

GOVERNMENT POLICIES OF MODERN CHINA AND THE UNITED STATES OF
AMERICA TOWARDS INDIGENOUS NATIONAL MINORITIES

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There are many parallels between the governments of the U.S.A. and China in regards to policies towards indigenous national minorities. This comparative study begins at the 18th century for the U.S. and the 17th century for China. At some points in time, China is more progressive in its policies than the U.S. and vice versa at other times. Both nations currently profess that they have good and fair policies to protect and support their national minorities, specifically Native Americans in the United States. These governments may or may not have influenced one another, but there are some interesting correlations between the dates at which policies were enacted. Citizens would be prudent to examine government policies past and present rather than simply believe popular rhetoric.

In recent times, the governments of China and the United States of America have criticized one another on their internal relationships to the indigenous national minorities within their respective borders. The governments of both China and the U.S. consider themselves as being one republic with many nationalities incorporated. In contrast, the Soviet Union was a conglomerate of many united republics, which were populated by segregated nationalities.¹ The national minorities within the bounds of China and of the U.S. would have to be addressed by special policies because the national governments have been and continue to be

¹ Colin Mackerras, China's Minority Cultures: Identities and Integration Since 1912 (New York: St. Martin's Press, 1995), 10.

unwilling to allow secession of territories populated by any segment of the population.

China currently recognizes fifty-six nationalities including the Han nationality, which comprises the majority of the population. The remaining fifty-five “national minorities” (*shaoshu minzu*)² comprised 6.7 percent of the population in 1982 and 8.04 percent of the population in 1990.³ During the Qing period (1644 -- 1911) and the Republican period (1911 -- 1949), there were only five recognized nationalities, including the Han Chinese, Mongolians, Manchus, Tibetans, and Muslims. All other minorities were considered insignificant. To commemorate the unity of these groups, the Chinese Nationalist Party or Guomindang (GMD) referred to China as the “Republic of Five Nationalities”⁴ and placed five stars on the national flag. The Chinese word *minzu* is a combination of two ancient Chinese words; *min* means ‘a people’ and *zu* means ‘an ethnic group.’ Together, they indicate the Western meaning of nation or nationality. This word came into common use in 1882.⁵

During the period of the People’s Republic of China (PRC) (1949 to present), policies toward minorities changed. In 1953, the PRC government dispatched ethnologists to identify the national minorities. Once it was known that minorities would be regarded as equals, more than four hundred groups registered by 1955.⁶ The majority of the petitions were, of course, denied. At first there were only eleven recognized minorities, including the Miao of the southwest region.⁷ The process of assimilation versus autonomy of the minority nationalities of China will be discussed in a temporal fashion in a comparison with similar policies in the U.S. in regards to the Native American Indian populations. The U.S. did not attempt to force different communities to clump together within a

² Thomas Heberer, China and its National Minorities: Autonomy or Assimilation? (Armonk, New York: M.E. Sharpe, Inc., 1989), 13.

³ Colin Mackerras, China’s Minorities: Integration and Modernization in the Twentieth Century (New York: Oxford University Press, 1994), 237.

⁴ June Refuel Dreyer, China’s Forty Millions: Minority Nationalities and National Integration in the People’s Republic of China (Cambridge, Massachusetts: Harvard University Press, 1976), 16.

⁵ Mackerras (1994), 6.

⁶ Mackerras (1994), 142.

⁷ Norma Diamond, “Defining the Miao: Ming, Sing, and Contemporary Views,” in Cultural Encounters on China’s Ethnic Frontiers, ed. Stevan Harrell (Seattle: University of Washington Press, 1995), 108.

single political unit as did the Chinese; although, some previously nomadic tribes did choose to form alliances on their own. Like China, the U.S. government did not recognize all of the applicants for federal recognition. However, many native nations who failed to receive federal recognition did receive state recognition. There are currently 333 federally recognized tribes within the contiguous 48 states, 227 federally recognized tribes in the State of Alaska,⁸ the Native Hawaiians, and numerous state recognized tribes not currently recognized by the federal government.

The American colonies declared independence from Great Britain in 1776. At that time, the young nation needed the support Indian peoples to lend credibility to the legitimacy of its government. Since England and France and various other European nations had recognized the sovereignty of the Indian nations as independent entities with which to enter treaties; then, entering into treaty agreements with various Indian tribes would also legitimize the United States.⁹ After about thirty years, the Indian nations had served their purpose and were later considered a hindrance to the expansion of the U.S. There were still, however, some interest in ethnographic observations of some tribal entities. Lewis Henry Morgan wrote about the Iroquois Confederacy in a work titled *Ancient Society* in 1877. Frederick Engels was influenced by this work and followed it in 1884 with his piece titled *The Origin of the Family, Private Property and the State, in Light of the Researches of Lewis Henry Morgan*.¹⁰ Karl Marx also gleaned information from this source. Benjamin Franklin and Thomas Jefferson made their own personal observations and writings regarding the Iroquois Confederacy as well as other native nations. It is ironic that the social system of one Indian nation, the Iroquois Confederacy, indirectly influenced the origin of two apparently opposing superpowers; the PRC was influenced by the observations and writings of Frederick Engels and Karl Marx; and the U.S. was

⁸ Nancy Bonvillian, [Native Nations: Cultures and Histories of Native North America](#) (Upper Saddle River, New Jersey: Prentice Hall, 2001), 589B.596.

⁹ Ward Churchill, "The Crucible of American Indian Identity: Native Tradition versus Colonial Imposition in Postconquest North America," in [Native American Voices: A Reader](#), 2nd ed., ed. Susan Lobo and Steve Talbot (Upper Saddle River, New Jersey: Prentice Hall, 2001), 39.

¹⁰ Bruce E. Johansen, [Forgotten Founders: How the American Indian Helped Shape Democracy](#) (Harvard and Boston, Massachusetts: The Harvard Common Press. 1982). 19.

influenced by the observations and writings of Benjamin Franklin and Thomas Jefferson.¹¹ In 1803, Thomas Jefferson viewed the process of assimilation as the answer to the Indian Question.

In truth, the ultimate point of rest and happiness for them is to let our settlements and theirs melt and blend together, to intermix, and become one people. Incorporating themselves with us as citizens of the United States, this is what the natural progress of things will, of course, bring on, and it will be better to promote than retard it.¹²

Many of the eastern tribes did assimilate with white and black populations nearby. Five southern tribes -- Cherokee, Choctaw, Chickasaw, Creek, and Seminole -- were renowned as “civilized” but this fact did not save them from forced removal to the western Indian territories in the 1830s.¹³

The U.S. continued to make treaties with various tribes during the 1850s and 1860s with the intent of subjugating the people and causing political and military rifts between the full-bloods and the mixed-bloods. By affording more privileges and land to the mixed-bloods, irregardless of political and social ranks within the tribe, the U.S. was able to weaken the military resistance of the Native peoples.¹⁴ By 1871, the U.S. Congress was able to suspend the practice of treaty making with Indians. In 1885, Congress passed the Major Crimes Act, which extended the U.S. criminal jurisdiction into the reserved Indian territories. The most significant policy of nineteenth century U.S. towards its national minorities occurred in 1887. The General Allotment Act, also known as the Dawes Act, was enacted to destroy the communal relationship between the people in regards to land.¹⁵ Land was not viewed as personal

¹¹ Donald A. Grinde Jr. and Bruce E. Johansen, “Perceptions of America’s Native Democracies: The Societies Colonial Americans Observed,” in Native American Voices: A Reader, 2nd ed., ed. Susan Lobo and Steve Talbot (Upper Saddle River, New Jersey: Prentice Hall, 2001), 85.

¹² Churchill, 37.

¹³ Churchill, 38.

¹⁴ Churchill, 39.

¹⁵ Churchill, 40.

property. Land was viewed as a living entity that supported the lives of the people in the community. The people of a community in turn had a physical and spiritual relationship with the land and with each other as members of a supportive, extended family. It was mandated that all reservation lands be divided into parcels of 160 acres for families and 80 acres for individuals. After the allotments were legally distributed, the remaining lands were declared as “surplus.” The surplus lands were bought by the U.S. and then made available to non-Indians.¹⁶ In the early 1890s, the U.S. Congress further divided the Indian people by forcibly removing their children and sending them far away to boarding schools run by Christian missionaries in a militaristic fashion. In 1900 alone, there were 21,568 children detained in the boarding schools. That was about a third of all indigenous children of the desired age group. By the 1920's, 80 percent of the children from later generations were being ushered into the boarding school system.¹⁷ This practice continued well into the twentieth century.¹⁸

In 1893, the U.S. usurped power from the Native Hawaiians. President Benjamin Harrison ratified the treaty of annexation in February, 1893 but before it could get to the Senate, Grover Cleveland replaced Harrison as President. Cleveland then held the bill until he left office. In the meantime, Sanford Dole and Lorrin Thurston, sons of Christian missionaries, set up a provisional government and held a constitutional convention. Less than 20 percent of the voting population participated, but the paper work was legal enough so that when William McKinley became President of the U.S., the non-Natives were able to legally cede Hawaii to the United States. The traditional peoples of Hawaii who had a world-recognized government in 1892, were now living in the “Territory of Hawaii.”¹⁹

During the eighteenth and nineteenth centuries, China was still under the rule of the Qing dynasty. The imperial family was Manchurian, a minority nationality, which had become Sinicized in many respects since its rise to power in 1644. Although the ruling

¹⁶ Bonvillain, 23.

¹⁷ Churchill, 42.

¹⁸ Susan Lobo and Steve Talbot, eds., Native American Voices: A Reader, 2nd ed. (Upper Saddle River, New Jersey: Prentice Hall, 2001), 188.

¹⁹ Poka Laenui, “The Rediscovery of Hawaiian Sovereignty,” in Native American Voices: A Reader, 2nd ed., ed. Susan Lobo and Steve Talbot (Upper Saddle River, New Jersey: Prentice Hall, 2001), 147.

Manchurians adopted many Chinese customs, they did maintain their independence by preventing intermarriage between their women and Han men.²⁰ The Han were very ethnocentric and had a disdain for any other culture. All other ethnic groups were considered barbarians, so the obvious solution to internal conflicts was to assimilate the minority peoples. In some areas, the Sinification was successful enough so that instead of dealing with native officials, the courts appointed Han officials. In other areas, the Qing government instituted a policy of increasing the number of native officials so that the size of the areas under their control was reduced, thereby weakening the power of individual officials.²¹

The Yongzheng Emperor adopted the foreign policy instituted by Eertai, a Manchu official, in 1726 and again in 1732. This policy was the abolishment of hereditary chiefs as leaders of minority regions. Instead, the court appointed Han officials or arbitrarily chosen representatives from the minority populations to lead the people.²² Tibet was one of the regions where the Qing court interfered with the methods of choosing a leader. Instead of allowing the noble families to choose the reincarnation of the Dalai Lama, the Qing court supervised the selection and made assurances that the new leader came from a common family so that the noble families would not remain so powerful.²³

In areas where the natives were beyond the total control of the Qing government, a tribute system was utilized.²⁴ The non-Han peoples in the border regions paid their tributes to the Ministry of Rituals in exchange for the privilege of being allowed to trade with China. The foreigners were usually closely guarded and made to leave promptly once their business was concluded. Sometimes, powerful entities were allowed to stay for extended periods and communicate freely with scholars and officials; but for the most part, foreigners were kept at a distance.²⁵ The Han so disliked foreigners that they used “patronizing or deliberately belittling

²⁰ Jonathan D. Spence, The Search for Modern China, 2nd ed. (New York: W.W. Norton & Company, Inc., 1999), 38-39.

²¹ Dreyer, 11.

²² Mackerras (1994), 25. Paraphrasing Fang Chao-ying in Arthur W. Hummel, ed., Eminent Chinese of the Ch'ing Period (1644-1912) (United States Government Printing Office, Washington, D.C., 1943) 601-3.

²³ Dreyer, 11-12.

²⁴ Dreyer, 10.

²⁵ Spence, 118.

language”²⁶ to describe them. For instance, the Yi people of the southwestern region are also called Lolo, which means ‘the basket that contains the spirit of the deceased.’ Another nearby tribe bears the name Lisu, which means ‘good for nothing.’ The Yi people prefer to call themselves Nosu, which means ‘black people;’ however, they are increasingly using the name Yi, which means ‘foreigner.’²⁷ In all periods prior to the establishment of the PRC in 1949, some members of the Yi peoples were treated as assimilated offshoots of the Han population; while other sections were treated as foreigners that required pacification due to their violent behavior towards Han settlements.²⁸

At the end of 1911, the Qing dynasty fell. Sun Yatsen’s Revolutionary Alliance founded the Republic of China January 1, 1912. Sun was the provisional president of the republic until he offered the position of president to the militaristically powerful Yuan Shikai.²⁹ April 22, 1912, President Yuan Shikai issued a presidential decree that all nationalities of Mongolia, Tibet, and Xinjiang were now citizens of the Republic of China.³⁰ The United States followed suit in 1924 with the American Indian Citizenship Act, which forcibly imposed U.S. citizenship upon all Indians not already naturalized by the Allotment Act of 1887³¹ and allowed non-Indians ultimate access to Indian lands and resources.³²

Yuan Shikai declared himself emperor in 1915, but then died in 1916. A period of warlordism followed³³ before Sun’s Nationalist Party (GMD) attempted to reassert its control over China in 1921.³⁴ 1921 was also the year that the Chinese Communist Party (CCP) held its first meeting in Shanghai.³⁵ For the next twenty-eight years, these two political parties battled for supremacy in China.

²⁶ Spence, 119.

²⁷ Alain Y. Dessaint, Minorities of Southwest China: An Introduction to the Yi (Lolo) and Related Peoples and an Annotated Bibliography (New Haven: Hraf Press, 1980), 3.

²⁸ Dessaint, 13.

²⁹ Spence, 263.

³⁰ Mackerras (1994) 53.

³¹ Churchill, 42.

³² John Mohawk, “Directions in People’s Movements” in Native American Voices: A Reader, 2nd ed., ed. Susan Lobo and Steve Talbot (Upper Saddle River, New Jersey: Prentice Hall, 2001), 174.

³³ Spence, 282-3.

³⁴ Mackerras (1994), 54.

³⁵ Spence, 311.

Sun Yatsen was the first to develop the idea of creating a united nation in China. He used the term nationality (*minzu*) in his acknowledgment of five races of people that must unite to form a strong nation³⁶ as indicated in his speech of March 6, 1921.

The name “Republic of Five Nationalities” exists only because there exists a certain racial distinction, which distorts the meaning of a single Republic. We must facilitate the dying out of all names of individual peoples inhabiting China, i.e. Manchu's, Tibetans, etc. In this respect we must follow the example of the United States of America, i.e. satisfy the demands and requirements of all races and unite them in a single cultural and political whole.³⁷

The GMD continued the policy of assimilation even while Sun simultaneously spoke of leading the minority nationalities towards self-determination and self-government.³⁸

After Sun died in 1925, Chiang Kaishek became the leader of the GMD.³⁹ Unlike Sun, Chiang denied the very existence of different nationalities within China⁴⁰ and even denied any chance of autonomy for Inner Mongolia or Xinjiang because of his strong dislike of any policies that resembled communism.⁴¹ The GMD considered Tibet as Chinese territory but held no military control there and so it remained virtually autonomous until the CCP took over. The CCP came to power in 1949 and founded the PRC. The CCP sent troops to Tibet and by 1951 had taken control of the region. Tibet was allowed to remain autonomous until 1959 when

³⁶ Mackerras (1994), 55.

³⁷ Mackerras (1994), 56, quoting Sun Yat-sen, Memoirs of a Chinese Revolutionary, A Programme of National Reconstruction for China (AMS Press, New York, 1970), 228-9.

³⁸ Diamond, 106.

³⁹ Spence, 322.

⁴⁰ Heberer, 18.

⁴¹ Mackerras (1995), 9.

the rebellions were put down and the Dalai Lama fled to India.⁴² The Dalai Lama was the political leader of Tibet as well as the religious leader so once he was gone, the CCP was free to inaugurate its own system of leadership in the region.

The U.S. government behaved similarly towards the supposedly autonomous nations of American Indians in the 1930s with Franklin D. Roosevelt's New Deal policies. Roosevelt appointed John Collier as Commissioner of Indian Affairs who worked towards improving relations between the federal government and Indian peoples. After reviewing the deplorable living conditions of the Indians in a national report from 1928 called the "Meriam Report," Collier reversed the 1887 Dawes Act with the passage of the 1934 Indian Reorganization Act (IRA), also known as the Wheeler-Howard Act. This act established the right of self-government, with some limitations, on Indian reservations.⁴³ Collier also reversed the 1902 "short-hair" order of Indian Commissioner W.A. Jones, "which banned not only long hair but also body painting by both sexes, the wearing of Indian clothing, religious dances, and 'give-away' ceremonies, which is the custom of giving away goods and possessions on important ritual occasions."⁴⁴

Unfortunately, the IRA also set new criteria for establishing tribal membership and thus provided the U.S. government with a new form of control over the Indian nations. The Bureau of Indian Affairs (BIA) often provided false information to tribal voters and even rigged the outcome of elections.⁴⁵ This American form of neocolonialism forced a new method of assigning leadership that had a democratic façade.⁴⁶ Prior to this act, each tribe had a different method of choosing political leaders. Some leaders were utilized specifically during peacetime or wartime. Some tribes had hereditary leaders and some tribes had no absolute rulers but instead made decisions by the consensus of everyone in the tribe.

The underlying purpose of the IRA was to protect Indian lands from the general public after the recent discoveries of certain valuable natural resources discovered in 1925. The act stopped the sales of allotted lands and returned surplus lands to the reservations. Swapping adjacent lots for separated lands consolidated Tribal

⁴² Mackerras (1995), 10.

⁴³ Bonvillain, 24.

⁴⁴ Lobo and Talbot, 188.

⁴⁵ Churchill, 43.

⁴⁶ Mohawk, 174-5.

Lands.⁴⁷ Collier did try to protect Indian lands; however, once the lands were under federal control, Congress attempted to balance the trend of land reclamation by Indians by passing the Indian Claims Commission Act in 1946. Congress ruled that tribes had to file their claims with the Indian Claims Commission within five years or forfeit their ancestral lands.⁴⁸ The catch was that they could only receive financial compensation at prices set at the time the lands were taken. Ultimately, the U.S. attempted to destroy its national minority peoples with the Termination Policy. This was a new series of laws passed in the 1950s which caused tribal nations and their claims to reservation lands to become legally non-existent by non-recognition.⁴⁹ The BIA encouraged “Indians to leave their reservations and move to cities where jobs were supposedly available.”⁵⁰

In the 1930s, while still fighting the GMD, the CCP made promises of equal treatment and self-determination towards the minority nationalities in the rural areas. The CCP wanted people to believe that they would not force them to abandon their culture in the face of assimilation as the GMD was trying to do.⁵¹ Mao Zedong led the young CCP on the Long March in 1935. At this time, members of the CCP appealed to members of local minorities such as the people of Inner Mongolia.⁵² Mao even promised the Mongolians autonomy and equal treatment if they would help the CCP defeat the GMD and the invading Japanese Army. However, Mao made it clear that secession would not be an option.⁵³ Edgar Snow, an American journalist, reported the additional assistance of Muslims, Tibetans, Miao, and Yi in the Communist Red Army’s fight. These people trusted the Red Army because of its policy of paying for goods and their respect of local traditions.⁵⁴

The CCP had made their first contact with the isolated Yi people during the Long March and were quick to encourage them to

⁴⁷ Bonvillain, 24.

⁴⁸ Mario Gonzalez, “The Black Hills: The Sacred Land of the Lakota and Tsistsistas” in *Native American Voices: A Reader*, 2nd ed., ed. Susan Lobo and Steve Talbot (Upper Saddle River, New Jersey: Prentice Hall, 2001), 134.

⁴⁹ Mohawk, 175.

⁵⁰ Bonvillain, 24.

⁵¹ Dreyer, 67.

⁵² Dreyer, 70.

⁵³ Mackerras (1994), 96.

⁵⁴ Mackerras (1994), 73.

change from a slave society to a socialist society.⁵⁵ The PRC created policies that supported equal rights for all peoples and so could not tolerate the practice of slavery even though they promoted cultural independence. These principles were clearly defined by the First National People's Congress in the first Constitution written on September 20, 1954. Article 3 is written as follows:

The People's Republic of China is a unitary multinational state. All the nationalities are equal. Discrimination against or oppression of any nationality, and acts which undermine the unity of the nationalities, are prohibited.

All the nationalities have the freedom to use and develop their own spoken and written languages, and to preserve or reform their own customs and ways.

Regional autonomy applies in areas where a minority nationality lives in a compact community. All the national autonomous areas are inseparable parts of the People's Republic of China.⁵⁶

As Chairman of the CCP, Mao initiated the Great Leap Forward in 1957. As part of his plan, people all across the nation were reorganized into "mutual aid teams, cooperatives, and, later, communes."⁵⁷ By 1958, 86 percent of the Lisu and other local minorities from the Nujiang Autonomous Zone lived in cooperatives; and by 1959, 87 percent of the Yi from Liang Shan were also living in cooperatives.⁵⁸ One aspect of the Great Leap Forward that attempted to destroy national differences was the field

⁵⁵ Dessaint, 17-18.

⁵⁶ Mackerras (1994), 145, quoting Constitution of the People's Republic of China (Foreign languages Press, Peking, 1961), 9.

⁵⁷ Dessaint, 19.

⁵⁸ Dessaint, 19.

of arts and entertainment. Minority peoples were forbidden to sing traditional songs or dance in their traditional styles. Even ancient Han styles were banned. Everyone was required to copy the revolutionary songs, dances, and expressions of art.⁵⁹ So the freedoms promised in the 1954 constitution lasted only four years.

Mao changed the focus of national policy from issues of racial identity to class conflicts with the initiation of the Cultural Revolution. China was no longer considered a multinational country and minority autonomy was dissolved. The people were denied all traces of livelihood, language, literature, religion, traditional practices, and clothing that identified them as anything other than Communist. There were many prohibitions that if broken led to persecution in class struggle sessions.⁶⁰ Any action that resembled Western habits led the perpetrator to be labeled as a Capitalist Roder. The Cultural Revolution came to a near close with the Constitution of 1975, which stripped away any legal rights of the national minorities. Court cases were only heard in the Han language and recorded in Han, irregardless of the native language of the defendant.⁶¹ Finally, the Cultural Revolution ended with the death of Chairman Mao in September, 1976.

Deng Xiaoping assumed the role as Chairman of the CCP and set reforms into motion that reversed the damages inflicted by the Great Leap Forward and the Cultural Revolution. Deng promoted the four modernizations of industry, science and technology, agriculture, and national defense.⁶² Deng reinstated the legitimacy of the minority peoples and sent out professional teams to identify and register the various nationalities. By 1979, the PRC settled on fifty-five minority groups plus the Han majority.⁶³ In 1980, other CCP leaders such as Zhou Enlai and Hu Yaobang, the General Secretary of the CCP, joined in the reformations and advocacy of the minority peoples. Zhou opposed Han chauvinism as well as local nationality chauvinism and supported the autonomy of minority regions. Hu toured Tibet and was astounded by the devastation left by bad policies and disregard for the natural conditions of the ecology of the local territories. The PRC reinstated some of the cultural practices of the native Tibetans and

⁵⁹ Dreyer, 163.

⁶⁰ Heberer, 25-27.

⁶¹ Heberer, 28-29.

⁶² Mackerras (1994), 139.

⁶³ Mackerras (1994), 143.

self-determination on the agreement that Tibet would not have the right to secede or directly contradict the principles of socialism.⁶⁴

The U.S. also changed their policies towards Native peoples with the passage of the Indian Civil Rights Act in 1968 and the Indian Self-Determination and Education Act in 1975. These policies extended autonomous rights to tribal governments, allowing them a more active role in the management of their education, healthcare, and social services. The new policies also allowed them to acquire more lands that would be protected by federal trust status; but these policies did not release the Indian people from the legal oversight of the U.S. government.⁶⁵

In 1977, a large contention of delegates appealed to the United Nations in Geneva for the survival of their cultures and lives. Many of them testified to acts committed by the U.S. in its crimes of genocide and forced sterilization against the Native peoples.⁶⁶ In response to International pressures, Congress gave the Indian peoples more freedom with the passage of the American Indian Religious Freedom Act in 1978. This Act established the “inherent right of freedom to believe, express and exercise [their] traditional religion, including but not limited to access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites.”⁶⁷ This was groundbreaking since nearly all of the ceremonial practices of American Indians were considered illegal to perform prior to this trend towards autonomy.

China was not far behind in its groundbreaking changes in policies of autonomy for its national minorities with the passage of the State Constitution of December 4, 1982 and the Law on Regional Autonomy for Minority Nationalities of May 31, 1984. The Law of Autonomy reaffirmed and strengthened the freedoms and benefits described in the Constitution of 1982. Each of the fifty-five recognized minorities now had the right to organize its own security forces and the leaders of the local administration of each group were required to be citizens of the nationality in the area of concern.⁶⁸ The Constitution of 1982 guaranteed that legal hearings “should be conducted in the language or languages in common use in the

⁶⁴ Mackerras (1994), 154.

⁶⁵ Bonvillain, 25-26.

⁶⁶ Mohawk, 179.

⁶⁷ Bonvillain, 27.

⁶⁸ Mackerras (1994), 155.

locality”⁶⁹ and the Autonomy Law of 1984 guaranteed “the citizens of every nationality the right to use their own nationality spoken and written language in carrying out litigation”⁷⁰ with the provision that translations be made available to all participants. Both laws gave the nationalities the right to control their own finances and education.⁷¹ The Autonomy Law specifically gave the right to the nationalities to select their own curricula but the material related to the histories of the minorities had to be taught in addition to the curriculum taught throughout China.⁷² Article 38 of the Autonomy Law also requested the nationalities to develop their literature and arts “in the forms and with the features special to the nationalities.”⁷³

The 1982 Constitution gave “broad powers of self-determination over natural resources and development”⁷⁴ and the Autonomy Law gave the minorities more control and privileges in regards to family planning.⁷⁵ While the majority of China’s population is limited to one child per couple, the minority nations are subject to their own regulations. In the Xinjiang Autonomous Region, urban couples are allowed two children and rural couples are allowed three or four children. In the Tibet Autonomous Region, urban couples are allowed two or three children but there are no restrictions in the rural areas due to the fact that it is impossible to monitor and control any restrictions without the use of violence.⁷⁶ Only one group, the Zhuang, is subject to the one child rule because it has the largest population of all of the minority groups, which is well over ten million.⁷⁷

The 1982 Constitution also broadened the rights of minority people in their religious beliefs and practices; but it left loopholes for the state to interfere where it sees fit. Article 36 states:

⁶⁹ Mackerras (1994), 156, quoting Article 134 of the 1982 Constitution, Beijing Review, XXV, 52 (17 December 1982), 29.

⁷⁰ Mackerras (1994), 156, quoting Article 46, see Zhonghua renmin gongheguo falü huibian, 549.

⁷¹ Mackerras (1994), 265.

⁷² Mackerras (1995), 136.

⁷³ Mackerras (1995), 11, quoting Zhonghua renmin gongheguo falü huibian, 1979-1984 (Renmin Chubanshe, Beijing, 1985), 548.

⁷⁴ Heberer, 42.

⁷⁵ Heberer, 81.

⁷⁶ Heberer, 82.

⁷⁷ Heberer, 81.

The citizens of the People's Republic enjoy religious freedom. No organ of the state, no social organization, and no individual may force citizens to adhere or not to adhere to a religion, nor may they place any citizen at a disadvantage who does or does not adhere to a religion.

The state protects normal religious activities. No one may use a religion to carry out activities that disrupt the public order, harm the physical health of the citizens, or undermine the state's education.

Religious organizations and religious affairs may be controlled by no foreign force.⁷⁸

This law set into motion a revival of religious diversity in the 1980s and 1990s. The major religious organizations B Christianity, Buddhism, and Islam B established or reopened theological schools.⁷⁹ Muslim women who were not allowed to wear the veil in the 1950s and 1960s were now allowed to choose whether to wear the veil partially, fully, or not at all. Many Muslim women chose not to wear the veil except perhaps during religious ceremonies. Some women of the Uygur, Hui, and other nearby Islamic nationalities are wearing veils that cover part of the head more frequently; while many women of the Kashgar are wearing veils that cover the entire head, including the eyes.⁸⁰

The late 1980s and 1990s ushered in a new era of protest as indigenous peoples vie for more rights of autonomy. Both China and the U.S. have struggled with their national minorities in just how far they are willing to allow these internal sovereign nations to pull away into absolute independence. Of course, neither country is

⁷⁸ Heberer, 109, quoting *Beijing Review*, 52 (1982): 14.

⁷⁹ Mackerras (1995), 114.

⁸⁰ Mackerras (1995), 122.

willing to allow any section of its territories to secede. From 1987 to 1989, major demonstrations erupted in Tibet as the monks tried to secede from China. The Chinese government responded in 1989 with a violent suppression that caused heavy casualties upon the Tibetans.⁸¹ Martial law was declared again in Tibet in 1993.⁸² The Chinese government has made promises for autonomy and self-determination of the minority nations but the protective laws set down in the 1980s are inefficient as long as the Chinese Communist Party has a monopoly power-hold over the laws of the land.⁸³ There are similar territories in the U.S. that the government will not allow to be ceded to its indigenous minorities. The Inuit of Alaska, the native Hawaiians of the Hawaiian Islands, and the Lakota people of the Black Hills, among others, have an intense interest in land use rights and the right to govern themselves. The Yi people of China, on the other hand, have integrated with the Han so that their cultural values appear different than they were in the 1940s. However, with the support of the autonomy laws, they have retained enough of their culture in the 1990s to be clearly recognized as Yi people.⁸⁴

The U.S. also maintains a firm line of independence control with the American Indians; however, the 1990s has issued in a new wave of protective litigation. In 1990, Congress passed the Native American Graves Protection and Repatriation Act. This law prevents outside organizations from digging up graves and removing the contents without the permission of the tribe and the law allows legitimate relatives or tribal members to reclaim human remains and grave objects from “museums, galleries, and other institutions.”⁸⁵ In 1993, Congress passed the Native American Religious Freedom Restoration Act with an additional amendment in 1994, which made more specific rulings than the 1978 American Indian Religious Freedom Act. The issue addressed in the 1994 amendment was the legal use of the drug peyote by members of the Native American Church during religious ceremonies. Outside of this amendment, some aspects of the 1993 Act were questionable so the Supreme Court declared it unconstitutional in 1997. In 1999, the courts ruled in favor of a class-action suit that allows Native American prison

⁸¹ Mackerras (1995), 11.

⁸² Mackerras (1994), 161.

⁸³ Heberer, 43.

⁸⁴ Mackerras (1995), 217.

⁸⁵ Bonvillain, 27.

inmates religious freedom and the right to possess religious objects.⁸⁶

The BIA has taken positive steps towards helping Native peoples become better equipped to govern themselves. It provides grants to undergraduate students through the Higher Education Grant Program. The American Indian Science and Engineering Society provides financial, academic, and cultural assistance to students ranging from middle school to graduate school. Private organizations are also being supportive of Native American communities. The Packer Foundation funded the Tribal Colleges Science Program in 1993 to encourage Indian youths to learn better how to manage the land and water resources on the reservations.⁸⁷

The governments of the PRC and the U.S. both began their relationships with their internal minority nations with policies of friendliness and cooperation before they began to apply a heavy handed approach towards assimilation and even annihilation. Both governments reorganized the political structures of all of the minority nations so that they would fit better into the clutches of the primary governmental system. Both countries have tended to move together in their major political trends ranging between assimilation and autonomy; and both countries maintain their unwillingness to allow autonomous regions or reservations to secede from the union. Both governments have laws beneficial to the minorities that have wording within them that permits the national governments to intercede on behalf of themselves if the minority peoples try to go beyond the spirit of those laws. Now that China has joined the World Trade Organization, the International Community will watch the Chinese government with as much vigilance as it watches the U.S. and other members. It would be well for all concerned to pay attention to the actions of both of these national governments because it is very likely that the trends that influence one country will also influence the other.

⁸⁶ Bonvillain, 27.

⁸⁷ Jeffrey Wollock, "Protagonism Emergent: Indians and Higher Education," in Native American Voices: A Reader, 2nd ed., ed. Susan Lobo and Steve Talbot (Upper Saddle River, New Jersey: Prentice Hall, 2001), 279.