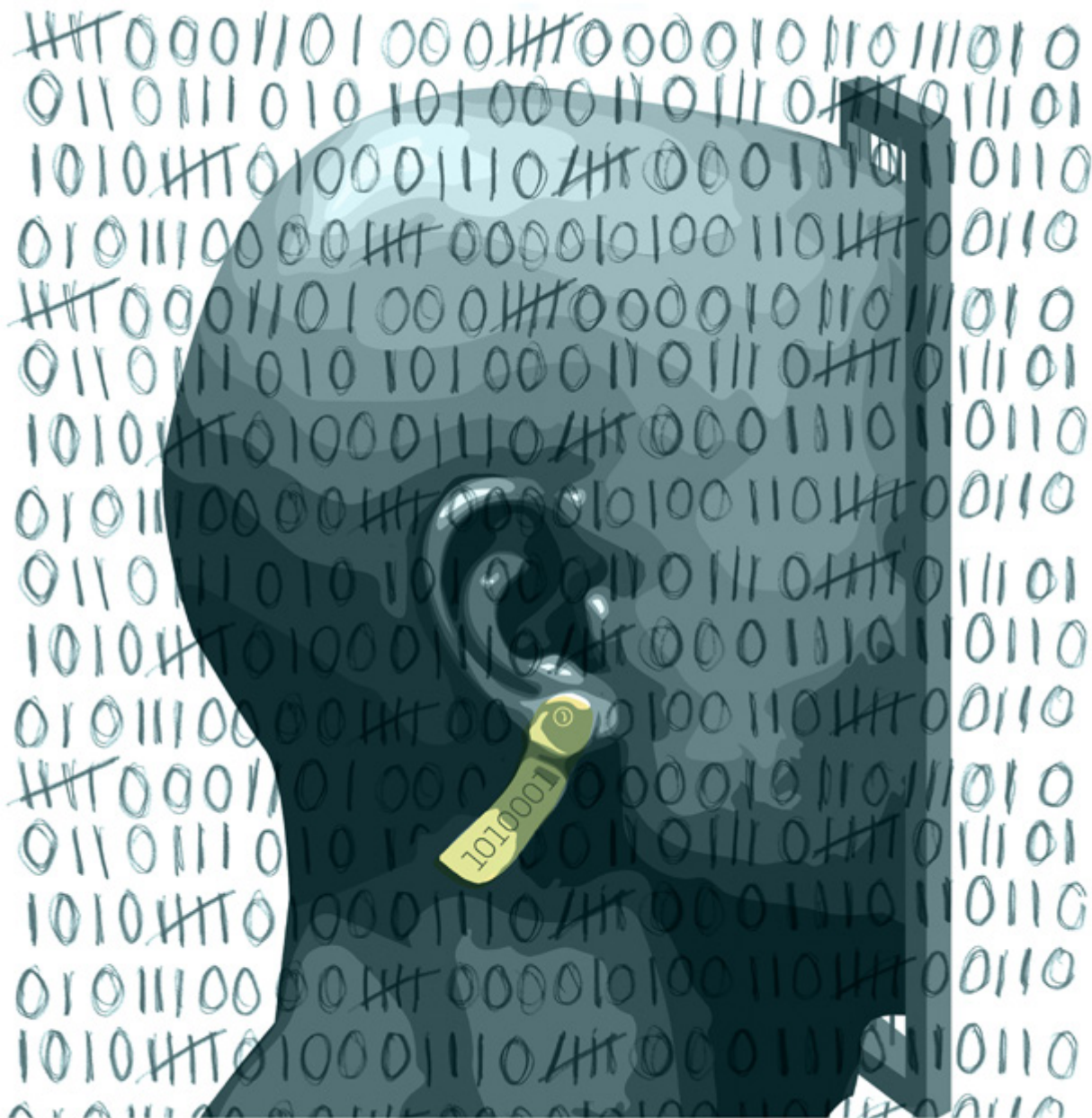


# MADE CHINA

JOURNAL



VOLUME 4, ISSUE 3, JUL-SEPT 2019

## **BLESS YOU, PRISON**

*Experiences of Detention in China*



MADE IN CHINA  
JOURNAL

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LUND  
UNIVERSITY

**‘Bless you prison, bless  
you for being in my life.  
For there, lying upon the  
rotting prison straw, I came  
to realise that the object of  
life is not prosperity as we  
are made to believe, but the  
maturity of the human soul.’**

**Aleksandr I. Solzhenitsyn,**  
*The Gulag Archipelago 1918–1956*



MADE IN CHINA  
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you for being in my life.  
For there, lying upon  
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Aleksandr I. Solzhenitsyn,  
*The Gulag Archipelago 1918–1956*

## Bless You, Prison

Experiences of Detention in  
China

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**W**ith these words, Soviet star dissident Aleksandr Solzhenitsyn exalted the transformative role of the gulag—where he had been imprisoned for eight years—in reconfiguring his soul. Just like his account of life in the labour camps played a fundamental role in shaping public perceptions of the Soviet labour camps, our views of the Chinese detention system are also widely shaped by the writings and testimonies of former political prisoners, whether victims of the mass campaigns of the Mao era or more recent crackdowns against dissident voices. Reading these accounts, detention easily assumes the tragic connotations of martyrdom, and detainees come to be surrounded by a halo of heroism. But what about those uncountable prisoners who are detained for common

crimes or less-noble causes? What about the reality of murderers, thieves, drug addicts, and prostitutes? Is prison a blessing for them too?

This issue of the *Made in China Journal* aims to provide a more balanced account of Chinese experiences of detention by examining situations as diverse as education camps in Xinjiang, forced detox camps for drug addicts, involuntary hospitalisation of people with mental health problems, the contested legacies of labour camps from the Maoist past, and the latest reforms in the fields of Chinese criminal justice. Such grim analyses are also key to understanding the upheavals that are currently taking place in Hong Kong. We should not forget that the popular mobilisations of these past months began in response to attempts by the Hong Kong authorities to pass an

extradition bill that would have established a new case-by-case model to transfer fugitives to any jurisdiction that the former British colony lacks a formal agreement with, including mainland China. Reading the accounts included in this issue of the journal, it is not difficult to understand why this became a flashpoint.

In the special section, **Tobias Smith** reflects on the trickiness of any comparison that aims to assess the harshness of China's criminal justice in relative terms. **Fu Hualing** asks what kind of progress the Chinese authorities have made after four decades of legal reform in controlling their power to detain, reducing its arbitrariness, and making the repressive arm of the state legally accountable. **Michael Caster** looks into the disturbing institutionalisation of arbitrary and secret detention, as epitomised in the recently-established 'residential surveillance at a designated location' and *liuzhi* systems. **Guo Zhiyuan** analyses progress and shortcomings in the new laws and regulations aimed at protecting people with mental health problems from arbitrary deprivation of their freedom. **Darren Byler** examines the broader shift in policing and detention in Xinjiang, and highlights how this is linked to similar changes in counterinsurgency around the world. **Giulia Zoccatelli** digs deep into the history, the logic, and the functioning of China's anti-drugs camps through the testimonies of doctors and former drug addicts. Finally, **Børge Bakken** argues for the importance of criminological research rather than legalistic discussion in debates about the Chinese legal system.

The issue includes op-eds on the mass protests in Hong Kong by **Anita Chan** and **Kaxton Siu**; on how the situation in Hong Kong has been perceived by Chinese communities abroad by **Daphne Zhao**, **Shan Windscrip**, and **JS Chen** and **K. Shen**; and on the problematic nature of the narrow cultural assumptions underpinning the documentary *American Factory* by **Hong Zhang**. In the China columns section, **Ryan Mitchell** deconstructs the political myth of 'brainwashing', tracing the history of the term from the late nineteenth century to the

discussions of today. **Yi Xiaocuo** illustrates how the Chinese authorities are facilitating new waves of Han influx from Inner China to settle as farmers, civil servants, jail guards, police officers, and teachers. Furthermore, the issue features a forum on the challenges of doing fieldwork in China today, with contributions by **Sam Berlin**, **Yifan Cai**, **Tyler Harlan**, and **Wenjing Jiang**. In the Window on Asia section, **Claudio Sopranzetti** examines the role of the middle classes in the Thai elections of 2019, and in the cultural section **Zeng Jinyan** talks with director **Ai Xiaoming** about her documentary *Jiabiangou Elegy: The Life and Death of Rightists*, a heartbreaking testimony on the reality of a labour camp in the late 1950s.

We wrap up the issue with a conversation with **Miriam Driessen** about *Tales of Hope, Tastes of Bitterness*, her new book on Chinese road construction workers in Ethiopia. ■

The Editors

# **BRIEFS**

**Jul-Sept 2019**



# JUL/SEPT 2019

## Protests Continue Unabated in Hong Kong

Mass protests in Hong Kong, initially sparked by the local government's proposal to allow the extradition of criminal suspects to mainland China, have shown no sign of abating in the third quarter of 2019. Following the city's largest-ever demonstration on 16 June and the storming of the city's legislature by an aggressive group of protestors on 1 July, demonstrations started to spread from Hong Kong Island to other parts of the city. On 14 July, tens of thousands of protestors peacefully marched in Sha Tin, a district in the New Territories East, until riot police began to clear demonstrators out of a shopping centre, resulting in violent confrontations. One week later, violence reached new levels as a crowd of white-shirted men assaulted protestors and bystanders in a metro station in Yuen Long, a town close to the border with mainland China. In response to such attacks, on 27 July large numbers of black-shirted protestors rallied in Yuen Long, a gathering that ended in more violence when riot police deployed tear gas and high-pressure water to disperse the crowd. On 7 August, two days after a massive strike paralysed the city, China's senior officials in charge of Hong Kong affairs convened an urgent meeting in Shenzhen, during which they rejected one of the key demands of the protesters—i.e. an independent inquiry into the police's use of force. Starting from 9 August, demonstrators began organising large-scale sit-ins at the city's airport, which eventually led to the cancellation of all flights. However, on its fifth day, the largely peaceful airport sit-in turned violent as demonstrators attacked a Chinese man whom they thought was a security agent

from mainland China. Another Chinese man was tied to a luggage cart and was later identified as a reporter for the *Global Times*—China's propaganda mouthpiece.

Following 11 consecutive weeks of protests, on 20 August Carrie Lam, Hong Kong's Chief Executive, announced that the government would enlist foreign experts to perform a fact-finding study into recent incidents, establish a more robust system to investigate complaints against the police, and create a dialogue platform to directly engage with local communities. However, the announcements did little to placate demonstrators. On 23 August, thousands of protestors formed human chains across the city by holding each other's hands, with many of them covering one eye to show solidarity with a girl who lost her eyesight in one eye due to a severe injury suffered during a protest on 11 August. The firing of a live warning shot by a police officer on 25 August and the arrest of six prominent activists on 30 August further escalated tensions between demonstrators and the police, with numerous university and high school students choosing to go on strike on the first day of their new semester. On 4 September, as officials in both Hong Kong and Beijing warned that an emergency could be declared to help settle the ongoing protests, in an unexpected turn of events, Carrie Lam announced the formal withdrawal of the extradition bill. This, nevertheless, still failed to bring the demonstrations to an end. Insisting on the fulfilment of their other demands—including an independent investigation into police violence, the retraction of the labelling of protestors as 'rioters', amnesties for detained demonstrators, and universal suffrage—protestors continued to confront the police on various occasions while forming human chains across the city, singing an anthem specifically composed for the occasion in public areas, and holding rallies in front of foreign embassies. *NLiu*

(Sources: **BBC News; Bloomberg; China National Radio; China Times; CNN; Hong Kong Free Press; Made in China Journal 2/2019; South China Morning Post**)

## Rising Tensions on University Campuses Worldwide

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The past few months have witnessed heightened tensions on university campuses worldwide, as pro-Beijing demonstrators clashed with supporters of the Hong Kong protests. In late July, a sit-in staged by Hong Kong students at the University of Queensland in Australia to show solidarity with pro-democracy protestors back home turned violent when pro-Beijing students showed up and began to rip up placards and blast China's national anthem through speakers. A week later, similar conflicts happened at the University of Auckland in New Zealand: three male Chinese students argued with a female student from Hong Kong in front of the Lennon Wall on campus, and as their confrontation escalated, one of the male students shoved the female student to the ground. Meanwhile, the pro-Hong Kong Lennon Wall at Simon Fraser University in Canada was repeatedly vandalised, with posts being torn down, tarnished, or covered by rival messages. In this case, the student society at the university decided to install a mobile Lennon Wall to help counter bullying and harassment. More recently, conflicts emerged at Columbia University in the United States, where pro-Beijing demonstrators holding China's national flag assembled at a lecture hall in which pro-democracy activists from Hong Kong were scheduled to deliver speeches. Following the conclusion of the speeches, two Chinese people stood up and started to sing China's national anthem. The escalating student clashes on campus have deepened concerns about China's influence in Western universities. Amid such concerns, in mid-September the student union of Monash University in Australia banned foreign students from running in its election seemingly to avoid the council being controlled by a group of mostly international Chinese students—a move that several commentators hailed as racist. After backlash the election was cancelled altogether.

*NLiu*

(Sources: [ABC News 1](#); [ABC News 2](#); [New York Times](#); [South China Morning Post 1](#); [South China Morning Post 2](#); [The Age](#); [The Guardian](#))

## Suspicious Deaths and More Arrests

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Persecution of rights activists in China has persisted throughout the third quarter of 2019, with two passing away while in police custody. On 10 July, 'barefoot lawyer' Ji Sizun died of unknown causes two months after leaving prison. He had finished serving his most recent sentence of four and a half years. Activist Wang Meiyu, detained in July after publicly calling for Xi Jinping's resignation and universal suffrage, passed away on 23 September. On 4 July, Zhang Baocheng, an activist who has repeatedly urged officials to disclose their wealth, was arrested for 'promoting terrorism'. Likewise, Cheng Yuan, Liu Yongze, and Xiao Wu, three employees of the anti-discrimination NGO Changsha Funeng, have been held incommunicado since 22 July on charges of subversion, supposedly due to their organisation's links with Hong Kong. On 28 July, 22-year-old Zhang Dongning was arrested for publishing an online series of satirical cartoons depicting Chinese with pig's heads. On 29 July, China's 'first cyber-dissident' Huang Qi received a 12-year jail sentence for 'leaking state secrets'. On 6 August, a provincial regulatory panel stripped rights lawyer Li Jinxing of his licence to practice due to alleged 'improper comments' on social media. Labour activist Meng Han, who only recently emerged from a 21-month stint in jail, was detained again in August. He returned home on 7 October, after spending 38 days in detention in Guangzhou on suspicion of 'picking quarrels and provoking trouble'. There are new developments in the case of Yang Hengjun, a Chinese-born Australian political commentator who has been detained in China since January under the charge of espionage. There are now fears over his health amid reports that he is being bound and shackled during interrogations. This persecution has also extended to Yang's wife, a permanent resident of Australia, who has been banned from leaving China. *TS*

(Sources: [The Australian](#); [BBC News](#); [Radio Free Asia 1](#); [South China Morning Post 1](#); [South China Morning Post 2](#); [South China Morning Post 3](#); [The Guardian 1](#); [The Guardian 2](#); [The Guardian 3](#); [The Guardian 4](#))

## Repression in Xinjiang Garner International Attention

In the third quarter of 2019, the ongoing deterioration of the situation in Xinjiang continued to make waves on the international stage. According to the *Xinhua News Agency*, on 2 July, during a trip to China, Turkish President Erdogan told Xi Jinping that ‘residents of all ethnicities in China’s Xinjiang are living happily’, though Turkish officials later claimed this to be a translation error. On the opposite front, in an unprecedented display of unity, on 11 July, 22 states co-signed a letter to the United Nations High Commissioner for Human Rights condemning China’s actions in Xinjiang. The signatories included Australia, Canada, Germany, and the United Kingdom. In response, ambassadors of 37 other countries—including states with controversial human rights records such as Pakistan, Saudi Arabia, North Korea, and Qatar (which later withdrew its signature)—retorted by penning a letter praising China’s ‘achievements in the field of human rights’. In the midst of these controversies, China’s State Council Information Office—the arm of government responsible for propaganda—published two white papers. The first, released on 21 July, presented a revisionist account of Uyghur history, positing that the minority was enslaved and forced to convert to Islam. The report claimed that Xinjiang has been an ‘integral part of China’ for a long time and ensured the current Chinese government protects ‘the Muslims’ right to their beliefs’. The second white paper, released on 16 August, focuses on the vocational education and training centres in Xinjiang, detailing their necessity and effectiveness in China’s counterterrorism efforts (see Byler’s essay in the present issue). Later on, some officials in China claimed that up to 90 percent of Uyghurs had been released from the centres and ‘returned to society’, but these claims were met by widespread scepticism. The US government has also taken steps to address the situation in Xinjiang. In August, Uyghur-American Elnigar Iltebir was appointed as the United States National Security Council’s director for China. As the Harvard-educated daughter of a prominent Uyghur intellectual, analysts

have suggested that Iltebir’s appointment may reflect a new attention to Xinjiang in the Trump administration. On 23 August, the US government also criticised a loan of 50 million USD from the World Bank for the so-called ‘Xinjiang Technical and Vocational Education and Training Project’. There are worries the loan, approved in May 2015, was used to fund internment camps in Xinjiang. Since then, increasingly heated discussions of the inhumane treatment of the detained Uyghurs have been sparked by the emergence of a video showing dozens of blindfolded and bound men during what is believed to be a mass transfer at a train station in Xinjiang. At the same time, there have been international calls to halt the execution of Tashpolat Tiyp, a renowned Uyghur academic who was abducted and sentenced to death following a secret trial in 2017, while at the end of September jailed Uyghur scholar Ilham Tohti was awarded the Vaclav Havel Prize, which honours outstanding civil society action in defence of human rights. Facing this barrage of criticisms, at an event on the sidelines of the latest United Nations summit in late September, Chinese Foreign Minister Wang Yi claimed that China has not seen a single case of violent terrorism in the past three years, and defended the camps on the grounds that they ‘are schools that help the people free themselves from terrorism and extremism and acquire useful skills’. In a further escalation, in early October the Trump administration imposed visa restrictions on Chinese officials implicated in repression in Xinjiang and blacklisted 28 tech companies ostensibly for their role in violating human rights in Xinjiang. *TS*

(Sources: **ABC News 1; ABC News 2; Business Insider; CNN; Foreign Policy; Global Times; The Guardian; Human Rights Watch; Radio Free Asia 1; Radio Free Asia 2; SBS News; South China Morning Post 1; South China Morning Post 2; State Council 1; State Council 2; SupChina; The Times; Wired**)

**OP-EDS**



Hong Kong protests on July, 21.  
PC: @photochoi.

## Governing Hong Kong like any other Chinese City

Kaxton SIU

On 21 July, Hong Kong had a hair-raising night. In Central, where the city's business district is located, riot police fired tear gas and rubber bullets into crowds of protesters gathered for the anti-extradition bill march organised by the Civil Human Rights Front, a coalition of pro-democracy activists. At around 11pm at the Yuen Long subway station, in a district located in the northwest part of the city, a hundred people dressed in white and armed with rods—suspected to be triad gangsters—chased and beat up people whom they thought were protestors all over the station. In the assault that took place in the station lobby, on the platform, and inside train carriages, ordinary citizens, journalists, and even a lawmaker were attacked and injured. Live-broadcasted at the same time by many online media outlets, the two scenes were perceived by Hong Kong citizens and the international community as a proof of the collusion between the local police and triad gangs to strike back against the anti-extradition bill movement. In fact, the incidents provide some significant insights into the future of civil society and social movements in Hong Kong.

The existence of complicated relations between the Hong Kong government and gangs is hardly something new for Hong Kong citizens. At the Yuen Long subway station, police officers arrived only after the armed mob had left. Soon after, when asked why no 'men in white' were arrested at the scene, a police commander claimed that 'no one was seen with offensive weapons'. These circumstances reinforced the people's belief that the incident was a well-planned operation aimed at intimidating anti-government protestors. Still, although this collusion was appalling to Hong Kong citizens, I believe that the worst is yet to come.

It has become increasingly evident that Chief Executive Carrie Lam is no longer really the 'commander in chief'—in all aspects except in name, she has been replaced in this role by the Central

Government in Beijing. Over the past two months, for instance, multiple pro-police and pro-government demonstrations have been mobilised by pro-Beijing networks in Hong Kong. These demonstrations along with the Yuen Long attacks provide us with some clues regarding possible governance strategies that the Chinese Communist Party (CCP) could implement to deal with the situation in Hong Kong.

Some people suspect that the Central Government in Beijing aims to draw on the methods utilised in Xinjiang to implement heavy-handed rule in Hong Kong, such as by running relentless campaigns against local culture and forcibly assimilating people through CCP thoughtwork. However, such a scenario is highly unlikely considering that the cost of such Orwellian rule is extremely high. Moreover, due to Hong Kong's cosmopolitan status, applying this kind of model to the city would surely invite violent opposition both locally and internationally. Another more viable strategy is to learn from the governance model adopted in other cities in mainland China, where the Public Security Bureau (公安) and the Urban Management Bureau (城管) cooperate closely and utilise high-tech surveillance systems to 'maintain stability' (维稳). Once this governance model is replicated in Hong Kong, assisted by technologies such as those underpinning the emerging social credit system, the CCP will be in a position to systematically and thoroughly keep any dissident voice under surveillance. To effectively implement this strategy, the CCP would not only require support from local gangs and the middle- and upper-classes of the city, but would also need to domesticate local civil society and academia.

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Hong Kongese civil society has developed a high-level of autonomy from the government since the social movements of the 1960s, and some professional sectors, such as social workers, have maintained a strong tradition of critical thinking and civic engagement.

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The core groups in the recent anti-government movements are mainly composed of NGO members with varying amounts of influence in Hong Kong's civil society. Hong Kongese civil society has developed a high-level of autonomy from the government since the social movements of the 1960s, and some professional sectors, such as social workers, have maintained a strong tradition of critical thinking and civic engagement. As a result, if the CCP attempts to assert control over Hong Kong's social workers and NGOs with the same strategy used in mainland China—by requiring 'Party-building' in social work organisations and changing them into 'Party service centres'—strong opposition from Hong Kong civil society is to be expected.

However, in dealing with local NGOs, the CCP can take advantage of different types of 'centralised systems' that have been well-developed in Hong Kong since colonial times. Very often, Hong Kong has been seen as a textbook example of a

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Academia is likely to become another target. Since the Umbrella Movement in 2014, the CCP has been treating the higher education sector as a seedbed of anti-government movements, which are accused of colluding with 'hostile foreign forces'.

'free market' society. However, in many aspects, especially in social and welfare services, the Hong Kong government intervenes heavily. Through these service interventions, the government centralises and allocates resources. Today, nearly half of Hong Kong's population lives in houses subsidised by the government; nearly 90 percent of the hospital beds are publicly funded; most established and large NGOs in Hong Kong receive 'lump sum grants' annually from the government for recruiting social workers and supporting their service programmes. In the education sector, all public universities in Hong Kong receive sizable block grants and research grants to support their teaching and research programmes. These centralised systems for the allocation of resources have far-reaching implications for Hong Kong's civil society. For instance, although Hong Kong's civil society is generally seen as vibrant and independent, under this centralised system many small- and medium-sized NGOs active in supporting pro-democracy and human rights movements do not receive much funding from the government. This results in Hong Kong having an active but structurally weak civil society.

Although 'Party-building' in Hong Kong's NGOs is not realistic in the short term, Beijing can still work through these centralised systems to achieve a similar effect. By marginalising 'dissident groups' via the government funding allocation system and simultaneously 'incubating' pro-Beijing organisations, the CCP can fundamentally transform the composition of Hong Kong civil society, making it more pliable to its demands.

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Academia is likely to become another target. Since the Umbrella Movement in 2014, the CCP has been treating the higher education sector as a seedbed of anti-government movements, which are accused of colluding with 'hostile foreign forces'. Scholars active in social movements are thorns in the side of the pro-Beijing camp. Apart from jailing Hong Kong scholars and students on trumped-up charges, the CCP will probably exploit the mechanism through which the government of Hong Kong allocates budget and research funding to public and private universities. Consequently, courses and research programmes on undesired topics—such as social movements in Hong Kong, approval ratings of Hong Kong government officials, and 'stability maintenance' in China—will be marginalised or shuttered. If this occurs, research proposals and course materials will end up having to be approved by the Party branch at universities, just like is happening in mainland China.

In fact, ‘China’ is a hot topic among Hong Kong scholars and there already are different forms of research and teaching cooperation between universities in Hong Kong and the mainland. Today, when Hong Kong scholars want to conduct research in the mainland, they have to ‘settle’ in partner universities in the mainland. Research proposals and details are subjected to approval by the Party branch at the host university, which makes conducting critical research on sensitive topics almost impossible. As a result, the Hong Kong system is already being assimilated gradually into the China system.

In the end, we should not hold our breath waiting for a single dramatic event or for the authorities in Beijing to formally announce the end of Hong Kong as we know it. Hong Kong’s assimilation into the mainland governance regime will most likely be accomplished subtly and through systems and infrastructures that are already well developed. As such, opposing Beijing’s growing influence in Hong Kong is not enough. It is also necessary to critically examine the structure of governance in the city and to identify the existing structures that are facilitating Hong Kong’s ongoing transformation. ■





[1] Protestor manhandled by the police in Hong Kong. PC: Social media.

## Hong Kong in Turmoil

Anita CHAN

**B**orn and bred in Hong Kong, I normally pay a visit a couple of times every year to see relations and friends. The last visit, during July 2019, was to a city in turmoil. Many Hongkongers had been taking to the streets weekend after weekend, and then daily, for well over a month.

It was soon apparent to me that the feelings pervading everyday life for many in the city have not been conveyed in the coverage of the mainstream international press. In conversations, on social media, and on wall posters, emotions run high. One example was the reaction after police attacked people inside the busiest shopping mall in Hong Kong, located in Shatin. The commotion began after a protest in the area was almost over. Some participants had dispersed and were passing through the mall on their way to a train station. A large contingent of police suddenly rushed in, locked all the exits, and then started indiscriminately bludgeoning protesters and people passing by. One photo in particular shocked the city's democrats (see image 1)—a policeman grabbing a man's face, with one finger gouging the victim's right eye and another finger in his mouth while the man was pinned down by two other policemen. The photo aroused an outpouring of anger. It was one of many photos and videos that have sparked demands for an investigation into police brutality.

In no time, copies of this photo went up on all the 'Lennon Walls' in Hong Kong, at street corners, in subway stations, bulletin boards, anywhere there was space for little stickers and big posters. The tradition of the Lennon Wall originated in Prague in 1980, in commemoration of John Lennon's assassination, serving as an indirect means to challenge the Czech Communist regime. In Hong Kong, the biggest and most well known of these Lennon walls is at the Taipo Railway Station, which has a maze of underground walkways that stretch a considerable distance. People who support the calls for democracy have been coming here to air their anger and demands by adding their own writing and pictures to the Station's ever-growing Lennon Wall.



[2] Taipo Lennon Wall.  
PC: Anita Chan.



[3] The four square pieces of paper to the right of John Lennon's photo warn about the coming of China's social credit system. They ridicule that system by listing the number of points deducted for infractions: 'Dangerous/bad driving: 50 points'; 'Spending too much on silly gifts: 35 points'; 'Playing too many computer games: 100 points'; 'Non-party member: 200 points'; 'Don't blame anyone if your points are too low, send your boy to a good school.'  
PC: Anita Chan.



[4] The Chinese characters read: 'Together, resist! Resist!' PC: Anita Chan.

Many of the posters, cartoons, and graffiti on the Wall use Cantonese words and characters. Traditionally, Cantonese is only a spoken language. Before Hong Kong came under Chinese sovereignty in 1997, Hongkongers spoke in Cantonese but were educated to write using the vocabulary and grammar of Mandarin, pronounced in Cantonese. Only a couple of newspapers that specialised in horse racing sometimes used Cantonese phrases, and new characters had to be invented. This was denigrated by other Hong Kong residents as uncouth Chinese. But as the post-1997 Hong Kong government introduced compulsory courses in spoken Mandarin into schools, some students began writing in Cantonese, creating a new form of written script that is incomprehensible to Mandarin-speakers. Soon, Cantonese characters started to appear in posters on university campuses, a situation that has become increasingly common since the Umbrella Movement of 2014. It has also become a *lingua franca* in online articles and the few Chinese-language newspapers that support the movement. Using Cantonese reaffirms their Hong Kong identity. It is also an open refusal to submit to the Mandarin-speaking mandarins from the People's Republic of China (PRC).

A good example of this use of Cantonese is the large lettering that stretches across the top of image 2. The first half of the sentence is in Mandarin, the second half is in Cantonese: 'We are not thugs' (我們不是暴徒, in Mandarin) [as the PRC declares we are]; 'we are Hong Kong people' (我地係香港人, in Cantonese).

One ubiquitous phrase that has appeared on the Wall is 'Hong Kong, step on the accelerator!' (香港加油), a chant often used by football fans as they cheer their team, which has been converted into a call for enthusiasm and for the protests to intensify.

The umbrella in the poster in image 4 contains rows of Hongkongers protesting for democracy. The first three rows wearing masks and hard hats are young activists at the battlefield; the fourth row journalists; the fifth row medical personnel; followed by lines of boys, girls, religious figures, judges and lawyers, and ordinary citizens. The youth in the front line have the support of all strata of society. They are all in solidarity. There is a subtext in this poster: that this movement is different from the Umbrella Movement of 2014 that prided itself on peaceful protest. After the attacks by the police, die-hard participants in the new movement began claiming that violent resistance is justified—portrayed by the three rows of helmeted activists.



[5]

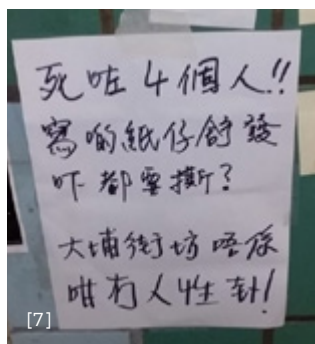


[6]

[5] This Mao quote reads: 'We struggled, we failed. We struggled again, we failed again. We'll continue to struggle until we win.' The bottom two lines read: 'This is the people's logic. They are determined not to betray this logic!' PC: Anita Chan.

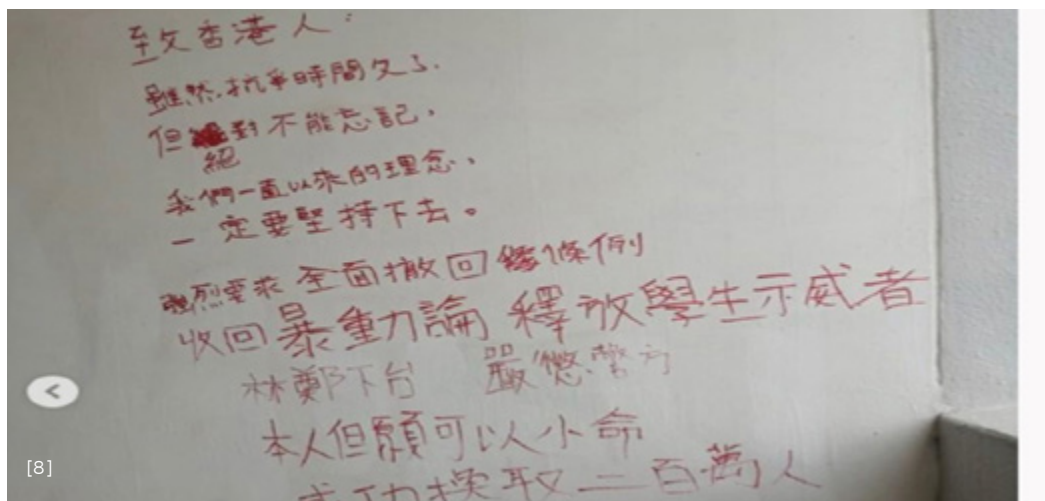
[6] 'Those who suppress a student movement will not end well.' Mao Zedong, 1966. PC: Anita Chan.

[7] PC: Anita Chan.



[7]

[8, below] This suicide note was written on the wall of the building where the second suicide, a university student, jumped off the twenty-fourth floor. It reads: 'To the people of Hong Kong, although we have struggled for a long time now, never forget that we have to persist holding onto our beliefs. I strongly demand the withdrawal of the Extradition Bill, the retraction of the accusation that the movement is a riot, the release of student protesters, the resignation of Carrie Lam, and heavy punishment of the police. I just hope that I am able to successfully exchange my insignificant life for the aspirations of two million people. Please fight on!' PC: Friend of the author.



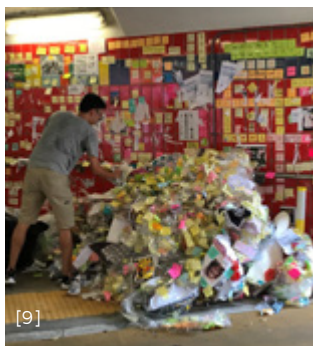
[8]

Some posters on the Wall, such as those in images 5 and 6, use Mao quotes to arm the movement with moral authority vis-à-vis the pro-Beijing Hong Kong government:

Among these thousands of messages, I noticed one inconspicuously pasted at the bottom of a wall (see image 7). It reads: ‘Four people have died!! Why did someone tear down such a small piece of paper expressing sorrow? We residents of Taipo community are not devoid of human feelings!’

Three of the four deaths mentioned in this note were suicides, leaving behind suicide notes decrying the Hong Kong government’s actions.

In the middle of the very night that I visited the Lennon Wall at Taipo, several busloads of people in white shirts came to vandalise the Wall. Apparently among them were some PRC residents who had crossed the border from Shenzhen. There was no follow-up investigation by the police. In hindsight, this incident was the precursor of pro-Beijing groups mobilising to counterattack. The next morning, pro-democracy activists come to clean up the mess, shown in image 9.



[9] Cleaning up the vandalised Taipo Lennon Wall. Photo: Friend of the author

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That same day I had lunch with eight of my former high school classmates from an elite Catholic girls’ school, where we had learned obedience to hierarchy and had recited back to our teachers whatever we were told. The conservative English-speaking education paid off. Now retired, all of them had been successful during their careers, rising to become high school head mistresses or senior bureaucrats in the Hong Kong civil service. They shared a social and educational background similar to Carrie Lam, the Chief Executive of Hong Kong, who instigated the Extradition Bill that has sparked the massive demonstrations. The luncheon conversation soon turned to the protests. They exchanged condemnations of the young protesters: ‘These kids are spoilt.’ ‘They demand too much.’ ‘They want everything from the government.’ ‘Now, even eighteen-year-olds just out of school go to line up for public housing.’ ‘They don’t know that our generation built up Hong Kong. Life was hard in those days.’ ‘It’s all because of that damn general education curriculum that was introduced into the middle school and high school syllabi. It teaches them to rebel.’ This statement piqued my interest. ‘What curriculum?’ I asked. ‘It’s supposed to help kids understand things, question things. But see what it’s done to these kids!’ ‘Well, do you think that we had a good education?’ I asked. They all concurred: ‘Sure we did. That’s why we are what we are now!’ I refrained from contradicting them.

The curriculum they were complaining about, which was intended to help students broaden their horizons and develop critical thinking, had been introduced by Hong Kong's first post-colonial Chief Executive, Tung Chee-hwa, a billionaire who had strongly favoured the interests of Hong Kong's business elite while in office. Two decades later, after he watched young people storming into the Legislative Council on television, he lamented to a pro-Beijing newspaper that he had been wrong to introduce the curriculum. In his words: 'That Hong Kong has become what it is now has to do with a mistake I made when I was in office' (香港今天这局面, 我任内做错了一件事). It had infected the young generation and now it was time to abandon it.

Hong Kong society has become increasingly polarised into two camps, between what is now called 'yellow ribbons' (黄丝)—the pro-democratic camp, with yellow symbolising the unfinished mission of the Yellow Umbrella Movement—and the 'blue ribbons' (蓝丝)—the pro-Carrie Lam and pro-Beijing camp. When I started using these terms in a conversation with a friend in a small crowded eatery, she quickly leaned over and whispered: 'Be careful, don't speak too loudly. You may get into trouble.' Last year in Hong Kong a few young women friends of mine had followed the fad of learning how to sing and stage Cantonese opera, a popular pastime that revives a long-forgotten quintessential symbol of old Hong Kong culture. This year, they are learning *kungfu*. What for? 'To defend ourselves if attacked!'

A few days after the luncheon with my old high school classmates, I witnessed the unthinkable on TV: a mob of men wearing white shirts and carrying sticks and iron bars, commanded by hoodlums from the triads—the local mafia—were given a free hand to bash anyone in sight inside the Yuen Long railway station, unimpeded by the police. Had my young female friends happened to be in that railway station, could their *kungfu* be of any use?

This incident marked a new turning point in the movement, as more and more ordinary citizens who had been sceptical about the demonstrations have become more sympathetic, and many who had been sympathetic but had grown inactive over the weeks were again willing to join rallies knowing full well that they might end up in violence by nightfall.

#### **Postscript written on 7 October 2019:**

Events in Hong Kong have been evolving rapidly since I wrote this piece in early July. From huge marches and creating Lennon Walls as peaceful means of resistance, the movement has escalated to a norm of almost daily violence between protesters and police. Today, 7 October, is the third day since

the enforcement of a law that bans wearing masks in public assemblies. When it was announced on the afternoon of 4 October, office workers in Hong Kong's Central Business District, many wearing masks in open defiance, started protesting. Like pouring oil on fire, in 18 districts across the city that evening crowds (still wearing masks) demonstrated, built barricades, and threw fire bombs into buildings with connections to Beijing. In the hope of restricting protesters from gathering in downtown areas, the government ordered the subway and train systems to close that evening and the next day, Saturday. Nevertheless, residents in both working-class and middle-class communities gathered during the day within their own neighbourhoods to join protests.

In three months, the protest movement has undergone a transformation. Rereading the messages stuck up on Lennon Walls in July, it is evident that since then the aspirations for Hong Kong to be independent of PRC encroachment, the expressions of solidarity among protesters, the willingness of some to sacrifice their lives, the anger directed at Carrie Lam, apprehensions about suppression, and counteractions launched by the pro-Beijing camp have all intensified. Those willing to confront the police are still getting material and logistic support from sympathisers who would not themselves engage in violence. True to the pact that the 'peaceful, reasonable, non-violent' camp and the 'brave warrior camp' (和理非, 勇武派) would be like 'brothers separately climbing the mountain, each trying their best' (兄弟爬山, 各自努力), thus far the two wings of the protests have restrained from criticising each other. For how long the movement can sustain itself is unpredictable. ■



'Opposing Extradition to China'. PC: Etan Liam

## Compelled Reticence

### Overseas Mainland Chinese amid Mass Protests in Hong Kong

Daphne ZHAO

When the mass protests against the extradition bill first broke out in Hong Kong in late March, I was not particularly surprised by this new wave of mobilisation. After all, having lived in Hong Kong for a few years I had already witnessed numerous protests that had drawn global attention to the Asian financial centre, including the Umbrella Movement of late 2014. Yet, when I heard that as many as two million people in Hong Kong—more than one quarter of its current population—took to the streets on 16 June, one day after the Chief Executive of Hong Kong indefinitely suspended, but stopped short of withdrawing, the extradition bill, I had to admit that I had underestimated the movement. With the mass protests in Hong Kong now entering their 14th consecutive week, I am both shocked and concerned about the scale and intensity of this ongoing mobilisation, which has drawn protesters from a variety of social-economic backgrounds and propelled tensions between local citizens and the police to new highs.

Equally unsettling for me is the intensifying Chinese nationalism in both mainland China and Hong Kong, as well as its swift spread to foreign countries, including Australia where I currently live after concluding my studies at a local university. This is not only putting immense peer pressure on overseas mainland Chinese to fully conform to such nationalist sentiment, but also has ramifications for those who deviate from it, let alone go against it. This situation, together with the covert, yet widespread, surveillance of mainland Chinese overseas and the lack of adequate protection for those expressing critical views, has engendered an alarming tendency among this group of people to engage in self-censorship when expressing themselves publicly. An increasing number of mainland Chinese overseas simply opt for (or are pressured into) reticence, and keep their thoughts to themselves or, at best, exchange them only with their inner circle of friends. They seldom, if at all, dare to discuss their opinions among a large group of people, let alone openly on social media platforms or in the press.

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Since the mass protests in Hong Kong gained momentum in mid-June, Chinese nationalism has been intensifying swiftly both in state media and on social media platforms.

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Since the mass protests in Hong Kong gained momentum in mid-June, Chinese nationalism has been intensifying swiftly both in state media and on social media platforms. On WeChat, for example, the ever-rising nationalist sentiment has taken a wide range of forms: from sharing official media posts about what has been happening in Hong Kong and circulating images or videos of the People's Armed Police conducting drills in Shenzhen, to expressing staunch support for the Hong Kong police and even calling for blacklisting or unfriending anyone who has yet to demonstrate his or her 'patriotism'.

While I am astounded by how quickly Chinese nationalism has intensified on Chinese social media platforms, I am even more appalled at the intensity of the nationalist sentiment displayed by mainland Chinese in Hong Kong compared to their counterparts in mainland China. While most of my WeChat contacts in mainland China simply share posts or articles that advocate the official Party stance without further comments from themselves, quite a few of my WeChat contacts who came from mainland China but now reside in Hong Kong have not only circulated these posts or articles but also accompanied them with strong words of condemnation for ungrateful Hong Kong protesters and intentional foreign interference in China's domestic affairs. In a repost of an article entitled 'I Support Hong Kong Police; You Can Beat Me Up Now,' one of my WeChat contacts, who has been working for an insurance company in Hong Kong for several years, first lamented that reporting on the mass protests by Western media had been biased towards protesters, portraying them as peaceful demonstrators in spite of their violent behaviour and malicious intent. He then vowed to go on more business trips to inform his clients abroad of the real situations in the city and warn them against the misinformation provided by their own press.

Hiding behind this ever-rising Chinese nationalism on social media platforms is a much less discernible phenomenon. Some mainland Chinese who have been living in Hong Kong for several years and who used to be quite active in sharing their views online have become less active, if not completely silent. Having noticed this phenomenon, I reached out to a few of them. Starting with everyday topics, such as new movies and recent sports games, my conversations with all of them went on well until I raised the question of the reasons for their radio silence. Two of them stopped responding to me, probably feeling suspicious of my intentions in asking them such a question; the others simply replied that 'there was nothing special', which triggered my follow-up question of how everything had been going in Hong Kong. At that point, they all ignored my messages. The ensuing silence was disappointing but not surprising



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Despite being thousands of kilometres away from China, Australia has not been immune to this intensifying Chinese nationalism. Since early July, social media platforms—both Chinese and Western—have turned into fiercely-contested battlegrounds.

to me. Above all, it is no secret that privacy has always been elusive on WeChat, especially during such politically sensitive times. While I was still disenchanted by the ending of my unfinished conversations on the app, my local friends in Hong Kong told me that on WhatsApp certain companies there had urged their employees to act ‘responsibly’ towards the ongoing demonstrations and warned that suspension letters or even dismissal letters would be issued to recalcitrant employees. Probably not coincidentally, many of my WeChat contacts were working for such companies.

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Despite being thousands of kilometres away from China, Australia has not been immune to this intensifying Chinese nationalism. Since early July, social media platforms—both Chinese and Western—have turned into fiercely-contested battlegrounds. Apart from ardently promoting the official Party stance on the mass protests, online Chinese nationalist behaviour in Australia and other foreign countries also entails insulting, harassing, and doxing people—mainly overseas mainland Chinese—with viewpoints sympathetic to the Hong Kong protestors, as well as rallying the Chinese community to undertake ‘patriotic’ actions. Epitomising this are pro-Beijing demonstrations, which have been staged at numerous locations since late July, from university campuses to city centres, where demonstrators have shown their ardour in many different forms, ranging from chanting nationalist slogans to verbally or even physically attacking pro-Hong Kong counter-demonstrators.

Overshadowed by this spread of aggressive Chinese nationalism to Australia is the heightened wariness and restraint shown by a growing number of mainland Chinese in the country. During a casual gathering with some friends a few weeks ago, I was introduced to a girl from Hong Kong who had come to Australia for study earlier this year. After I introduced myself, she posed a question that caught me off guard: ‘What do you think of the ongoing protests in Hong Kong?’ As I was about to respond, I realised that several mainland Chinese who were sitting at a table right next to ours had suddenly stopped chatting and turned their attention to our table. Having no idea about who these people were, I changed my mind: rather than saying what I intended to say, I decided to dodge her question. Deep frustration immediately appeared on the face of the girl, from which I could clearly tell that she was convinced that I was just another mainland Chinese who had been indoctrinated and who would never be capable of critical thinking or have

independent opinions. I did not have further interactions with her until we said goodbye to each other at the end of the get-together.

Some days later, I still found myself haunted by the girl's frustrated expression and the uncomfortable silence between us throughout the meeting. I therefore decided to ring up a trustworthy friend who also came from mainland China and had spent several years living in Hong Kong before relocating to Australia a few years ago. Having listened to me recount the experience and vent my disappointment in myself for not being courageous enough to express my opinion, he remained silent for a while and then said: 'I was actually involved in a similar situation a couple of weeks ago and responded in the same way as you did. I also know many other mainland Chinese in Australia who avoid voicing their opinions in such circumstances. For us, it is not really about personal bravery: after all, we still want to see our family in China, don't we?'

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As the intensifying Chinese nationalism in mainland China and Hong Kong spreads abroad and sparks tensions in Australia and other countries that have a sizeable presence of ethnic Chinese, the widely-reported scenes of overseas mainland Chinese staging pro-Beijing demonstrations or targetting pro-Hong Kong protestors have made it tempting to jump to the conclusion that attitudes towards the ongoing mass protests in Hong Kong have become a fault line in the overseas Chinese community. According to this narrative, overseas mainland Chinese belong to the pro-Beijing camp and the other ethnic Chinese groups fall into the pro-Hong Kong camp. Some observers even go as far as to imply that the vast majority of mainland Chinese are brainwashed and condemn them (us), especially those overseas, for shamefully coming to the defence of Beijing.

I would not deny that some overseas mainland Chinese are prone to blind patriotism, but the ill-founded generalisations that depict all overseas mainland Chinese as mindlessly siding with Beijing render me as much saddened as irritated, not least because insufficient attention has been paid to the reasons behind the phenomenon of overseas mainland Chinese toeing the official Party line. The swift spread of Chinese nationalism into Australia, and the even more aggressive forms that such nationalist sentiment may take, make it plain that overseas mainland Chinese who hold different viewpoints from the official Party stance are as likely to face serious pressure to

follow the official Party line as their counterparts in mainland China and Hong Kong, despite the fact that they live in a Western democracy.

Exacerbating the pressure is the covert yet pervasive surveillance of overseas mainland Chinese exerted by the Chinese government, whose arsenal spans from individual informants to state-sponsored spying networks. The very presence of such surveillance has diluted the freedom that mainland Chinese can enjoy while living overseas in democratic countries. This diluted freedom not only restrains overseas mainland Chinese who do not want to uncritically side with Beijing from expressing their opinions, but also prevents them from informing people in China of accounts of the mass protests in Hong Kong that differ from the official version. They also cannot engage in open and constructive conversations with mainland Chinese who ardently defend Beijing to help find common ground to defuse the tensions.

Granted, there are a handful of overseas mainland Chinese who did choose to speak up for Hong Kong against enormous peer pressure and omnipresent surveillance, but the consequences they suffered seem to have ended up reinforcing the growing reticence among overseas mainland Chinese. The deterrent effects of being doxed, insulted, or intimidated would probably not be so strong were such acute consequences contained only to the people who chose to make their voices heard, but the fact that all the ramifications may well extend to family members and that they could be prohibited from even seeing their family again have rendered the deterrence all the more effective.

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Not all overseas mainland Chinese are uncritical champions of the official Party line, but at the same time not all of them are outspoken about their standpoints. For many overseas mainland Chinese whose views differ from the official Party stance, being reticent is not so much a voluntary choice as a forced decision due to the combined effects of the immense peer pressure from mainland Chinese who ardently defend Beijing, the covert yet omnipresent state surveillance by the Chinese government of overseas Chinese, the ramifications of contradicting the official Party stance, and, above all, the lack of sufficient protection for speaking up.

The diffidence among overseas mainland Chinese who do not want to uncritically side with Beijing is indeed disheartening and alarming. On the one hand, this group of people is constrained from informing people in China about the other side of the story and from helping their peers who are prone to

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The diffidence among overseas mainland Chinese who do not want to uncritically side with Beijing is indeed disheartening and alarming.

blind patriotism to think critically, although they are probably better positioned for these tasks given their access to different sources of information. On the other hand, this compelled reticence among overseas mainland Chinese might well develop into perpetual silence, as the diluted freedom that they can at best enjoy while living in democratic countries could render them so disillusioned that they would eventually give up hope of ever being able to truly speak their minds. If such disillusionment becomes widespread, this would be a coveted victory for Beijing and a resounding defeat for democracies worldwide.

The extradition bill that sparked the mass protests in Hong Kong has now been withdrawn, but the demonstrations there are still ongoing and, along with them, the compelled reticence among overseas mainland Chinese. Just as it is urgent to find an effective solution to the turmoil in Hong Kong, it is critical to resolve the uncomfortable silence in the overseas Chinese community and create a safer environment for everyone to voice their viewpoints, support and dissent alike. ■



'Sound Waves'.  
PC: William Chew.

## Can Chinese Students Abroad Speak?

Asserting Political Agency amid Australian National Anxiety

Shan WINDSCRIPT

Australian nationalist discourse rarely acknowledges the existence of Chinese international students except within ethnicised stereotypes—variously, as ‘cash cows’, ‘CCP spies’, and ‘patriotic students brainwashed from birth’ (Four Corners 2019; Hamilton 2018, 4). Daphne Zhao—a pseudonymous Australian-based Chinese graduate student—offers a welcome break from this increasingly paranoid oversimplification in her recent op-ed in this issue of the *Made in China Journal*. Albeit with its own limitations, her article attempts to complicate the prevailing narrative of a singular ‘Chinese diaspora’ toeing the official Party line. Yet Zhao, who speaks through personal experience of engaging with mainland students about the ongoing Hong Kong protests, elaborates a narrative of victimhood. In her account, overseas Chinese students who hold dissenting views inevitably retreat into a ‘compelled reticence’ in the face of growing Chinese nationalism and an oppressive surveillance state.

State surveillance is undoubtedly one of the central barriers to open and active political engagement among many students from the People’s Republic of China (PRC). And Zhao is certainly not alone in feeling concerned about the current environment (Kwai 2019). But representing overseas mainland students as passive victims of the omnipresent power of the Chinese Communist Party (CCP) offers neither a solution for overcoming this dilemma, nor does it sufficiently capture the actual diversity of political opinion among the students. If anything, it also has the potential to reinforce Australian racial anxieties and CCP authoritarianism, both of which remain committed to removing the political agency of the Chinese students by collapsing the Communist Party-state and ‘the people’ into a homogenous whole.

In this response to Zhao, I propose an alternative frame of thinking, one that puts political agency at the foreground as not only desirable but necessary, and one that centres voices of dissent—however fragmentary—among Chinese international students. Although I ground my comments here in an Australian

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This racial stereotyping of PRC students is both a product of, and a contributor to, the current hypersensitivity about the CCP's influence on Australian democracy and sovereignty.

context, I hope this piece offers a contribution to a wider discussion among progressives worldwide about engaging and building radical solidarities with students from China.

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In Australia—a country whose settler-nationalism is historically rooted in white supremacist race-thinking, compounded with a recently-resuscitated Cold War paranoia—students from the PRC stereotypically figure in public commentary as disruptive to Australian cultural norms and values (Laurenceson 2018). Mainstream discourse draws attention to mainland students as at best incapable of, and at worst hostile to, democratic participation. Since 2016, in the face of a rising and globally more assertive China, there has been growing suspicion that Chinese students are likely to be ‘agents of the CCP’ who threaten the intellectual freedom of Australian academics (Laurenceson 2018, 40). In media coverage on the recent pro-Hong Kong rallies held across Australia, focus is placed on the tensions and ‘unbreachable’ differences between supporters of Hong Kong democracy on the one hand, and aggressive, ultra-nationalist PRC students on the other. Coinciding with this, Chinese students have been criticised for their lack of English proficiency, and blamed for lowering Australian higher education standards (Laurie 2019).

This racial stereotyping of PRC students is both a product of, and a contributor to, the current hypersensitivity about the CCP's influence on Australian democracy and sovereignty. Promoted in recent years by the major political parties, think tanks, and public figures, fears about Beijing infiltrating Australian democratic institutions have pushed the country's moral panic over Chinese migrants and students to the point of hysteria. Clive Hamilton's 2018 book, *Silent Invasion: China's Influence in Australia*, played a notable role in fuelling this fearmongering campaign (Brophy 2018). The outburst of concerns over the national loyalty of Gladys Liu—a Member of the Parliament from the Liberal Party, originally from British Hong Kong—is the most recent expression of Australia's anti-Chinese sentiment. Pundits like Clive Hamilton, having previously shown no concern over Liu's homophobic and transphobic politics, have wasted no time in denouncing her alleged connection with the CCP (Hamilton 2019). According to Hamilton, no ethnic Chinese can be trusted politically unless they prove their loyalty to Australia (Tarabay 2019).

The racialised anxiety has manifested itself in ugly forms in a spate of recent events targeting mainland students across the country. In mid-September 2019, Monash University's student union decided to ban all international students from running

in elections so as to prevent a ‘takeover’ of the union by PRC students (Sakkal 2019). In late July, an ‘anti-Chinese influence’ rally was called by a group of Australian students at the University of Queensland (UQ), fanning the racist flames in the name of protecting Australian national interests against UQ’s Confucius Institute (Power 2019). The rally provoked calls for the deportation of patriotic mainland students, and for an ‘anti-Chinese riot’—a direct reference to the violent demonstrations against Chinese miners on the goldfields of nineteenth-century Australia (Hioe 2019).

But mainstream peddlers of this anxiety continued to agitate. Instead of condemning the increasingly obvious racist discourse, Clive Hamilton lampooned UQ’s Vice-chancellor Peter Høj as the CCP’s ‘best academic friend’ for supporting the Confucius Institute (Hamilton 2019, Twitter post). Underpinning his reasoning was not evidence, but a sanctimonious, toxic, malicious delirium widely shared among conservative and right-wing circles: Australian democracy is vulnerable to contamination by the ‘covert, coercive or corrupting’ behaviour of Xi Jinping’s Communist China (Turnbull 2017).

What really lies at the heart of all this talk about mainland Chinese influence is a deep-seated, anxious Australian nationalism that ossifies ethnic communities to fulfil its ‘White nation fantasy’ of racial dominance (Hage 2000). This fantasy treats Aboriginal and non-white people as what Ghassan Hage (2000, 18) terms ‘merely national objects to be moved or removed according to a White national will’. This Australian nationalism is unwilling to, and incapable of, grasping the diverse cultural universes of diasporic communities—a diversity that runs directly against ethno-nationalist racial imagination. This Australian nationalism, in casting mainland students as a homogenous, ‘brainwashed’ mass of CCP agents who are incapable of thinking critically beyond the Party line, erases the capacity of the students to act as full political beings.

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The ruling authorities of mainland China chase their own fantasies of social and ideological homogeneity.

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The ruling authorities of mainland China chase their own fantasies of social and ideological homogeneity. Their efforts to control information through censorship, propaganda, and their ongoing ‘patriotic education campaign’—implemented originally by Deng Xiaoping in the early 1990s—reflect their desire to integrate ‘the people’, especially the youth, into the Party-state as loyal and ideologically committed citizens. To this end, the Chinese government, like its Australian counterpart, also denies Chinese people the capacity and possibility of genuine political engagement.

While the CCP likes to boast about the patriotism of its overseas students, we should not draw the conclusion that what they want is what they get. As Melbourne academic Fran Martin (2018) says: ‘It is true to say that the patriotic education campaign has had an effect on young Chinese ... [but] students are smart people, they are educated, they are not cultural dopes ... no-one is so stupid as to be simply taking on a government line and never questioning that.’

In September 2019, I talked to a number of mainland international students about the Hong Kong protests. These students were engaged and chatty, if not always well-informed. Unsurprisingly, some of them were nationalistic, some of them politically unsophisticated. But all of them were curious and open-minded about what was going on in Hong Kong, and—with reasonable precautions—perfectly capable of expressing themselves and partaking in discussions and debates.

Solidarity from these Chinese students with the Hong Kong protesters is common, and an overall aspiration for fair and critical judgement informs their evaluations. One student, for example, expressed both his frustrations with the CCP’s control over the media, and his support for the Hong Kong protesters:

I think those mainlanders who are openly anti-Hong Kong have been manipulated by official media such as the *People’s Daily*. I and most of my friends and relatives are supportive of Hong Kong, though I personally feel pessimistic about the prospect of them achieving all of their five demands. But isn’t it just great that they could stand up and speak out [他们能够站出来不是挺好的吗]? Millions standing together is an expression of the will of the people. If I were a citizen of Hong Kong, I’d go and join them in the street.

Another mainlander who came to study in Australia over a year ago expressed similar feelings of solidarity for Hong Kong and criticism toward the Chinese propaganda state:

I think what’s happening in Hong Kong is normal. Using non-violent civil resistance is a normal practice of achieving what people want. What isn’t normal is the sense that ‘everything is harmonious in China’ propagated by the Chinese state ...

I understand what the Hong Kong people want, and I support them, even if what they ask for is independence. Although I’m sceptical about whether their [five demands]



could really resolve their economic issues such as the deep inequality and housing crisis, I think what they are demanding is completely reasonable.

None of the students I spoke to was oblivious to the risk of speaking out against the Chinese Party-state. But none of them expressed exceptional concern over CCP surveillance either. ‘We are not influential figures. We are just ordinary, unimportant little people [to the state],’ one student said with a chuckle.

Another student spoke against the tendency to exaggerate fears over the CCP:

I feel that the horror [about the CCP] is often exaggerated. Even on WeChat and Weibo, there are a lot of people discussing political sensitive topics. After all, we are not public figures. Is the Chinese state going to imprison every single person who mentions things like the Cultural Revolution or June Fourth on WeChat? They'll run out of prison space.

Last year, I wrote an essay [in Australia] arguing that Mao Zedong was a mass murderer. My argument at the time was probably too simplistic, but I didn't feel scared at all for writing it. China may be an authoritarian regime, but it's far from being able to make everyone believe two plus two equals five.

I am not suggesting that we dismiss Chinese students' concern about CCP surveillance. But exaggerating the reach of state power, and self-censorship for fear of retribution, only serves to generate more fear and further the alienation of Chinese students, foreclosing the possibility for social and political change. The only way to overcome this impasse is for international students to assert themselves as political actors and to build solidarity with progressive forces and struggles in Australia and across the world. Individual expressions of dissent against power are unlikely to be effective. Taking part in collective movements for social transformation, on the other hand, would be empowering, uplifting, and can achieve greater impact.

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Students from the PRC can, and have been, expressing critical opinions on topics considered sensitive by the Chinese Party-state. But their voices are often silenced or drowned out by the

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Instead of dismissing these students' politics or questioning their ability to think critically, we need to inspire confidence among them to be more politically active.

oversimplified 'spectacles' of Chinese students undermining Australian values and norms favoured by the news media to attract public interest within a climate of white Australian nationalism. To let the diverse voices of Chinese students be heard, we first need to be vigilant of, and actively oppose, stereotypical representations of the students in mainstream discourse, and to shift our focus to positive examples of political engagement among the mainland students.

More broadly, we need to develop productive ways to engage with students from the PRC on political questions. What divides people is not their ethnic-national affiliation but their politics. Instead of dismissing these students' politics or questioning their ability to think critically, we need to inspire confidence among them to be more politically active. Creating a supportive and inclusive environment, listening to and building trust with them, taking their opinions and perspectives seriously with a constructive attitude, and having healthy dialogues and debates with them are some of the ways in which we could achieve this goal. In other words, we should engage with mainland students in the same way we would engage with other people politically.

The success of a recent meeting of Chinese and Hong Kong students at the University of Sydney offers a case in point. Organised by mainland students, the meeting was pitched cautiously with the aim of fostering 'mutual and rational' talks with Hongkongers. It attracted some 50 to 60 attendees, with a good contingent of students from Hong Kong. And the students took precautions to protect their privacy. The meeting heard presentations in Mandarin Chinese, with English translations projected on the screen, followed by a bilingual Q&A. Mainland students articulated their various thoughts and positions on the Hong Kong cause: criticisms, reservations, justifications, and support. And the meeting did not descend into a shouting match. As David Brophy, a Sydney academic who attended the event as a guest speaker, reports: 'After two hours people still wanted to hang around and keep talking—there's clearly enthusiasm and interest for events like this. The organizers emphasized the importance of upholding free speech on campus, and collected post-its for a Lennon Wall at the end' (Facebook post, 13 September 2019).

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Perhaps more importantly than anything else, we need to organise and build radical internationalist solidarity with mainland Chinese students beyond the recognition of 'nations' as the natural foundation of identity and belonging. Like migrant and refugee workers everywhere, international students are vulnerable to discrimination, exploitation, and abuse. We

should ally ourselves with them for a shared commitment to fighting inequality and systemic oppression. Unions and progressive grassroots organisations have the power to drive the realisation of this vision. The newly-formed Migrant Workers' Centre in Melbourne has led the way in realising such multi-ethnic alliances 'from below' (MWC 2018).

In early May 2019, a group of casual academics and members of the National Tertiary and Education Union (NTEU) at the University of Melbourne issued an open letter condemning the racist portrayal of Asian international students in the Four Corners's documentary, *Cash Cows* (Open Letter 2019). The documentary, ostensibly concerned with the well-being of foreign students—most from China and India—present them as scapegoats for the problems caused by Australia's increasingly corporatised and casualised neoliberal university system. Asian international students are portrayed as undesirable 'back-door' migrants, incompetent with basic academic tasks, and ill-suited for Australian life and values. Perpetuating a long historical tradition of racial exclusion by language competence, *Cash Cows* masquerades its call for regulating borders as investigative journalism.

Within 48 hours of the show's airing, the open letter from the NTEU's casual unionists gathered more than 160 signatories from academics across the country. Soon after that, at the NTEU rally against casualisation, held outside Melbourne University's Chancellery, over 70 protesters stood in solidarity with international students against the airing of *Cash Cows*. The crowd cheered and applauded as an international student activist spoke up against discrimination and university exploitation (Fela 2019).

There can be no oxygen for the exclusionary logics of nationalism within our common struggles for global justice that transcend the bounds of ethnicity and nationality. We should recognise that, despite our different passports, our aspirations for freedom from oppression have no borders. ■

\*I thank the students for sharing their stories and thoughts with me; and Jimmy Yan, David Brophy, Max Kaiser, and the editors of the *Made in China Journal* for reading this piece in draft forms and providing helpful comments and suggestions.



'Straight pride' flag among the anti-CCP protesters. PC: JS Chen.

## We Stood on Opposite Sides at a Pro-Hong Kong Rally and Became Friends

JS CHEN  
K. SHEN

On 29 September, amid global anti-totalitarianism protests (Cheng 2019), pro-Hong Kong activists in Boston called for the disruption of the city's annual People's Republic of China (PRC) flag-raising ceremony.

Anticipating conflict, the Boston police put up street barricades, separating the crowd into two groups. On the inside were elderly Chinese residents from Boston's Chinatown and the Greater Boston area, who came to participate in the celebrations. On the outside stood Hongkongers, Tibetans, Uyghurs, and Taiwanese. Sensing an opportunity to express their anti-Chinese xenophobic hatred, groups of white supremacists, right-wing Trump supporters, and 'straight pride' activists also showed up at the rally.

Two activists who did not know each other previously—JS, a member of the Hong Kong collective Lausan, and K., a local Chinese-American community organiser—stood on opposite sides of the protest but left the event as friends. Unsure of each other's political views, they were cautious when first exchanging opinions, but what began as a hostile assessment of each other's politics ended in mutual dissatisfaction over the protest's message.

In this op-ed, they share their perspectives from different sides of the barricade and reflect on the possibilities for solidarity between Hongkongers and mainland Chinese people, especially overseas.

### The Perspective of JS, a Pro-Hong Kong Protester

As part of the Hong Kong diaspora, I wanted to take part in the protests on 29 September to show solidarity with the movement. However, I felt uneasy about the staunch anti-China sentiment of disrupting the PRC flag-raising ceremony, and was not sure who exactly we would be protesting against.

On the subway ride down to the rally I encountered a group of four elderly women who were seated across from me. They dressed plainly and spoke Mandarin. I became suddenly self-conscious of my all-black attire and the ‘Stand With Hong Kong’ sticker I had stuck on my backpack earlier in the week. They were headed for the flag-raising ceremony, the same one that I was going to protest against.

By 10:30am, as many as 70 people, mostly clad in black, piled into the main square. Protesters representing Tibet, Xinjiang, and Taiwan were also present, each group carrying signs denouncing the Chinese Communist Party’s (CCP) tyranny in their respective homelands. I stood with the pro-Hong Kong activists, chanting ‘Five demands, not one less’ and other staple slogans of the Hong Kong movement. But as more Chinese immigrants showed up for the ceremony, the chants turned ugly and began targeting the people instead. ‘Communists, go back to China!’ protesters yelled, echoing the McCarthyism of the 1950s. ‘This is America!’

That is when Trump supporters, right-wing Christian groups, white supremacists, and ‘straight pride’ marchers began to arrive, joining our side of the barricade—clearly hoping to take advantage of the unfolding conflict to further their Sinophobic agenda. They jeered at the crowd of Chinese immigrants. A white woman wearing a Trump hat stood by the barricade, shouting ‘Shame on the United States for letting communists in!’ She started pointing an elderly person across the barricade and yelled: ‘Are you a fucking communist?’

I suddenly felt ashamed and disoriented. Noticing a woman around my age on the other side of the barricade, I asked: ‘Excuse me miss, can you tell me more about the people at the ceremony?’ She introduced herself as K., a community organiser, and explained the attendees were low-income, elderly immigrants living in Boston’s Chinatown. Many of them were tenant organisers in their own right. Some were even involved with the labour union Unite Here Local 26 and participated in the Marriott strike in 2018—a strike I had gone out to support (Johnston 2018). Learning this, my heart sank. I never thought that one day I would be standing across a barricade from these Marriott strikers.

When I reflect on that day, I find it bewildering to think about the alliances that formed in hostility toward Chinese immigrants. I feel sick thinking about pro-Hong Kong activists sharing their megaphones with white supremacist Trump supporters, and seeing photographs of the ‘straight pride’ flag waving among Taiwanese, Tibetans, and Uyghurs.

Intentionally or not, the call to disrupt the PRC flag-raising ceremony had turned Chinese immigrants into targets, and worse still, allowed what could have been an opportunity for



Trump supporter berating an Uyghur supporter. Photo: JS Chen.

discussion and solidarity to descend into the latest iteration of Yellow Peril discourse. If pro-Hong Kong activists abroad continue to adopt rhetoric that invites right-wing groups to their rallies, these protests could easily become breeding grounds for a new Sinophobic movement. Instead of perpetuating white nationalism in pitting the West against China, we must carefully draw a line between pro-Hong Kong solidarity and anti-Chinese racism.

In many ways, the Boston protest reflects both the nativism that has emerged out of the Hong Kong movement, and the nationalism which results from indoctrination by Chinese state media. In reality, this opposition is constructed. Working-class mainlanders and Hong Kong protesters should be natural allies—both groups are exploited and repressed by the CCP’s authoritarian state capitalism. Sadly, it is increasingly impossible to build these relationships in Hong Kong or in the mainland: expressing pro-Hong Kong sentiments in the mainland can result in censorship or even arrest, while expressing any sympathy for the concerns of mainland Chinese in Hong Kong can provoke a fierce backlash from protesters.

This is where the diaspora may play a critical role: it is overseas that Hongkongers and Chinese people can still safely engage in dialogue. For Hongkongers hoping to challenge China’s rising nationalism, it is crucial that we build stronger relationships with the millions of Chinese living outside of the mainland’s borders. Here, perhaps we can imagine an entirely new relationship between Hongkongers and mainlanders—one that is not based on nativism or nationalism, but a shared sense of solidarity.

### The Perspective of K., a PRC Flag-raising Ceremony Volunteer

His arm wound back as he prepared to punch the man across the barricade. Before I knew it, I threw myself between the two men to prevent another fight from breaking out.

I decided to volunteer at the PRC flag-raising ceremony to support the Chinese Progressive Association (CPA) in Boston and the community members they brought to the event. Having been a part of the CPA and the broader Chinatown community in Boston, I knew many of the attendees—most were low-income, working-class Chinese immigrants. Outside of the barricade I saw Qing, a hotel worker and member of Boston’s Unite Here Local 26, looking for a safe path to join the ceremony with her family. Qing led chants and spoke at rallies to mobilise other

hotel workers. I also ran into Mah-wah, a resident of a nearby senior housing building, whom I steered away from belligerent protesters and towards a safe spot to sit. Mah-wah frequently came out to fight for affordable housing in an increasingly gentrified Chinatown. These attendees were organisers and leaders in the community, fighting to improve the living and working conditions of the Chinese diaspora in Boston.

As a Chinese-American born and raised around Boston's Chinatown, I did not attend the ceremony to support the CCP. Rather, this flag raising ceremony was a tradition established by Asian American organisers in the 1990s. Until US-China relations were normalised in 1979, the Chinese diasporic community in the United States could not speak freely to or about their family without a visit from the FBI. They were frequent targets of red-baiting and lived under fear of persecution. The initial ceremony represented the acknowledgement of the Chinese-American community and the years spent organising against discrimination.

CPA's work organising the flag-raising ceremony is one example of over four decades worth of grassroots community organising. Their work spans across youth, tenant, and labour organising, along with civic engagement and voter outreach.

Having worked closely with the community that would be attending the flag-raising ceremony, I felt conflicted. To them, the flag represented a very different thing than to those who came out to protest—it reminded them of a home they left. Even though that meaning did not resonate with me, I still wanted to support them, and even protect them.

Heading to the ceremony, I was ready to be confronted by anti-CCP protestors. From inside the barricade, I looked over to the crowd of protestors. I saw signs about the CCP's oppression in Tibet among others. At first, the protesters stayed among themselves; however, things quickly escalated. People from both sides started yelling insults at each other. Some were ready to fight. I lost count of the number of potential physical alterations that I stopped with my own body.

What pained me the most was knowing that the people in the crowd were from the same community but were hostile to each other at the event. Normally, you would find elderly people from both sides of the barricade sitting at the same local bakery in Chinatown and reading newspapers together or chatting about their lives. Most protesters were likely patrons of restaurants where the ceremony attendees worked.

While I am against the CCP's oppression in Hong Kong, I felt that this protest did not capture what the spirit of solidarity with Hong Kong should look like. Protestors chanted 'Go back to China!' and 'No communists!' They booed at and taunted

the performers and audience members. Instead of condemning Chinese state oppression, they targeted the Chinese immigrants in attendance.

I watched as Hongkongers from the anti-CCP side of the barricade welcomed white nationalists, Trump supporters, and ‘straight pride’ flag carriers into their midsts as allies. They stood at the edge egging people on and were entertained by the tension and the anger. I even saw a white nationalist harass an Uyghur supporter for wearing a hijab but still be embraced by the anti-CCP side. If this was a protest meant to unite the voices of Hong Kong and all the other people oppressed by the CCP, that meaning was lost to anti-Chinese hatred.

As a Chinese-American community organiser, I believe that we should not support Hong Kong solidarity protests that invite white nationalists, groups that espouse xenophobic rhetoric, and most importantly, movements whose freedoms are contingent on the oppression of others.

Instead, we must ask: what does international solidarity look like when it gets entangled in local struggles? How should global and local struggles intersect?

When imagining how this event could have happened, I think about the significance of the flag-raising ceremony’s history and its roots in Boston’s local organising community. I also think about how it could have taken new meaning and become an event that expresses solidarity with Hong Kong’s struggle. This reimagination may be simplistically optimistic; but, we can still hold out hope while knowing there is a lot more that needs to be done. We all have more work to do and going forward, I hope we do that together. Afterall, although the flag itself represents the PRC, the annual ceremony represents the struggle for a more just society—the same thing that Hongkongers are fighting for today. ■





*American Factory* by Steven Bognar and Julia Reichert (2019).

## Service for Influence?

### The Chinese Communist Party's Negotiated Access to Private Enterprises

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Hong ZHANG

Among the many praises for the documentary *American Factory*, the filmmakers' non-judgmental way of storytelling is a major point. Their determination not to villainise any individual indeed conveys a commendable commitment to humanity—in an age of polarisation when people are used to pointing fingers at others, this film is refreshing. This was supposedly also why the Obamas' Higher Ground Productions got behind it—it represented the kind of message they wanted to channel into American public discourse.

While the documentary is an artistic victory, it is less satisfying intellectually. The film takes the American audience on a rare tour observing the life of the Chinese workers in Fuyao's headquarters in Fuqing city, Fujian province. There, it highlights the military training-style team meetings, the extravagant New Year party, the collective wedding, and the willingness to endure hardship. But it does not provide a good explanation of why these things are happening. 'This is just the Chinese culture' seems to be the answer the filmmakers leave the audience with, and in fact this is the conclusion many American reviewers have drawn from the film. But what exactly is this 'culture'? Unfortunately, rather than illuminating the specific forces that contributed to shaping the outlook of the Chinese workers, *American Factory* follows the familiar practice of depicting their behaviour as something uniquely Chinese and foreign. This presents the viewer with an essentialist understanding of cultural differences.

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To me, a student of China's political economy, the most interesting revelation in the film comes when the crew interview the chairman of Fuyao Group's trade union, Mr He Shimeng. Mr He wears many hats. He is not only the union's leader, but also a Vice-president of Fuyao Group, as well as the Secretary of the Chinese Communist Party (CCP) Committee at the company, and a brother-in-law of Mr Cao Dewang, Fuyao's founder and Chairman of the Board. It immediately begs a number of questions: what role does the Party play in a private

enterprise such as Fuyao? What is the relationship between the Party organisation, the company's management, and the workers? How does this relationship shape the workers' experience in the workplace?

It turns out that the CCP has a long presence in Fuyao. Established in 1987 in a *de facto* privatisation of a township-and-village enterprise, the firm set up its first Party Branch (党支部) in 1997, which was upgraded to a Party Committee (党委) in 2007 overseeing five branches in the company. As of 2019, Fuyao Group has 623 CCP members (Fuzhou News 2019). It may seem a small proportion of the company's 22,000-strong Chinese staff, but over 70 percent of Party members occupy key positions in the management or technical leadership, including 22 senior executives (People.com.cn 2016). Fuyao's Party organisation has also won multiple awards from the provincial Party authorities for its stellar performance in Party work in a private enterprise (Duan 2016).

Interestingly, as Mr Cao retells in his memoir, back in 1989 he used to resist setting up a CCP committee in his company, as he was concerned about possible confusion over the decision-making power (Fuyao Group 2018). What, then, explains Fuyao's later embrace of the Party organisation? It may have been political pressure, but for now Mr Cao and Fuyao appear to have found a comfortable way of coexisting with the Party. Not least because by utilising the CCP's time-honoured repertoire for mobilisation and indoctrination, the Party organisation has presented itself as a tool for corporate management, which has convinced private entrepreneurs such as Mr Cao of its usefulness.

As Mr He's various titles suggest, the relationship between the Party organisation, the management, and the trade union is characterised by integration rather than separation. Similar to the situation in state-owned enterprises (SOEs), Fuyao institutionalises a cross-posting system where the leadership positions in the CCP committee are taken up by senior executives who are Party members. However, unlike in SOEs where the chairperson of the board and the Party chief are required to be the same person to ensure that the CCP has a final say in corporate decision-making (SASAC 2018), Fuyao's chairman does not hold a Party position, and the Party organisation has no control over the board.

As such, the CCP organisation plays a supporting role in Fuyao by engaging in employee management. This is done not only through the Party branches and cells, but also through the Party's oversight over the union and the Communist Youth League. Besides Mr He's multi-posting, a deputy Party secretary serves as the deputy union chairman, and a member of the

Party Committee serves as the secretary of the Youth League. Through the latter two, the Party organisation has access to the majority of the employees.

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Reflecting the CCP's mass work tradition, Fuyao's Party organisation develops extensive ties with employees. To start with, the Party organisation takes charge of employee welfare. It not only supervises the mandatory social insurance and pension schemes, but also provides 'extra' welfare programmes, such as building libraries and sports facilities for the employees. The New Year party featured in the documentary would most likely have involved the Party organisation. In addition, it rolls out various mechanisms to facilitate its communications with the employees and keep it informed of the dynamics within the workforce: a hotline is available for employees to appeal to Party cadres for help with their personal difficulties or complaints; each Party member is mandated to liaise with one key technician, one candidate for Party membership, and one employee in distress.

Such access to the workforce allows the Party organisation to develop an incentive scheme: employees considered crucial for the company's development are recruited into the Party, and Party membership in turn grants them greater influence in the workplace. Loyalty and technical or management capabilities are the most sought-after qualities for Party member candidates. The Party organisation slates employees who have worked in Fuyao for over three years to make up the priority pool for prospective Party member candidates (People.com.cn 2016). Employees showing greater potential for technical or management leadership are selected and groomed through the Party's training programmes, and their final attainment of Party membership marks them out for career promotion within the company. Party members also have privileged access to the company's strategic decisions; in some cases they are allowed to participate in their deliberation.

Party organisations in the workplace seek to incorporate the Communist Party's vanguardism. In the case of Fuyao, it is embodied by the Party members' role in spearheading technological innovation. Through sponsoring 'CCP member innovation groups' and organising 'innovation contests' among them, the Party organisation in Fuyao positions itself to lead the company's innovation efforts, which is crucial for the company's survival in the global auto industry's cut-throat competition. Party members are also entrusted to critical missions of the

company, of which the Dayton factory is a prime example. Ten Party members were among those dispatched to Dayton, including three in leadership positions (Minzuxuan 2016).

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To sum up, Fuyao's Party organisation effectively serves as something analogous to a Western corporation's human resources (HR) department. It may be argued that the CCP organisations provide HR services to private enterprises, which are often not very strong in corporate governance, in exchange for access to these companies. The CCP's principle of engaging private enterprises is summarised by the mantra of 'presence without intrusion, action without disruption, induction without interference' (到位不越位、有为不乱为、引导不干预) (People.com.cn 2016). This suggests that while the CCP is firm in demanding its place in private companies, it is careful when pushing boundaries.

But whatever practical roles the Party organisations take on in private enterprises, they remain political organisations embedded in the CCP's network globally, through which the Party's central leadership disseminates policies. According to the CCP's organisational rules, Fuyao's Party branches in its headquarters and subsidiaries across China must report to their local Party-state authorities. In its headquarters in Fuqing, the company's Party Committee works closely with the city's Party Committee, including frequently hosting political/cultural events organised by the latter (Fuqing City 2019a). Recent examples include a patriotic song concert that saw the participation of 12 local companies (Fuqing City 2019b). Fuyao also has an in-house Party School, where Party members routinely attend study sessions on the Party's doctrines and policies. Joining in the national propaganda campaign based on the Xuexi Qiangguo (学习强国) app, Fuyao recently organised a contest for its Party-member employees, who were quizzed about everything from natural science, to art, Marxism, CCP history, and military affairs (Fuqing City 2019c).

As the directors of the documentary recalled in an interview: 'The Chinese folks are really on a mission for the company to succeed, but also for their country to succeed. The Americans felt no such sense of mission, except at the beginning when they were grateful for those jobs.' 'Our Chinese producers explained to us that appeals to patriotism or nationalism within a Chinese context are pretty common, in a lot of companies' (Wilkinson 2019). The directors provided this as an example of a perceived Chinese cultural uniqueness. But can these behaviours be entirely attributed to 'Chinese culture'? I doubt that such

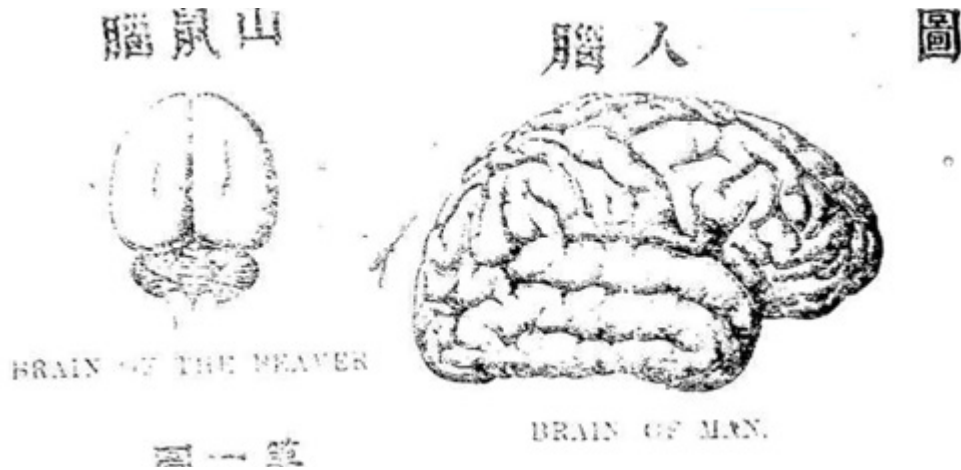
manifestation of patriotism and loyalty to the company would have been possible without the Party organisation's active mobilisation and indoctrination.

The case of Fuyao may not be generalisable to all private enterprises in China, but it certainly is a window for us to peer into the relationship between the CCP and heavyweight private enterprises. The CCP needs to negotiate its access into private enterprises; private entrepreneurs need to balance the political reward that may come with allowing the Party organisation into their companies against their loss of control over certain aspects of corporate management. But as the CCP steps up its push for Party-building in private enterprises, entrepreneurs may increasingly find themselves squeezed at the negotiation table. ■



# CHINA COLUMNS





## China and the Political Myth of ‘Brainwashing’

Ryan MITCHELL

*The concept of ‘brainwashing’ was introduced to the West as an adaptation of the term xinao 洗腦, supposedly in use to describe Communist indoctrination practices in China. From the early 1950s on, this idea became globally influential as one of the dominant metaphors of Cold War politics. Ever since, it has formed a recurring trope of contemporary political discourse. However, a search for the actual origins of ‘brainwashing’ in China reveals that the early connotations of this metaphor were very different from later uses.*

‘Brainwashing’ is a ubiquitous word, a basic part of the vocabulary in various languages around the world. In fact, the allegation is used so frequently in modern discourse that we might be puzzled as to how political arguments ever got by without its striking, pejorative imagery. It’s *de rigueur* to describe those with different viewpoints as incapable of independent thought—instead, for example, mainland Chinese citizens must have been ‘brainwashed’ into fervent nationalism, or, alternatively, Hong Kong protesters must have been ‘brainwashed’ by Western media or governments. Though it was the English word that became globalised from the middle of the twentieth century, writers on the topic have long claimed, with varying degrees of certainty, that it was in turn a calque of a preexisting Chinese term: *xinao* (洗腦), literally ‘to wash the brain’.

Did this concept—which emerged in the West at the very beginning of the Cold War, took the world by storm, and still plays a central role in

PC: ‘Investigative Study of Brain Essence’, article and diagrams in the *Zhixin Bao*, 1897. Source: 全国报刊索引 database.



the modern political imagination—really come from China? A careful look at the term's origins reveals that it did, though not in the manner or with the meaning that has previously been supposed.

## A Symbol of Modernity

The idea of 'washing the brain' made its first notable appearance in the writings of reformist intellectuals in the years following the first Sino-Japanese War (1894–1895). The Qing defeat in that conflict, and the harsh terms of the subsequent Treaty of Shimonoseki, provided a powerful burst of momentum for the scholars and officials calling upon the court to 'change the laws' (变法) and for Chinese society in general to be modernised. The constitutional monarchists Kang Youwei and Liang Qichao were leading figures in this movement, founding in 1895 the Strength Studies Society (强学会) in Beijing, along with various other groups and publications elsewhere. In particular, Hunan emerged as a key centre of reform advocacy, with new educational organisations and media organs, including the Calculation Studies Society (算学社) in 1897, the Southern Studies Society (南学会) that was opened at the beginning of the following year, several academies, and a series of journals and news media bearing the name of Hunan's Xiang River (湘江).

It was in the context of these activities and publications that political discussion of the brain first began to gain currency. The fact that human consciousness is rooted in the brain—and not, as traditionally believed, in the heart—was one part of the 'new learning' that reformers hoped to propagate in Chinese society. Discussions of this topic appeared in a number of venues, including the *Zhixin Bao* (知新报) that Kang Youwei and Liang Qichao launched in Macau in 1897, as well as in the Hunan reformers' *Xiang Bao* (湘报) newspaper the following year. Two hundred years earlier, Western medical teachings on the brain had

caused a scandal when introduced by Jesuits at the early Qing court (Elman 2009, 146). Later missionary publications also discussed the brain, but did not achieve widespread dissemination or official endorsement. By the 1890s, however, the newest imperial textbooks referred to the brain as the organ of thought, even if this was still not part of mainstream knowledge (Elman 2009, 329). Thus, to refer to the brain in the context of pedagogy and political subjectivity would, by itself, be a way to mark the reformist intellectuals as scientific modernisers.

Tan Sitong, who was the son of a former governor of Hunan, devoted important passages of his syncretic philosophical opus *The study of Benevolence* (仁学, written from 1896) to the way that the brain and nervous system act as the channel between the individual mind and the 'ether' of the universe (Tan 1898). As he argues, '[t]he reason for people not being communally unified is [simply] that their nerves [literally 'brain energy', 脑气] move differently'. To achieve communion, 'one must ... change the movements of one's brain energy' (Tan 1898). Tan's close collaborator Tang Caichang, meanwhile, called for 'making the brain new' (新脑) (Tang 1898). During the short-lived period of support for these intellectuals by the Qing court under Emperor Guangxu, before their suppression in late 1898, cautious high-level officials tolerated but declined to directly engage in, such newfangled discourse. The Viceroy of Huguang Zhang Zhidong, for example, was a moderate reformer whose imperially-endorsed essay 'On Promoting Learning' (劝学篇) mentions the character 'heart' (心) 51 times, but 'brain' (脑) not even once (Zhang 1898).

## Revolutionary Genealogy

With the defeat of Guangxu's 'Hundred Days Reform' (戊戌变法) by conservative dynastic forces in 1898, some reformers such as Tan were martyred while many went into exile in Japan.

Liang Qichao, in particular, would refer in his strident political writings from this period to the need to transform the brains of the Chinese populace. From Liang's perspective, the failure of 1898 had shown that millennia of harmful customs had 'deeply penetrated into everyone's brains such that they could not extricate themselves' (Liang 1903). It was also for this reason that China's people formed a 'loose sheet of sand' rather than a unified, active, and powerful citizenry capable of defending its own interests. Given 'all that had soaked and stained their brains ... they could not attain the status of citizens of a state' (Liang 1903).

In various writings of this period, Liang called for the 'bare-handed forging of new brains' (赤手铸心脑) (Liang 1899, 357), and speculated about the role of religion, literature, and other factors in achieving this goal. He also remarked on the changes he himself experienced as an exile in Yokohama reading large amounts of Japanese texts, including translations of Western political classics: 'This transformed my brain essence (脑质) such that my thought and speech, as compared with before, were like those of two different people' (Ding 1962, 93). In the years to come a young, pre-Marxist Mao Zedong, studying in Hunan, would be influenced by both Liang's writings and the martyred Tan Sitong's *The Study of Benevolence* (Hu 2018).

Brain-changing had become a thematic symbol not just for Liang, but also for others in the embattled reformist milieu. The 1899 essay 'Theory of Changing the Brain Essence of the National Citizenry' (变易国民脑质论), published in Shanghai by a little-known writer named Li Shiji, connected this goal with the specific idea of 'washing' the brain: the reformers' aim must be 'to wash away the millennia of dregs and filth from the brain matter of our countrymen, and project upon it the model of the modern world' (Li 1899). This essay was soon after included in a collection of writings edited by the influential educator and revolutionary Cai Yuanpei (1997, vol. 1, 399–401). The following year, the leading

intellectual Yan Fu in his translation of Herbert Spencer's *The Study of Sociology* inserted a reference to the need for 'those who engage in the study of sociology [to] wash our brains and purify our hearts (洗脑涤心)' (Yan 1903).

The new metaphor of 'washing the brain' served well to encapsulate the aim of transforming China into a progressive, powerful, and scientifically modernised state no longer fettered by its traditional ideas. When the *Cui Xin Bao* (翠新报) newspaper was founded in Hangzhou in 1904, the foreword introducing the publication declared its intention to 'roar into our ears, shake alert our eyeballs, wash clean our brains (洗刷我脑筋), fill ourselves with knowledge, and guide ourselves towards reform'. The same year, the science fiction story 'The Stone of Goddess Nüwa' (海天独啸子) (Hai Tian Du Xiao Zi 2002; Tsu 2008), published under the pen-name 'Lone Howler of the Seas and Skies' (海天独啸子), featured a female protagonist working to save China by opening a series of 'brain-washing institutes' (洗脑院) to awaken her countrymen into political modernity.

These and other contemporaneous references to 'brainwashing' are clearly envisioned as a form of enlightening pedagogy, not violation or control. Semantically, they played on the traditional term *xixin* (洗心), or 'washing the heart', common in both Confucian discourse as well as Buddhist and Daoist religious contexts. In phrases such as *xixin gemian* (洗心革面), or 'wash the heart and transform the countenance', *xixin* referred to internal moral transformation in order to renounce past transgressions and to better realise ideals of propriety, benevolence, loyalty, and other such imperially-promoted values. As Timothy Cheek notes, the basic idea of 'the modification of assumptions, habits, and values to suit the norms of a cultural or political elite' is perhaps as old as Chinese politics itself (Cheek 2019). The derivation of *xinao* from *xixin* displays what the German conceptual historian Reinhart Koselleck argued was true for all innovative metaphors: that they 'can only be understood if they are embedded in the

handed-down linguistic inventory and coined in analogy to previous formulations’ (Koselleck 2018, 171).

Discussion of the brain put a more modern-sounding twist on the longstanding disposition towards politics as pedagogy, but it does not actually seem to have caught on widely as a replacement for *xixin*. The latter and more familiar term appears more often in newspapers and journals during the years between 1912–49, and various regimes and factions used it to refer to their own projects of political pedagogy (Chiang 1939). The Shanxi warlord Yan Xishan, for example, required those under his rule to regularly attend meetings of ‘Heart-Washing Societies’ (洗心社), for the purposes of self-criticism and moral cultivation (Gillin 1967). Even the Japanese puppet regime of Wang Jingwei at times used terms such as *xixin* (and even *xinao*) to describe its efforts at moral and political education (Kiely 2014, 229; Pan 2006).

Other, related concepts were also in circulation. Notably, Nationalist, Communist, and Japanese forces in China *all* explicitly

sought to ‘morally transform’ (感化) detained offenders, leading to a diffusion of institutional models and practices that shared basic assumptions across stark ideological battle lines (Kiely 2014, 297–98 and 304–7). As the Chinese Communist Party developed its own practices of ‘thought reform’ (思想改造), these were in key respects continuous with the methods in use by their political competitors. That political and common prisoners should be subjected to ‘reformation’ was not a radical innovation by the Communist Party. Rather, it appeared in context as ‘a normative modern, progressive mode of penalty’—albeit in practice the conditions of such reform could be quite brutal, at times intentionally and other times due to mismanagement or lack of resources. (Kiely 2014, 299–303; Smith 2012). Overall, reeducation existed along a very familiar ‘persuasive-coercive continuum’ (Teiwes 1993, 36–37)—there were no mysterious, special methods of mind-control.



‘Transform the Countenance and Wash the Heart’, cartoon appearing in the *Zhongyang Daobao* journal in Japanese-occupied Nanjing, 1940. Source: 全国报刊索引 database.



‘Adapt to the Times: One Must Always Keep Wiping Clean One’s Brain’, cartoon in the Beiping-based magazine *147 Huabao*, published in 1946 under Kuomintang rule. Source: 全国报刊索引 database.

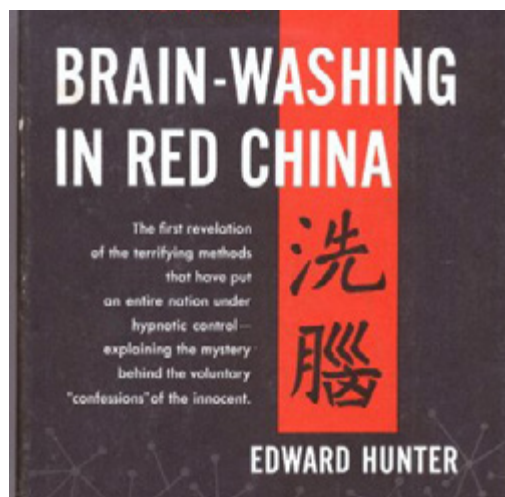
Moreover the term *xiniao* was not in use to describe any particular ‘reeducation’ or indoctrination practice, as it is sometimes imagined today. Rather it continued to convey a very general sense of political awakening. Indeed, it was a sufficiently generic term that at times it lost its political character entirely, appearing for example as a way to express feelings of mental rejuvenation brought on by a trip abroad. Though the word was indeed used occasionally to support the adoption of Communist ideology, its various uses through the late 1940s indicate that *xiniao* did not up to that point have any one clearly-defined political meaning. This is perhaps because its original connotation of embracing ‘modernity’ had already been almost universally accepted. Later on, the Western fascination with ‘brainwashing’ would cause considerable bemusement in China.

## A Cold War Metaphor

When the American journalist, anti-communist crusader, and former OSS agent Edward Hunter first brought the word ‘brainwashing’ to widespread Western attention via his writings and public appearances of the early 1950s, he described it as a mysterious new technique by which the Chinese Communist Party was creating a vast corps of zombie-like, subservient foot soldiers. These writings began with a 24 September, 1950 article in the *Miami Daily News* under the title “‘Brain-Washing’ Tactics Force Chinese into Ranks of Communist Party’, and continued the next year with the sensationalist book *Brainwashing in Red China*, promising ‘the first revelation of the terrifying methods that have put an entire nation under hypnotic control’.

This idea rapidly became popular in the West, particularly after the scandal surrounding cases of American soldiers switching loyalties during the Korean War. By 1953, CIA Director Allen Dulles would remark that ‘the brain under [Communist influence] becomes a

phonograph playing a disc put on its spindle by an outside genius over which it has no control’ (Dulles 1953). How better to deny the notion that there might be genuine intellectual commitments, or at least authentic loyalties, on both sides of the Iron Curtain? Meanwhile, Hunter sought by all possible means to



Edward Hunter's 1951 book *Brain-washing in Red China*.

promote the concept as his own ‘discovery’ (Holmes 2017). At perhaps the height of these efforts, he even incorrectly claimed in remarks before the House Committee on Un-American Activities in 1958 that he was ‘the first to use the word in writing in any language, and the first to use it in a speech in any language except for that small group of Chinese [refugees whom he had interviewed in Hong Kong]’. This was somewhat paradoxical given his continued insistence on the term’s frequency and importance in Chinese Communist Party indoctrination methods.

Though the concept of Communist mind-control had certainly caught on in popular culture (Richard Condon’s novel *The Manchurian Candidate* would be published the next year), already by the end of the 1950s there were doubts expressed by psychologists

and others that there were any real ‘secret methods’ in China of the sort Hunter claimed. When the psychologist Robert J. Lifton wrote his rigorous 1961 study of Chinese refugee subjects of indoctrination, *Thought Reform and the Psychology of Totalism: A Study of ‘Brainwashing’ in China*, he notably casts aspersions on the buzzword appearing in his subtitle, noting that ‘the term has a far from precise and a questionable usefulness’ (Lifton 1961, 4).

This sentiment was shared in China. On various occasions, Party leaders made ironic references to the American hysteria over brainwashing. Mao, for example, sardonically reflected on the impossibility of ‘brainwashing’ at a 1964 meeting with student groups from Africa and Latin America:

You will ask, why is it that 15 years after Liberation, there are still many people who are moderates, and even some who are still rightists? (Audience laughter). It's because thought work (思想工作) is just this difficult, it needs a period of time, and we can't force them to wash their brains (不能强迫他们洗脑筋). (Audience laughter). We can only encourage them, we can only persuade them[.] (Mao 1964).

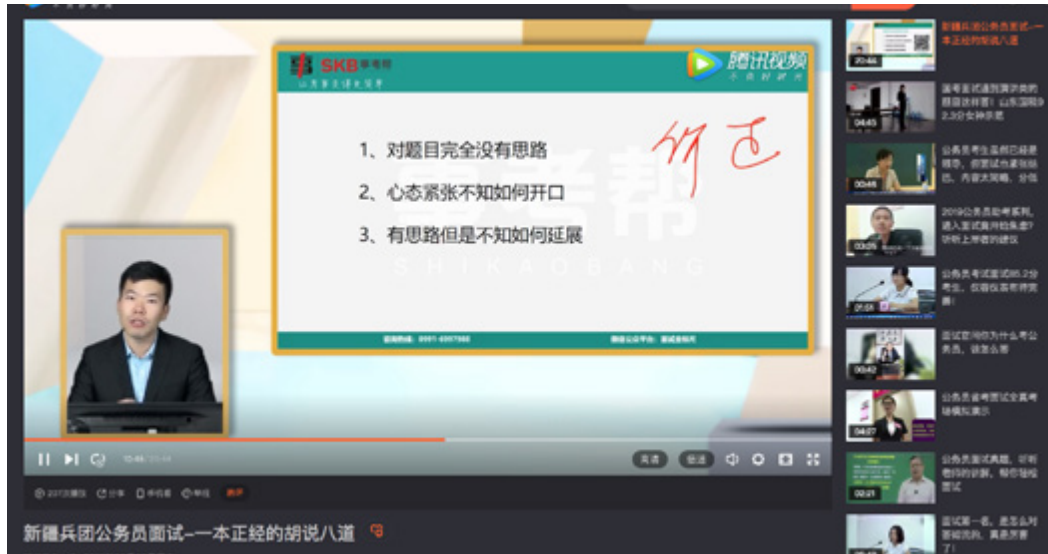
The following year, Politburo member and Beijing Party Secretary Peng Zhen in a meeting with Party members at Peking University even referred to *xinaojin* (洗脑筋) as ‘an American expression’ (Peng 1965). Party media likewise lambasted *xinao*—in its new meaning of mental manipulation and control—as an invention of the West. There were a few isolated public remarks, harkening back to the Late Qing imagery, defending the idea that ‘washing the brain’ was a necessary and healthy form of self-improvement. In general, though, the term’s original positive valuation seems to have been forgotten amid the global propaganda struggles of the era. During the subsequent Cultural Revolution period, there was of course a major nationwide attempt to remake the thinking of the Chinese populace—but not one that its

proponents, including Mao himself, associated with the term *xinao*. This has remained the case ever since.

## Constructing Irrational Adversaries

The status of ‘brainwashing’ today is quite curious. The term has obviously lived on (and thrived) in the popular imagination, even if it has never truly been validated as a psychological phenomenon. Somewhat remarkably, *xinao* is now most commonly used even in the Chinese-speaking world with its ‘American’ meaning. In China as elsewhere (not least in Western commentary on China), the term is used frequently by ideologues of all stripes to define the opinions of those whom they disagree with as the result of external mind control rather than an independent thought process.

Yet people do tend to have reasons, however valid or defensible or clearly articulated, for their beliefs and commitments. The Cold War imagery of brainwashing in the sense of Hunter or Dulles serves to obscure that reality by positing a lack of subjective agency in those favouring certain ideas. In this depiction the victims of brainwashing cannot be reasoned with. Rather, they can only be rescued through the righteous conquest of their oppressors. Nothing could be further from the original meaning of *xinao*, which conveyed individuals’ active attempts to re-examine their own ideas and to embrace modernity. The decline of that meaning demonstrates what the intellectual historian Hans Blumenberg referred to as the *Umbesetzung*, or ‘reoccupation’, of metaphors (Blumenberg 1983, 465–66). Where ‘washing the brain’ once seemed a perfect way to express casting aside unexamined prejudices to let in the light of scientific rationality, we now use it to embody the tainting of consciousness by insidious political doctrines that prevent it from perceiving the self-evident truths of nature—whatever our tribe may consider those to be. ■



## Recruiting Loyal Stabilisers

On the Banality of Carceral Colonialism in Xinjiang

Yi Xiaocuo

*The ongoing mass incarceration of Uyghurs, Kazakhs, and other Turkic Muslim people in Xinjiang is rooted in Chinese settler colonialism in the region since the 1950s via the paramilitary Xinjiang Production and Construction Corp (bingtuan) and ethnic Han influx. This article explores the ongoing human transfer project in Xinjiang through the banal language of recruitment and employment, which aims to eventually dilute and replace the native populations. While detention centres and prisons keep expanding, the bingtuan continues to legitimise itself as a stabiliser by cultivating loyalty and a sense of belonging among the new waves of Han immigrants.*

While Uyghurs, Kazakhs, and other Turkic Muslims people are secretly transferred into prisons all over China (Bunin 2019; Kuo 2019; Jiang 2019), or reemerge as bare minimum wage workers on the ‘reeducation camp’ factory floors, China’s settler institution (Byler 2019), the Xinjiang Production and Construction Corps (兵团, *bingtuan*), is facilitating new waves of Han influx from Inner China (内地, *neidi*) to settle as farmers, civil servants, prison guards, police officers, and teachers. The totalitarian nature of such a massive human transfer is neutralised by the banal and procedural language of recruitment and employment—disguising the continued occupation and colonisation of Xinjiang.

A tutor training students for *bingtuan* interviews online.

State-sponsored Han migration into Xinjiang has been an important element in the militarisation and securitisation of the region since the founding of the People's Republic of China (Seymour 2000; Zhu and Blachford 2015). After October 1949, demobilised People's Liberation Army soldiers were recruited into production teams to establish mechanised state farms and ranches all over Xinjiang. In 1954, *bingtuan* was founded. Its development needs justified its grip on the vast grasslands and waterways, as well as a huge influx of ethnic Han migrant labourers into the region. While early *bingtuan* work aimed at consolidating Party power among the Kazakh population along the Sino-Soviet border (Moseley 1966; McMillen 1979), today's *bingtuan* has expanded into a multi-billion-dollar urbanised corporation with its own jurisdiction and media that controls a majority of agricultural industries in Xinjiang (Cliff 2009).

Since Chen Quanguo—the current Party secretary of the Xinjiang Autonomous Region—established his carceral regime in 2017, *bingtuan* recruitment notices have frequently appeared on the websites of provincial governments, colleges, and universities in Inner China. With the ever-expanding detention centres and camps (Doman et al. 2018), there has been a growing need to recruit assistant police staff in Xinjiang (Zenz and Leibold 2019). Unlike civil servant recruitment materials in other provinces, *bingtuan* advertisements utilise propaganda discourse typically reserved for Xinjiang and Tibet, such as ‘ethnic unity, national integrity and stability, anti-separatism, and illegal religious activities’ to get politically obedient and manageable individuals to settle in Xinjiang (see Adv.1, Adv. 2, Adv. 3). The newly recruited—usually college graduates and underemployed youths—are thus disengaged from the consequence of their settler colonial practices. All parties involved in China's carceral colonialism in Xinjiang—*bingtuan*, exam tutors, universities, state media, and new settlers—engage in an Orwellian ‘newspeak’ that comprises thoughtless teleological Communist vocabularies of development,

production, and employment. It is through such newspeak that the *bingtuan* legitimises itself as a perpetual settler institution in Xinjiang, and serves to cultivate colonial ideology and a sense of belonging for incoming generations of settlers.

## Choreographed Loyalty

One of the major recruitment streams regards civil servant positions (公务员) for various *bingtuan* regiments. These advertisements are often seen on the ‘career’ webpages for Chinese universities (see Adv. 1 and Adv. 2). Civil servant positions are popular among college graduates in China as they offer stable income and better welfare than jobs in the private sector or self-employment. These *bingtuan* recruitments are particularly systematic, targeting recruits from specific provinces or cities, aiming to ensure long-term settlements by providing attractive social benefits packages.

Different from civil servant recruitment in other provinces, these *bingtuan* recruitments put extra emphasis on the evaluation of the applicants’ ‘practical performance in safeguarding national unity, ethnic unity, and social stability’ (其在维护祖国统一、维护民族团结、维护社会稳定中的现实表现) (see Adv. 3). According to a recruitment advertisement posted in December 2018, *bingtuan* called for 237 civil servant applicants from Inner China provinces (excluding Tibet and Qinghai) (see Adv. 4). The recruitment targeted college graduates under 30 years old for positions at various *bingtuan* regiments in Southern Xinjiang, including the First Division in Aral city in Aksu, the Second Division in Tiemenguan city in Korla, and the Third Division in Tumshuk city in Kashgar. The applicants would go through interviews and background checks in Inner China cities, such as Shenyang, Zhengzhou, Changsha, and Lanzhou. The recruiting personnel would examine the applicants’ eligibility, including their ‘political quality’ (政治素质), ‘thought quality’ (思想品

质), ‘adaptability’ (适应能力), ‘psychological quality’ (心理素质), ‘volunteering spirit’ (奉献精神), and ‘discipline and law-abiding quality’ (遵纪守法). The minimum service period was five years. Successful applicants would be reimbursed for their round-trip to Xinjiang.

Among the following recruitments from Gansu, Jilin, Inner Mongolia, Anhui, Hebei, and Shanxi, competition for the positions in Hotan did not even require a written exam (see Adv. 5 and Adv. 6). Successful applicants were

promised a high salary, housing, official rank, and social security benefits. The state even offered to reimburse their graduate school tuition at the rate of 8,000 yuan per year (see Adv. 5, Adv. 6, Adv. 7, and Adv. 8). Eligibility once again depended on political performance. Applicants had to be college graduates with a membership or preliminary membership of the Chinese Communist Party (see Adv. 5–9).

Published date	People	From where	To where	Source
3 July 2017	113	Sichuan province	Various <i>bingtuan</i> divisions: 6th, 8th, Ürümqi (i.e., Changji, Shihezi)	Adv. 17
8 December 2017	80	Inner China provinces	Various <i>bingtuan</i> divisions: 1st, 2nd, 3rd, 14th (i.e., Aksu, Bayingol, Tumshuk, Hotan)	Adv. 18
11 August 2018	694	Inner China provinces	Various <i>bingtuan</i> prison systems	Adv. 19
19 March 2019	524	All police school graduates in China	Various <i>bingtuan</i> divisions: 1st, 2nd, 3rd, 14th (i.e., Aksu, Bayingol, Tumshuk, Hotan)	Adv. 20
15 April 2019	49	Inner China provinces	<i>Bingtuan</i> 2nd division (i.e., Bayingol)	Adv. 21
10 May 2019	330	Hebei province demobilised soldiers	<i>Bingtuan</i> 2nd division (i.e., Bayingol)	Adv. 22

Table 1: A few examples of *bingtuan* civil servant recruitments.

To prepare for these political performance interviews, applicants can sign up for online training courses that can be streamed on mobile phones by scanning the QR code and logging into the course’s official WeChat site. The courses teach applicants to mimic the tones and gestures of Communist Party cadres during the interview. For instance, in one of these videos, a tutor teaches the applicants to perform an enthusiastic endorsement of Xi Jinping thought like an actor: ‘The key is speak nonsense in a serious manner’ [一本正

经的胡说八道] (see Adv. 12). You need to act like someone who belongs to the system. It is all about acting skills’ (拼演技). Speaking to the broader audience from Inner China, this tutor is grooming politically apathetic college graduates to participate in everyday political performances of loyalty in Xinjiang, where Communist Party ‘nonsense’ is a serious matter.

Online tutorials also disseminate official settler colonial ideology toward Xinjiang in relation to securitisation and ethnic integration. In another video, a tutor shares



with his viewers an actual question that was asked during a *bingtuan* job interview (see Adv. 13):

Xi Jinping said: 'Make *bingtuan* the stabiliser of the frontier, the melting pot of different ethnic groups, and the exemplar of advanced productivity and modern culture.' Please discuss your thoughts on this quote considering the practical situation of *bingtuan* and explain the relationship between the three aspects.

Fully costumed like a China Central Television anchor, the tutor gives a model answer in perfect Mandarin pronunciation:

Stabiliser, melting pot, and exemplar region are strong indications of our Party's work in land reclamation and border reinforcement, also an excellent summary of our *bingtuan* mission. To be the frontier stabiliser is the basic requirement for *bingtuan's* land reclamation and border reinforcement. Well known for its large scale, numbers, and strong ability, combining military police in battle in quelling separatist and unrest activities, *bingtuan* is an important force to maintain



A tutor training students for *bingtuan* interviews online.

border stability and security. Unifying different ethnic groups in a melting pot is another role *bingtuan* is playing. For a long time, *bingtuan* has implemented the Party's ethnic policy, and stressed unity, development, and prosperity of all ethnic groups, promoting harmonious living and peaceful coexistence .... In my future work, I will also practice these three points. I will lead by example by staying close to the border masses, close the gap between us, and integrate with the masses.

## Loyal Education and Police Spirit

As can be seen in Table 2, prison guard positions constitute another rising employment stream into southern Xinjiang, where many 'reeducation camps' are located. Among all civil servants recruited by *bingtuan* in 2018, prison personnel comprised more than one third of the total prospective employees (see Adv. 14). For these positions, the 'political quality' (政治素质) criterion was more concrete and even family members were under scrutiny. People with criminal or correctional records were not allowed to apply. If the applicants had relatives within three generations who had been sentenced to death, endangered state security, incited ethnic separatism, conducted illegal religious activity, or practiced Falun Gong, they were not eligible.

A *bingtuan* recruitment for 500 prison guards in 2019 did not require a written exam, only a face-to-face interview (see Adv. 15). Such exemption is rare and indicates to some degree the state's growing need for security forces in Xinjiang. In another video, a tutor introduces the eligibility requirements for the positions in the regiment's prisons, as well as which cities they are in (see Adv. 16). At minute 19:30, he casually says: 'Many of you might have looked up the specific locations of these prisons on Baidu Maps but couldn't find them. Prisons are supposed to be secretive. Of course, we can't

Date	People	Where from	Destination	Source
9 November 2018	111	Anhui, Henan, Shanxi	Regiments of the Fourteenth Division, Kunyu city (Qurumqax in Hotan)	Adv. 3
9 November 2018	61	Hubei, Gansu	First division, Aral city, Aksu	Adv. 10
9 November 2018	48	Hebei, Shanxi	Second division, Tiemenguan city, Korla	Adv. 9
18 December 2018	237	Inner China provinces	First, Second, Third, Fourteenth divisions, Aral, Tiemenguan, Tumshuk, Qurumqax in Hotan	Adv. 4
26 March 2019	620	Inner China provinces	Various <i>bingtuan</i> regiments and police stations	Adv. 11

Table 2: A few *bingtuan* police recruitments since 2017

mark the location of the prisons otherwise it would look like there are prisons everywhere, it's not good, right?"

It is worth mentioning that once selected for the position, prison guards must receive systematic political indoctrination as well. At the end of 2018, the *bingtuan* prison system initiated a series of 'Loyalty Education Programmes' (忠诚教育) to reinforce 'loyal police spirit' (忠诚警魂), which included the compulsory study of 21 essays on Xi Jinping Thought, the Communist Party Constitution, Xinjiang history, and the history of *bingtuan* land reclamation (Ministry of Justice of People's Republic of China 2018). The police and prison guards must study at least one hour every day and always carry the *Bingtuan Prison Police 'Loyalty Education' Study Manual* (兵团监狱民警“忠诚教育”应知应会手册) with them. The employees must establish 'four kinds of consciousness' (四个意识, i.e. political consciousness, overall situation consciousness, core consciousness, and unification consciousness), regularly write reflections, participate in patriotic red song choruses, watch patriotic films, participate in 'Inheriting Red Genes, Practicing *Bingtuan* Spirit' (传承红色基因·践行兵团精神) speaking contests and seminars, and so on. There is a monthly examination and the ones who fail are criticised. The employees must also denounce 'two-faced people' (两面人) among themselves

and participate in the 'Becoming Families' campaign (访民情、惠民生、聚民心) aimed at spying on the ethnic minority *bingtuan* regiments in Southern Xinjiang.

## (Un)transferrable Belonging: Farmers and Workers

Another stream that absorbs a huge number of Han labourers from Inner China is the 'employment transfer' (转移就业) programme, which targets less-educated farmers and workers under 40 years old. Households of Han settlers are particularly welcome. Unlike the above-mentioned civil servant and prison guard recruitment streams that focus on political conformity and reliability, this stream's recruitment adverts clearly explain agricultural production, land area, working seasons, and annual income for the farmers, and offer full packages of social welfare that are unfathomable in the hometowns of the potential applicants.

According to a 2018 recruitment targeting farmers from Henan province, agricultural *hukou* (household registration) holders will be given non-agricultural *hukou* once they are

招考单位	招考人数	合计	性别	工作地点
第三师	金墩监狱	11	男	第三师 图木舒克市
	盖米里克监狱	67	男女	
	其盖麦旦监狱	67	男女	
	围木舒克监狱	59	男	
	皮恰克松地监狱	7	男	
第六师	芳草湖监狱	29	男女	第六师 五家渠市
	新潮监狱	2	男	
第八师	北野监狱	7	男	第八师 石河子市
	新安监狱	5	男女	
	钟家庄监狱	2	男	
兵团	乌鲁木齐监狱	16	男	乌鲁木齐市

招考单位	招考人数	合计	性别	工作地点
第一师	沙河监狱	8	男	第一师 阿拉尔市
	科克库勒监狱	6	男	
	塔门监狱	11	男	
	阿拉尔监狱	6	男	
	南口监狱	15	男	
	幸福城监狱	4	男	
	花桥监狱	2	男	
第二师	库尔勒监狱	7	男	第二师 铁门关市
	乌鲁木齐监狱	66	男	
	米兰监狱	51	男	
	且末监狱	52	男	

Screenshots from the *bingtuan* prison guard interview tutorial video, including regiment numbers, prison names, numbers of guards wanted, gender (predominantly male), and names of the cities where the prisons are located.

settled in Xinjiang and their trip fares will be reimbursed (see Adv. 23). New employees are provided rent-free residence in apartments equipped with electricity and a heating system for four years. Couples can both get registered positions to grow cotton for 35 mu/person—approximately 2.3 hectares—and are given land at the end of their first year in Xinjiang. To China's vast population of economically precarious farmers and migrant workers, social and medical insurance is one of the most attractive benefits for settling in Xinjiang. The new employees and their family members are all fully covered by health, unemployment, and retirement insurance.

Neighbouring provincial governments such as Gansu and Ningxia are collaborating with *bingtuan* to transfer their impoverished farmers to various regiments in Xinjiang. After a 'farewell ceremony' (欢送大会), impoverished people are finally out of sight, out of mind for the government officials. A single county in Ningxia had a quota of 900 people to be transferred to Xinjiang in 2017 (see Adv. 24). In a video recruitment advertisement for the *bingtuan* First Division in Aral city, Aksu, where the Han population is more than 99 percent, the narrating voice stresses that the local population is scarce and that labour input is urgent and necessary (see Adv. 25). She then lays out the recruitment plan for each regiment

as part of the 13th Five-Year Plan in the region. To take a few examples from a long list: the 14th Regiment is planning to recruit 9,000 people; the 224th Regiment is planning to recruit 5,600 people; the 14th Division is planning to recruit 650 households (*bingtuan* recruitments favour households over individuals, as whole families are more likely to settle down), and so on.

Again, the benefits for settlers are astounding. Each individual settler will receive 20 mu of land for each type of crop cultivated by the regiment. The settlement housing is equipped with living supplies and rent will be subsidised for the first three years. Each settler couple can earn 1,500 yuan in housing subsidies per month, including social security and *hukou* transferring procedures. Some regiments even provide apartments to households with six people and above. Their rent is subsidised as well and can be used for a mortgage with the aim of eventually owning the property. Settlers' children can go to the local schools without having to pay any tuition for 15 years and can enjoy added points to their college entrance examination scores (高考加分)—an affirmative action policy that has historically been directed toward Uyghurs and other ethnic minorities in Xinjiang. However, despite the all these benefits, many households are not interested in moving and, according to a report from Dingxi, Gansu (Li 2019), some poor households have

been threatened and coerced into relocating—with those refusing being cut off from social guarantees for impoverished families. The local government ensured relocated households do not return to Gansu by revoking their *hukou* and confiscating their land and houses. Villagers also revealed that in some cases the promised benefits were not realised.

Despite all this, Sina Photo painted a rosy picture of one farmer's employment transfer from Dingxi Gansu to Xinjiang, titled 'Make a Home Across 3,000 Kilometres'—an experience almost too good to be true (Sina Photo 2018) and starkly different from the stories of manipulation and coercion reported by independent sources (Li 2019).

The protagonist of Sina Photo's report is Cao Yongping. His hometown Bailu village is the poorest village in the whole province. Environmental deterioration in recent years

has pushed many of his fellow villagers to go find work in the cities, and Cao himself has made a number of attempts to leave the countryside and get out of poverty. A few years ago, he took out a 100,000-yuan loan and purchased a long-haul truck to transport vegetable between Lanzhou and Chengdu. In 2016, he broke his ribs in a traffic accident and was unable to continue in the transportation business. Since then he has been in debt and has been unable to repay his loan.

In February 2017, various divisions of *bingtuan* started to recruit workers from Dingxi. The slogan for the recruitment was 'relocation employment in a systematic, organised, and scaled manner' (有计划、有组织、有规模地进行转移就业). Cao learned that if he accepted to relocate to Xinjiang, he could immediately move into an apartment of 80 square metres with 70 mu of allotted land, plus



A photo from a Sina Photo report on a Gansu farmer's resettlement in Xinjiang

15 years of free education for his children. Many farmers like Cao were recruited by *bingtuan* to cultivate land and settle as long-term farming employees. Cao had to learn from his father how to do agricultural work. After much preparation, Cao took his wife and children to Xinjiang first, leaving his elderly father behind to take care of the rest of the relocation work.

In 2018, Cao's family arrived in Tumshuk county on the outskirts of Kashgar, 3,100 kilometres away from his home village. They became the first household of the *bingtuan* 'employment transfer' programme. Unlike previous waves of migrant workers to Xinjiang, workers enrolled in this programme are required to settle down. Cao's family was arranged to settle in the Fiftieth Regiment in Tumshuk. Fellow villagers from Dingxi picked them up and registered them at the Regiment office. Cao was given the option of living in an apartment or in a one-story house with a courtyard close to his allotted land. Since he planned to bring his parents as well, he eventually chose the one-story house, with three bedrooms, a living room, and a courtyard.

In their new residence, all the life necessities and furniture were already installed. The Regiment leader told Cao that their Regiment's renovation fee was the highest among all regiments, as water, electricity, gas stove, shower, even food and cleaning supplies were all provided. Cao's family was assigned to one of dozens of houses in traditional Chinese Hui style, with an 85-square-metre courtyard, where they could live rent-free for six years. Cao thought he would have to work for more than ten years to achieve these kinds of living conditions in Dingxi. Although he worried about safety issues in Xinjiang, his fellow Dingxi compatriots told him that this place is now safer than anywhere in China. Two weeks later, Cao's parents arrived after selling their pigs back home. Cao's children have registered in local schools. A new life has begun for them.

## Epilogue

Like a drop of water disappearing into a vast sea, Cao and his family faded into the state machine of human transfer in China. At the first dinner after settling down at the Regiment, Cao commented that the potatoes in Xinjiang are not as delicious as in Dingxi. Sina Photo's journalist allowed this humanistic moment of recalcitrance in Cao's story. On a broader scale, state-sponsored Han settlement in Xinjiang is normalised by this kind of triumphant narrative of poverty alleviation campaigns, burying the inconvenient truth that sees the dilution, incarceration, and replacement of native populations in Xinjiang. Cao would not be burdened by the thought of benefiting from stolen land. He has settled permanently in Xinjiang, just as countless Uyghurs and Kazakhs have been indefinitely imprisoned behind the barbed wire just a few miles away, in reeducation camps staffed by other hopeful new migrants from Inner China.

The continued challenge facing the *bingtuan* lies in cultivating a sense of loyalty and belonging among the newest waves of Han immigrants from Inner China, who are different from both older generations of Han settlers who arrived after 1950s and economically motivated migrant subalterns who arrived in the 1990s, such as those described by Tom Cliff (2016) in his recent ethnography of *bingtuan* Han settlers, *Oil and Water*. These new waves of incoming Han add biopolitical fuel to Chen Quanguo's carceral regime, which in return provides solid ground for the political and economic legitimacy of the *bingtuan*. Through the banal, Party technocratic discourses of employment and political loyalty, *bingtuan* fulfils the state mission of securitising Xinjiang. Yet, at the same time, it also securitises the potentially unstable situations created by the surplus of underemployed Han youths in the countryside and cities of Inner China, a problem continuously exacerbated by ongoing land dispossession and wealth disparity. ■

The background features a stylized globe in shades of blue and green, partially obscured by a pattern of binary code (0s and 1s) drawn in a light blue, hand-drawn style. A yellow ribbon-like shape is visible in the bottom right corner.

# FOCUS

## **Bless You, Prison**

Experiences of Detention in China

Handwritten binary code (0s and 1s) arranged in a grid pattern, possibly representing a message or data. The text is written in black ink on a white background. The code is organized into approximately 10 rows and 10 columns. Some characters are crossed out with diagonal lines. The overall appearance is that of a hand-drawn or hand-written binary sequence.



## Harsh Justice?

Tobias SMITH

*What makes a penal system ‘harsh’? Can penal severity be compared across time and place? In the case of China, the question of how to evaluate relative severity in punishment is not just methodological; it is also political. This essay discusses why this type of comparison is sensitive, and why nonetheless it is not possible to avoid talking about it. The article suggests a variety of approaches for assessing penal severity in China, and cautions against relying on any one of them.*

Punishment is by nature a harsh business. But it is not uniformly harsh. There is wide variation in punishment across time and place, a fact that makes periods like the Inquisition so evocative. But although we can readily identify particular punitive moments that are notably severe or lenient, can we more generally compare penal severity from one place or time to the next?

In the book *Harsh Justice: Criminal Punishment and the Widening Gap between America and Europe* (2003), law scholar James Q. Whitman examines the relative severity of punishment in the United States and Continental Europe. Whitman takes it as a starting point that the contemporary US system is harsher than its counterpart—he points to American mass incarceration, the death penalty, long sentences for juveniles, and a litany of other evidence. But Whitman also recognises

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Prison PC: Guido Olivetti  
(flickr.com).



that harshness is not a single, straightforward metric. He goes on to list no fewer than ten possible ways to define ‘harsh’ punishment, including harshness in criminalising conduct, harshness in the application of punishment, and harshness as lack of respectful treatment in prisons. A system can be harsh because it detains lots of people, or harsh because it doles out very long sentences for a relative few. It can also be harsh because it refuses to countenance acts of mercy. *Harshness*, then, is an open-ended and contentious term.

As an American researcher who studies criminal justice in China, I read Whitman’s work with a mix of admiration and unease. Comparison is always tricky business. At least in the transatlantic comparison, the researcher may rely on a shared cultural history and a reservoir of implicit good faith in the comparative undertaking. Indeed, Whitman’s work is premised on a store of widely accepted assumptions about social status in the West. He argues that punishment in the United States is harsher than in Europe because in the American democratic tradition criminals are stripped of all status and universally placed at the bottom of the social hierarchy; the lowest common denominator is degrading penal treatment. Meanwhile, in the European tradition, the social privileges once afforded only to aristocrats gradually expanded to include common criminals, so the relative lenience and dignity reserved for European nobility is now enjoyed by all citizens in the criminal justice system. I may disagree with Whitman’s conclusions, but I do not doubt the sincerity of his enterprise, nor do I worry that his depiction of harshness in the US carceral system is a smear. By contrast, I cannot help but think that a similar treatment of comparative harshness in the United States and China written today would be viewed by all sides as a provocation. Why is this?

From the get-go, Western comparative writing on punishment in China has toggled crudely back and forth between self-interested idealisation and crass demonisation. *The Philosophes* lionised the enlightened Chinese

‘cult of justice’ (Ruskola 2013, 46, 251); Hegel wrote of China’s ‘Oriental Despotism’, and a host of European commentators decried late imperial punishment as exceptionally cruel and barbarous (Ruskola 2002, 214; Conner 2002). These exaggerations say more about debates taking place in the West than about anything happening in China. In the late twentieth century this navel-gazing comparison travelled both ways, as the Chinese Communist Party began using American criminal justice as a convenient political foil. Today the United States and China issue annual reports castigating one another’s penal policies; reading these reports side-by-side is like watching two sports teams play different games badly on the same field—with both insisting that they are winning.

Given these historical and contemporary circumstances, it is not surprising that much of the research on punishment in China is aimed not so much at comparison, but at a better understanding of China on its own terms (e.g. Kiely 2014; Trevaskes 2012; Brook et al. 2008). This is true not only for punishment, but also for recent scholarship on related concepts of justice, and rule of law and human rights (e.g. Sapio et al. 2017; Fu 2019b), all of which overlap with penal severity, even if none quite capture it. The difficulty is that while it is possible to undertake research on punishment in China without comparison, it is much harder to undertake *conversation* about this topic without comparison. Over and over again—at conferences and in office hours and at dinner parties in both China and the United States—I find that talk about Chinese penal practice turns comparative. And it usually goes something like this:

First, I mention my work on punishment in China.

Next, my interlocutor asks if punishment in China is *harsh*.

Then, I respond, *harsh compared to what?*

And suddenly we are comparing. When asked: *compared to what?*, most people choose either place or time. If place, people ask: which criminal justice system is harsher—the United States or China? Or, if time, the question goes something like this: is punishment in China becoming milder than in the past? These queries are pursued, so far as I can tell, with sincerity and curiosity. And as a scholar I feel obliged to give—if not an answer—at least a framework for thinking through the inquiry.

Here I endeavour to provide a few entry-points for seriously engaging in a conversation about just how harsh penal practice is in China. There is no single golden measure of comparative severity in punishment, but the frames below all offer possible approaches to consider. The following sections more or less follow the responses I provide—usually in the Socratic mode—when I get these queries myself.

## Incarceration Rates and Penal Severity

Because we so often look to statistics for comparison, numbers are an obvious starting point for a discussion of penal severity. Whitman starts his analysis in this way, pointing to the scale of American imprisonment. The United States has over two million prisoners and the highest per capita incarceration rate in the world, a rate more than tenfold that of some parts of Western Europe (Whitman 2003, 3). In terms of absolute numbers, China has the second largest prison population in the world, with about 1.6 million people held in Ministry of Justice facilities, according to the World Prison Brief (Walmsley 2018). Of course this comparison is skewed because of China's size. Adjusted for the denominator of population, these numbers put China near the global median (133 out of 222 countries) in terms of rate of incarceration, with a rate of 118 people per 100,000. This is in the same ballpark as

France, Spain, Portugal, and other parts of Western Europe that Whitman had in mind in his comparative analysis.

Although rate of incarceration is initially an attractively simple yardstick for comparison of penal severity, things get complicated fast.

First, how does incarceration relate to other social phenomena? The United States, for example, has an extremely high rate of incarceration, but it also has an extremely high rate of violent crime for a developed nation, inviting the question of whether the scale of imprisonment may be fairly characterised as a harsh response given social conditions. The rate of violent crime in China, by contrast, is reportedly low. On one standard indicator—homicide—China has among the lowest rates of crime in the world, according to the United Nations Office of Drugs and Crime. Punishment bears some relationship to crime, but criminologists remain divided about the nature of that relationship. If crime is an independent variable and punishment follows from crime in a mechanistic way, a high rate of imprisonment in a high-crime society may be viewed as entirely reasonable and not unduly severe. If, however, the relationship is viewed as more mutually constitutive—if, for example, incarceration produces the social inequality that drives crime—then a high crime rate may be further evidence of penal severity, rather than a justification for it.

Second, we might ask not just how many people are incarcerated, but for how long? The rate of incarceration is a snapshot of penal scale, rather than a dynamic indicator. Long prison sentences may be harsh, but lengthening sentences are not immediately evident in the incarceration rate. As an accounting matter, the impact of giving a prisoner a term of 20 years instead of 10 will not be visible in the prison rate for a decade. In the United States for example, the full impact of the turn to 'tough on crime' sentences in the second half of the twentieth century was not fully recognised for many years. Until recently custodial sentences in China—including sentences for serious

crimes such as homicide—have not typically exceeded two decades (Smith and Jiang 2019, 75). However, as elsewhere in the world (Penal Reform International 2018, 11), sentences for serious crime are getting longer in China (Liang 2017, 39–40). The eighth and ninth amendments to China’s criminal law introduced a 25-year minimum sentence for some recidivists and a life without parole sentence for bribe-taking (Smith and Jiang 2019). It is unclear how often these sentences are being used, and the impact of these sentences on overall incarceration is not yet visible.

Third, does the scale of incarceration capture the significance of relatively uncommon, but severe, penalties? For example, China is widely reported to be the world’s leading executioner state, putting to death thousands of people a year (Amnesty International 2018). Capital punishment directly affects only a small portion of China’s carceral population, but given the symbolic position of capital punishment as an extreme sanction that has been abolished in much of the world, it plays an outsized role in some assessments of severity. How much weight should we accord such a punishment in comparison?

## Transparency, Opacity, and Severity

When we compare penal severity using criminal justice statistics, we assume some measure of validity. In the case of China though, this is a shaky proposition. Some data—such as death penalty statistics—are explicitly designated state secrets, so we must rely on estimates. Other data are aggregated in irregular ways. For these reasons, we may need to look beyond quantitative measures.

But data opacity is more than just a question of numbers: quantitative descriptors also reflect qualitative choices about punishment. When I give talks on the crisis of mass incarceration in the United States, I point out that that the

modifier ‘mass’ points to more than just the total size of the prison population. Mass also denotes the mode by which the contemporary American penal system views prisoners as an undifferentiated group, an aggregate of stuff that has to be warehoused (Garland 2001). This orientation to criminal offenders—as a volume that must be processed—is a qualitative phenomenon that may be seen as severe irrespective of the scale of imprisonment in the United States. Colleagues in China have told me that swelling detainee populations are producing a ‘mass’ crisis in their country as well. State secrecy may conceal the scale of punishment; it may also conceal the mode of correctional response to scale.

While opacity might lead us to underestimate punishment in China, it is also possible that state secrecy leads us to *overestimate* the harshness of the Chinese penal apparatus. After all, the Chinese state can and does cultivate perceptions of punishment through the canny use of show trials and other propaganda. The state may be actively encouraging perceptions of penal severity to promote deterrence or boost perceptions of state stability. Indeed, the Chinese state is quick to brand its own penal policy with slogans that are starkly direct about state orientation to penal severity. The Maoist catchphrase ‘Combining Punishment with Leniency’ (德办与宽大相结合), gave way to ‘Strike Hard’ (严打) and then ‘Balancing Leniency with Severity’ (宽严相济) (Trevaskes 2017). On the one hand, these slogans serve as communicative tools that set real policy agendas on a continuum of punitivity; in this regard, we might take the state at its word that ‘Balancing Leniency with Severity’ moderated the penal harshness of ‘Strike Hard’. On the other hand, because these slogans are first and foremost propaganda whose symbolic or performative meaning directs, rather than describes, material conditions, we should be careful not to equate severity of language with severity of punishment (Trevaskes 2017).

## Rules and Exceptions

When we think about comparators like incarceration rates, we orient towards aggregates and averages. But while harshness may be gauged by the typical penal experience, it may also be evaluated based on the atypical case—the exception, the outlier. In fact, one way to examine penal severity in China today is through the relationship between the norm and the anomaly. And whether one puts the emphasis on the norm and anomaly bears not only on whether one considers China’s system harsh, but also on how one views the arc of that severity over time.

Legal scholars distinguish substantive law and procedural law. Substantive law spells out crimes and penalties; procedural law dictates how that law is enforced. The relationship between procedural protection and penal harshness is not fixed. A system may lack procedural protections and also be quite lenient (imagine a town where citizens have no due process rights, but the criminal code is brief, enforcement is lax, and sentences are short). Conversely, a regime could be procedurally rigorous and also severe. Whitman points out, for example, that the United States places great emphasis on procedural rights and also metes out extremely long sentences.

In the case of China, concerns about penal severity are often implicitly concerns about due process deficits. For example, wrongful conviction (Nessosi 2017) and death in custody (Dui Hua Foundation 2010) are both notorious issues in China. Even if incidents are rare—which is uncertain—they are emblematic of local discretionary power producing variability in the harshness of punishment. By most accounts China has gone to great lengths to address this variation, most notably in recent amendments to the Criminal Procedure Law. Overall, these improvements mean that what we might imagine as the typical criminal justice defendant—the petty criminal at the local level—is less likely to experience arbitrary or personalised roughness at the

hands of local authorities than during past eras of decentralised ‘campaign style’ justice. On this measure of typicality, China’s penal system has arguably become less harsh in recent years.

Variation in penal harshness can also occur when some categories of offenses or offenders are marked for differential treatment. Although criminal procedure reforms may be improving treatment at the level of the individual, the imperative of state stability increasingly carves out zones of exception (Sapio 2010), creating a phenomenon of bifurcated or dual state punishment (Fu 2019a). Dual state punishment is most visible in areas of political crime. In some cases, the criminal law becomes stretched, as when dissidents are given extremely long sentences for nebulous crimes such as subversion. In other cases the law is flouted, as when political dissidents are simply disappeared (Wang 2018). And sometimes the law is officially overruled. At the upper echelons of political conflict, new regulatory organs have formal coercive authority. For example, the new National Supervisory Commission, an institution that officially enjoys co-equal status with the judiciary, has investigative and detention powers over Party members and state employees (Smith 2019; see also Caster’s essay in the present issue). While these powers are set in statute, they also contradict the Criminal Procedure Law. The Commission signifies the current administration’s willingness to establish unconstrained penalty to address political dissent and corruption.

The biggest state of exception concerns the punishment of minorities, notably Muslim Uighurs, in the far West of China (see Byler’s essay in the present issue). Ethnic and religious identity have emerged as twinned issues that the state seems to be carving out for harsh treatment with few if any checks on the severity of punishment. The 2015 Counter-terrorism Law and related efforts to combat ‘extremism’ establish a vague basis for the administrative regulation and criminalisation of religious activities. For example, the Law regulates those who ‘wear or bear clothes or symbols that advocate terrorism in a public



Atushi city education camps in Xinjiang PC: ABC.net.

place'. Provisions such as this one seem to be part of the basis for the vast expansion of 'Education Centres', an archipelago of detention facilities that are estimated to hold over a million people (Nebehay 2018)—a population that could exceed the total number of people in all of China's Ministry of Justice prisons. If developments in criminal procedure have constrained variation in penal severity among individuals, the bifurcated state has ramped up variation in penal severity among whole groups. The Xinjiang experience of penal severity stands as a dual state exception, but it is an exception of such scale that it may also be regarded as the penal norm.

## An Open-ended Question

If the conversation is still going at this point, whoever asked whether punishment in China is harsh may be rethinking the choice of discussion topic (or at least the choice of discussion partner). I have identified a wide variety of possible comparators of

penal severity—quantities (penal scale, rate of incarceration, sentence length), qualities (transparency and opacity), and variations (procedural protections and exceptions). Although each of these comparators holds some appeal, none is particularly satisfying. Taken together, even less so. They are both too many and too few. Too many, because they forestall a single comparison; too few, as even the most cursory consideration reveals these comparisons as being far from exhaustive. For Whitman the assessment that America is harsher than Europe was obvious; the puzzle to be explained was why this was the case. As for China, the question of severity, whether measured against the United States, its own past, or some other metric—remains unsettled. It is something we will keep talking about. ■



## The Power to Detain in a Dual State Structure

National Congress of the Communist Party of China.  
PC: Wikimedia Commons.

FU Hualing

*After four decades of legal reform, what kind of progress have the Chinese authorities made in controlling the power to detain, reducing its arbitrariness, and making the repressive arm of the state legally accountable? Has the fear of police power, in particular the proverbial panic of a knock at the door in the middle of the night, been reduced or increased? This essay argues that there are both changes and continuities, as the power to detain is largely defined and shaped by China's regime type.*

In liberal democracies, detention power tends to converge on three issues: first, differences in social/political status are no longer relevant, and common legal rules apply to all types of detention based on the fundamental right of personal freedom; second, political mechanisms and legal rules are in place to reduce state arbitrariness in depriving citizens of personal freedom; and finally, detention is subject to enhanced juridical control, with access to lawyers and judicial scrutiny serving as the litmus test for its legality. Indeed, the transition from a police-centric legal system to a court-centric one is often regarded as the hallmark of genuine democratisation, and the degree to which personal freedom is protected

offers a meaningful index to measure the status of rule of law in a particular society. (Cao et al. 2014).

After four decades of legal reform in China, what kind of progress has the country made in controlling the power to detain, reducing its arbitrariness, and making the repressive arm of the state legally accountable? Has the fear of police power, in particular the proverbial panic of a knock at the door in the middle of the night, been reduced or increased? A general answer to these questions is that there are changes and continuities, as the power to detain is largely defined and shaped by China's regime type.

## A Crystallised Duality

China is an authoritarian party-state under the leadership of the Chinese Communist Party. The Party monopolises all political powers and this leadership is unchallengeable. While repression alone cannot adequately explain China's authoritarian resilience, it has undoubtedly played a key and indispensable role in securing social stability. The repressive arms of the Party-state, the police in particular, have been given broad political and legal power to detain in order to maintain the political order. At the same time, since the late 1970s, the Party has embarked on legal reform to regularise and regulate the exercise of state power in the social and economic spheres. A key aim of this reform is for the Party to regain legitimacy and credibility in the eyes of the ordinary people through the promotion of the rule of law (Peerenboom 2007). With this goal in mind, the Party thus expands or restricts the state power to detain according to the need to maintain and legitimise the political order.

Contrary to detention in a liberal legal system, detention in China continues to diverge because different types of detention are used to fend off different risks and serve different political purposes. Legal accountability varies according to the status of the detainees, the political nature of an offence, and the evolving

position of the police in the political and legal system over the decades. Legal control of detention remains weak in politically-sensitive cases, such as national security and corruption-related offences. In those cases, access to lawyers and effective judicial control, the hallmark of a liberal order, are entirely absent or substantively missing. On the other hand, legal accountability in other types of detention has been thickening and deepening, with an enhanced threshold in substantive law, detailed procedural requirements, and increasingly meaningful and important external supervision over the process, including from lawyers and judges (Nesossi et al. 2016).

There is therefore a firmer and more crystallised demarcation in the power to detain between ordinary cases and politicised, sensitive cases; between routine justice and extraordinary justice; and between the normal state and prerogative state (Fraenkel 2010). This duality is significant to understanding different powers that the state has to deprive citizens of their personal freedom and different legal remedies for detainees and their lawyers.

## Defining the Boundaries of Unlawfulness

Constitutional protection of personal freedom is expressed in a cautious way in China. While Article 37 of the Chinese Constitution states explicitly the inviolability of personal freedom, it prohibits only 'unlawful detention' (非法拘禁) and other deprivations or restrictions of the personal freedom of citizens that are 'unlawful' (非法). Given the decisive role of 'unlawfulness' in examining the legality of detention and other forms of deprivation of freedom, its meaning and boundaries with Chinese law need further clarification.

The main test for 'unlawfulness' is provided for by the 2001 Law on Legislation, which centralises the rule-making power in relation to the power to detain in the National People's Congress and its Standing Committee. The

State Council and its ministries—the Ministry of Public Security in particular—used to have the power to detain but, have been stripped of the power, legally at least, from 2001. The most visible achievement of the Law on Legislation is the restrictions it places on police power to impose administrative detention and the gradual procedural protection in personal freedom in relation to minor offences. Historically, Chinese police had the power to deprive minor offenders of their personal freedom independently of the courts, and they were empowered to do so mostly by executive orders without clear legislative authorisation. The Law on Legislation has made a significant portion of such administrative detention unlawful due to the lack of legislative support and, as a result, the executive organs have been pressured to abolish administrative detention power and subject detention in those cases to some forms of legal accountability.

The best example of this process relates to the abolition in 2013 of the infamous ‘reeducation through labour’ (劳动教养) system, which allowed the police to imprison minor offenders for up to three years. While international and domestic actors pressured the Party to abolish the system, a golden thread that tied all criticisms together in defeating the government’s position was the simple fact that the rules underpinning those labour camps were unlawful according to the Chinese law. In 2003, after the tragic death of Sun Zhigang—a young migrant who passed away as a result of physical abuse suffered while being detained under China’s custody and repatriation system (Hand 2006)—the State Council was similarly forced to nullify another executive order that authorised the police to detain vagrants and repatriate them to their hometowns from cities. To this day, the Law on Legislation continues to hold the police accountable in detaining minor offenders, such as prostitutes, without legislative support. Due to the impact of the Law on Legislation, drug rehabilitation and compulsory psychiatric treatment have

been placed in a proper legal framework, creating opportunities for legal accountability in medical/welfare-based detention.

Outside administrative detention, criminal detention for non-political cases, including serious crimes, has been placed under more tightened legal control. Thanks to the exposure of a series of high-profile scandals related to wrongful convictions based on confessions extracted through torture, which shocked the conscience of the nation, legal rules and mechanisms have been put in place and implemented in part to rein in abusive detention practices and torture in interrogation (Nesossi 2019). Those mechanisms include a functional separation between the police who investigate and the police who detain, to reduce the incentives and opportunities of abusive detention; a more proactive on-site procuratorial supervision in detention facilities; better access to lawyers and more generous provision of legal aid in routine criminal cases; the mandatory use of videotaping of interrogation in certain serious criminal offences; and a clear legislative authorisation procedure, as well as the requirement for courts to treat torture claims more seriously.

Such mechanisms have all helped to create a better ecosystem in the criminal process in which rights are to be taken more seriously. A related legal change, which is equally significant, is the attempt to reduce the use of pre-trial detention by institutionalising various diversion programmes from detention, such as criminal reconciliation, and by increasing the opportunities for bail (Jiang 2016). The combined impact of this incremental and partial reform is the emergence of a slightly more liberal-leaning detention regime, in relative terms, in ordinary, non-political cases. Better protection of personal safety and meaningful restriction on the power to detain is essential for building trust in, and creating legitimacy for, the Party-state; and the detention reform is part of the demand from civil society for a



broader legal reform. The Party's ability to adapt to changing circumstances—in this case the increasing demand for justice in criminal cases—through law reform, explains the authoritarian resilience.

## A Double-edged Sword

However, the law is a double-edged sword, both limiting and empowering the state, and legality can be abusive and serve an anti-liberal agenda. Having engaged with legal rhetoric and practices for four decades, the Party-state's attitude has changed from one of suspicion and fear of legal rules—which led it to avoid and marginalise law—to one of acceptance, in which it actually uses the law to its advantage. The Party has now come to realise the empowering dimension of law and is aggressively using it to legalise previously illegal practices. This transition from avoidance to engagement defines an emerging authoritarian legality in China, which is mostly clearly seen in the shifting legality of police power to detain.

Using the law to empower the Party-state in general, and its repressive arm in particular, is a new endeavour. It gained momentum in 2012, when the Criminal Procedural Law (CPL) was further amended. At that moment, the Party-state found the confidence and resolve to formally and openly legalise extraordinarily repressive measures—while repressive powers abounded in China, they were rarely legalised in much of the legal reform era. The 1979 CPL effectively limited police power of detention to three days, after which procuratorial approval was required, but the police entirely ignored the restriction and instead used the extra-legal 'sheltering for interrogation' (收容审查) prerogative, an unlimited power of administrative detention, to facilitate criminal investigations. The three-day restriction was merely window-dressing, until 1996 when the National People's Congress finally amended the

CPL and extended detention time to 30 days in exchange for a withdrawal of the police's power of sheltering for interrogation.

While the 30-day detention rule may have worked for ordinary criminal cases, it could not satisfy the police in their investigation of 'sensitive' cases, including cases related to political dissidents. To hold those political offenders longer, the security police had to distort a legal mechanism called 'residential surveillance' (监视居住), a community supervision mechanism that authorises the police to release suspects on bail and then put them under surveillance at their residences. Controversially, before 2012 the police seized the opportunity to place political and religious offenders, among others, at police-designated locations for up to six months. In response, in 2012 the CPL was further amended and a special mechanism called 'designed residential surveillance' (DRS, 指定监视居住) was created to legalise secretive detention. Under article 73 of the amended CPL, DRS may apply in three types of offences: terrorism, national security, and major corruption. The 2012 amendment thus legalises the previously extra-legal practices—once the DRS is triggered, a person vanishes into a black hole, while all their legal rights are placed under de facto suspension for months, if not years (Rosenzweig 2013).

## Legal Nihilism

Once the psychological barriers that prevented the Party-state from passing repressive law were removed, the practical benefits of a legally-empowered authoritarian regime became apparent. To take one step further toward politicisation in the prerogative state, the Party has used the law in a nihilistic and paradoxical way merely to create extra-legal spaces through legislative acts. Legality thus serves principally as a trapdoor function to cover a political decision with a mere veil

of lawfulness. The development of the Party's detention power from *shuanggui* (双规) to *liuzhi* (留置) serves as a good example of the nihilistic use of the law (Li 2019; see also Caster's essay in the present issue). The Party's disciplinary inspection committees (DICs) punish Party members for violating Party rules and, under *shuanggui*, used to have the power to detain them for a period of time for investigation. The DICs derived the political power to detain exclusively from the Party and this prerogative did not comply with a minimum degree of legality in the constitutional sense. The Party thus wielded extensive criminal law powers without any constitutional justification or legal authorisation, a situation which it was hard-pressed to justify (Fu 2017).

To compensate for this deficit of legality, in 2018 a National Supervision Law was enacted to create a new National Supervision Commission (NSC, 国家监察委员会), which aims to wrap a thin veil of legality around the Party's disciplinary inspection committees without disturbing the pre-existing power arrangement. In doing so, the state has effectively been absorbed into the Party. The institution of the disciplinary inspection committee continues as is, although it also now calls itself the NSC. The infrastructure of the previous detention regime remains intact: suspects are detained in the same facilities, interrogated by more or less the same officers, and controlled by the same guards. Officially, *liuzhi* and the entire supervisory/disciplinary process has a political nature, and thus is beyond any legal control: lawyers are off-limits, and no legal institutions, including the judiciary, are involved until the Party finishes investigating its case. The National Supervision Law serves to provide legality for the Party's disciplinary operation while excluding the entire legal system, thus throwing the disciplinary inspection process back into a black hole (Li 2019; Li and Wang 2019).

## The Emergence of the Prerogative State

All the legal abuse and nihilism outlined above, not to mention the mass internment in Xinjiang, crystallise the emergence and consolidation in China of a new prerogative state, in which legal rules governing detention are first marginalised and then replaced by political rules that follow the agenda of the Party-state. By nihilistic view of law in the prerogative state, I refer to a view of the law merely as a political tool that is devoid any normative content or commitment and represents a significant departure from the legal system that China has been constructing. In the case of the shift from *shuanggui* to *liuzhi*, for example, the principal object in legalising *shuanggui* was to concentrate political power in anti-corruption enforcement, and at the same time to create a thin veil of legality to end off domestic and international criticisms.

China is establishing a political regime of detention for political and religious offenders. The thin veil of legality that has been created can barely shroud the political nature of this form of detention and the near irrelevance of the law in those politically-sensitive cases. At the same time, legal reform in routine justice in the normal state continues to place detention in non-political cases under meaningful legal control, creating a dual state structure in the power to detain. Future research should focus on exploring the interaction and mutual impact between the normative state and the prerogative state; between ordinary justice and extraordinary justice; and between the people and state-designated enemies. ■

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Portrait of Sun Zhigang,  
by Lau Ka-kuen.  
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## Systematising Human Rights Violations

Coercive Custody  
and Institutionalised  
Disappearances in China

Michael CASTER

*The People's Republic of China has a long history of abusive coercive custody—from administrative reeducation through labour to forced incarceration in police-run psychiatric facilities and extra-legal black jails. Through recent legislative and constitutional amendments China has attempted to systematise human rights abuses behind the veneer of the rule of law. But in institutionalising arbitrary and secret detention, China is in stark violation of international human rights law and fundamental norms.*

Although the People's Republic of China has a long history of coercive custody—from administrative reeducation through labour to forced incarceration in police-run psychiatric facilities and extralegal black jails—over the past few years the Chinese authorities have institutionalised arbitrary and secret detention as a fundamental feature of governance through a series of legislative and constitutional amendments. This is epitomised in the euphemistic 'Residential Surveillance at a Designated Location' system (指定居所监视居住, RSDL), defined in the 2012 Criminal Procedure Law (CPL), and the new *liuzhi* system (留置), which came into being with the

2018 National Supervision Law (NSL). Despite contravening a host of international norms, by instituting these systems within China's legal code, the Chinese Party-state is attempting to mask its human rights violations behind the veneer of the rule of law.

For well over a decade, China has arguably pursued a model of rule of law based more on the total number of laws passed rather than compliance with international norms. Needless to say, this is not an acceptable approach from the perspective of international law. Under Xi Jinping, the Party has further weaponised notions of the rule of law to exert control, institutionalising serious human rights violations. Of course, and *liuzhi* did not appear in a vacuum, nor can they be attributed to Xi Jinping's leadership alone. They have evolved from a tradition of administrative or extralegal measures. It is by examining these preceding systems that it is possible to show the evolving abusive nature of arbitrary and secret detention and better understand its systematisation.

## A Brief History of Coercive Custody in China

A reasonable starting point for an analysis of the evolution of secret, coercive custody in China is the death in custody of a 27-year-old migrant worker named Sun Zhigang in March 2003. He had been held in secret for three days in Guangzhou under the then administrative procedure known as 'Custody and Repatriation' (收容遣送), which permitted police to detain someone without a court decision and without notifying anybody. At that time, this procedure was often applied to migrant workers or petitioners. Upon Sun Zhigang's death, the Custody and Repatriation system attracted widespread public criticism. Following campaigning by human rights lawyers Xu Zhiyong, Teng Biao, and others, in

June 2003 the Chinese authorities announced the abolishment of the 1982 regulation that had established the system (Hand 2006).

However, within a few years reports of an equally abusive and even more secretive detention system emerged. 'Black jails' (黑监狱) arguably performed the same 'social stability maintenance' (维稳) purpose of secretly controlling petitioners and human rights defenders that had been lost with the abolishment of Custody and Repatriation but, unlike the previous administrative measures, this new system was entirely extralegal. Held in 'private' facilities such as hotels, guesthouses, and restaurant back rooms, individuals who disappeared into black jails were denied fundamental habeas corpus rights. Torture was common. The detained were neither permitted legal representation nor contact with family members. The Chinese authorities tried hard to conceal their existence to the point that, in September 2007, then-Reuters' correspondent Chris Buckley was tackled and beaten after having snuck into a black jail to interview its detainees (Buckley 2007). Leading up to the 2009 Universal Periodic Review of China before the United Nations Human Rights Council, my former organisation, the Chinese Urgent Action Working Group, among others, campaigned against black jails. I myself spent months prior to the session meeting with foreign diplomats in Beijing to raise the issue. Ultimately, despite evidence and victims' testimonies, China categorically denied the existence of black jails (UPR 2009).

By the time of the 'Jasmine Revolution' (茉莉花革命) in 2011, China had expanded its reliance on secret detention through black jails. Among many others, it also targeted well-known lawyers such as Tang Jitian and Teng Biao, as well as international artist Ai Weiwei. By the end of the year, the New York-based Chinese Human Rights Defenders Network stated in its annual report that 2011 had been a year characterised by the 'extensive use of extralegal detention, and enforced disappearance and torture' (CHRDN

2011). The United Nations Working Group on Enforced or Involuntary Disappearances declared a ‘pattern of enforced disappearances in China, where persons suspected of dissent are taken to secret detention facilities’ (UN News 2011). Still unresolved by the time of the 2013 Universal Periodic Review, the official summary of stakeholder information compiled by the Office of the High Commissioner for Human Rights, quoting the New York-based NGO Human Rights in China, noted ‘a resurgence of informal, extra-legal political institutions that advanced predatory and repressive government policies, including “black jails” and enforced disappearances used to target activists, petitioners and dissidents’ (UN General Assembly 2013). China again denied their existence.

It was clear that while black jails served their purpose in maintaining the equilibrium of coercive custody lost with the abolishment of the Custody and Repatriation system, growing international condemnation and their extralegal nature posed an obstacle for the Chinese authorities as they pursued their hollow rhetoric of the rule of law. As it happened, the years from 2011 to 2013 also saw major changes in Chinese criminal statutes, which arguably presented an opportunity for China to legislate previously extralegal measures in an attempt to mask their inherent abusiveness behind so-called legal reform. RSDL was born in such a context, with the amendment of the CPL in March 2012.

## Torture and Disappearances under the RSDL System

RSDL applies to crimes of endangering national security, terrorism, or serious bribery, and is supposed to be applied only when police determine the suspect cannot remain in their own residence during the investigation phase. But, as documented by my organisation

Safeguard Defenders and others in a submission to the United Nations, it is frequently used to arbitrarily detain peaceful human rights defenders in secret for lengthy periods of time, just as with black jails.

By law, RSDL may be imposed for up to six months but authorities often resort to tricks to prolong disappearances, including registering someone in a detention facility under a false name to make it impossible for lawyers or family to locate them (Safeguard Defenders 2019a). Following six months in RSDL, in politically-sensitive cases authorities may announce formal charges and move the individual into criminal detention, but often refuse contact with a lawyer or family, effectively prolonging incommunicado detention. This contravenes all relevant international norms. The United Nations General Assembly has held that ‘prolonged incommunicado detention or detention in secret places can facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment’ (UN General Assembly 2014)—a sentiment which has been further emphasised in the Istanbul Protocol (OHCHR 2004). The case of human rights lawyer Wang Quanzhang, a former colleague of mine, is emblematic of such lengthy secret detention. Following six months of incommunicado RSDL, he was detained in secret, lacking contact with the outside world, for three and a half years before he even faced a trial (Caster 2018).

The United Nations Standard Minimum Rules for the Treatment of Prisoners, also known as the Nelson Mandela Rules (UN General Assembly 2016), hold that every prisoner should have the right and ability to immediately inform their family about their imprisonment. This is not the case with the RSDL system in China. Although an earlier draft of the CPL held that family members should be notified ‘of the reason for and location of the residential surveillance’ (Dui Hua 2012), this requirement was removed in the final version. The current law only calls for notifying family that someone has been placed

under RSDL, but does not require the police to divulge the reason or location. However, police seize on exceptions in the law to overlook even this basic procedural safeguard against enforced disappearances and torture, and often do not notify family until months later. This is what happened in the recent case of labour rights defender Fu Changguo (Caster 2019).

Although Chinese law provides for the right to meet and communicate with a lawyer of one's choosing, in cases of accusations of endangering national security that are most often used to detain human rights defenders, this right is conditional on the permission of the investigating authority. This poses an immediate problem in light of the fact that the investigating authority is often the same party responsible for the detention, interrogation, and abuse of the detained individual. It is a *prima facie* denial of the right to a lawyer, which almost always means a denial of the right to a fair trial as called for under the International Covenant on Civil and Political Rights.

In cases involving human rights defenders, the Chinese authorities have frequently gone so far as to falsify documents by individuals held in incommunicado detention to claim they have forfeited their right to select lawyers of their own choosing. Most emblematic of this abusive practice is perhaps the case of human rights lawyer Yu Wensheng. Before his disappearance, Yu had recorded a video in which he said, among other things, that he would never give up his right to select his own lawyer unless he was tortured. Brazenly, after months in secret detention police claimed Yu had denounced his trusted lawyer and opted for state-sponsored counsel. The United Nations has found Yu Wensheng's detention to be arbitrary due to his incommunicado status, denial of due process, and patent targeting over his human rights work (OHCHR 2019).

In its 2015 review of China, the United Nations Committee Against Torture called on China to repeal, as a matter of urgency, the provisions of the CPL that allowed for incommunicado detention under RSDL (CAT 2015). In August 2018, responding to a submission filed by my

organisation Safeguard Defenders, along with the International Service for Human Rights, Chinese Human Rights Defenders Network, and the Rights Practice, a group of ten United Nations Special Procedures—i.e. independent experts serving under the Human Rights Council—released a joint statement on RSDL.

Among other issues, they found that exceptions set out in the Chinese law make placement in RSDL tantamount to an enforced disappearance (OHCHR 2018). They also raised concerns over torture. One of the major human rights concerns associated with secret detention is precisely that the individual, kept at an unknown location outside any legal or procedural safeguard, is at a high risk of torture. With numerous cases, we have seen that torture within RSDL is common, as it was under black jails and similar mechanisms. This includes sleep deprivation, prolonged stress positions, physical and psychological abuse, and more. A prime example of torture in RSDL is that of Hunan-based human rights lawyer Xie Yang, who while detained for over two years between 2015 and 2017 was made to withstand stress positions, sleep deprivation, and physical assault (Phillips 2017).

## From RSDL to *Liuzhi*

In as much as RSDL allowed China to fold the abusiveness of extrajudicial black jails into the statutory gymnastics of the CPL, so too did it arguably provide a template for regulating and expanding other equally abusive but previously extrajudicial and intra-Party disciplinary measures into a Constitutional amendment and new legislation in 2018. Before establishing the *liuzhi* system, the Central Commission for Disciplinary Inspection (中国共产党中央纪律检查委员会, CCDI) oversaw its shadowy predecessor, the *shuanggui* (双规) system, which like the other forms of coercive custody mentioned above facilitated serious human rights violations, including torture and other ill-treatment (Human Rights Watch 2016).

Being placed under *shuanggui* meant ending up in ‘the worst place in the world’, according to the wife of one of its victims (Vanderklippe 2017). But, similar to black jails, *shuanggui* had no legal basis and, as such, clearly did not fit with Xi Jinping’s rhetoric of the rule of law.

This began to change in 2016 with the rollout of pilot programmes in Beijing, Shanxi province, and Zhejiang province, which were then expanded in 2017 (China Daily 2018). In Beijing alone, according to the Chinese Government’s statistics under the pilot *liuzhi* system the number of officials put under passive supervision swelled from around 200,000 to nearly one million (China Daily 2018). Of course, these figures do not refer to people in actual detention but are a clear indication of how that the pilot and later legal mechanism expanded the target demographic of potential secret detentions massively to include all staff of Party organs, legislatures, courts, some judges, political advisory bodies, managerial staff at state-owned enterprises and public institutions such as hospitals or universities, and others.

When the National People’s Congress convened in March 2018, the pilot *liuzhi* became law through the passing of the NSL that established a National Supervision Commission (国家监察委员会), which was made into an official state organ pursuant to an amendment to the Constitution (Xinhua 2018). With no substantive improvements over the abusiveness of *shuanggui*, and in some ways creating an even more abusive system, the purpose was ostensibly to unify previously disjointed supervisory functions. However, arguably the main reason was again to take a highly abusive system for coercive custody that previously existed outside legislative authority and legitimise it with new regulations.

*Liuzhi* under the NSL is quite similar to RSDL. The suspect can be held in custody at a designated location, for various reasons at the discretion of the investigating authority. This can last for upwards of six months, during which time the victim is often kept in solitary confinement and held incommunicado

without access to family members or a lawyer, at risk of torture and ill-treatment. Although, much like the CPL, the NSL states that *liuzhi* victims’ family or work units shall be notified within 24 hours of their detention, it also provides an exception for those cases where this might impede the investigation. This way, once again, the Chinese authorities have created a statutory exception to fundamental procedural safeguards meant to prevent enforced disappearances and torture. And in China exceptions are the rule.

As with RSDL, under *liuzhi* the victim is held in solitary confinement, with only guards and interrogators for company. This violates international norms, including the Istanbul Statement on the Use and Effect of Solitary Confinement (2008) and the Special Rapporteur on Torture (2011), which hold that prolonged isolation, defined as longer than 15 days, fundamentally violates the absolute prohibition on torture and other cruel, inhuman, or degrading treatment. Solitary confinement is only to be used in exceptional cases and as a last resort for as short a time as possible. In light of this, ahead of the 30 August 2019 International Day of the Disappeared, my organisation Safeguard Defenders sent a submission to the Working Groups on Arbitrary Detention and Enforced Disappearances along with six other Special Procedures to outline key human rights concerns with *liuzhi* (Safeguard Defenders 2019b). At the time of writing, the Special Procedures have yet to respond.

## Systematising and Legitimising Human Rights Violations

What we arguably see is a pattern emerging of China moving to unify and institutionalise certain systems of coercive custody under new laws in order to hide inherent human rights violations behind a superficial rhetoric of the rule of law. However, international law is clear



on the fundamental prohibition of torture and enforced disappearance, and on the fact that under no circumstances does domestic law supersede a state's obligations to uphold such universal human rights. In legislating abusive practices, not only is China brazenly violating its obligations under international law but it is also systematising such violations within its legal system. Gross human rights violations such as torture and enforced disappearances, especially under RSDL and *liuzhi*, have become a systematic practice and policy, organised and predictable. Arbitrary and secret detention have been institutionalised. ■



## Forced Internment in Mental Health Institutions in China

### Compulsory Treatment and Involuntary Hospitalisation

Gucci model and 'Mental Health is Not Fashion' protest.  
PC: outpump.com

GUO Zhiyuan

*In China, people with mental disorders may be committed to mental hospitals for treatment in accordance with either the Mental Health Law or the Criminal Procedure Law depending on the specific situation. This essay gives a brief introduction to the two institutions involving forced deprivation of liberty of the mentally ill; compulsory treatment and involuntary hospitalisation. By comparing these two institutions, it also points out their shortcomings and some possible steps forward.*

For many years, the relationship between Qiu Guoshi—a Taiwanese businessman living in Shanghai—and his wife, Wen Xiuqin, had been rocky. She, however, refused to agree to a divorce. In September 2001, Qiu called the Shanghai Mental Health Centre, saying that his wife was suffering from a serious mental illness and requested help. Upon receiving the call, a doctor and several nurses rushed to her workplace, and forcibly took the woman to the Shanghai Mental Health

Centre for treatment. Qiu signed a consent form authorising hospitalisation and treatment for his wife. Three days later, Wen sought help from her daughter. A foundation contacted by the daughter intervened in the case and was successful in having Qiu's wife returned to Taiwan. After her release, Wen filed a complaint alleging that her husband's conduct had been criminal. He was convicted of depriving her of her liberty and sentenced to 14 months in prison. This is just one of many publicised cases in China that involve controversial involuntary hospitalisation (Hualüwang 2019).

In China as elsewhere, people with mental disorders may be committed to mental hospitals for treatment. However, different laws apply depending on the specific situation. When a person suffering from a mental disorder has already exhibited self-harming conduct, or there is a perceived danger that they may harm themselves or endanger the safety of others, they may be hospitalised and medicated without their consent. The technical term for the procedure is 'involuntary hospitalisation' (非自愿住院治疗) or 'civil commitment' (民事收治), and the legal basis for these kind of cases can be found in the Mental Health Law (MHL). If a person with a mental disorder has committed a violent act that would constitute a crime if done by a sane person, they can be exempted from criminal responsibility but committed to a specialised mental hospital for treatment. This is called 'compulsory treatment' (强制医疗)—which is interchangeable with criminal commitment in other jurisdictions, such as the United States, and is regulated by the Criminal Procedure Law (CPL). While involuntary hospitalisation and compulsory treatment both have a long history in China, formal legislation was not established until 2012, when the MHL was enacted in October and the CPL was amended. In this essay, I will briefly outline these two institutions that mediate the deprivation of liberty of the mentally disordered.

## Compulsory Treatment

Compulsory treatment has always been at the centre of debates on human rights because it involves not only the deprivation of liberty of individuals with mental illness, but also forces medical treatment in psychiatric hospitals. The amended CPL of 2012 adopted a new special procedure on compulsory treatment, which sets out the scope, procedures, and supervision mechanisms for compulsory psychiatric treatment in criminal cases in China.

While in the past this practice was dominated by the police, the new legislation introduced a judicial review mechanism that put the power in the hands of the judiciary. This has been hailed as a key step towards ensuring that the decisions are made neutrally, on the basis of legal standards. Article 284 of the 2012 CPL also specifies three criteria for the compulsory treatment of people with mental disorders: if he/she (a) has committed a violent crime, endangered public security, or caused death or injury to others; (b) was determined to be not guilty because of insanity after a mental health assessment in accordance with law; and (c) poses a continuing risk of endangering public security. If all of these conditions are met, the individual may be compelled to receive medical treatment in a special psychiatric hospital called an *ankang yiyuan* (安康医院), which in China is usually run by the police. Of the three criteria, the 'continuing risk' is the most difficult to evaluate, as many practitioners believe that a mentally-ill individual who has committed a violent act and caused death or injury to others necessarily pose a continuing risk of endangering public security. For this reason, an understanding of potential risk has been absorbed into the consideration of violence and, as a result, the 'potential risk' criterion is essentially met if there has been a history of violence.

Under the amended CPL, a panel of judges will decide through a hearing whether a mentally-ill individual should be committed to a psychiatric hospital. The hearing is



Mental Hospital.  
PC: istockphoto.com

adversarial in that both prosecutor and the subject of the proceeding, as well as their legal representatives, should be present and contest each other. When the family wishes to care for the subject themselves, they have to present supporting evidence, which may then be examined and debated in the courtroom. Similarly, when a psychiatric hospital during a periodical evaluation submits an opinion to the court that the mentally-ill person is no longer dangerous and thus ready for release, a panel of judges will determine through a hearing whether the subject has met the criteria for release.

Once a compulsory treatment procedure is initiated, while waiting for the court to make the final decision the person with a mental disorder might pose threats to their personal safety or the safety of others. For this reason, the 2012 CPL empowered the police to adopt temporary restrictive measures (临时保护性约束措施) to protect mentally-ill people exhibiting violent behaviour. These measures do not require judicial determination, as they are intended to give the police an instrument to protect public security while awaiting a

formal decision from the court. Unfortunately, although the measures constitute a distinct type of detention, the law does not contain specific provisions regarding boundaries, contents, time limits, remedies, and so on. Recognising how this could lead to abuse, in December 2012 the Ministry of Public Security (MPS) has published administrative regulations requiring that such restraints are approved at the county level or above and exclude them when there is no danger to society. Moreover, the Ministry has made clear that the means, methods, and intensity of the restraints should not go beyond the needs of avoiding danger to the personal safety of the mentally-ill person and public security. Though extremely vague, these provisions indicate that the police in China is conscious of the risks involved in such procedures and is trying to impose restrictions on their use.

Although the MPS rules tried to put a limit to the arbitrary powers of the police, in practice people with mental disorders can still be deprived of liberty for a long time and reversals in these kinds of cases remain very rare. While most are held in mental health facilities, due

to the lack of specialised institutions some are held in detention centres. More importantly, the MPS rules provide that, if necessary, the suspect or defendant may be sent to a psychiatric hospital for treatment. This pre-treatment, although sometimes necessary, makes it so that compulsory treatment can actually still be provided at the discretion of the police. If not strictly limited and supervised, this has the potential to expand the police's power, rendering the rules useless and undermining the judicial character of the decision entirely.

Under the compulsory treatment law, three rights are granted to mentally-ill individuals. First, the law endows people with mental disorders with the right to legal representation and legal aid. If a mentally-ill individual has not hired a litigation representative, a legal aid organisation shall appoint a lawyer to serve as his/her counsel and to provide him/her with legal assistance. Second, the law grants the person subjected to compulsory treatment, their legal representative, or their close relatives, the right to apply for reconsideration to the higher level of the judiciary if they are not satisfied with the decision of the court. However, the compulsory treatment will not be suspended during the reconsideration. Third, once a mentally-ill person is committed to a psychiatric hospital, they or their family members can file an application anytime with the court for removal of compulsory treatment. The court will ask the hospital to make a special evaluation, and then determine through a hearing whether the person is ready for release.

## Involuntary Hospitalisation

According to the World Health Organization, autonomy and informed consent should form the basis of the treatment and rehabilitation of people with mental disorders (WHO 2005). However, before the adoption of the

2012 MHL, mental hospitals in China had the right to take patients from their homes and forcibly admit them merely at the request of the patients' family or police. Under the MHL, a person suffering from a mental disorder has the right to refuse residential therapy, unless they have already exhibited conduct that pose a danger to themselves or others, or if there is a perceived risk that they will in the future. These provisions emphasise that voluntary hospitalisation should be the first line of treatment, require informed consent from the patient or the family, and restrict the use of involuntary hospitalisation by requiring an assessment of danger.

The 2012 MHL also grants patients with mental health issues and their guardians the right to contest involuntary hospitalisation. When the patient has already exhibited self-harming conduct or there is a danger of self-injury, the guardian has the right to agree or disagree to residential therapy. When the mental patient has already exhibited conduct that endangers the safety of others, or there is danger that he or she will endanger the safety of others, if the patient or his/her guardians disagree with involuntary hospitalisation, either of them can apply for a second diagnosis or evaluation and even for an independent expert assessment. The MHL also grants patients and their guardians the right to file lawsuits when they believe their rights have been infringed upon.

There are two major problems with the current rules on involuntary hospitalisation: absence of judicial review and lack of control over guardians. It is a basic jurisprudential principle that all people are entitled to a full and impartial judicial hearing prior to a loss of liberty (Gostin 1987). In the area of civil commitment law, the presence of regular and ongoing judicial review has served as a bulwark of protection against arbitrary state action (Perlin 1998). Therefore, to reduce the discretion of physicians and limit medical paternalism, many jurisdictions have enacted laws transferring the authority to order an involuntary admission from physicians to

non-medical authorities (Dressing and Salize 2004). However, the involuntary admission in China is still determined by the hospital. The court does not play a role in the determination of involuntary hospitalisation at all. In this respect, China's MHL is not in line with the international standards because there is no independent and neutral authority to authorise all involuntary admissions.

Another concern is the lack of control over guardians. While ideally one's close family members would have the best interests of the mentally-ill person in mind, this is not always the case. As we have seen at the beginning of this essay, China has already seen publicised cases of spouses delivering each other for treatment so as to claim their assets or seek divorce, and parents delivering their adult children for diagnosis when they disapprove of a romantic partner. Many provisions in the 2012 MHL still take it for granted that guardians would act in the best interest of the mental patients. For example, the Law announced a principle of voluntary diagnosis, with the only exception being that 'close family members may deliver a person suspected of having a mental disorder to a mental establishment for a mental disorder diagnosis' (Article 31). This provision makes it easier for family members to have each other held, at least temporarily. For another example, in the case of involuntary admission, the MHL has granted the right to consent to guardians rather than the mental patients when the patient has already exhibited self-harming conduct or there is danger of self-injury. All these provisions ignore the potential conflict of interests the guardians may have and do not subject the guardians to appropriate oversight.

## Shortcomings and Possible Steps Forward

Both the CPL and the MHL set up procedural rules for the forced internment in mental health institutions in China. These pieces of legislation indicate that the Chinese authorities

are aware of the existence of problems involving psychiatric commitment—which include both under-inclusion (the failure to give people the treatment they need) and over-inclusion (where people who should not be committed are committed to hospitals)—and are taking actions at the highest levels to resolve them. However, as illustrated above, the results have been uneven. Involuntary hospitalisation rules do not provide enough protection for the rights of mentally-ill individuals: in particular, the availability of free, effective counsel and regular judicial review are especially critical issues to address, and strict oversight over guardians is also needed.

In both pieces of legislation, the confinement of a mentally-ill person constitutes a form of preventative detention, based on providing treatment in an environment where the patient cannot harm others. Under the CPL amended in 2012, the prerequisite of compulsory treatment is having committed a dangerous crime and posing a continuing danger to the public security. Thus, the criminal commitment to a psychiatric hospital is not a punishment; it simply aims at avoiding another offense. The MHL, however, does not require a court to decide on the involuntary civil commitment through a hearing. It just provides for a vague assessment of dangerousness, or risk of dangerousness, as the main criterion for involuntary hospitalisation. In substance, while the 2012 CPL has introduced a judicial review mechanism to determine whether compulsory treatment is necessary, the MHL still places the power of determination in the hands of psychiatric hospitals and guardians, neither of whom can always make the decision in the best interest of the patient. It is also paradoxical that a person with a mental disorder may enjoy more rights protections when they commit a crime-like violent act than if they just pose danger to themselves or others.

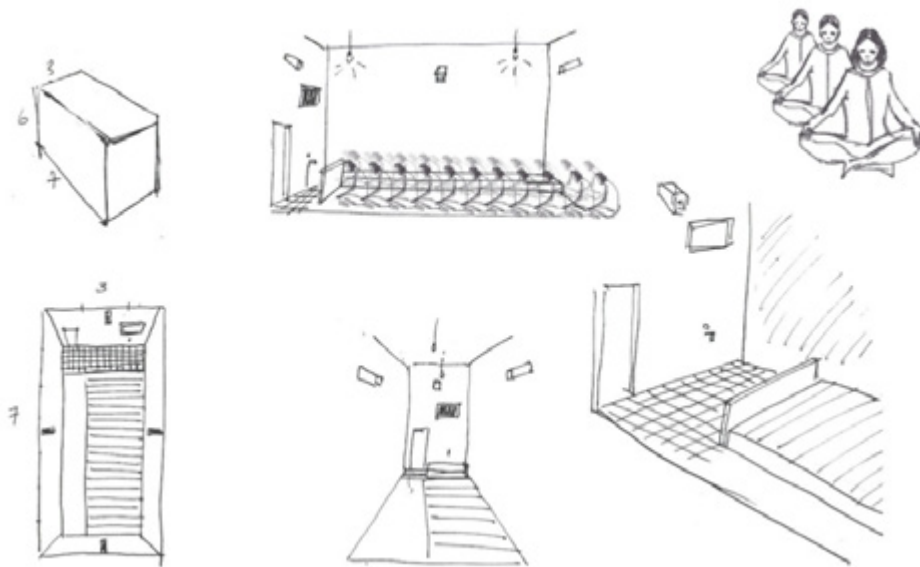
Given that involuntary commitment—whether compulsory treatment or involuntary hospitalisation—is a deprivation of liberty, alternative measures should be offered to reflect the principle of proportionality.

Considering the shortage of beds in psychiatric hospitals across the country, a form of psychiatric probation could be implemented, allowing outpatient treatment for patients who are able to regain control of their actions while taking medicine, with maintaining a drug regimen as a condition for the release.

In addition to ensuring that the involuntary hospitalisation law provide better protections for the rights of people with mental disorders, serious considerations should also be given for better coordination and better integration of the civil and criminal commitment laws. The patients in one system are often past or future patients in the other system. Therefore, a transferring mechanism should be established to make it easier for the patient to transfer from one system to another. For example, if a community integration programme is in place, people with mental disorders who are released from the criminal justice system are much less likely to commit new offenses if they receive services from the system. The MHL has already mobilised social forces to participate in the care of people with mental disorders in the local area. Such care could include supervision over those released under psychiatric probation orders.

An even greater obstacle to community-based treatment may be the lack of professionals who can work in the community to ensure that outpatients take their medicine every day. Very few medical students in China want to be psychiatric experts due to the longstanding stigma attached to both people with mental disorder and mental health professionals. Better protection for those with mental disorders may depend ultimately on changing the public attitude towards mental illness and disability. This will not be easy, but it is possible. The United Nations Convention on the Rights of Persons with Disabilities (CRPD) requires that states implement measures that address attitudes towards people with disabilities. China ratified the CRPD in 2008 and demonstrates a national commitment to the rights of persons with disabilities in the community, in psychiatric institutions,

and in correctional facilities. This could be one avenue for China to try to change public attitudes towards people with mental disorders—the largest vulnerable group in the country—further enhancing the protection of their rights. ■



## Preventative Policing as Community Detention in Northwest China

A sketch recreating Gulbahar Jelilova's description of conditions inside a detention centre for women in Ürümqi. Illustration by Sofiya Voznaya / Coda Story. Reprinted with permission.

Darren BYLER

*A preventative policing system in the Xinjiang Uyghur Autonomous Region has detained as many as 1.5 million Turkic Muslims deemed 'pre-terrorists' or 'extremists'. This essay shows how a counterinsurgency mode of militarism that emerged in the United States, Israel, and Europe, has been adapted as a 'Xinjiang mode' of community policing in China. It argues that the scale of detentions and the use of surveillance technology make the 'Xinjiang mode' of counterinsurgency unprecedented.*

**S**ometime in May 2017 an ethnic Kazakh woman was detained in Ürümqi, the capital of the Xinjiang Uyghur Autonomous Region. Maybe this woman, a Chinese citizen, had travelled to Kazakhstan in the past or had relatives there. Maybe she had become part of a Quran study group on WeChat. It may not even be clear to her what 'micro-clue' of her potential 'extremism' resulted in her detention. In any case, once she was in custody a scan of her smartphone revealed that she had been in contact with



an Uyghur woman in Kazakhstan. Eager to please her interrogators, whose priority was to capture ‘returning terrorists’, she placed a call to the woman in Almaty. She told this woman, Gulbahar Jelilova, that her mother, Gulbahar’s partner in a shuttle trade business, was in the hospital and so she needed to travel across the border to Ürümqi to pick up the products she had ordered for export to Kazakhstan. Gulbahar was suspicious at first, because she had heard about the mass detention of Turkic Muslims that had begun earlier that year, but because she knew that her partner had a heart condition she thought that maybe the story of her illness was true. Since she was a Kazakhstani citizen who was born in Kazakhstan, she thought she had nothing to worry about despite her Uyghur ethnicity.

The morning after she arrived in Ürümqi, she found out how wrong she was. She said:

At 8am the police knocked on my door. They showed me their badges and then said they had a few questions to ask me. I thought they really would just ask a few questions, so I went along with them [without any attempt to resist]. As soon as we arrived at the police station, they checked my phone. When they couldn’t find anything, they showed me the picture of my friend and asked if I knew her. Then I realised they had already detained my friend. They had found my phone number in her cell phone and pressured her daughter to call me. Then they accused me of wiring 17,000 yuan to Turkey. I said, why would I do that? They said, take your time, think it over.

As it turned out, Gulbahar was given plenty of time to think about this. For the next year, three months, and 10 days she was held in a series of detention centres in Ürümqi. Conditions in these ‘black site’ holding centres, where detainees were investigated for potential connections to terrorism, were horrific. She and the more than 30 other Turkic Muslim

women who shared her 14-square-metre cell were forced to take turns sleeping because there was not enough room for everyone to stretch out. The lights were never turned off. Their movements and speech were recorded by cameras and microphones.

Gulbahar, who spoke no Chinese, learned to say ‘thank you’ (谢谢) and ‘here’ (到) and to sing the Chinese national anthem ‘The March of the Volunteers’. Every day she watched political speeches on TV monitors mounted high on the wall. This was the ‘reeducation’ (再教育) component of her detention.

Her interrogators showed her a brand new Chinese ID card and made her memorise her new 18-digit citizenship number. They told her that she was not Gulbahar Jelilova, that she was a Chinese citizen now, and that she should confess her crimes.

Gulbahar had been caught up in the ‘reeducation’ system that explicitly targets Turkic Muslims. She was one of as many as 1.5 million people who had exhibited the ‘early warning’ (预警) signs of terrorism. This preventative policing system was built on models of counterinsurgency that emerged from the United States, Israel, and Europe, but adapted to ‘Chinese characteristics’ (中国特色) that came from China’s Maoist past. Together these models and technologies produced a coercive internment camp system which is implemented by an army of over one million non-Muslim civil servants and police (Byler 2018; see also Yi Xiaocuo’s essay in the present issue). The project is supported by a comprehensive, AI-assisted biometric and digital surveillance system. The scale of detentions and the use of technology make the Chinese counterinsurgency unprecedented. It is the American war in Iraq without organised, weaponised insurgents and without mass killing; a Countering Violent Extremism (CVE) programme with purpose-built internment camps and state-run residential schools. It has adapted counterinsurgency to produce a new form of contemporary settler colonialism.

## A Global Shift in Counterinsurgency

The experiences of Gulbahar Jelilova and others in her social network are indicative of a broader shift in policing and detention in northwest China and counterinsurgency around the world. As David Brophy (2019) has shown, since 2014 Chinese authorities have adopted forms of Islamophobia and counterinsurgent militarism that are similar to those of post-9/11 United States and other nations. As in the United States-led occupation of Iraq and Afghanistan in the mid-2000s, Chinese police have transformed Xinjiang into a space of exception—a counterinsurgent war zone, where active militants are thought to be hiding among the ‘neutral population’ (Harcourt 2018). In the American case, the only way to detect and uproot these terrorists-in-hiding was through full-spectrum intelligence encompassing all inhabitants in the war theatre. Once knowledge dominance was achieved, the networks of the insurgency could be traced and fractured through processes of removal and isolation. The final step in counterinsurgency implementation was winning ‘the hearts and minds’ of a targeted population through humanitarian aid, infrastructure building, and job training. This, it was thought, would legitimate and solidify a ‘regime change’.

A key element of the American experiment in Iraq and Afghanistan was the construction of a ‘human terrain system’. At its height, this system employed 27 teams of social scientists, specialists on Islam and Arabic or Pashto and Dari, to enter people’s homes and map out Iraqi and Afghani social relations as participant-observers, creating a database that would chart the communities and ideologies of the population (Kelly et al. 2010). This process, what the geographer Derek Gregory (2008) referred to as ‘armed social work’, was thought to produce a knowledge network that would anticipate insurgent threats. Ethnography aided in the targeted assaults necessary for the selective removal and internment of insurgent

leaders in a network of camps. By 2008, Camp Bucca, the largest of these camps, had as many as 18,000 detainees—including Abu Bakr al-Baghdadi, the future leader of the Islamic State.

Since 2016, a similar system has been put in place in Xinjiang (Mahmut 2019). Unlike in Afghanistan or Iraq, there is no organised, armed insurgency, yet Uyghurs and other Turkic Muslims have been targeted as ‘pre-terrorists’ in similar ways. Chinese authorities use many of the same ‘enhanced interrogation’ techniques used by the Bush administration. An important distinction however, is that the Chinese government pathologises nearly all forms of Turkic Islamic practice as expressions of mental illness, and strive to transform Muslims through psychiatric treatment, language education, political indoctrination, and coercive factory labour in an internment camp system much more extensive than camps in Iraq or Afghanistan (Grose 2019). In Xinjiang, the police are not attempting to produce political regime change, the institutions of the state are already fully within their grasp. Here there is something more. As in settler colonial systems around the world (Wolfe 2006), they are attempting to produce deep epistemic and social elimination by detaining and retraining the entire population. This is accomplished through increasingly restrictive nested systems of biometric and digital surveillance checkpoints—ending in the tight constraints of the camps and prisons themselves. All Uyghurs and other Turkic Muslims are detained to varying degrees in what can be described as the ‘open air prisons’ (*sirttiki türme*) of their communities.

## Adapting a Western Framework

State media and policing theorists in China began to notice the shift in US militarism as early as 2007, when discussions of the ‘Petraeus Doctrine’ (彼得雷乌斯主义), the new counterinsurgency manual named for General

David Petraeus, signalled a transformation of military science around the globe (Yang 2007). Over the next several years, scholars at elite police academies across China began to examine counterinsurgency theory, first as practiced by the US military and then the way it was adapted and technologically assisted in Israel (Lu and Cao 2014). In the space of less than a decade this new theoretical paradigm was adapted in practice in Xinjiang.

Much of the impetus behind this shift from academic research to policy implementation emerged from the tragic events of 2013 and 2014 in Beijing and Kunming. In the first of the two incidents a family of Uyghur attackers drove a vehicle into a crowd of tourists in Tiananmen Square on 28 October 2013; in the second, on 1 March 2014—an episode often referred to as ‘China’s 9/11’—Uyghur attackers killed dozens of Han travellers in the Kunming train station (Doyon 2018). Within a year, the new forms of policing that had been observed in Palestine, Afghanistan, and Iraq coalesced into a series of Chinese National Science Foundation policing theory projects, such as ‘The Anti-Terrorism Model of Community Policing with Chinese Characteristics’ (Lowe 2017).

One of the leaders of this new paradigm of Chinese policing, which stresses ‘prevention’ (预防) through ‘pre-emptive strike’ (先发制人), is a young scholar from Shenyang named Cao Xuefei. Named to the project while still a PhD student in police science and anti-terrorism at Charles Sturt University in Australia, Cao and a colleague named Lu Peng published an influential article on the way Israeli counterinsurgency theory should be used as an inspiration for counterterrorism in Xinjiang. As his thinking continued to evolve, Cao and another colleague translated a book called *Policing Terrorism* by CVE expert David Lowe (2017). Their award-winning Chinese translation of the book provided an ‘empirical basis’ from which to expand Chinese anti-terrorism in relation to the Islamic State, which many suspected was connected to the Uyghur attacks in Beijing and Kunming. Lowe’s book, which analysed the methods used by Islamic

State affiliates in Britain to ‘radicalise and recruit people to their causes’, also stressed ‘critical’ methods of gathering intelligence through surveillance and community informants.

In an article that was published in the summer of 2016, Chinese policing theorists Ji Yantao and Yin Wei (2016) began to describe the way this turn in policing could be adapted in a Chinese context by emphasising the need to move to prevention rather than ‘passive reaction’ (被动反应). Ji and Yin argued that this new form of policing should supplement the military-style ‘intervention’ (干预) and ‘harsh punishment and suppression’ (打击和严格的惩罚) that had typified earlier ‘Strike Hard’ (严厉打击) campaigns in Xinjiang. Yet, although they were suggesting a broader approach, they were careful to note that terrorism in China was rooted in social causes such as ‘education, religion, ethnicity, and economic factors’ and was ‘not directly proportionate to police presence’ (Ji and Yin 2016, 144). As per the Party position—which resonated with that of CVE advocates around the world—they claimed that Uyghurs were terrorist-prone because of their social and cultural systems, and failed to acknowledge the role of police brutality and colonisation. In any case, they argued for the key focus on anti-terrorism to shift to ‘preemptive strikes’ facilitated by civilian intelligence workers. At the core of this model was a term Ji and Yin repeated 58 times in the space of 12 pages: ‘prevention’ (预防).

From their perspective prevention encompasses three interlinked domains: ‘strike prevention’ (打击性预防), ‘controlled prevention’ (控制性预防), and ‘protective prevention’ (保护性预防). Strike prevention refers to the ‘real-time control of key high-risk populations’ (Ji and Yin 2016, 150) such as people like Gulbahar: ‘returning’ (回流) terrorism suspects. Uyghurs that had lived abroad in Muslim-majority environments with open access to information, especially those for whom there was evidence linking them to other suspects, needed to be ‘preemptively attacked’. Once the terrorism suspect was in custody,

they are moved into ‘controlled prevention’. In this domain, people for whom there are not enough clues or evidence of terrorist intent needed to be ‘controlled’(控制) in order to reduce the possibility of them committing a crime and to eliminate the ‘unfavourable’ (不利) aspects of their behaviour and thinking. The third form, protective prevention, refers to the prevention of potential terrorism through comprehensive intelligence gathering and intervention in the ‘breeding and spreading’(滋生和蔓延) of terrorist thought among the general population.

In a striking departure from non-Chinese counterinsurgency, all of this intelligence gathering was to be run through a *shequ* (社区), a term that refers to a state-directed neighbourhood watch unit in urban areas, or through village-level neighbourhood brigades (大队), the most grassroots forms of Party-facilitated policing in China. In Xinjiang, a *shequ* is staffed by mostly Han Party members and police, but also employs Uyghur auxiliary police and mostly Han volunteer informants mobilised in the fight against terrorism through a weekly intelligence report quota system. Although Chinese community policing echoes the rhetoric of Euro-American counterterrorism, Ji and Yin argue that ‘the people’ (人民) must be pressured to report on their neighbours in order for the blind spots in the intelligence system to be filled. The way this community policing is accomplished is by watching the Muslim population for 75 signs of ‘extremist’ (极端主义) Islamic practice, ranging from mosque attendance and Quran study to the common greeting *Asalaam Alaykum* (Buckley 2018; Greer 2018). Special attention is focussed on unauthorised religious knowledge and practice, and relationships to other suspects (Hunervan 2019). Unlike non-Chinese counterinsurgencies, each state-run watch unit is supported by a People’s Convenience Police Station which conducts ‘seamless’ (无缝) surveillance of Muslims within their jurisdiction through video monitoring, digital

media history searches, biometric tracking, and human surveillance at mandatory political activities (Zhang 2016).

At the time when Ji and Yin were writing their 2016 article, the ‘reeducation camps’ in Xinjiang had not yet been fully built and sweeping purges of Uyghur and Kazakh societies had not yet begun. Less than one year later, Gulbahar and 1.5 million other Turkic Muslims began to be pushed through these domains of ‘prevention’ and subjected to the accompanying forms of social elimination.

## The Xinjiang Mode

In November 2016, a new article appeared, written by Wang Ding and Shan Dan—theorists in a local Xinjiang police academy. The authors argued that the model of preventative policing that other policing theorists had proposed needed to be adapted in an explicit ‘Xinjiang Mode’ (新疆模式) that would not only transform religion, but also lead to a ‘deep fusion’ (深度融合) of Turkic minorities into Chinese culture. They wrote that this new model would combine the full-spectrum intelligence ‘war mode’ (战争模式) used by the US Army with a ‘criminal mode’ (犯罪模式) aimed at eradicating the root of terrorism—i.e. ‘extremist’ religious ideology. These two aspects of preventative policing would be brought together with a ‘governance model’(治理模式) focussing on ‘achieving a normal social order’(把社会秩序恢复到常态).

But what exactly was the ‘normal’ social order that Wang and Shan had in mind? As they put it: ‘In the contemporary era there is no future for a religion without “culture”’ (Wang and Shan 2016, 25). This is why they suggested there must be an acceleration of ‘the deep fusion’ of Chinese culture in Xinjiang, a process that they argued was in fact the ‘most distinctive aspect of the Xinjiang Mode’ of counterterrorism. They suggested that these adaptive approaches to counterterrorism were necessary due to the

particular context of Xinjiang. Because it was a frontier region that was not yet fully settled by Han people, the local population generally lacked market integration. The deeper issue though remained religion, which, as Wang and Shan put it, was a ‘personality problem’ (个性问题). They wrote that the only way to deal with this was to be resolute in preventing people from being ‘brainwashed’ (洗脑) by a religion that had ‘no culture’ (没有文化). The implication was that because Turkic Muslims dangerously lacked ‘culture’, a term which referred explicitly to ‘Chinese culture’, there must be an acceleration of ‘the deep fusion’ of Chinese culture in Xinjiang.

Since Islam was so deeply integrated in the Xinjiang way of life, Wang and Shan argued that Turkic Muslims would need to unlearn nearly every aspect of their lives. The only way this could really be accomplished was if the entire population of non-Muslims in the region were bought into the process. They argued that people who possessed Chinese culture needed to ‘occupy the positions of public opinion, the positions of cultural and social media platforms’ throughout Xinjiang society (Wang and Shan 2016, 26). In writing this, they implied that Uyghur cultural leaders needed to be replaced through the full implementation of settler colonialism. Only then, would ‘unstable factors’ be ‘nipped in the bud’ (把各类不稳定因素消灭在萌芽状态).

When Gulbahar Jelilova was lured back to Xinjiang as a suspected ‘returning terrorist’ in mid-2017, much of what these scholars had advocated for had been operationalised. Like hundreds of thousands of others, she was targeted with a ‘strike prevention’ arrest. From there she moved into ‘controlled prevention’ until she was eventually released into ‘protective prevention’. Although she was found to be guilty of nothing other than being Uyghur and Muslim, the Xinjiang Mode of counterinsurgency radically upended her life.

## Communities as Prisons

Those with the least amount of social power suffer the most in counterinsurgent war. According to the independent researchers at the organisation Iraq Body Count, there have been nearly 200,000 documented civilian deaths in Iraq since 2003 (IBC 2019). In Afghanistan, the US military and its allies have killed more civilians than the Taliban (Zucchini 2019). The cascading effect of these deaths and the widespread fragmentation of social life that has been produced through surveillance and removal in these spaces have produced tremendous forms of violence as social networks are broken and families are separated. The pain of counterterrorism is carried by those that remain into future generations and across communities (Al-Mohammad 2016).

As Arun Kundani and Ben Hayes (2018) have shown, in Europe and North America, Muslim communities have been asked to carry the brunt of the social violence that is tied to CVE programmes. Families, mosques, employers, and teachers are tasked with assessing their friends, relatives, and students as ‘pre-criminals’. As in China, in Britain, extremism is ‘pictured as a virus’, and, counter to empirical evidence, religious ideology is assumed to be the primary cause of violence (Kundani and Hayes 2018). Instead of considering the role of structural violence, colonialism, and institutionalised Islamophobia, Muslims—especially those who practiced their faith in public—are simply assumed to be potential terrorists.

Yet, despite all of these similarities, it is important to note that in liberal societies civil rights and free speech can produce a hedge against the implementation of mass extrajudicial detention and death. This was not the case in Iraq and Afghanistan. And it is not the case in China. As a local Xinjiang official put it recently, what is happening to Uyghurs is ‘not

about human rights violations. Uyghurs have no rights' (ITV 2019). This framing resonates with a common interpretation of human rights in China: human rights means the right of the majority Han people to be free from terrorism (Liu 2019). This in turn means that they have the right to be free from their fear of Turkic Muslims, the only population that is placed in the terrorism slot in the country.

The violence of the process that confronted Gulbahar Jelilova was significantly lessened by the relative privilege of her Kazakhstani citizenship. Without it, she would still be in some form of detention like hundreds of thousands of others. Racialised religious discrimination, intrusions of privacy, political censorship, disappearances, detention without due process, and a lack of personal and collective autonomy are institutionalised in Xinjiang. For most Uyghurs and Kazakhs there is no foreseeable end to their detention. Their communities themselves have become their prisons. ■



## Punish and Cure

### Forced Detox Camps, Reeducation through Labour, and the Contradictions of China's War on Drugs

Methadone PC: Abulic Monkey (@Flickr.com).

Giulia ZOCCATELLI

*By drawing on the life histories of 20 former and current heroin and methadone users in Yunnan Province, this essay explores the history, the logic, and the functioning of China's anti-drugs camps. It shows how the tight intertwining of public health and public security models to fight against drug use has given rise to a contradictory policy landscape, whereby medical support always coincides with physical violence, social exclusion, and continuous surveillance of the bodies and the movements of Chinese addicts.*

Real names of people and places have all been anonymised to protect the privacy and safety of the interviewees.

‘This time of the year is so boring,’ grumbled Dr Lin while fidgeting on the keyboard, trying to download yet another episode of *Beijing Youth* on the methadone treatment clinic’s computer. Outside monsoon rain swept the narrow, leafy street just off the main road in Qilin, a county-level city in southern Yunnan province. On that hot afternoon in August 2012, Dr Lin and I had already binged five episodes of her favourite soap opera without ever being interrupted by a single methadone user. Cursing once again the slow Internet connection, Dr Lin said: ‘You see, in this period of the year there are so few people coming to drink methadone. There are periods in which we are so busy, we don’t even have time to say a word to each other.’ Pointing to Dr Liu, a moustached man in his forties, who nodded from his chair in the opposite corner

of the room, eyes fixed on the screen where he was busy playing a game of *Magic Farm*, she added: ‘And then you have periods like this one, when there is literally nothing to do.’

Dr Lin was one of the longest-serving staff members of Qilin’s methadone treatment centre. She had worked there since the centre opened, after leaving her job as a nurse in an infectious disease unit, due to the excessive pressure she experienced during the SARS epidemic. Although she used to be an employee of the state-led Centre for Disease Control (CDC), Dr Lin was never shy when it came to talking about the paradoxes of China’s anti-drug system:

It’s all because of the arrests. These two months, between August and September—these are the most critical ones, because they are the last two of the bureaucratic year.

At the end of the bureaucratic year each unit has to produce a report about its achievements. And for the police this means to report also about how many drug users they have made quit drugs. All units in China work towards a target—for the police one of the targets is the percentage of addicts they arrest and send to the camp based on the total number of addicts in a county or a prefecture.

In Qilin, the official numbers say that there are more or less 2,000 heroin users, so 20 percent of them have to be sent to forced detox camps (戒毒所) or reeducation through labour camps (劳教). What happens is that usually, at this time of the year, the police realise they have arrested far fewer people than their target is and they start arresting people like crazy, because they have to meet the target.

While we talked, Dr Lin, Dr Liu, and I sat behind the metal grill that separated doctors from users in the reception of the centre. Between 2011 and 2016, I spent many mornings and afternoons behind that grill. I saw busier and less busy days go by in the centre, while

being patiently introduced to the contradictions of what was commonly described as China’s ‘belated but bold’ new wave of drug policies (e.g. Wu et al. 2007), by the people most directly involved in them—i.e. CDC employees on the one hand and methadone users on the other.

During my time in Qilin, the centre’s staff allowed me to use one of their spare rooms to privately meet with 20 local current and former heroin users and to gather their life histories. All the stories I collected there had two things in common. Firstly, all the people I spoke with used more or less regularly the government-sponsored methadone substitution treatment offered in the centre—i.e. the jewel in the crown of China’s new community-based responses to curb drug addiction, which also included clean needles exchange and peer education among registered addicts. Secondly, all my interlocutors had had direct experience of the other face of China’s anti-drug policies, which historically tackled drug use as an essential matter of public security to be policed through the confinement of addicts in specific state-led facilities—i.e. the forced detox camps and rehabilitation through labour camps mentioned by Dr Lin.

As Dr Lin protested on that day in 2012, far from being replaced by China’s new, public health-oriented approaches to drug control, forced detoxification and rehabilitation through labour still existed alongside them and still represented a huge part of addicts’ lives in China. This had not changed one year later, when I visited the centre again. In 2013, China officially abolished reeducation through labour camps. However, as a report by Amnesty International (2013) pointed out, this move did little more than ‘changing the soup but not the medicine’, with more power and resources being now made available to other forms of extra-judicial detention and some reeducation through labour camps being simply renamed as forced detox camps (see also Bakken’s essay in the present issue).

In fact, before and after 2013, the risk of being arrested was a constant worry for Qilin’s registered addicts. The tight intertwining of



public health and public security models has given rise to a contradictory policy landscape, whereby medical support always coincides with continuous surveillance of the bodies and the movements of addicts. Over the years, this entrenchment has created patterns of structural violence that make breaking out of addiction in China almost impossible for registered drug users. To show the consequences of this entrenchment on the lives of Qilin's addicts, in this essay I dig deeper into the history, the logic, and the functioning of China's anti-drugs camps.

## Drugs and Their Cure

Fighting drug use through confinement and forced rehabilitation is an old concept in China. Already a key part of China's anti-drug policies during the Republican era (Slack 2000), forced detox camps made a comeback after the reforms of the late 1970s, in the wake of the new diffusion of opiates in the country (Chouvy 2002, 2010; Chin and Zhang 2015). After almost 30 years in which Mao's war on drugs had made opiates vanish from China's social sphere, the establishment of new trade routes from Southeast Asia and the massive social changes of post-reform China made drugs—and opiates in particular—become once again popular pastimes among Chinese youth, especially in the country's southern and western borderlands (Zoccatelli 2014). In the ten years between 1988 and 1998, the number of registered addicts in China rose from less than 50,000 to a conservative estimate of 600,000—an increment of 1,200 percent (Lu and Liang 2008). Since then, the number of registered drug users in China has grown every year, with a report from the China National Narcotics Control Commission stating there were 2.51 million people using drugs as of late 2016 (Xinhua 2017).

Such a rapid diffusion of drug use has led to new legislation being enforced at the national level. Starting from late 1980s, counties and

prefectures with more than 1,000 registered drug users have been required to open forced detox camps run and managed by the local public security apparatus, as a subordinate unit of local public security bureaus. Funding for the construction of local forced detox camps is made available jointly from central, provincial, and prefectural governments. The need for their establishment has to be approved by the local governments, and the provincial government and Ministry of Justice must be notified. Forced detox camps are now almost entirely managed by local public security bureaus, with the central state only occasionally getting involved in investigating and cutting back the most blatant abuses. Sentences to forced detox camps are based entirely on decisions made by police, without requiring a court trial. A term in a forced detox camp can last to up to two years, and people who received a sentence have no rights to appeal.

Since the early 1990s, growing overcrowding in forced detox camps and the frequent overlap between drug use and other petty crimes unsuitable to be punished in forced detox camps—such as smuggling and small robberies—have led China to look for alternative strategies to add capacity to its anti-drug infrastructure. A solution emerged through the inclusion of the existing network of reeducation through labour camps into China's anti-drugs apparatus (Wang 2002). From 1957, reeducation through labour camps have been a system of administrative detention used to punish law infringements like sex work, mild political dissent, and illegal cults. Similarly to forced detox camps, the aim of reeducation through labour camps was to reform people deemed to have committed minor offences but not legally considered to be criminals. Sentences to reeducation through labour were also made directly by the police, without the need for a trial or judicial hearing. Terms in reeducation through labour camps were however longer than those in forced detox camps, and normally lasted up to three years.

Since becoming facilities used to hold and reform drug users, reeducation through labour camps have begun to identify more and more with their new function. Since 2004, quarters expressly designed to hold drug users were added in order to separate them from other types of inmates (Sapio 2010). As of 2013, when the reeducation through labour camp system was dismantled, nearly a third of all functioning camps were exclusively used to ‘reeducate’ addicts, with around 40 percent of all inmates in China detained for drug-related offences (Seymour 2005). Whereas sentences to forced detox camps were meant to punish people caught using drugs for the first time, condemnation to reeducation through labour camps was supposed to be used to detain relapsing addicts and first-time users found guilty of concurrently committing other mild offences (Zhang and Chin 2016). However, the fact that decisions regarding the type of detention rested entirely with unsupervised local police offices means that this dualism was often disregarded in practice.

‘When they arrested me, they sent me straight to reeducation through labour. I have never been to a forced detox camp,’ I was told by Li Man, a woman in her thirties who spent two three-years terms in reeducation through labour camps. Behind this decision there was a reason similar to that outlined by Dr Lin to explain the rising number of arrests in Qilin during August and September 2012. Li Man went on to say:

In certain periods of the year, when you are in a reeducation through labour camp you’re offered a shorter term if you are willing to indicate the name of people you know that regularly use drugs. It’s probably because the police need to boost the number of people they send to reeducation through labour, I don’t know. But I think this is how I got arrested the first time. Someone must have mentioned my name, because the police came straight to my house and arrested me, even if I wasn’t using drugs at that moment.

Despite how unfair Li Man’s story may sound, the consequences of having been sent straight to a reeducation through labour camp instead of to a forced detox camp were less severe in practice than one may think. Those of my interlocutors who had spent at least a term in both all remarked that the two systems were, as one of them put it, ‘basically the same’. ‘The main thing you do in both is working,’ explained Hu Jia, who spent two years in the prefectural forced detox camp before being caught using drugs again and being sentenced to three years in a reeducation through labour camp. Hu Jia’s words mirror evidence by scholars and human rights organisations, who have repeatedly denounced the way in which the lack of medical and psychological support in both systems has caused manual work to become the main—and often the only—detox strategy available to detained addicts (cf. e.g. Human Rights Watch 2008; Zhang and Chin 2016). The type of work performed in forced detox camps and reeducation through labour camps varies. All of my interlocutors in Qilin described having been engaged in two main types of activities: manufacturing jobs and agriculture.

In the following pages, I will draw on current and former addicts’ narratives of life in anti-drugs camps to highlight patterns of direct and structural violence against them. As we shall see, such violence was not confined behind the walls of the camps. Rather, it spanned well outside of them, imposing constant surveillance and enduring social stigma on the lives of people caught using drugs.

## Living in and out the Camp

‘I have been to Shanshan and Shanshan is really the harsher of reeducation through labour camps (最苦的劳教); I was told by Zhao Yu, a man in his early forties, who was first arrested at the end of 1990s. Zhao spent a year in Shanshan before bribing some of the camp’s

guards and being allowed to leave two years before the end of his term. Like Zhao, many of my interlocutors in Qilin described Shanshan as a legendary place, the tougher and more isolated of all camps in Yunnan. People having spent a term there described surviving it with a mixture of horror and pride. Narratives about their lives there were the ones more strikingly filled with gruesome details of open violence against inmates.

‘In Shanshan the main activity is farming in the rice paddies,’ Zhao went on to describe to me.

But you have to understand that this is a terribly hot place. It’s up at the top of a mountain, there are just rice terraces and no shade, so the temperatures there are often higher than 40 degrees Celsius. So, often it would happen that due to the heat or due to the withdrawal symptoms you’d have from the drugs, many people would faint. However, in Shanshan there was this rule that if you were away for more than ten minutes, you’d have to report it to the guards. But if you fainted, that is all time that is considered like you’re not working and, since you fainted, you’d have no chance to report that you weren’t working. So, it happened to me that I fainted and then I woke up, I went to the guards and told them ‘I fainted.’ At that point, they complained that I hadn’t reported to them before doing so, so when I went back to work they beat the hell out of me, really the hell out of me. And this happened to everyone.

Zhao Yu was not the only one describing open violence at the hands of the guards in Shanshan. Bai Liang, the former wife of a police officer and a regular methadone user who spent two years in the camp, for instance described in the following terms her arrival in Shanshan:

Because I was the wife of a police officer, you could see that it was quite awkward for the guards. They didn’t know how to treat me, they tried to be a bit more respectful compared to what they would do to the others. But in Shanshan, when you arrive there is a standard

procedure: they ask you to undress, they shave your head, and then they rape you there, on the floor.

Conditions in other camps were little better than the extreme ones reported in Shanshan. Many former inmates in both forced detox camps and reeducation through labour camps reported to have been routinely abused and beaten up by camp guards, usually due to the poor quality of their work.

Other forms of less direct violence were also ubiquitous, like the one described to me by Niu Yin, a former heroin user and a sex worker from a neighbouring town. ‘See my hands?’ Niu Yin was missing two of her phalanges and she could not move most of her other fingers.

They became like this when I was in the prefectural forced detox camp. The main job we were doing there was massaging little stones—like those little stones you find in clothes, on shoes. Stones have usually irregular shapes, but in the camp they said they wanted them round. The only way of making them round is by manually massaging each of them, with your hands soaked in water. The problem is that spending all that time with your hands in the water is not good for people like us. We use fingers to inject heroin, so in those conditions it’s very easy to develop an infection. One day I woke up and I couldn’t lift my arms any more, I looked at one of my hands and it was all black. And these two phalanges I am missing, those were looking like dried ham. I was in terrible pain, I touched them, I started tearing them out and they literally popped out, without much effort. Nobody did anything to help.

## Zones of Exception

Stories like the ones above speak of a disregard for inmates’ basic human rights that resonates closely with analyses of camps in the academic literature. For instance, Sapio (2010) has fittingly described the camps as a peculiar ‘zone of exception’ within the criminal

justice system of China. According to Sapio, and following Agamben's (2005) classical discussion, 'zones of exceptions' are elements of the legal infrastructure of the Chinese state which exist outside China's legal order but are at the same time functional to preserve it. They enable the system to maintain a space of flexibility that allows the state to protect its sovereign power from alleged threats and to deal with unforeseen circumstances. In the case of drug use, the resort to forms of arbitrary administrative detention of addicts has allowed the state to cope with a perceived public security emergency—i.e. the sudden and dramatic diffusion of drugs and their related public health consequences—by neatly and systematically separating the bodies of people deemed to be a threat from the ones of China's normal citizenry. This neat divide has little to do with camps' proclaimed aim of detoxing and reeducating drug users—these are at best rare collateral outcomes of the two systems. It has much to do instead with the need to show the efficiency of the state in preserving public order and in guaranteeing the safety and security of China's normal population.

A dramatic consequence of this approach in the long run is the fact that the separation created between addicts and the rest of society persists beyond the walls of the camps. Once caught using drugs, addicts are in fact permanently registered as 'drug users' by local public security departments, giving way to continuous forms surveillance—and the consequent widespread social stigma. Their status as 'drug addict' is revealed every time they use their ID—e.g. checking in at hotels, booking train or plane tickets, buying a phone, or applying for a job. Registered addicts may be requested to undergo a drug test at any time—often, reportedly, in public. Registrations last forever and nothing can change someone's status. It does not matter whether someone has never tested positive again or whether he/she is registered in a community drug detoxification and rehabilitation programme like methadone maintenance therapy.

The overlapping of arbitrary detention and surveillance with China's new public health-oriented strategies to control the spread of drugs naturally hampers the efficacy of the latter. Users have very few incentives to enrol in and stick to treatment, given their status and the consequent social stigma attached to it will not change consequently. It is worth concluding by citing one of Dr Lin's famously blunt outpouring of frustration against the system within which she worked:

Quitting drugs in China is almost impossible. And it is never a physical problem. Physically, people can quit drugs, they suffer for a few weeks, but then they are out ... . The main problem is psychological. And this is true everywhere, but in China it is particularly so. There is a huge stigma on these people, it's impossible for them to find a decent job because everyone will know they used drugs. They are excluded from every aspect of society. How to say, they don't have a way out. So why would someone want to endure the pain required to quit when faced with this prospect? ■



## On Detention, ‘Dirty Work’, and Extra-legal Policing in China

A paramilitary guard stands inside the Beijing No.1 Detention Center in Beijing. PC: EPA/Diego Azubel.

Børge BAKKEN

*Detention is just one of the ways in which the Chinese police force and legal system maximise discretion and evade accountability, all in the name of upholding social order. Detention takes many forms and is often linked to extra-legal methods of intimidation and harassment of the people who become victims of its operations. In criminology, such practices are termed ‘dirty work’, and the paradox in today’s China is that ‘dirt’ and ‘harmony’ are forming an unholy alliance in the name of ‘stability maintenance’.*

Much has been written and said about the legal randomness of Chinese detention. In recent years the horrifying establishment of ethnic/religious ‘reeducation’ camps in China’s Xinjiang Uyghur Autonomous Region has received global attention (see Byler’s essay in the present issue)—resurfacing terrifying historical memories and reigniting a debate surrounding the cruelty and vagaries of the extra-legal sector of Chinese detention and policing.

The Chinese prison system, formerly known as the *laogai* (劳改) or ‘reform through labour’ system, has even been compared to the Stalinist Gulag. In contrast to the administrative

detention sector where the courts are not involved at all, a conviction in court will lead to incarceration in prisons—places that follow another set of rules than those of the many so-called ‘detention centres’. I have often heard former inmates of the present ‘compulsory drug rehabilitation centres’ (强制戒毒所, see Zoccatelli’s essay in the present issue) say that they wish they were in prison instead of those centres for administrative detention, part of what until recently was described as the *laojiao* (劳教) or ‘reeducation through labour’ system. They say so because the prison system at least could give them some legal rights and regulations to hold on to, while administrative detention is entirely at the discretion and whims of the prison officers, and completely indifferent to any type of legal procedures and controls.

Even if the *laojiao* was formally ‘abolished’ in 2013, a very similar random regime of administrative detention exists. For instance, the drug rehabilitation centres represent little more than just a change of names for the inmates concerned. And not only drug users ended up in the *laojiao* system—other categories of inmates have been sent there as well, including political prisoners. The randomness, intimidation, and violence of this type of incarceration, and the ways in which the inmates are written and talked about in the Chinese media have been exposed in a recent book by Vincent Cheng (2019), which shows a system that has little interest in ‘reform’ or ‘rehabilitation’, and is much more focussed on random violence, humiliation, control, and punishment.

## Random Violence and Draconian Managerialism

The tales of randomness and violence are manifold. According to Cheng’s book, there is a draconian system of managerialism in place

throughout the sector. In the drug-related administrative detention system, it is common practice for inmates to be required to give three names of other drug users before they can themselves be released from detention. And this does not end with the release of the prisoner: in one instance narrated by Cheng (2019, 36), a former detainee, a 40-year-old woman, was picked up on the street, brought to the local police station, and threatened with arrest if she did not give the police three new names they could arrest. She did, and they let her go. The work of the police obviously becomes easier if they can just go after people named by current inmates or former detainees—who they can always re-detain at will. Evidence of offence is not necessary in this system, and inmates report having a sort of ‘gentleman’s squealing agreement’, or a list of names that they can use to get released without risking retaliation. In light of this, as a kind of weapon of the weak, they readily swapped names to give to the police to re-arrest. The inmates interviewed by Cheng tell stories about shaming procedures, public humiliation, and the hypocrisy of ‘heroic police officers’ going after dangerous drug dealers while, in fact, it was instead simply users who were getting arrested and incarcerated.

The stain of a drug incarceration becomes a permanent black spot for former inmates throughout their lives. Anyone listed as a ‘drug user’ (吸毒人员) in the police files is not allowed to drive a car or apply for a driver’s license, and formerly detained drug-users have to face their past incarceration in many debilitating and humiliating ways, such as being picked up for random compulsory drug tests years after their release. To make things worse, the emergence of China’s ‘social credit system’ (社会信用体系) seems to be designed to continue this stigmatisation in more organised ways in the future (Loubere and Brehm 2019). Shaming, humiliation, and stigmatisation were reported by all former inmates in the administrative detention system even into their post-discharge lives. The experience of ‘once a detainee, always a detainee’ stuck to

their identities and seemed never to go away, as they were permanently regarded as part of the long-standing ‘targeted population’ (重点人口) of the security system.

When the police go after alleged drug users from the list of names provided by current inmates, they often resort to public shaming. In one case retold by Cheng, when the police could not find the alleged culprit at his address in a public housing complex, they started banging on the neighbours’ doors, warning them all that a dangerous drug addict was living in their midst, giving details about the suspect, and asking people to look for him and report him to the police as soon as he showed up. ‘Suspect’ is not a legal term and has little meaning in this example because the police were bent on ‘getting their man’ without warrants or following any sort of legal procedure. The arrests were just based on the ‘list’ provided from the poor guy’s inmate ‘brothers-in-drugs’. According to the testimonies of former inmates collected by Cheng, the police also does not care much about whether or not the person is still using drugs or not. For them the number of incarcerations is the priority: they have quotas to fill in order to improve their performance records, increase their bonuses, and boost their chances of promotion.

The regular police, as well as the ‘urban management’ officers (城管) and the auxiliary police (协警), always have quotas to fulfil, and they do so regardless of any actual evidence of wrongdoing. They often pick the easiest-to-catch, a practice that became widespread in the former policing excesses of the various ‘Strike Hard’ campaigns (严打运动). While the ‘strike hard’ approach has gone out of fashion due to its link to fallen security tsar Zhou Yongkang, there is now a new emphasis on a similar type of campaign policing through the so-called ‘Sweep Out Black Evil’ (扫黑除恶) campaigns, which are aimed at organised crime in particular. The system of administrative detention is very useful in this regard, as the police are granted absolute discretion and zero accountability for their actions. The campaigns

always have somewhat fuzzy definitions of targets, and the legal procedures become even more relaxed while the campaign is in progress.

## Dirty Work

Even if the system of reeducation through labour has officially been abolished, administrative detention still thrives in today’s China. As so often in debates about the Chinese legal system, criminological research can be more useful than legalistic discussions surrounding the matter. Things are still not what they seem to be in China when it comes to the letter of the law and the real existing practice of policing.

In general, administrative detention seems to have become increasingly more popular as a way of policing under Xi Jinping. Contrary to the promise of legalising the sector, the practice of what criminology has termed ‘dirty work’ seems to have escalated as part and parcel of the policing system in the new ‘securitisation’ order under Xi. Everett Hughes first evoked the term ‘dirty work’ to refer to tasks and occupations deemed disgusting and degrading, which led to the stigmatisation of those who came to be seen as ‘dirty workers’ (Hughes 1964). Still, such people were doing important work for the authorities. For instance, the medieval executioner in Western societies was typically such a ‘dirty worker’, necessary for the authorities, shunned by the public. The system of dirty work was politicised and institutionalised by the Nazi regime in Germany, where in 1933 Hitler established a so-called ‘Help-police’ (*Hilfspolizei* or *Hipo*) to intimidate minority groups and Jews. The *Hilfspolizei* was often recruited among jobless workers who supported the Nazi party (Littlejohn 1990, 37).

In today’s China, dirty work seems to be more directly linked to practices of the security forces and is in particular concerned with activities kept out of the public view. Dirty work in this respect is increasingly left to lower

levels of the security system, seemingly saving the regular police and the official state system from direct involvement. The system has taken on many forms, but intimidation and violence of an extra-legal nature characterises the way in which dirty work takes place in today's China.

The examples are manifold. One recent case concerns parents of missing children whose only 'offence' was organising trips with campaign buses to find their missing children and petitioning to the authorities for help (Zhao 2018). Different methods of intimidation were used against these parents. They were regularly placed under surveillance and detained by low-level security forces to prevent them from using their constitutional rights to petition authorities. Apparently, the local police were much more engaged in controlling the parents than looking for the missing children. Kidnappers often operate as organised groups, and by the time their crime is reported they have already fled far away, out of the jurisdiction of the local police. This leaves the victims of the crime as the only pressing 'security' concern for the local state.

The irony is, of course, that petitioning is allowed according to every Chinese citizen's alleged constitutional rights, but that the practice is seen as a major problem of 'disharmony' among local authorities and the police. Some of the petitioning parents have been detained, while others received threats and warnings. Some were even beaten up by local thugs, while others were sent on 'forced vacations' to areas far away from the capital during 'sensitive periods' like big national holidays or Party or state events. Beside the stick, the carrot can also be used in the form of payments or bribes to silence the parents and make them refrain from further petitioning.

The experiences reported by the parents of missing children are routine, and this type of detention and bullying takes entrepreneurial forms through the creation of illegal detention centres run by private security companies. The so-called 'black jails' (黑监狱), established by local governments to take care of petitioners

in Beijing, are examples of such dirty work institutions. The black jails are typically operated by extra-legal personnel who are not directly associated with the regular police. Petitioners are often roughed up and abused by thugs and kept incommunicado for days, weeks, or months, deprived of sleep, food, and medical care in these makeshift structures in the capital. They are finally forcibly repatriated to their hometowns where they often meet more intimidation and punishment. The thugs typically work for provincial or local administrations that see petitioners as a threat to their careers since 'stability maintenance' is a top priority on the list of their internal career evaluations. As recently as in 2011-12, local Beijing newspapers reported attempts to crack down on the unregistered security firms that employed unlicensed guards to engage in illegal incarceration. One black jail in Changping district, on the outskirts of Beijing, was even closed down and some guards who had beaten a man to death were arrested.

While there were also some other attempts to actually close down unlicensed black jails and convict local security thugs during the late Hu Jintao years, since then little or nothing has been done to stop this system of dirty work (Yu 2011). On the contrary, these practices seem to have increase under the Xi regime. Thugs hired and paid for by local governments continue to intimidate petitioners both in Beijing and in provincial capitals all over China (Ong 2019). Again, this seems to be a pattern that sees local thugs doing the dirty work for local authorities in ways that the regular police force does not want to be associated with. This system has become an important way of securing 'stability maintenance' (维稳) and China's propaganda goal of upholding a 'harmonious society' (和谐社会).

Various types of legal and extra-legal practices and procedures of a shady character are escalating in the new security state under Xi Jinping. 'Dirty work' has today become an integrated part of the security strategy, not an aberration, and so-called 'illegal' detention seems to be illegal in name only. The practice of



'dirty work' has also recently been used against demonstrators in Hong Kong. Recruited among the local triads, such 'dirty workers' have a history of roughing up demonstrators in Hong Kong, but it was only during the attacks at the Yuen Long MTR station in July 2019 they managed to make international headlines (see Chan's op-ed in the present issue). The angry public reaction against this type of 'dirty work' caught the Chinese government by surprise. They did not foresee such a backlash, since 'dirty work' has been a regular part of extra-legal policing in China for years. The method is even called 'masses fighting masses' (群众斗群众) in the old dictionary of the Party.

called stability maintenance, and detention and other extra-legal practices are at the very core of this agenda. ■

## Open Secrets

In conclusion, the randomness and violence of the administrative detention sector are matched by the routine of 'dirty work' in the securitisation/stability maintenance process. Detention was always an opaque affair in China, where there are no legal procedures, nor any form of accountability linked to the system. It is simply part and parcel of the general 'dirty work' of the security forces, which constitutes one of the Party's many open secrets. The oppressive character of the system is obvious and stretches from daily life experiences of both petty and serious intimidation, illegal disappearances or 'residential surveillance' (监视居住) in which suspects are held incommunicado in a secret facility on political grounds, to outright extra-legal incarceration in ethnic labour-camp prisons. The system's victims are many, and their voices are important to listen to. With China fast emerging as a global behemoth and surveillance state, its opaque detention and security systems serve as a barometer of what we might next expect from the Xi Jinping regime. China is now a place where 'harmony' and 'dirt' are paradoxically wed to each other through the practices of so-

# FORUM

## The Challenges of Doing Fieldwork in China

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### The Challenges of Doing Fieldwork in China

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**F**ieldwork is indispensable for researching China today, in particular due to a lack of accessible and reliable secondary data. The rapidly changing Chinese and global political landscapes prompt the continuous (re)shaping of social scientific research design in, on, and about China. In the field, researchers' identities are (re)produced and contested along multiple axes of differentiation, including gender, race, class, ethnicity, religion, the insider-outsider and Chinese-foreigner dichotomies. Moreover, China is a continent-sized country, presenting neither a singular nor homogeneous research site. Enormous variations in sociocultural settings—between urban and rural, Han and minority populations, public and private arenas, and, most importantly, between the powerful

and the powerless—highlight the need for continual, genuine, and reflexive conversations about negotiating power and positionality in the field. Such variations across the spectrum of power relations require researchers not only to be flexible in adapting data collection methods, but also to be conscious of the structuring effects of different contexts. Practices of negotiating researchers' own subjectivities and positionalities, therefore, must be revisited with reference to the specificities of each particular temporal-spatial context. It is against this background that the four pieces in this special section seek to reflect on emerging challenges and opportunities involved in doing fieldwork in contemporary China. >>>



## On Becoming a ‘Blue-eyed, Blond American Friend’:

Difficult Fieldwork, Positionality, and Being a Participant-researcher

Chinese propaganda cartoon warns against foreign spies (2016).

Sam BERLIN

*For researchers working in China, particularly foreigners, the problems of doing fieldwork as an ‘outsider’ often feel acute. However, the frustrations felt while setting up and carrying out fieldwork can distract from the more complex social dynamics that researchers are enmeshed within in the field. In particular, the ways that issues of ‘positionality’ have been theorised in feminist social science can help clarify how the impossibility of full understanding and transparency between researchers and research participants is not just limiting but also creates opportunities for knowledge production.*

Getting to my fieldwork site was hard. I spent the first year of my PhD planning and finding funding for my field research, but my preparations fell apart spectacularly when my host university in Beijing informed me it could not sponsor my visa. Nearly a year later, just before I finally arrived in my new field site in Shandong, my host urged me to change topic and abandon my focus on LGBT migrants. After all, as a white foreigner in a small, provincial city, I would stick out like a sore thumb, and anything edgy in my research could be easily monitored. I frantically put together a new project from

scratch at the last minute, and, as a result, spent my fieldwork always feeling a few steps behind.

So, I was surprised when I met experienced Chinese researchers and was told that what I faced was not the limitations of being a foreigner dependent on the good graces of the government. Rather, these researchers explained, I was in the *privileged* position of being a white foreigner researching in China.

Doing social research in China is challenging. Official statistics can be unreliable, important information is kept out of the public eye, safety is hard to guarantee, and access is difficult to secure. Social researchers have had to grapple for a long time with the webs of unspecified but uncrossable lines that define China's censorship regime, and figuring out how to work productively within the limits imposed on research remains difficult. Doing research in this context can be anxiety-inducing and demoralising, especially for 'outsider' researchers who already face linguistic and cultural obstacles. However, outsider research also presents privileges and opportunities, though they are often not knowable beforehand.

## Insiders and Outsiders

Any discussion of safety in and access to conducting research in China needs to be cognisant of power imbalances and forms of privilege that affect exposure to Chinese disciplinary systems. White privilege and its effects are not confined to the West (Faria and Mollett 2016). It is different, and potentially much more problematic, to arrest someone when it would spark a diplomatic incident than it is to arrest a Chinese citizen. Beyond political safety, access issues are also unevenly distributed between Chinese and foreign researchers due to considerations as diverse as national security, extensiveness of *guanxi* networks, and cultural competence, as well as the ability to generate rapport with participants

and their interest in our research. As a result, the experience of field research in China varies a great deal by nationality and race.

This variation is important because 'outsiders', particularly non-nationals who are white, are overrepresented in China studies, largely due to the Eurocentric economies of knowledge that typify academia generally. But the outsider/insider distinction masks a more complicated reality. Being local does not necessarily imply being an insider (Kjellgren 2006; Yeh 2006). Societies are not homogeneous, and many question whether true 'insider' research is possible due to power imbalances inherent to the research process (Cui 2015; Liu 2006; Lü 2017). Those of us who are unquestionably 'outsiders' are also rarely straightforwardly alien to the contexts we research. We are connected by training in language, culture, and history, friendships and familial relationships, and often have previously lived in the locations we study.

## Curious Encounters

Still, it would be dishonest to pretend that the experience of Western researchers in China is the same as that of native Chinese researchers. This difference is not just because of access issues or different research trends and audiences in China and the West. Although the language and culture issues that we as foreign researchers in China face may seem obvious, the ways these considerations are embodied by us in 'the field' and how they guide us towards specific kinds of research encounters are perhaps less obvious.

The differences in the kinds of research encounters we can access are not necessarily defined solely by the limits they impose. I learned that I had a degree of freedom from government interference. In the worst-case scenario, I could leave the country, while Chinese researchers would be stuck. Beyond safety concerns, I also had the privilege of

asking stupid questions to my advantage. I could even ask sensitive questions with the plausible deniability of being an ignorant foreigner. But most importantly, people would *want* to talk to me.

In areas with few white faces, I attracted a lot of interest. I had heard so many times that Chinese people buttoned up around researchers (Cui 2015). But this was not the pattern in my research.

One important participant I met while buying a savoury pancake (煎饼果子) from his stand on the street. He struck up a conversation while he smoothed the batter and added the egg, then sauces and herbs, and finally a cracker before folding it over and sliding it into a paper sleeve. He made me promise I would bring him a US dollar. A few pancakes later, to his delight, I finally remembered to bring one. That dollar paid for the day's pancake, and by this point, we had found plenty to chat about as he cooked for me. Months later he would skip his much-needed mid-afternoon nap for an interview.

## Positionality and Knowledge Production

In the social sciences, feminist and critical race scholars, among others, have long argued that research by different kinds of people produces different kinds of knowledge. All knowledges are 'situated' (Haraway 1997; McDowell 1992; Rose 1997), that is, specific and subjective, rather than universal, neutral, or objective. This is not just because participants give unreliable narratives or because language is imperfect, but because the specificity or 'positionality' of the researcher is ingrained within the truths produced through research (Bonham and Bacchi 2017; Harding 1992).

For field researchers, our presence in 'the field' is part of what constitutes it as 'the field', and, as a result, 'the field' is specific to the researcher, not just the participants (Katz 1994). In the case of 'Pancake Man', as I anonymised him in my research, our

initial encounter would have needed much more negotiation on my part if I had not been exotic to him. Opportunities for knowledge production opened because we fit together in this way.

Other interactions were less straightforward. There were people who were suspicious of my intentions. Such situations, when interviews suddenly went off the rails, when people clammed up or looked hurt without explanation, were confusing and upsetting. I did not know what it was about me that was off-putting, and worried about how I had offended people without a lesson for how to avoid it in the future.

Just as confusing were the times I discovered that I had understood this rapport-building all wrong. Once, long after returning home, a participant asked me over WeChat how my shop was doing. Presumably, she thought I was studying her experience of running a shop so I could do the same.

Another time, I became friendly with practitioners of 'fire therapy' (火疗) in a business that felt distinctly like a pyramid scheme. After watching the treatment, I was unsurprised to find a photo of myself in a practitioner's WeChat feed. What did surprise me, as a Jew, was how I was described: as a 'blue-eyed, blond American friend' (蓝眼睛, 黄头发的美国朋友).

蓝眼睛，黄头发的美国朋友来到我们工作室了解中医火疗秘方👉👉你还在怀疑我们火疗👉👉👉早火到国外了👍👍👍👍👍👍



'A blue-eyed, blond American friend came to our offices to learn about the secret prescriptions of "fire therapy". You're still suspicious? It's already popular abroad!' PC: From WeChat

Jews come in all colours, but I had never thought of myself in such Aryan terms. What is important here, however, is not how I was described phenotypically. Rather, it is the work this description is doing. In this mini-advertisement, I am not my own self. I have become a representative of the West who, positioned high up the global pecking order, has deemed ‘fire therapy’ worth learning about. The presence of a white body in this space brings unearned authority—my ‘blondness’ is persuasive. I thought the practitioner wanted a foreign friend, or, awkwardly, that there may have been a romantic interest, but I was not able to perceive how she might be trying to capitalise on our relationship until there was suddenly evidence of it.

## Becoming a Participant-researcher

The value I gained from these experiences came from the types of knowledge produced by my own participation in my participants’ lives. By being seen as exotic by ‘Pancake Man’, I was incorporated into his world on terms that were not entirely my own—a dynamic that remained present in interviews. And in my conversation with the shopkeeper who thought I was opening a shop of my own, I had to face up to both my own linguistic and cultural failings, and the assumptions my participants were making about our work together. I had no idea what they were thinking, but their assumptions were important in shaping how our time together played out. The same is true in my ‘fire therapy’ example. In the process of being used, I gained access to a site that I would not have known about. I also gained insight into how the direct sales model that I was looking at worked and how it blurred boundaries between friends, customers, and potential business associates. In this process of ‘participating’, my worries about not being a native or an ‘expert’ on local culture were beside the point.

Interviews and ethnographic data are not transparent representations of reality. Data is produced through the recording of interactions that include the researcher. A focus on positionality shows that encounters do not just produce specific and temporary versions of our participants. Specific versions of the researcher also emerge anew each time (Mazzei 2013; Simpson 2015). In the cases I have described, though I could make an educated guess at what my whiteness and foreignness would mean to people, my positionality was never fully transparent to myself or to them (Rose 1997). Even in hindsight, this remains true.

In social encounters of all kinds, everyone and everything arrives together with that encounter. We are important only insofar as we are inseparable from what is produced (Finlay 2002). I think it is important to keep this understanding of fieldwork in mind when finding a way into ‘the field’, particularly in China, where it feels very difficult and it demands serious compromises. As researchers, our varied subject positions create distinct challenges and provide distinct opportunities. These are not always knowable in advance. While it is easy to focus on how quickly new obstacles spring up in the process of setting up and carrying out fieldwork, it is also worth noticing how new opportunities seem to appear out of nowhere. What seems like a roadblock, or a situation that is difficult because of who we are, can also contain opportunities for knowledge production based on these same constraints. ■



## Confronting Sexual Harassment in the Field

#MeToo Within the Ivory  
Tower and Beyond

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'Harassment'. PC: @frag-  
ileruins (Flickr.com).

Yifan CAI

*This essay sheds light on gendered violence negotiated by researchers conducting fieldwork in China. It examines coping and resistance strategies employed by female researchers, and analyses how the female researcher's body is disciplined in a hetero-patriarchal setting. Linking gendered field experience to the #MeToo movement in China, the essay discusses the role of academics in feminist movements and the implications for the broader civil rights issues in the Chinese context.*

It was midnight when I was making a phone call from my fieldwork site in southeastern China to my friend, who was also in the midst of her own fieldwork in south-western China. 'I was sexually harassed by a participant,' I said over the phone. She replied: 'So it happened to you too.' My friend is one of the many female researchers who have encountered similar experiences of gendered violence during fieldwork. This 'rather common' gendered fieldwork experience



(Kloß 2017), however, has yet to lead to the institutionalisation of pre-fieldwork training or post-trauma support, largely because the male body has historically been assumed as a neutral instrument and male positionality as the normative basis of fieldwork (Ross 2015; Hanson and Richards 2017; Rinkus et al. 2018). Yet, in reality all researchers are potentially vulnerable to gender-based violence (Green et al. 1993). In writing this article, I am calling for an open dialogue on gendered threats and risks faced by field researchers, and to better prepare graduate students to anticipate and negotiate sexual politics in hetero-patriarchal settings. I further contextualise my own gendered fieldwork experience within the #MeToo movement in China, and discuss the role of academics in feminist movements vis-à-vis broader civil rights issues in illiberal settings.

## Enshrouded in Silence

Gendered violence in the field has been systematically overlooked in scholarly and professional literature for multiple reasons. In addition to general concerns about blaming and stigmatising the victims, researchers in particular have been inhibited from speaking about sexual and sexualised problems encountered while conducting their research for fear that it may undermine their academic credibility and professional standing (Moreno 1995). Many graduate researchers have scant pre-fieldwork knowledge about handling gendered violence in the field, and have to recover, on their own, from post-traumatic feelings of frustration, failure, guilt, shame, humiliation, fear, depression, and disempowerment. As Sundberg (2003, 188) notes, the peculiar silence implies academia ‘fails to provide adequate guidance for students preparing for research, leading many to individualize and therefore conceal

the challenges they encounter.’ This situation further depoliticises structural violence by obscuring power relations.

A lack of institutional support further discourages victims from reporting gendered violence. As Huang (2016) incisively points out when reflecting on her experience of being raped during fieldwork, the researcher’s body is institutionally recognised as ‘merely a liability’, with institutional concern for researcher safety largely revolving ‘around the university not wanting to be held responsible’. To date, safety guidelines of Institutional Review Boards largely focus on event-based threats like warfare, robbery, and disaster, paying little attention to the pervasive structural violence researchers have to negotiate on a daily basis. When I was completing detailed forms to apply for the approval of my research project before entering the field, I was deeply frustrated by Institutional Review Board’s guidelines and instructions that were unapologetically Western-based and context-insensitive, despite researchers conducting fieldwork across a wide variety of contexts with disparate sociopolitical settings. Researchers, and especially female researchers, are exposed to a spectrum of gender-based violence in the field, ranging from verbal harassment to sexual assault; yet, often it is the researchers themselves who are held accountable for gendered violence in a way that is textbook victim blaming. I did not inform my institution of my own personal incident for fear that safety issues may be used to restrict future access to the field and restrain my mobility.

## Saying No to Power

To say no to a harasser is not hard, but it is rather difficult to say no to power. It is a common experience for researchers to struggle with ending relationships with powerful participants perpetrating gendered violence,

considering that perpetrators are typically key informants or gatekeepers (Mügge 2013; Clark and Grant 2015; Thambiah et al. 2016). I called my friend not only for emotional support but also for professional advice on how to handle sexual harassment during fieldwork. Should I have dropped this contact, even if the harasser was a gatekeeper controlling accesses to research resources and opportunities? The stakes were high. Yet, ignoring his behaviour might have been taken as consent or an invitation, which would lead to further risks. Given that data gathered from informal and casual settings are crucial for ethnographic research, it is easy for professional boundaries to blur during interviews and interactions with participants. Managing the distance between the researcher and the research object is therefore tricky: on the one hand, the researcher has to cultivate a comfortable and encouraging atmosphere to facilitate data collection (Kaspar and Landolt 2016), while on the other hand, efforts to engage participants can be misinterpreted as sexual bargaining. In contrast to the masculine perspective that sees researchers as cultural penetrators exercising power over their subjects, in reality researchers are often in a more dependent position due to the unidirectional flow of information. In many contexts, female researchers are in an even more vulnerable position due to their contextually-subordinate position as a woman in sexist-patriarchal settings, and have to balance fieldwork progress and personal safety on a daily basis.

Many female researchers—including myself—are not unprepared for gendered violence. Frequently we assume defensive positioning against gendered violence, which, ironically, renders us agents of the patriarchal system that reinforce and reproduce gendered norms in the field. One of the strategies to avoid unwanted male attention is to neutralise gender differences. For example, I cut my long hair and kept my hair short during fieldwork. Many female researchers wear old-fashioned

and conservative clothes in the field. One researcher shared with me the story that she had thought a skirt suit might look more ‘formal’ than a pantsuit; however, after she was groped by a participant, she decided never to wear a skirt again during fieldwork. Another strategy is to discourage participants from viewing the researcher as sexually available by wearing a (fake) wedding ring or using a (fake) couple photo as a mobile phone wallpaper. However, defensive strategies do not guarantee immunity from gendered threats and risks, and female researchers experience threats in unique ways and under constantly-evolving circumstances. Moreover, all preventive strategies are in essence victim-blaming and body discipline, through which female researchers internalise the male gaze and patriarchal logic.

Personally, I have faced two-fold masculinity when conducting fieldwork. Geographically, most of my participants have been from the Chaoshan region (consisting of the cities of Chaozhou, Jieyang, and Shantou in Guangdong province), a place known for its particularly patriarchal society. Throughout my fieldwork, I have been repeatedly reminded of my status as a ‘leftover woman’ (剩女) and told that I would not be able to find a husband once I completed a PhD degree. Compared with unwanted physical contact, I viewed personal questions and offensive comments about my appearance or personal life as more bearable. Sectorally, since I was conducting fieldwork in a male-dominated ‘high-tech’ industry, only two of my participants were female. Nevertheless, during these two interviews I was much more comfortable, reassured, less distracted, and more able to concentrate on my research, as defensive strategies against violence can be time-, energy-, and emotion-consuming. One female informant suggested that we have the interview at her home so that she could take care of her two kids, and I agreed. I would not even consider the suggestion had it been made by a male participant.

## Empowered by #MeToo

Since my initial fieldwork experiences, I have been wondering about other resistance strategies—beyond passive coping mechanisms—that female researchers could take up to challenge oppressive sexist ideology and patriarchal domination. The time I was in the field (2017–18) coincided with the peak of the #MeToo movement in China (Lam 2019). During fieldwork, I closely followed the progress and setbacks of the movement in the news and on social media. In January 2018, Luo Xixi posted an open letter on Weibo accusing her former advisor Chen Xiaowu, a professor at Beihang University, of sexual misconduct, which marked the beginning the #MeToo movement in China. After that, the movement spread from university campuses and exploded across Chinese new media platforms, with repercussions far beyond the ivory tower. Despite tightened authoritarian control, this epic feminist awakening has inspired and resonated with other social movements in China. The case of Yue Xin is a notable example. Yue, a graduate of Peking University, became known to the public in April 2018 due to her questioning of the university's handling of a #MeToo case that caused a student's suicide two decades earlier. She later went missing while working in support of the Jasic workers in Shenzhen in August 2018 (Zhang 2019). Another example is that of Xu Chao, an environmental investigator working at Greenpeace East Asia, who helped her friend Xianzi in her case against a high-profile TV host Zhu Jun in July 2018 (Yang 2018).

The Internet has allowed feminist movements to take off in China. Relying on social media, #MeToo in China has largely been led by young and well-educated women living in cities or abroad (Fan 2018). Being a victim of gendered violence myself, I have been empowered by survivor solidarity expressed through the movement. Drawing on my field experience

and observations, I view fieldwork as political in essence, as the field is always politically situated, shaping and shaped by interactions between the researcher and researched. Data collection and interpretation are inherently contingent on the identity and positionality of the researcher, as well as on field settings and dynamics. Confronting sexual harassment in the field in the midst of #MeToo has forced me to reflect upon my identity as a professional researcher, an organic intellectual, and a Chinese national and citizen, and to rethink the role of academics in forging bonds between the ivory tower and the field or the world at large.

Luo Xixi, the first survivor to come forward in the #MeToo movement in China, stated that she was encouraged by her belief that her silence might result in more people being victimised. Inspired and emboldened by her and other courageous survivors, in this essay I have attempted to cast light on the unspeakable and uncomfortable realities of gendered violence faced and negotiated by female researchers in the field on a daily basis, in the hope of helping actual and potential victims to feel less isolated. ■



## State of Sensitivity

Navigating Fieldwork in an Increasingly Authoritarian China

Clouds Drifting on the Yangtze River.  
PC: Jonathan Kos-Read

Tyler HARLAN

*This essay reflects on the process of designing, conducting, and writing about fieldwork in China's politically-sensitive environment. I draw on my experience as a foreign scholar researching the hydropower industry from 2013–18, a period of growing authoritarianism in China. I describe attempts and strategies (both successful and unsuccessful) to navigate sensitivity in framing my project, accessing and conducting interviews, and sharing results. Overall, my aim is to provide a sense of cautious optimism for early-career scholars headed into the field.*

It took me several years of doing fieldwork in China to come to terms with this simple fact: that research was only going to get more difficult, not less. The People's Republic of China (PRC) has always been a politically sensitive environment for foreign researchers—as any China scholar would readily admit—but the rise in Party-state authoritarianism in the Xi Jinping era has narrowed the topics that can be studied, reduced access to field sites and institutions, and increased surveillance over our activities and (potentially) our collaborators and interlocutors. My first fieldwork in China in the late 2000s, which involved interviewing ethnic minority entrepreneurs in Xinjiang, is almost unimaginable today. My doctoral work on 'small' hydropower in Yunnan in the mid-2010s only survived through sponsorship from a high-ranking university in Beijing and

collaborations with clued-in local professors. In the summer of 2018, when I visited Yunnan again, one of these professors suggested we conduct our next research project outside of the country, since he felt that any domestic research would be too sensitive. What are foreign scholars to do in this kind of ‘state of sensitivity’?

This essay reflects on the process of designing, conducting, and writing about fieldwork in a country where political sensitivity is an ever-present concern. What follows is not a how-to guide, nor an analysis of research possibilities and constraints—these vary widely over time and space, and according to each scholar’s positionality. Rather, I critically examine my own experience as a way to draw out ‘collective problems’ (Heimer and Thøgersen 2006, 2) that China researchers often encounter, but do not always discuss. My objective is to provide a sense of cautious optimism for early-career scholars headed into the field: research in China is sensitive, and growing more so, but still possible, worthwhile, and important. Nonetheless, as China scholars, we need to be frank about the limitations to fieldwork, the moral dilemmas that we face when interacting with others, and the ways that we often internalise sensitivity in the research process itself.

## Sensitivity, Research Design, and Framing

I almost did not study hydropower at all. On my first preliminary research trip to Yunnan, in 2013, I was introduced to two Chinese academics who convinced me that hydropower was too political due to its history of attracting domestic and international opposition (see Magee 2006; McDonald 2007; Tilt et al. 2009). I decided that it was better to avoid anything that could be considered sensitive and proposed a different topic instead. But on returning to Yunnan for longer-term fieldwork, and through informal discussions in Kunming,

I came to understand an important distinction: that people were more than happy to talk about hydropower, even critically, if the conversation started with ‘small’ hydropower—a technology historically used for rural electrification in China. By situating my research as a study of small hydropower, and its role as China’s first renewable energy source, I could frame some aspects of hydropower as positive while giving interview subjects the option to talk about its negative consequences. In effect, we could avoid the appearance of sensitivity even if the content might drift in that direction.

I raise this example because it mirrors the experience of friends and colleagues working in China—that even when it seems like everything is sensitive, the topics and questions one can pursue are considerably more fluid. Navigating this sensitivity is both an issue of research design (i.e. what you plan to do) and research framing (i.e. how you describe to others what you are doing), which are in turn shaped by the politics of foreign research and our positionality in the field.

Research design in this context is an iterative and ongoing process—what O’Brien (2006) calls ‘research redesign’—that requires spending time in the field. Some scholars (myself included) arrive in China on an initial research visit with a specific idea that they aim to ‘test’; others may seek to narrow down a broad range of potential topics. These initial visits can be time-intensive and often seem unproductive; I remember feeling even less certain of my research direction after my preliminary fieldwork than before I arrived in China. But this time in the field, in hindsight, gave me the space to figure out thorny issues like setting up collaborations (and obtaining a ‘letter of introduction’), gaining access (or not) to government officials, and knowing which data were always going to be off-limits. Interviewing officials, I discovered, was far easier in rural Yunnan than in Kunming. Topics that seemed too sensitive ‘on the ground’ in Yunnan—like the social impacts of hydropower—were widely discussed among government researchers in Beijing. All the while, my background as a

white, American male attracted scrutiny—and likely surveillance—but also opened avenues for research and conversations that would not otherwise have occurred (see Berlin’s essay in the present issue).

As my research design shifted, so did my framing. I was careful not to misrepresent my project—I was, after all, studying hydropower—but learned how to emphasise particular aspects for different audiences. With government officials, I talked about small hydropower’s role in rural development and forest protection; with investors and operators, I focussed on plant management; with farmers, I stressed the impact of hydropower on livelihoods; and with collaborators, I highlighted policy recommendations. All of these are accurate but partial portrayals of the research, and I was always forthcoming if asked about my overall project goals. But I am also mindful that ‘depoliticising’ (see Jiang’s essay in the present issue) how I presented my study to others risked ‘disciplining’ (Yeh 2006) the questions I would ask—a constant struggle that I would return to as I ‘redesigned’ my research throughout data collection.

## Sensitivity, Access, and Interviews

My first visit to Daozheng county, where I conducted the most in-depth research, came about through an invitation from a local professor whom I began collaborating with halfway through my fieldwork period. The professor, several university researchers, and I met with two county-level officials and toured a small hydropower plant, but I found it difficult to steer interviews beyond the ‘approved’ version of events. Yet, when I returned a month later with just a local graduate student assistant—and asked very similar questions—the officials were critical and circumspect, and clearly more at ease talking one-on-one with students than in a large group. Indeed, my assistant and I often found it better to introduce ourselves

as students rather than part of an international project, as this had the effect of lowering the stakes (and the perceived sensitivity) of the interview. At other times, officials were only willing to be interviewed once they learned of my American background (as was the case with a senior grid manager whose daughter studied in the United States). Navigating sensitivity in data collection was thus an exercise of testing both how to approach people for interviews and how to direct the interview itself.

A classic methodological approach to set up interviews is snowball sampling—speaking with a small number of informants first and asking for referrals (Bernard 2012). I found this strategy to be of limited use once I exhausted my initial introductions in Daozheng. Instead, at the county level, my assistant and I would often just show up unannounced at the government bureau (or small hydropower plant, or company office). Sometimes we would end up talking to the director for two hours; other times we had to return the next day; often no one would meet with us at all. While this approach was time-intensive and often frustrating, it enabled us to get our ‘foot in the door’ to a few offices—which we could then mention having visited when seeking out other interviews. In this way, even without referrals (which were rare), my assistant and I could quickly build rapport with officials and company directors who might otherwise be wary of interviews. Only later, once we had met with most relevant county-level officials, were we able to gain introductions to prefecture- and provincial-level government offices—a kind of margin-to-centre approach to gaining access. Even then, I was still never able to acquire sensitive data like the locations of plants or maps of electricity infrastructure—omissions that I had to account for in my research redesign.

The interviews themselves mirrored our margin-to-centre approach to gaining access, in that we would begin with pro-forma questions and use responses to try to get a ‘foot in the door’ to in-depth discussion. Here again, my (and our) positionality was crucial: my assistant and

I were able to ask ‘dumb’ (and even sensitive) questions that a more established Chinese scholar might feel uncomfortable asking. A strategy we sometimes used to encroach on a sensitive issue—such as the social impacts of hydropower—was to ask how officials managed problems that had occurred ‘elsewhere’ (i.e. outside of their district, or China). Yet the risk of ‘disciplining’ my questions and censoring my views was ever-present—I often found myself hedging or sitting on the fence for parts of the discussion I felt were more sensitive, only to regret later that I had not been more forceful. To put informants at ease, my assistant and I did not record interviews, but would both take extensive notes for comparison and writing-up later that day.

## Sensitivity, Publishing, and Self-censorship

Two years after my longest fieldwork period in China, I met with the director of a hydropower research institute about future collaboration. The director knew about my research from institute staff I had befriended, but believed my main goal was to ‘promote’ small hydropower rather than analyse its political economy. I wanted to collaborate and contribute to hydropower policy and management; but I also did not want to misrepresent my research. The only publications I could share were policy-relevant but still critical of current practice in a way that would be considered sensitive. I wondered whether I should redact some sections or call the manuscripts ‘drafts’. In the end, I decided to send the articles as they were—and (to my knowledge) received no pushback, even though I am still nervous about these kinds of interactions. I am still ‘disciplining’ myself after my fieldwork ended.

The common approach to writing about sensitive subjects is to ensure anonymity: to use pseudonyms, separate data from identifiers, and avoid any details that could be

traced back to an informant. When I returned to the United States, following these rules seemed easy—and in any case, my dissertation and early publications were targeting an academic audience, who would likely not be familiar with my research sites. The problem of sensitivity became more tangible, though, when I was ready to share research with a Chinese audience: with my informants, research partners, and future collaborators like the hydropower institute. Should I share every publication, even if it might compromise other research opportunities? What might I write with Chinese colleagues that would avoid sensitive issues but would also be true to the project’s findings? I am clearly still working through these questions.

Navigating sensitivity in our writing is hard; so it is in design and data collection, too. To other China researchers, my topic may not seem that sensitive at all—I am thinking of recent work on ethnic relations (e.g. Byler 2018; Grant 2018; and my own earlier research, Harlan 2016). More established Western academics may find it easy to broach political issues in their fieldwork. My aim here has simply been to reflect on my own experience, strategies, and struggles—which are influenced by my background and positionality, but nonetheless shared by many early career China scholars. Authoritarianism in China may be increasing, and becoming more ‘high-tech’, but it is not new—making continuous dialogue of how we navigate sensitivity all the more essential. ■



## Researching China Through Translation and Presentation

Qingyuan Guangdong  
farmers at work.  
PC: @peteropaliu  
(Flickr.com).

Wenjing JIANG

*To present a research project as understandable, inoffensive, and interesting to people in the field involves both politics and artfulness. Researchers, the researched, and potential collaborators together constitute the politics of fieldwork, at the centre of which are ongoing processes to establish expectations of possible benefits or conflicts of interests. The multidimensional politics on the ground remind us to consciously and continually seek appropriate translation and presentation of our research and position while conducting fieldwork in China.*

‘**W**hat is your research about? What do you want to know, and how?’ We are trained in academia to address these questions in a thousand different ways, depending on who is asking. We tend to think that, with the skills to speak to colleagues, reviewers, funders, and policymakers, we can deal with the same questions during fieldwork with ease. Unfortunately, this is never the case. To present a research project as understandable, inoffensive, and interesting to people in the field involves both politics and artfulness, yet we rarely discuss how. Drawing on my experience in rural Sichuan, I show how researchers, the researched, and potential collaborators together constitute the



politics of fieldwork, at the centre of which are ongoing processes to establish expectations of possible benefits or conflicts of interests. With a snapshot of this politics on the ground, I will reflect on how researchers encounter with the so-called ‘politically-sensitive’ issues in the field and how such encounters intertwine with the ongoing efforts to seek appropriate translation and presentation of research projects during fieldwork.

## Communicating and Designing Research in the Field

Establishing contacts with China-based collaborators remains a crucial step for successful entry into the field (Thunø 2006). Local scholars, officials, cadres, and other key informants—with their ability to provide access to certain sites or networks—can all act as gatekeepers. To request support from them involves learning in practice how to properly introduce research ideas and deal with multiple dimensions of politics. It was this learning process that helped me refine my research scope and design.

While researching the post-Wenchuan Earthquake recovery in Sichuan for my master’s thesis, I became interested in the transfer of rural land use rights, which is the lens I have used to look into changes in property, production, and broader social relations in my doctoral dissertation. Given the multiple types of rural land (Zhang and Wu 2017, 99–100) and the spectrum of land transfer practices, the foremost task in the first phase of my research was to decide which specific type(s) of land to focus on and which research site(s) could be appropriate. My initial attempts to seek help from local scholars, however, resulted in complete failure. With a full page of research questions from my dissertation proposal in my head, I excelled at boring my contacts with non-stop lectures introducing my topic.

As a result, I decided to shift my strategy and keep everything brief. I used the one-sentence description in the recruitment script approved by the Institutional Review Board, which states that my study focuses on land transfers and agrarian transformation. How to explain what I mean by ‘agrarian transformation’ became the next challenge. While the Chinese character *nong* (农) captures the hybrid meaning of the English word ‘agrarian’, it must be combined with other characters to constitute a useable word. Depending on the context, ‘agrarian’ can be translated into different words in Chinese—for instance, *nongye* (农业, ‘agricultural’), *nongzheng* (农政, ‘agricultural and political’), and sometimes *tudi* (土地, ‘land’)—each indicating a distinct scholarship and certain presumed positionality attached to it. For instance, *nongzheng* comes directly from the classic agrarian political economy, but the word is rarely used or understood outside of the small research community. Adopting any of these existing translations, or even the indigenous term *san nong* (三农, ‘three rural issues’), risks creating linguistic and positional barriers between potential collaborators and myself. Eventually, I found *nongcun zhuanxing* (农村转型, ‘rural transformation’) the safest to use and the best understood, although questions on my theories and methods often followed.

My project is deeply informed by Marxist political economy, but referring to this label in the Chinese context would only make things tricky. China’s agrarian reform has always been a battlefield between Marxists, neoclassical economists, and the new institutionalists, who receive disparate trainings and serve different functions. Teaching and research responsibilities of Marxist scholars in China are often closely related to political ideology. To make it less political, I would prefer to introduce myself as a political economist in general, rather than a Marxist, terms. Yet the economists actively engaged with policymaking tend to think of ‘political economy’ as a small body of literature they are familiar with—e.g., institutional political economy—and thus find my work far from innovative and do not think

it is worth their time to learn more. To avoid the Left-Right politics, I have tried to use the disciplines of human geography or agricultural geography as a cover, which just made people more confused about my training and unsure of how they could help me. In mainland China, geography at the university level is a science discipline, while pre-college geography education belongs to the social sciences and humanities track. Not knowing how they should treat me, as a student in sciences or social sciences, non-geographers often had a hard time figuring out what I needed.

In the end, I learned to present my project as qualitative research (定性研究) on rural land transfers (土地流转) using data primarily from interviews (访谈). I did not like this description at all. It did tell (at least part of) what I intended to do, but without revealing my real passion—to answer the complex yet interesting questions about China’s agrarian change using multiple sources of information—I felt detached from the expression. Nevertheless, it worked. It was only after hearing I use qualitative approaches that an agricultural economist I met breathed a sigh of relief, mentioned the quantitative household survey conducted by his group, and suggested future collaborations. Shared interests do create topics to collaborate on, but too much overlap of skill or data coverage may kill potential trust due to perceived competition. Sometimes, local scholars must feel that you are roughly on the same side but not competing with them before they will offer help.

Local scholars gave unsolicited advice on what I should study. Some suggested researching the transfer of construction rights of rural residential land (宅基地) rather than that of agricultural land use rights, even though what I asked for was access to specific cases. Since the former is often associated with large amounts of money and thus complex interests and politics at township and county levels, I realised the difficulty of obtaining support from local gatekeepers. Moreover, back in 2016, issues around agricultural land attracted much less scholarly attention

compared to those on rural residential land. I thus decided to focus on agricultural land instead. My decision ended up ruining some promising professional support. Some scholars even chided me for choosing to connect land transfers to agricultural restructuring, arguing that agricultural land transfers were nothing new.

## Asking and Answering Questions

Fieldwork after entry and access does not become easier. Rather, it requires higher sensitivity to local politics and more finely tuned skills to handle a variety of situations. In Chinese, both ‘politics’ and ‘political’ are referred to as *zhengzhi* (政治), which means issues related to the people and events in the hierarchical governing system, often at higher levels. Thus ‘to criticise the Chinese government is risky’, as the US-based Institutional Review Board kept reminding me. Yet, what accounts as political varies from one context to another. Political economists and theorists would highlight the political part in almost everything. In rural China, the giant thing called the ‘State’ disappears and is often replaced by local and interpersonal politics. This happens particularly when the abstract ‘political’ reveals itself as concrete politics through the ‘choice between conflicting alternatives’ (Mouffe 2005, 8–10), for example when local people decide whether to participate in my research.

Those who agree to talk may have diverse incentives underpinning their choice. In my experience, when introduced to me by someone with a higher status—such as a local official or cadre—informants do not deny a request for interviews, but might express their reluctance to share what they know in subtle ways. Also, there are villagers chosen to serve as ‘typical examples’ (典型) and frequently introduced to visitors by local cadres. These ‘professional interviewees’, as I call them, are highly skilled

at judging what roles they should play—as policy beneficiaries, hardworking agricultural practitioners, or exploited peasants—and perform accordingly to meet the expectations of officials or researchers. Some more ‘unprofessional interviewees’ would complain about being taught what to say by their village leaders when the latter are absent during interviews. Some would make a million other complaints hoping that I, with the capacity to write things down, could speak on their behalf to policymakers or people at higher levels to reverse their disadvantageous situations. Some would share all their miseries since they had never met anyone else as patient as I was who would sit down for hours listening to their stories. Others were simply curious about what I do and reached out to look for information so that they could have something to say when they discuss me with their neighbours.

In short, the various incentives behind politeness and eagerness may result in exaggerated statements and inaccurate information. Before piecing together all evidence and telling the stories, therefore, one has to validate what is said by observing what people do and why. One strategy I adopted was to make my empirical questions more tangible. Instead of asking people how they think about something or why they do certain things (always the most difficult questions to answer), I learned to ask ‘what questions’—e.g. questions about their farming techniques, inputs, yields, and profits. As most villagers expressed their interest in the geography of crops and farming practices, I also shared my knowledge of agricultural practices in Northeast China where I grew up and sometimes other parts of the world, together with my own confusions about what I observed locally. Personal reflections on politics, policies, and social meanings come up naturally in a good conversation. When they do, we as researchers must follow informants quickly in shifting from a depoliticised conversation to a highly politicised one, for example by comparing what they get and what their neighbours get in the emerging land transfer practices.

## Multiple Dimensions of Politics

Field research in China involves multiple dimensions of politics. As I have argued, researchers should consciously and continually seek appropriate translation and presentation of the research projects and researchers’ position while conducting fieldwork in China. In addition to the shifting languages between Chinese and English, between standard Mandarin and local dialects, and between official and unofficial discourses (Thøgersen 2006)—more attention to the nuanced differences between abstract concepts and empirical terms, and between politicising and depoliticising the same questions will facilitate the search for shared interests, values, and experiences. This will eventually open up opportunities for genuine discussions that may otherwise be impossible. ■



# WINDOW ON ASIA

PC: Dragan Brankovic





## The Thai Elections of 2019

The Rise of the Illiberal Middle Classes

Thailand's Prime Minister Prayuth Chan-ocha. PC: Voice of America.

Claudio SOPRANZETTI

*In early 2019, Thailand's military junta held elections for the first time since removing the elected Prime Minister Yingluck Shinawatra from office five years earlier. The elections took place under a new constitution, which gave the coup leader Prayuth Chan-ocha an insurmountable advantage. Ironically, some of Prayuth's strongest supporters were the same middle classes that fought in the streets for democracy in the 1990s. The result is a Thai polity that can only be described as constitutional authoritarianism.*

On 24 March 2019, five years after a military group removed Thai elected Prime Minister Yingluck Shinawatra from office, the Southeast Asian country held new elections. While the event might have seemed like a return to electoral politics, few in Thailand shared this impression.

The election, in fact, took place under a new constitution, drafted and ratified by a parliament fully appointed by the coup leaders, which established that only the 500 members of the lower house would be elected, while the 250 members of the Senate would be appointed directly by the military and the palace. In other



Former Prime Minister  
Yingluck Shinawatra.  
PC: Wikimedia  
Commons.

words, coup leader Prayuth Chan-ocha and his newly-formed Palang Pratcharath Party only needed to obtain 25 percent of the vote to be able to control parliament and elect himself as the new Prime Minister of Thailand.

Even on this uneven playing field, ahead of the election many doubted that Prayuth would be able to obtain the necessary popular support and predicted a split result, in which his party would obtain the votes to elect a Prime Minister but not to pass laws in parliament. For those hoping for this result, however, the March election came as a cold shower.

Against most predictions, Palang Pratcharath obtained 8,413,413 votes, i.e. 23.74 percent, which, in the byzantine electoral system that the junta devised, translated into 116 of the 500 non-assigned seats in Parliament. Those, added to the 250 seats that the military automatically controlled, gave Prayuth not only the possibility to elect himself as Prime Minister, but also the opportunity to create a coalition that gave him a solid parliamentary majority. Prayuth, who had risen to power with tanks and military force, could now claim an electoral victory which he used to retroactively legitimise the coup.

To confirm the impression that this election would not mark a return to democratic politics, Prayuth was sworn into his new job on 16 July omitting a central piece of the constitutional oath. According to section 161 of the Thai Constitution, his oath should have been: 'I ... swear I will be loyal to His Majesty and perform my duties honestly for the benefits of the country and the people. I will also uphold and comply with the Constitution of the Kingdom in every aspect.' However, Prayuth omitted this last sentence and replaced it with the word 'forever', de-facto swearing allegiances to the King but not to the Constitution.

While the opposition attempted, without success, to invalidate his premiership, the voters who supported Prayuth—mostly urban, from central Thailand, and middle classes—seemed untroubled by his disregard for constitutional procedures and democratic representation. At first glance, this is not surprising. After all, if they voted for him they must have known what they were going for. However, what is particularly striking is that many of these voters are the same people who two decades ago took to the streets to remove a similar military coup leader, opening the era of democratisation in the country. When seen under this light, the March 2019 elections beg one haunting question: why is it that the same middle classes who demonstrated, struggled, and campaigned for democratisation in the 1990s are now supporting an authoritarian regime and accepting this kind of disregard for constitutionalism?

## The Spectre of Constitutional Authoritarianism

In 1848, Karl Marx opened his *Manifesto of the Communist Party* with an eloquent phrase: ‘A spectre is haunting Europe—the spectre of communism.’ Almost two centuries later, Laos and Vietnam are among the fastest growing economies in the world and the Chinese Communist Party is now in charge of the largest capitalist economy in the world. The spectre of communism that had materialised in East Asia in past decades is now little more than a faded ghost, which no longer haunts anyone. Instead, another presence has beset those lands: the spectre of authoritarianism, this time not supported by the proletarian masses but by office workers, small entrepreneurs, and state employees.

The events taking place in Thailand are not isolated. On the contrary, they are part of a wider trend that is pushing multiple Asian countries towards forms of authoritarian radicalisation, both in countries used to democratic electoralism and others accustomed to one-party systems. Whether in Xi Jinping’s attempt to turn his presidency into a lifelong office, Duterte’s systematic refusal to apply *habeas corpus* in the Philippines, or Thailand’s new forms of electoral dictatorship, a new wind of authoritarianism is blowing across East Asia, supported by the same middle classes who were supposed to be the heroes of democratisation. Contrary to theories of ‘end of history’ or ‘democratic transition’, this wind does not blow against the will of the middle classes—rather, it has their full support.

Much has been written about the relationship between new forms of authoritarianism in Thailand and the geopolitical changes that see China and the United States ever closer to a war of influence in Southeast Asia—for now mostly on commercial and political grounds. These explanations, though important, often fail to see a central element of this

new authoritarianism that is clear to anyone spending time with white collar workers, business leaders, and elites in this part of the world: the growing popularity of authoritarian ideology among the local middle classes, a popularity that finds its roots in shifting local meanings of concepts that were traditionally part of the toolkit of democratisation processes in the 1990s, particularly the concepts of corruption and rule of law.

Like all of Southeast Asia, Thailand in the 1990s saw a plethora of popular uprisings led by the middle classes with the aim of putting an end to despotic government, often using grievances about corruption as a weapon for popular mobilisation. During the last decade, however, the meaning of the word ‘corruption’ among the Thai middle classes has undergone a radical transformation. Corruption today no longer refers only to officials who abuse their public roles for private gain. The semantic universe of the word has expanded to include three different meanings: first, the traditional idea of corruption as an exploitation of one’s position to accumulate power and wealth; second, a new moral conception of corruption, linked to the alleged intrinsic immorality of specific people; and finally, a completely new vision of so-called ‘electoral corruption’ that interprets any form of redistributive policy as vote-buying. According to this tripartite conception of corruption, Prayuth could run his campaign on an anti-corruption agenda, claiming that elections themselves have become, in the eyes of entire sections of the middle class, a corrupt practice that favour populist leaders who, through redistributive policies, obtain popular support without necessarily producing ‘good governance’.

These semantic changes may seem to be pure sophism, yet without understanding these transformations it is hard to grasp how the same social classes that in 1992 fought in the streets of Bangkok, risking their lives to have elections, today line up at the ballots to keep in office a dictator who took power through a military coup. Clearly, even if they take specific forms in different contexts, these transformations do



not happen in an international vacuum. The previous authoritarian phases in Thailand, especially in the period between 1945 and 1992, were supported, both economically and ideologically, by the United States and its anti-communist rhetoric. However, since the coup d'état in 2014, the junta has turned to China for such support.

## The Role of China

The increasing closeness between the two governments has been the result of changing geopolitical and economic alliances. Yet, ignoring its ideological components, particularly in relation to concepts of corruption and rule of law, means underestimating its historical significance. Since the Sixteenth Congress of the Chinese Communist Party back in 2002, China has increasingly focussed its ideological debate on a new rhetoric of legalism, conceptualised as the most efficient system to allow equity and participation in the Chinese state.

Political scientist Pan Wei, in a famous article that took the shape of a political manifesto for legalism, went to great lengths to show that rule of law can exist outside democracy. Such a system, he argued, is preferable and superior to electoral democracy and more appropriate to China. In his words: 'The power base of democracy consists of elected law-making offices, mainly parliament and the elected chief executive. The institutional power base of rule of law consists of non-elected law enforcement offices, mainly civil service and the judiciary' (2003, 8) In this sense, he continued, 'rule of law directly answers the most urgent need of Chinese society—curbing corruption in times of market economy. Electoral competition for government offices is not an effective way of curbing corruption; it could well lead to the concentration of power in the hands of elected leaders' (2003, 33).

Although not as sophisticated as Professor Pan, and without the same ability to govern as the Chinese Communist Party, Prayuth is trying to establish a similar polity: a legalistic system in which appointed officers create and enforce the law, ratify the names of candidates, and certify their 'morality', asking people simply for an ex-post ratification of their decisions. This system is legitimised by a basic principle: the superiority of 'good unelected citizens' over elected politicians in preventing corruption. It would be easy to think of these changes as a temporary setback and an interregnum in which, paraphrasing Gramsci, 'the old is dying and the new cannot be born' (1971, 276). Unfortunately, the reality in Thailand is much more disturbing. Something new is being born out of the recent elections, but it may not be what we hoped for. ■

Jiabiangou Elegy: 夾邊溝祭事  
Life and Death of the Rightists

導演/ 拍攝/ 剪輯: 艾曉明

葛友濤/ 誌:

WORK OF ARTS

Jiabiangou  
Elegy

A Conversation with Ai Xiaoming

ZENG Jinyan

時間: 2017年2月25日

- 放映會 1:00pm - 7:45pm (中途設小休時間)

- 映後談 7:45pm - 8:30pm

地點: 香港兆基創意書院 放映室 (G/F)

香港九龍聯合道135號 (樂富港鐵站B出口)

問答: 神秘嘉賓, 放映前揭曉

主辦: 中國獨立影像推廣有限公司 (中國獨立紀錄片研究會)

協辦: 中國研究服務中心

場地贊助: 香港兆基創意書院



Ai Xiaoming. PC: China Digital Times.

## Jiabiangou Elegy

### A Conversation with Ai Xiaoming

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ZENG Jinyan

**B**efore retiring, Ai Xiaoming was a Professor in the Chinese Department at Sun Yat-sen University. She is also a feminist scholar, rights activist, and independent documentary filmmaker. In the 1980s and 1990s, Ai's academic work focussed on modern and contemporary Chinese literature and comparative literature. In 1999, she moved to the United States for one year to conduct research on women and gender studies. After returning to China, she continued to focus on women, gender, and literature. Since 2003, she has actively participated in feminist/citizen activism, and independent documentary filmmaking. Her well-known documentary film works include *Garden in Heaven* (天堂花园, 2005), *The Taishi Village* (太石村, 2005), *The Epic of the Central Plains* (中原纪事, 2006), *Our Children* (我们的娃娃, 2009), and *Three Days in Wukan* (乌坎三日, 2012). In 2010, she was awarded the 'Simone de Beauvoir Prize' along with women rights activist Guo Jianmei. Ai's latest documentary *Jiabiangou Elegy: Life and Death of the Rightists* (夹边沟祭事) was premiered in Hong Kong in 2017 at the Chinese Independent Documentary Lab.

*Jiabiangou Elegy* brings to focus the tragic deaths of inmates inside the Jiabiangou labour camp and the aftermaths of this tragedy. In 1957, in the wake of the Anti-rightist Campaign, the Chinese authorities sent more than 3,000 people to this labour camp in Jiuquan, Gansu province. These people were classified as rightists, counterrevolutionaries, and anti-Party. In three years of re-education through labour (劳教, *laojiao*), more than 2,000 people died of abuse and starvation. Only a few hundred survived. In 2014, Ai Xiaoming began filming the stories of the few remaining survivors of Jiabiangou, as well as those of the children of the victims. She also tracked down the cadres in charge of the labour camp and their descendants in an attempt to understand the inner workings of the re-education through labour system, as well as the causes of the Great Famine of the late 1950s from a different perspective. Several of these interviewees passed away during the filmmaking process.

Zeng Jinyan: How did you conceive the idea of *Jiabiangou Elegy*? What was the biggest challenge in the making of this film?

Ai Xiaoming: At first, I thought there was nothing new to say about Jiabiangou. Stories have been written, and movies such as Wang Bing's *The Ditch* (夹边沟, 2010) and *Fengming: A Chinese Memoir* (和风鸣, 2007) have been made [in 2018, Wang Bing also premiered *Dead Souls* (死魂灵), another documentary about Jiabiangou, *Translator's Note (TN)*]. The filmmaker Hu Jie also documented Jiabiangou. So, I was asking myself: should I still undertake this project even though others have already done it? However, as you can see from the beginning of the film [the movie begins with the smashing of the memorial for the victims of the labour camp and official obstruction of a commemorative ceremony, *TN*], my encounter with this subject is rooted in contemporary reality. We are people of 'the present' who have come to pay homage to the victims of Jiabiangou. We enter Jiabiangou from our own emotional perspectives instead of simply dealing with it as a historical subject.

As the filming and editing of the film progressed, this became more and more apparent. Jiabiangou is not a distant event of the past: its shadow still shrouds our lives, perhaps more so than ever. For example, we still experience difficulties when speaking our mind because our freedom of speech has been suppressed; innocent people were convicted of crimes they did not commit because neither civil nor political rights are guaranteed in China. Even asking the National People's Congress to ratify the two United Nations conventions on civil and political rights has been considered a crime.

How to evaluate the history of the Mao era is a question that we face today. In the fifth section of *Jiabiangou Elegy*, entitled 'Where the Soul Lies' (魂归何处), there is a segment in which we showed the emotional outburst of Mr Zhang Suiqing, the initiator of the memorial for the victims. He raised a crucial point: from the sabotage of the memorial, you can see the violent resurgence of the 'hit, smash, loot' habits of the Cultural Revolution. This is the dire situation we face now. We must not ignore it. We must think about where the danger lies and how serious it is. The fact that the memorial for the victims of Jiabiangou has been destroyed has both real and symbolic meanings. It signifies that those in power want to prevent people from facing history by silencing discussions on the cause of this tragedy. The issue of autocracy still remains: it was unresolved in the past and remains unresolved in the present.

In making this documentary, I was not experiencing the past, but the present. We were denied permission to enter Jiabiangou and to pay homage to the deceased. It was as if there was some kind of secret code embedded in that part of history and the

authorities did not want us to decode it. I felt that if this really was a secret that cannot be discussed openly, it showed that the forces that threaten our everyday life still exist. Recalling loved ones and mourning the dead is a normal expression of human nature: how could the victims of this tragedy be deprived of their memories and commemorations?

This documentary also explores the theme of memory, as many stories exist solely in the memories of those who have lived through them. On the other hand, I have also witnessed that in order to survive and maintain sanity in old age, some victims have attempted to suppress their memories, reshaping them to fit the framework of the official ideology. Anything to do with the Anti-rightist Campaign, reeducation through labour, hunger, and death have been constrained and distorted by the official ideology into the simple case of a 'mother beating a child'.

These are all forced distortions of personal memory: only when we get rid of these constraints and let people tell their personal stories, will we see an alternative history. I am not saying that there is some sort of absolute or unifying truth, but that there are true stories which have been suppressed and cannot be communicated through language. We must enter into the voids of history. Although people like Hu Jie, Wang Bing and others have already done so, the void is bottomless. We need to find the language of personal memories and transmit those lost stories to the world.

ZJY: You have openly talked about the difficulties of making documentaries on previous occasions. What kind of difficulties did you face in representing the visual images on screen in this project?

AXM: The events at Jiabiangou occurred over 50 years ago, but I hope that the audience will be able to envision the environment at that time. I started filming in 2014 and it took around two and a half years to finish. In 2017, however, it was the 60<sup>th</sup> anniversary of the Anti-rightist Campaign. The terrain around Jiuquan, Gansu, has changed a lot, and Jiabiangou today is no longer a desolate place. It is now the location of Jiabiangou Forest Park. My guides, associates, and I went a long way to film the desert in its original state, including its different faces in the four seasons. Without this footage, the film would have become a mere interview. Our basic method was shooting on site and, thanks to this, we did make some new discoveries. We went to Gongpoquan in Majiashan, Shanxi province, to film the labour camp there, which supplemented our records on Jiabiangou because no one has previously disclosed the fact that a group

of *laojiao* victims from Jiabiangou were sent to smelt iron at the border around 400 kilometres away. Many people died there. It took us an entire day to get there from Jiuquan, but in the end the place only appeared for less than 30 seconds in the documentary. I think this is the visual value of our film. While the audience may see it as just another shot, certainly less glamorous than a Hollywood movie, we actually shot that footage on site. In other words, we put hard work into relaying audio and visual evidence related to this case.

ZJY: In your film, some characters have great storytelling skills. Do you think they were able to bring the audience into the reality of how life was at that time?

AXM: I think a person's vivid story-telling ability does not necessarily indicate that what they are telling is the truth. What is more important is that when people enter into their genuine memories, we can see the state of their character and life. That state is real. From their words, the audience can feel and judge for themselves whether their stories are credible, how they experienced the past, and the kind of disasters they have witnessed. Even if a documentary is made up entirely of interviews with people, as long as the interviews are in-depth, the audience can still feel the importance of personal stories and will be attracted to the inner emotions of the narrator.

ZJY: Everyone has their own version of truth, making it a problematic concept to capture in a film like this. What does truth mean to you here, and what do you feel is the truth of Jiabiangou?

AXM: As I have said before, there is no such thing as absolute truth. Truth is the experience of individuals. It is also expressed differently since people's political experience and suffering are different. Ideology will always reinforce a certain kind of interpretation and only the explanations sanctioned by those in power are safe. Individuals who talk about the past based on their own experiences and understandings are at risk. Under such circumstances, you must explain the past in a tone that is politically correct and respects authority, rather than using the experience of your own life. With regard to the 'truth' of Jiabiangou, the most common explanation is that of the 'mother beating the child'—once she has admitted that she wrongfully beat you, the best choice for you is to just move on.

No one is stupid. The tragedies caused by dictators are well understood by everyone, including those in charge. Yet people are still frightened to speak up, because the social mechanisms that punish freedom of speech remain the same. This twisted

Stockholm Syndrome is widespread in China. Those who control society still have the power to decide on the life or death of a person. If you do not ‘embrace’ them, you will have no security, to the point where you could even lose the most basic conditions necessary for life itself. Under these circumstances, the victims have no way to form their own subjectivity. The ‘mother beating the child’ rhetoric is a barrier, a helmet, and an amalgamate of many other explanations such as: ‘once a tragedy has happened, let’s never speak of it again’, or ‘mistakes of the past were only partially wrong and have since been corrected’. Indeed, compared to the 1950s, people’s freedom has increased, and thought monitoring has become far less harsh. However, the one-party autocracy and their tight grip on power have not changed. This is the essence of our society.

The survivors of Jiabiangou are getting older, and many are retreating further and further away from the public world. Some passed away while we were filming. But through the documentary, they were given a voice again. Today, each interviewee still faces the predicament of having no freedom of speech. They must make choices on whether or not to speak, on what to say, and on how much to say. Still, you have some people who say: ‘If you turn off those cameras, I’ll tell you.’ People are outspoken in private, it is just when they face the public that their self-censorship mechanisms switch on.

The Jiabiangou labour camp has been dispersed, but the story did not end there. At the end of 2013, a group of survivors and families of the victims of the Anti-rightist Campaign in the neighbouring city of Lanzhou initiated a movement to establish a memorial at Jiabiangou. This received the support of many across the country, who sent in donations. However, the memorial was destroyed in less than two weeks after being erected, and public commemorations were banned. I had to deal with this ban throughout the filming process. This is why I believe that *Jiabiangou Elegy* is not purely a historical reflection, but also a representation of the present.

We have had many conflicting conversations with the past, and now we see these conflicts occurring in the present day. What we thought was the past has reappeared. We see large-scale production of revolutionary songs in the music halls. We see how some continue to summon up the spectre of the Cultural Revolution, even using its concept to explain the growing economic inequality in our society, arguing that society can be transformed with Mao Zedong’s theory of continuing revolution. I strongly believe that we are still haunted by the ghost of the Cultural Revolution. Therefore, *Jiabiangou Elegy* is an inquiry of the plights we face in today’s society. Even just to start such an inquiry is extremely difficult in China: unlike the discussion of the Holocaust, whereby camps such as Auschwitz

were closed, criminals were put on trial and sentenced, and the event continues to be commemorated, today in China we are faced with the same conditions and the inability to reflect on the event itself when we discuss the tragedy at Jiabiangou and the mistakes of the Anti-rightist Campaign.

ZJY: Apart from those difficulties you mentioned earlier, did you also experience any language difficulties when your interviewees spoke to you?

AXM: In everyday life, it is rare for people to express their pain through language. Mao-era indoctrination certainly did not allow for the description of the shortcomings of reality, let alone a portrayal of deep emotional pain. At the same time, the Mao era also praised an attitude of suffering—suffering is the manifestation of a true revolutionary spirit. We have all endured hard times, and we will take pride in facing hardship. It is like that saying by Mencius:

*When Heaven is about to confer a great office on any man, it first exercises his mind with suffering, and his sinews and bones with toil. It exposes his body to hunger, and subjects him to extreme poverty. [Gaozi II, here in the translation by James Legge, TN]*

The problem with this is that it conditions society to see suffering as a basic element of life. This is a unique symptom of totalitarian societies that seeks to eradicate the basic needs of its people, and look down upon their interests and hobbies. Even if life is filled with suffering, you must not say anything. Just like what Professor He Fengming said in the documentary: ‘You can’t say that you are hungry. If you say it, it would be an opposition to the Party’s food policy.’ This is a physical feeling, yet it is interpreted as anti-Party disobedience. This experience is indeed politically antagonistic and forces you to confront lies. But because many people choose to say nothing, as the years go on, they lose the very ability to speak.

Those in charge like to romanticise suffering, so that people can submit to them. Autocracies control people by creating a moral ideal for a utopia. In the case of communist autocracies, these ideals include creeds that demand you to dedicate your life to the collective and its goals, the leader, and the socialist system. Otherwise you have no significance, your life itself does not have value.

Furthermore, the system does not recognise the value of the individual and that life can be self-sufficient. The rights that mankind were born with have no place in the discourse of communist totalitarianism. People must abandon all this and



let communism project onto their lives. This is the only way for life to have purpose. Because of such an interpretation of life, people rarely discuss pain. In fact, they have become adept at hiding pain. When we actually face pain, it places us in an uncomfortable situation. Looking back at these distortions and splits in their minds, people fall into a pit of self-humiliation. This may be one reason why they tend to not look back.

ZJY: Speaking about the relationship between past and present, do you think that your truth is directly related to your experience and your situation?

AXM: Yes and no. It is related in that I am also a person of that era. I have experiences from my childhood similar to those of the characters in the documentary. We were imbued by the same communist totalitarian discourse, and we worshipped the same leader. Very soon, young people like myself grew to become the ‘young revolutionary forerunners’ that they needed. We became fanatic adherents of the Cultural Revolution. And although the people I interviewed were older than me—more accurately, they were seniors in the same political movement—we are all survivors and witnesses of the same era. I do not have a feeling of disassociation with their experiences. In this regard, their stories were like the previous season to my own story.

When I conduct interviews, I first explain my own ideas to the interviewees to try to get them to understand, then I start filming with their consent. As I mentioned earlier, this was not too difficult, probably because the interviewees and I grew up in the same era. Similarly, when I interviewed researchers about the Great Famine, it was very easy for me to understand them. We have similar values, and continue to support each other. We are all survivors of the Mao era, and the political logic of that time is familiar to all who have lived through it.

The outcome of the same interview conducted by someone who was born in the 1980s or 1990s may have been quite different. They must overcome their own era, as the generations who came after the Cultural Revolution have their own personal experiences. Those who were born in the 1980s and 1990s have not seen hunger and poverty on such a scale, nor have they experienced a multitude of acts of class discrimination and political taboos. Conversations between contemporaries and those across different generations will be quite different. Plus, a younger director may choose to adopt different creative methods. I have not tried a dramatic approach yet. So far, I have made my films in a straightforward way. This could be my problem, or my limitation.

ZJY: Does the 'truth' presented in your documentary have anything to do with your situation, including the fact that you were monitored 24/7 and that government officials came to you and asked you not to shoot this film?

AXM: First, I will talk about how I and the people portrayed in the movie are different. Rightists are seen as dissidents, but in reality a lot of people are not actually dissidents. Many interviewees said that they were classified as a 'rightist' simply because they had a poor relationship with their superior in the work unit, or that it was purely because they needed people to make up the arbitrary quota for 'class enemies'. These people became adversaries, pushed to the bottom of society and suffered immensely. Such an experience is the awful fruit of class struggle.

ZJY: The famous 'rightist' Zhang Xianchi once said: 'They started by calling me a rightist, but they were wrong, because at that time I wasn't a rightist. I was then rehabilitated, but they were wrong again, as I have since actually become a rightist.'

AXM: A large number of people who were classified as 'rightists' truly loved the Communist Party at that time. Even now, some people still love the Communist Party, or at least that is what they say. They see the Party and the state as being 'our own'.

Like other political movements, the Anti-rightist Campaign was based on the principle of class struggle. In order to continue the struggle, even when there were no enemies, they had to create new ones to survive. The purpose was to consolidate power, to suppress different voices, and to create a sense of fear within society. Only when fear becomes absolute, can a dictatorship go unimpeded. Political movements are a tool to discipline society and to morph its values. Human tragedies are the high price we pay.

When we call someone a dissident today, we refer to the fact that they are politically critical. This is a consciously chosen act—all intellectuals must bear the burden of being in this position.

ZJY: Many interviewees in *Jiabiangou Elegy* talk about the inability and impossibility of resistance.

AXM: I think a lot of people considered resisting. But as someone in the film said: 'You can't even walk, how do you resist?' That person may have cursed the authorities from within, but there was absolutely no way to openly and effectively resist. I believe that if, hypothetically, we were put in the same position today, we would not be able to resist either. Moreover,

you can also see this in today's society: if the authorities catch enough dissidents, the remaining ones will reconsider their own behaviour, as most people would not be able to bear the cost of going to prison.

ZJY: So what to do?

AXM: I think we can follow the example of human rights activists like Guo Feixiong and Tang Jingling who fought back with determination and paid the price for this, ending up in prison or under long-term soft detention. That is the answer to what to do.

ZJY: After the documentary series on the Sichuan earthquake, I feel that you are consciously shaping a new social personality through your films. Tan Zuoren [an environmental activist who in 2010 was sentenced to five years for 'inciting subversion of state power' for his activities to expose official malfeasance that led to the collapse of many schools during the earthquake, TN], the artist Ai Weiwei, and volunteers of the earthquake are all people with a new kind of personality.

AXM: These people hold up a new image of what it means to be a citizen. I have not used the concept of a 'new citizen' (新公民) but of a new 'citizen image' (公民形象). Compared to members of the public who are still unaware of their civil rights, these people have been awakened to their rights. In the documentary series on the Sichuan earthquake, we see that the most widely used concept was that of 'rights protection' (维权). Since my documentary *Garden in Heaven*, all the films I have produced follow those who are actively defending their rights—whether they are lawyers, scholars, artists who advocate for civil rights, or those who resist the deprivation of their rights, such as the parents of schoolkids who perished in the earthquake, people infected with HIV through blood transfusions, or villagers deprived of land. Their appeals are beyond their own interests, they advocate for all citizens to have rights. These are the rights-defending citizens that I have shown in my films. If you want to categorise them as 'new citizens', it is not incorrect.

This new citizen is based on a tolerant political ideal, i.e. the idea that the ruler will respond to the citizens' demands, recognise the defects of his governance, and make adjustments and improvements. As a result, people's efforts can bring about a real change. This fantasy has been shattered by the government's actions. The severe political pressure unleashed through governmental response has made it clear that it is unshakeable, it does not need to listen, it has idolised itself. What happened in the past, the demonisation of those critical of the government, is taking place once again.

ZJY: In other words, the fantasy was that citizens have the ability to force those in power to abide by the law and to promote social change. This is the ideal state of interaction between the government and the people.

AXM: Correct. After the Cultural Revolution, there was a saying called ‘bringing order out of chaos’ (拨乱反正). It was a government-led effort at ‘correcting errors’. People support good governments, but it is difficult for individuals to participate in government decisions. The rise of the Internet has given people a platform to exchange ideas, and through that, they realised that civil participation can propel the government to shift from the ‘rule of man’ (人治) to ‘good governance’ (善治).

This understanding is a huge breakthrough in terms of self-awareness of the citizens. Many years of authoritarian rule have made people fearful of the government to such an extent that they did not dare to participate in public politics. The change brought about by the Sun Zhigang incident [the death of a young migrant as a result of physical abuse that he suffered while detained under China’s custody and repatriation system back in 2003, *TN*] has made ‘rights protection’ into a positive thing in the public eye. The significance of being a citizen is that it puts you in a position to demand that the rights given to you in the law are fulfilled. This is the basis for the rise of the identity of being a citizen.

Conflicts between citizens and the government have traditionally been seen as a conflict of understandings—it is those in power who are wrong, not the system itself. The civil right movement is seen as a peaceful social movement, an exercise in citizens’s self-education and self-awareness. Power’s wickedness can be confronted, as long as the people’s will to criticise is strong enough.

But today, it appears that such an imaginary is very naïve and has been greatly influenced by the doctrines of the Party-state. For example, Premier Wen Jiabao in the past called for fairness and justice, and so people took up this rhetoric and asked for fairness and justice. Now that this moderate approach has failed, people are forced to choose again. They must make adjustments to their past behaviours, ideals, and beliefs. Activists like Guo Feixiong, Tang Jingling, Xu Zhiyong, Pu Zhiqiang, Ai Weiwei, and others have all tried to appeal to the government’s own system and discourse in an attempt to advance advocacy and dialogue. All of them have been smeared and punished, one after the other. It is now commonplace to charge people like them with the crime of ‘inciting subversion of state power’. It is as if they cannot wait to revert back to the 50s.

However, the ideas and actions of these ‘new citizens’ have nurtured a large number of people within society. The potential for a social movement still exists, we know that it is impossible to completely eradicate these movements. We can also see that many interest and rights groups, including veterans, have continued to petition, going to Beijing and handing in petitions as collectives. Some incidents have taken an even more dramatic form, such as the violent rebellions against demolitions. So despite the strict monitoring and deletion of social media posts, open political confrontation has not disappeared, in fact it has gained more influence. And as for those posts that directly challenge the one-party dictatorship, had it not been for the constant silencing, the criticisms would have gained more and more support.

ZJY: Do you have any expectations for the audience of *Jiabiangou Elegy*?

AXM: Every work has a life of its own. I believe that if this film succeeds in providing a detailed account of the tragedy at Jiabiangou, it will be useful for those who want to understand this particular period of history. But as for how people will use it, I do not know, because it is beyond my control.

I will give this movie to my fellow citizens, and the scholars and artists whom I come across. In these circles, people can view it and discuss it among themselves. I also hope that schools can have viewing sessions, and that university libraries can keep a copy. In short, it is a great regret that this documentary cannot be distributed freely and publically. I can only hope that people will continue to use it in their own way. It is like writing an article and then storing it in a database to which people can have access.

I believe that international viewers are free to watch this film. Viewers in Hong Kong and Taiwan can also see it. However, in a democratic society people’s concerns may not be the same as ours. How much does our work have to do with them? For the average person, probably not a lot. For independent Chinese documentaries such as this, the audience is still largely domestic. *Jiabiangou Elegy* represents our current efforts to fight for a free and democratic society in China. The main participants of this movement are the people who the documentary addresses. ■

Translated by Isabella Zhao



*Tales of Hope, Tastes of Bitterness* by Miriam Driessen (Hong Kong University Press 2019).



## Tales of Hope, Tastes of Bitterness

A Conversation with Miriam Driessen

Nicholas LOUBERE

How is China's success in Africa experienced by those who work on the Chinese-run construction sites that have emerged across the continent? In *Tales of Hope, Tastes of Bitterness* (Hong Kong University Press 2019), Miriam Driessen follows the lives of Chinese road builders in Ethiopia to reveal the friction of Chinese-led development on the ground. Workers' hopes of transforming Africa and Africans and their expectations of gratitude remain unmet, as Ethiopian labourers and state entities challenge their work, expertise, and goodwill. Unravelling the intricate dimensions of *Ethiopian-Chinese* encounters, this book shows how power structures are contested and reshaped on and along the building site.

Nicholas Loubere: While most of the media and popular discourse focuses on 'China in Africa'—with an emphasis on China as the actor—this book flips the script and examines *Ethiopian-Chinese* encounters, with a more granular emphasis on the agency of local people. What does it mean to look at China and Africa from this perspective?

Miriam Driessen: In *Tales of Hope, Tastes of Bitterness* I cast light on Chinese-led development in Ethiopia from below to reveal its contested nature. I address the discrepancy between

the frequently noble, and at times lofty, aspirations of Chinese road builders and the much less rosy realities they face on the ground. For these Chinese migrants, the attitudes of Ethiopians bear little resemblance to what they initially envisaged, leaving them resentful of the apparent ingratitude of the locals, their lack of cooperation, and worse, their attempts to sabotage the construction work.

Drawing inspiration from Adams Bodomo's work, I refer to *Ethiopian-Chinese* encounters to emphasise that Ethiopian actors, from politicians and bureaucrats to rank-and-file workers and residents who live along the construction sites, often set the terms of the encounter as well as its outcomes. I should say, however, that the book does not entirely flip the script. It still takes the Chinese perspective as its focus. Apart from foregrounding the agency of Africans—as a number of Africanist scholars have convincingly done in recent years—it highlights the perceived lack of agency on the Chinese side. The powerlessness, acutely felt by Chinese men and women who shoulder the task to carry out infrastructure projects across Ethiopia and other parts of Africa, was a dominant theme; one that I believe is revealing of the power dynamics underpinning the encounter.

The value of studying *Ethiopian-Chinese* encounters lies in the recognition of the relationship as a mutual one. Certainly, Chinese involvement in Ethiopia has introduced power asymmetries; however, structures of domination and subordination, I show in my book, are challenged and reshaped on the ground.

NL: Chinese companies in Africa are often depicted as powerful exploiters of African labour. However, you depict an Ethiopian workforce that has its own ways of asserting itself. How effective were their methods and how were they perceived by the Chinese?

MD: For my research I spent days on end observing earth, masonry, and asphalt works. I accompanied staff on the road in dump trucks, rickety pickups, and fancy four-wheel drives, and resided in Chinese and Ethiopian workers' camps, sharing meals, conversations, and experiences. What struck me during my observation of daily construction activities, were indeed the powerful and creative ways in which Ethiopian rank-and-file workers asserted themselves. Their gumption in challenging managerial authority stands in sharp relief to the common image of the exploited African worker.

To be sure, power or agency—the capacity to exert power—is hard to measure. This is no less true for the power dynamics embedded in the relationship between Chinese managers and the Ethiopian labourers under their direction. Certainly, it is

easy to romanticise resistance. What we tend to forget, however, is that Chinese management and Ethiopian workers are utterly dependent on one another. Although Chinese employers control the means of production, they are unfamiliar with cultural practices and disconnected from local networks of power. They rely heavily on the cooperation of the Ethiopians for access to labour, resources, and political goodwill. The Chinese are and remain outsiders. This increases their vulnerability.

On the construction site, Ethiopian workers assert themselves through a broad range of methods, from subtle transgressions such as slowing down the work pace, leaving the work site without permission, casual chatting, and drinking beer during work time, to open modes of subversion, including filing lawsuits against their employers and staging labour strikes. Resistance—or subversion, as I prefer to call it in this context—was assertive and daring, often flying in the face of Chinese managers.

Workers typically challenged expatriate management from *within*. They used the same tools and methods that management deployed to discipline the workforce. While Chinese foremen, for instance, pushed casualisation to extremes, by replacing workers after even the slightest confrontation, labourers appropriated this tactic by voting with their feet and leaving themselves. Often workers would leave one Chinese company for another, thereby playing Chinese employers against each other.

In the book I discuss not only the manifestations of agency, but also the mechanisms that work to increase this agency, such as the Ethiopian legal system. The *wereda* courts—the lowest-level state courts in Ethiopia—assume a critical role in mediating labour-management relations, providing both a forum where labourers can voice their grievances and an avenue through which they can enhance their leverage against expatriate management. Indeed, in the courtroom workers prove most successful in fighting their Chinese employers.

The response of Chinese managers to these subversive efforts was mixed. They often acquiesced, attempting to reach a compromise. As workers grew bolder and alliances among various actors stronger, Chinese managers were compelled to give way over contractual arrangements and wage levels. The honour derived from ‘helping Africans develop’—the narrative used by many Chinese employers to describe their own activities in Ethiopia—thus had a distinctly bitter taste.



NL: In this book, you highlight the importance of using patterns of Chinese domestic development as a lens through which to better understand how Chinese companies and migrants operate in foreign contexts, such as the ones you examined in Ethiopia. What can we learn from domestic China that is useful for China overseas? And why is this so often ignored?

MD: *Tales of Hope, Tastes of Bitterness* attempts to understand Chinese road-building activities in Ethiopia in part by looking at what is happening in China. Chinese approaches to, and views on, development in Ethiopia are informed and inspired by domestic development. This holds true for the ideological assumptions that drive development in China as well as the structural dimensions that underpin it.

Decades of rapid economic growth in China have produced a vested belief in the power of markets and the submission of the self to production as a precondition for wealth generation. Self-development has been the norm, if not duty, of all citizens. Chinese typically credit the present state of their country to the blood, toil, sweat, and tears of individuals motivated to improve their lives and society as a whole. The road builders transported these ideas to Ethiopia and projected them onto Ethiopian labourers.

Expectations of development were also informed by the socio-political structures that underlie development in China, including the nature of state-society relations and the coalitions between local governments and industries that have long driven domestic growth. In order to boost the local economy, county and city governments have been active participants in attracting investment from outside, and have attempted to retain industries by creating a favourable business environment. This explains, for instance, the frustration of Chinese road builders with local governments in northern Ethiopia, which in their eyes fail to protect their interests as foreign investors, or worse, even take them to court.

In Ethiopia, Chinese involvement cuts across sharp central-local divisions. Whereas the Ethiopian federal state is generally supportive of Chinese activities, local governments are inclined to defend the interests of members of the local community, including Ethiopian labourers employed by Chinese firms. I describe these dynamics in chapters 5 and 6 of the book.

Why has the link between domestic and overseas development been overlooked? One of the main reasons, I believe, has been the emphasis on the pull factors of Chinese involvement in, and migration to, Africa. ‘What is there to get in Africa for China?’ is a question that has long occupied the (Western) media. Certainly, this discourse has shifted somewhat after the introduction of the Belt and Road Initiative (BRI), when observers started to draw a link between Chinese outward investment and

socioeconomic transformations in mainland China, identifying a spill-over effect. However, this spill-over—in terms of not only commodities, but also human resources—did not start with the BRI. It has been going on for much longer. In fact, the BRI has changed little with regard to Chinese engagement with Ethiopia, apart from the discourse that boosts the confidence of Chinese developers and instils them with a sense of purpose.

NL: You talk about the significance that migration and the act of ‘being on the move’ has for Chinese migrant workers in Ethiopia. Can you elaborate on what the act of migration meant for the identities and self-perceptions of your Chinese interlocutors? Does this tell us anything more generally about the significance of the unprecedented movement of Chinese people over the past four decades?

MD: Development drives rather than curbs migration. China provides a primary example. Since the country’s opening up, economic growth has fuelled unprecedented mobility, initially from the countryside to the cities. Rural-urban migration and overseas migration to countries in Asia, Africa, and South America are in fact intimately linked. I argue that there has been a shift of the migration frontier from rural-urban migration to overseas migration. I hasten to add, however, that I am talking about a particular group of men and women who self-identify—often somewhat sarcastically—as ‘peasant workers’.

Chinese mobility to Africa reflects socioeconomic shifts in China. There is, for instance, a growing number of middle-class Chinese youths who are attracted to Africa for similar reasons as their Western counterparts are: curiosity, life experience, and adventure. This group is different from the one I discuss in my book. The men I worked with had either been rural-urban migrants in China or were the children of this generation and the first ones in their families to enjoy higher education. Their main reason for moving to Ethiopia was—as many frankly admitted—a higher salary. Overseas migration enabled them to craft a more secure and comfortable life in China. Migration was an important avenue for social upward mobility.

The bitter reality is, however, that migrant men can only sustain their newly gained middle-class lifestyle by staying abroad. Many of them have been unable to taste the fruits of their overseas employment. Facing limited employment opportunities in a dwindling construction sector at home, they cannot go back. Only those with connections are able to return, and even then, their employment is hardly satisfying, as some returnees confided. Reluctant to compromise on a lower salary or enter a period of unemployment, many feel they do not have a choice but to stay in Ethiopia.

Again, the book tells the story of a particular generation of predominantly men. Born and bred in rural China, this generation finds itself in a state of suspension, stuck as they are between China and Africa, between a poor rural background and an insecure urban future, and between enduring hardships and enjoying comforts. This generation is the child of China's rapid economic growth and the radical social transformations it has spawned in its wake. ■

# CONTRIBUTOR BIOS

## **Ai Xiaoming**

Before retiring, Ai Xiaoming was a Professor in the Chinese Department at Sun Yat-sen University. She is also a feminist scholar, rights activist, and independent documentary filmmaker. In the 1980s and 1990s, Ai's academic work focussed on modern and contemporary Chinese literature and comparative literature. In 1999, she moved to the United States for one year to conduct research on women and gender studies. After returning to China, she continued to focus on women, gender, and cultural studies. Since 2003, she has actively participated in feminist/citizen activism, and independent documentary filmmaking. Her well-known documentary films include *Garden in Heaven* (天堂花园, 2005), *The Taishi Village* (太石村, 2005), *The Epic of the Central Plains* (中原记事, 2006), *Our Children* (我们的娃娃, 2009), and *Three Days in Wukan* (乌坎三日, 2012). In 2010, she was awarded the 'Simone de Beauvoir Prize' along with women rights activist Guo Jianmei. Ai's latest documentary *Jiabiangou Elegy: The Life and Death of Rightists* (夹边沟祭事) was premiered in Hong Kong in 2017 at the Chinese Independent Documentary Lab.

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Børge Bakken has worked at Oslo University, Copenhagen University, Harvard, Ludwig Maximilian Munich University, Hong Kong University, and The Australian National University. He has written extensively on sociological and criminological issues in China. Among his books are *The Exemplary Society* (Oxford University Press 2000) and *Crime and the Chinese Dream* (Hong Kong University Press 2018).

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**Yi Xiaocuo**

Yi Xiaocuo is a doctoral researcher who has lived in China and is now based in North America. The phrase *yi xiao cuo* in Chinese originally means ‘a small bunch.’ It is a recurring term in the Chinese Communist Party’s historical discourse to denigrate political dissidents, for example during the Cultural Revolution or the June Fourth Incident. Writing on a wide range of topics such as the politics and history of China and borderlands, Yi Xiaocuo uses this pen name to reclaim the political stance of social justice that is often underrepresented and stigmatised by the state’s propaganda machine.

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Zeng Jinyan, writer, scholar, and documentary filmmaker, was the 2017 Oak Fellow at Colby College. She earned her PhD at the University of Hong Kong in 2017. Her book *Feminism and Genesis of the Citizen Intelligentsia in China* (City University of Hong Kong Press 2016) received a Publishing Award in the Social Science category of the 2017 Hong Kong Publishing Biennial Awards. Zeng co-directed the documentary film *Prisoners in Freedom City* with Hu Jia (2007), wrote the script for the animation short *A Poem to Liu Xia* (Trish McAdam 2015), and produced the feature documentary film *We The Workers* (2017).

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