans. But to the extent one can see any hopeful aspects to this picture, they tend to resonate with reflections of the traditional and imperial system.

Professor Kommers: Let me thank Professor Rosett for his presentation and his time.