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Islam in China has a broad and variegated character, its origins dating back to ancient times, and yet very little is known about it and generally it receives scarce attention. Whereas elsewhere such a presence would go not unnoticed, in a country as large as China its existence is perceived as far from conspicuous. This neglected, most eastern branch of Islam provides an interesting perspective on questions of cultural identity and strategies of integration. On the one hand, we have a far from univocal Muslim world which speaks different languages and includes ten of the fifty-six different ethnic groups that exist in the People's Republic of China. On the other, we find an institutional and legislative environment governed by powerful imperial politics which are founded on cultural premises far removed from those underpinning any Western legal tradition. This paper offers a synthetic outline of some of the most significant issues pertinent to this subject.

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In this short paper I must limit myself to tracing an extremely synthetic outline of some of the most significant issues pertinent to a subject which in fact requires more extended and in-depth discussion; thus, its findings will necessarily be somewhat schematic. I hope however they be not be devoid of interest.

Any study of the specific, multifaceted character of Islam in China would necessarily enrich the problematic debate on "identity". It seems to me that following Samuel Huntington, many people have tried to present the notion as if it were something "armoured", something rigid and monolithic; it is almost as if what we were dealing with were some static and unchanging *given*, a sort of metaphysical hypostasis.<sup>1</sup> I wonder though whether it wouldn't be better to reformulate the notion, taking into account Benedict Anderson's suggestion that we view identity as the variable *result* of a process or as the outcome of a *dynamic* interaction between culture, economy, society and institutions.<sup>2</sup> Indeed, it is quite significant that Dru C. Gladney's important study of the Muslim community in China makes explicit reference to Anderson's theories.<sup>3</sup>

Furthermore, an analysis of the specific relationship between China and the composite mosaic of its Muslim community might provide some interesting insights into the field of "juridical ethnocentrism". I will here attempt to summarise certain connotations of Chinese legislation in this regard, and to shed light on the mentality underpinning such legislation. It would be interesting therefore to examine the concept of law embedded in this legislation – a question which as a result of its doubtless complexity must be left somewhat open<sup>4</sup>. Yet what should be

<sup>&</sup>lt;sup>1</sup> See: Samuel Huntington The Clash of Civilizations and the Remaking of World Order, Simon and Schuster, New York, 1996.

<sup>&</sup>lt;sup>2</sup> See: Benedict Anderson, Imagined Communities. Reflections on the Origin and Spread of Nationalism, Verso, London-New York, 1991 (1<sup>st</sup> edition 1983).

<sup>&</sup>lt;sup>3</sup> See: Dru C. Gladney, Muslim Chinese. Ethnic Nationality in the People's Republic, Harvard University Press, Cambridge (MA) & London, 1996 (1<sup>st</sup> edition 1991), pp. XVI-XVIII.

<sup>&</sup>lt;sup>4</sup> See Luigi Moccia, "Il sistema giuridico cinese: caratteri tradizionali e lineamenti attuali", in Conoscere la Cina.. Atti del convegno Torino 4-5 april 2000, edited by Lionello Lanciotti, Ed. Fond. Giovanni Agnelli, Torino, 2000, pp. 23-55.

pointed out by way of a preliminary observation is the fact that a country which defines itself in terms of "socialist market economy" <sup>5</sup>(and solemnly includes in its constitution a phrase which elsewhere would no doubt be regarded as an oxymoron) in all likelihood bestows the idea of "law" with what might seem to us an unusual meaning.

## 1. Controversial figures

The exact number of Muslims living in China is uncertain and has been much debated. Indeed, numbers differ quite significantly according to which source is consulted. According to official statistics released by the PRC, there are about 20 million Muslims living within its confines. Some Muslim sources however claim that this number should in fact be placed at about 100 million. Whilst the latter is probably an exaggeration of the true figure, the former is likely to be an underestimation and the criteria used in the evaluation process has raised doubts and been greeted with perplexity by Western scholars<sup>6</sup>.

The difficulty in obtaining trustworthy figures is partly due to the way in which China represents Islam within its borders. Such representation describes Islam not as a whole, but in terms of a collection of "national minorities" (*shaoshu minzu*). This approach is disconcerting for the western observer, who, when meeting Chinese Muslims – from Xinjiang to Qinghai, and from Sichuan to Yunnan – will first of all be struck by the universality of the Umma, which unites different people separated by immense distances.

What western onlookers might see as China's highly reserved representation of Muslims as a religious group seems devoid of any sense of theological universality. Such representation stresses the ethnicity, or the multiplicitous character of those minorities existing within the borders of the empire. Islam is thus included under the

<sup>&</sup>lt;sup>5</sup> Constitution of the People's Republic of China, 1993, art. 15 (*The Laws of People's Republic of China*, Beijing, 1993).

<sup>&</sup>lt;sup>6</sup> On these controversial figures, see Raphael Israeli, *Islam in China. Religion, Ethnicity, Culture and Politics*, Lexington Books, 2002, pp. 22-88. See also Gladney (1996), p. 28.

heading "minorities' customs and habits"<sup>7</sup>. This kind of attitude towards Islam is also evident in the classification criteria used to obtain the PRC's statistics, which favours the term "ethnic Muslims" which gives us a sense of their being recognised as many definite, delimited communities. And yet these statistics tell us little about, say, those Muslims living in urban areas where they interact with the rest of the population; indeed, mosques have quite a significant presence in many major cities<sup>8</sup>.

In an attempt to grasp Chinese Islam as a whole, we might turn our attention away from population numbers to focus on officially endorsed data<sup>9</sup> connected to places of worship, which suggests that there are over 30,000 mosques on Chinese soil. This does, at least, present an approximately global picture of Chinese Islam.

## 2. A plural identity

That said, Islam in China is undoubtedly kaleidoscopic in nature. The Muslim world includes farmers, nomadic and semi-nomadic shepherds inhabiting the vast, poor and inaccessible outlaying areas, as well as merchants and businessmen from the towns and cities. It comprises 10 of the 56 different ethnic groupings defined by the PRC<sup>10</sup> – the Hui, Uigur, Uzbek, Kazak, Kirghiz, Tatar, Dongxiang, Salar, Tadjik and Baoan. The majority of Chinese Muslims live in the North-West (Xinjiang, Qinghai, Ningxia and Gansu), but Muslims can also be found in various cities around the country as well as in the capital itself. Indeed, Islam in China is multilingual. For example, the Indo-European Tadjiks speak Persian whilst the Uigurs, Uzbeks,

<sup>&</sup>lt;sup>7</sup> The reluctance of the Chinese authorities to accept any form of religious universalism is also evident in the current attitude towards Catholics who refuse to be a part of the national Church (see Zorzi Adige, La Chiesa nascosta. Un viaggio nella Cina cattolica, Baldini e Castoldi, Milano, 1999, pp. 308-316, 333-336; Amnesty International, Religious Repression in China, 1996).

<sup>\*</sup> See Wu Shimin, Shaoshu minzu de wenti, Sichuan Renmin Chubanshe, 1997, pp. 383-385.

<sup>&</sup>lt;sup>9</sup> See Information Office of the State Council of the People's Republic of China, National Minorities Policy and its Practice in China, Beijing, 1999, p. 11.

<sup>&</sup>lt;sup>10</sup> We should remember that the Chinese ethnic group, called the Han, accounts for over 90% of the whole population; the remaining 55 ethnic minorities account for less than 10% of the total population.

Kazaks, Kirghiz, Salars and Tatars speak Turkish, and the Donxiang and the Baoans speak Mongolian whilst the Hui speak Chinese.

Roughly speaking, there are two main groups – the Hui, which is the largest, probably amounting to about 10 million people, and the Uigurs, amounting to approximately 8 million. Both groups are very complex in nature, though I think we can briefly outline two different characteristics which might be said to represent them;

- a) the culture of the Hui can be described as a "sinicized" Islam, present in China for over one thousand years and deeply rooted in a specifically Chinese landscape;
- b) the culture of the "Turkish" Uigurs, the largest ethnic group in Xinjiang (the "New Province" which has only been under Chinese control since the middle of the 18<sup>th</sup> century) can be described as a "border Islam"; this border is far from stable, and there are signs of renewed tensions in the area<sup>11</sup>.

The multifaceted nature of Chinese Islam can, I think, roughly be said to extend between these two poles. The history of the former differs greatly from the latter and both warrant a brief summary.

### 3. A millennial existence

The origins of Chinese Islam date back over 1,300 years. It was in the 7<sup>th</sup> century that the first recorded contacts were established between the Tang empire (618-907), which was at that time the most powerful force in the Euro-Asiatic continent, and the Omayyads who were at the high-point of their expansionist endeavours and had just completed their conquest of Persia. In 651 the first Arab ambassador travelled to the capital Chang'an (now Xi'an) to visit the Emperor Gaozong. He had been sent by the Khalif Osman (r. 644-656) and it was thus that cultural and diplomatic relations were established, which in turn formed the basis for the growth of Islam in China. The spread of Islam took two principal routes;

<sup>&</sup>lt;sup>11</sup> See Ilaria Maria Sala, "Assimilation forcée dans le Xinjiang chinois", Le Monde diplomatique, février 2002; Philip P. Pan, "In China's West, Ethnic Strife Becomes 'Terrorism', Washington Post, July 15, 2002.

- a) by sea, (a well-known route used by Arab merchants from very early times) from the Persian Gulf, under the southern coast of the Arabian peninsula, across the Indian Ocean and on towards South-East China<sup>12</sup>;
- b) by land, along the mythical "Silk Road", crossing central Asia and passing through Bukhara and Samarkand before reaching Chang'an.

Of the two, this second route was of greater importance to the spread of Islam in China. This was the route used in the 8<sup>th</sup> century by Arab, Persian and Asian merchants as well as by some contingents of Arab soldiers who had signed up to serve the Emperor and who would never return to their homeland. These, then, were the origins of the first naturalised Chinese Muslims living in the western regions<sup>13</sup>.

Therefore it was not by the sword that Islam entered China; it came via the Silk Road, which was also responsible for the great spread of Buddhism. The mosques were constructed in the shadow of the pagodas. Islam entered China at a time when the country was very much open to the rest of the world – indeed it was one of the most open periods in the country's history. Moreover, Zoroastrian and Manichean temples could also be found in the cosmopolitan Tang capital, which was even home to groups of Nestorians<sup>14</sup>.

The culture of the Hui originated in this ancient, cosmopolitan context. It was accustomed from the very beginning to living alongside other, more widespread cultures, in an empire which honoured the three doctrines of Confucianism, Taoism and Buddhism.

The characteristic syncretism of the architecture of Chinese Islam, countless variations of which can be found throughout the country - from Xi'an to Sichuan, and from Canton to Beijing - is the result of a lengthy period of acclimatisation that took place over many centuries, of which the Yuan era and the Ming era perhaps mark two of the most significant periods. The Yuan era saw a further,

<sup>&</sup>lt;sup>12</sup> The first Mosque on Chinese territory was said to have been founded in Canton in 627.

<sup>&</sup>lt;sup>13</sup> See Michael Dillon, China's Muslims, Oxford University Press, 1996, pp. 67-154.

<sup>&</sup>lt;sup>14</sup> The famous Xi'an stele, dating back to 635, was Nestorian and is the earliest evidence of Christianity in China.

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large-scale expansion of the Muslim presence in China. This was aided and encouraged by the Mongolian conquerors who tended to award Muslims administrative and trading jobs in their vast empire. In the Ming era, which saw the return to the throne of a Chinese dynasty, many Muslims underwent a process of 'sinicization', beginning to speak Chinese and taking on Chinese names. It is from this period onwards that we can indeed speak of a truly *Chinese* Islam.

When, in the 19<sup>th</sup> century, during the reign of the last dynasty, the Manchurian Qing dynasty, great waves of popular unrest spread throughout the country, a series of Muslim insurrections also broke out from Gansu to Yunnan to Shaanxi. This uprising reached its peak in the period 1860 – 1880, and brought about the decline of the empire. Muslim unrest was in part due to a movement of Islamic revivalism which was also widespread in other areas during that time – from Afghanistan to South-East Asia. It is quite significant that in Chinese this conservative movement is called *xinjiao*, that is, the "New Doctrine"; it is an eloquent label which reveals the importance of modernity to the development of traditionalism. No less significant is the fact that despite being severely weakened and struck by crisis, the imperial government was able to put down all the revolts of that period.<sup>15</sup>

From the end of the empire in 1911, the history of Chinese Islam has been irrevocably linked to the development of the new China – through the first republic, the anti-Japanese war of resistance and the civil war, which concluded in the founding of the People's Republic of China in 1949. Chinese politics then focused on the need to show the Islamic world just how far Muslims were respected in China, and this ran in line with Zhou Enlai's plan, aimed at creating a coalition of non-aligned countries.

A new phase opened with the Cultural Revolution, which took place between 1966 and 1976. The Hui were not spared when persecution directed against all religions swept through the country, giving rise to episodes of pugnacious resistance which was in turn met by fierce repression.<sup>16</sup>

<sup>&</sup>lt;sup>15</sup> See Chu Wen-Chang, *The Moslem Rebellion in North-West China*, 1861-1878, Mouton, den Haag, 1966, pp.201-232.

<sup>&</sup>lt;sup>16</sup> See Gladney (1996), pp. 136-140.

The advent of the Deng Xiaoping era in 1979 coincided with the introduction of reforms and modernization. The re-opening of China to the rest of the world meant that Chinese Muslims could reestablish contact with other countries, and pilgrims travelling to Mecca could form links with the rest of Islam. However a further important change took place in the post-Maoist era – the machinery for a new relationship between Chinese Muslims and the PRC government was set underway. Thus a dynamic interaction between "minority groups" and the country's institutions is now re-mapping the coordinates outlining Muslims' identity.<sup>17</sup>

## 4. "Border" Islam: Xinjiang

The other face of Islam can be found in Xinjiang, the border region where the Turkish speaking Uigurs account for the majority of the population. The region covers a sixth of the current surface area of the PRC, and, we should not forget, once formed eastern Turkestan. From the middle of the 18<sup>th</sup> century China has had military control of the area, but it was only in 1884 that it actually became a Chinese province. It was re-conquered by one of the most able Chinese generals of Modern times, Zuo Zongtang. Prior to this the area had seen a period of Muslim supremacy (1860s – 70s), power over the region having been acquired by Yakub Beg, the Emir of Kashgar<sup>18</sup>.

In this unsettled area, which throughout the 20<sup>th</sup> century witnessed uprisings and clashes, the Islamic religion merges with the Uigur's proud sense of national identity. Here, as with the case of Buddhism in Tibet, religion is another of the distinctive traits that distinguishes the Uigurs from the Chinese Han. And like in Tibet, the massive immigration of the Han population continues to alter irrevocably the ethnic make-up of this region in their favour. This is the source of renewed tensions and indeed fuels the region's ongoing demands for autonomy.<sup>19</sup>

<sup>&</sup>lt;sup>17</sup> See Gladney (1996), pp. 293-337.

<sup>&</sup>lt;sup>18</sup> See Owen Lattimore, Studies in Frontier History, Mouton, Paris-La Haye, 1962, pp. 97-119.

<sup>&</sup>lt;sup>19</sup> See Graham E. Fuller, Ian O. Lesser, A Sense of Siege: The Geopolitics of Islam and the West, Rand, 1995, pp. 141-151.

Following September 11<sup>th</sup>, the Beijing government has been making a great show of appearing to fear that these calls for autonomy might translate into religious radicalism or fundamentalism, and thus continues its forceful policy of repression in the name of "the fight against terrorism".<sup>20</sup>

We might presume however that the reasons for what is happening now in Xinjiang can be traced back to a much earlier situation – a situation described by Owen Lattimore, explorer and scholar of that remote frontier, in a paper written towards the end of the Twenties, entitled (quite significantly) "The Chinese as a dominant race". <sup>21</sup> Lattimore illustrates the frequent confrontations that have taken place along this disputed border, and points out that it was thanks to the organisational skill of a handful of Chinese – and their pitilessly repressive methods<sup>22</sup> – that an enormous area and its hostile population were successfully conquered. He states that in whatever situation the Chinese find themselves, they tend to show a marked propensity to affirm their dominance over (and not equality with) any nation that comes within their sphere of influence; he argues that China's 'imperial' vocation is a long-term undertaking, destined to play an important role in contemporary history.

# 5. Religious freedom and minority rights

We should keep in mind China's "imperial vocation" when examining the legislative system that governs the lives of Chinese Muslims, since it is within this context that their religious freedom and minority rights are recognised. Both are solemnly sanctioned and form part of a wellconstructed system of self-government, about which the Chinese government is quick to boast, highlighting for example the fact that the Hui's Ningxia and the Uigur's Xinjiang are autonomous regions,

<sup>&</sup>lt;sup>20</sup> See Amnesty International Annual Report, 2002, China.

<sup>&</sup>lt;sup>21</sup> O. Lattimore, "The Chinese as a dominant race", Journal of the Royal Central Asian Society, XV, III, 1928, pp. 278-300 and Asia, June 1928, pp.450-457 (then published in Owen Lattimore, Studies in Frontier History, pp. 161-183.

<sup>&</sup>lt;sup>22</sup> Lattimore remarks that under the Chinese Republic, laws existed but were never applied, and thus an unknown number of people were shot or imprisoned without trial. He concludes that this being the situation within the borders of China itself, Chinese officials responsible for controlling peoples subject to China's domination were hardly likely to adopt more lenient measures (*ibid.*, p. 172).

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that all nationalities within the PRC are "free to use their own written and spoken languages, and to preserve or alter their customs and habits", and that minorities are not expected to follow the demographic plan which Chinese Han families are obliged to respect.<sup>23</sup>

Moreover, the legislative context in which the above appears can in no way be said to mirror Western legal concepts. I will attempt briefly to summarise this context as follows; the intangible unity of the great China is the unavoidable premise and pre-supposition necessary for any form of autonomy; the preservation of this unity is the primary and fundamental duty of all citizens; it is only in observing this duty that the individual's freedom and rights can be sanctioned.

This primary and fundamental duty, which incidentally harks back to a tradition of bureaucracy and statehood in existence well before the PRC, has survived the numerous rewritings that, in line with the great changes taking place, the constitution has been subjected to over the last fifty years. As many as four constitutions were formulated in the second half of the last century – in 1954, 1975, 1978 and 1982. This last constitution was amended in 1988 and then again in 1993, when the above-mentioned phrase "socialist market economy" was introduced. If this phrase seems somewhat disconcerting, the text itself is no less so. Each time a right or a freedom is referred to, it is subsequently restricted. And yet, it might be that this apparently paradoxical language in fact contains an attempt to push through an authoritarian form of modernization that synthesizes continuity and transformation.

This is evident from as early on as the preamble. This reads like a majestic overture, in which China's glorious past is proudly evoked and China itself it described as a "unitary multi-national state". The principal value of this unity is immediately underlined and counters all chauvinism and separatism. In Chapter 1 (general principles), article 4 solemnly declares the equality of all nationalities in the PRC, it states that the rights and interests of all nationalities are protected by the state, and affirms that all nationalities "have the freedom to use their own written and spoken languages, and to preserve or reform their own folkways and customs". It then immediately states that all secessionist initiatives are forbidden;

<sup>&</sup>lt;sup>23</sup> A Selection of Laws and Regulations on Ethnic Policies of the People's Republic of China, Beijing, 1997.

all that undermines the unity of nationalities, or that instigates division is strictly prohibited.

In Chapter 2 (The fundamental rights and duties of citizens), article 36 sets down the right to religious freedom of PRC citizens, and outlaws all religious constraints and discrimination. And yet, immediately after this we find the following clarification: "the state protects normal religious activities. No one may make use of religion to engage in activities that disrupt public order, impair the health of citizens, or interfere with the educational system of the state." It goes on to say that "religious bodies and religious affairs are not subject to any foreign domination".

Moreover, Article 51 warns that "in exercising their freedom and rights, citizens may not infringe upon the interests of the state, of society, or of the collective." Whilst Article 52 confirms that "it is the duty of citizens of PRC to safeguard the unification of the country and the unity of all its nationalities", and in article 54 we find that "it is the duty of all citizens to safeguard the security, honour and interests of the motherland."<sup>24</sup>

That said, it is hardly surprising that in this age of reforms and modernization, China has at once given more space to religious freedom and strengthened its control over religious practices, especially since the middle of the 1990s. Indeed, all schools teaching the Koran, all places of worship and all imams must register if they want to carry out their activities.<sup>25</sup> In such a climate, it would be far from easy for fundamentalism to take root.

Yet in attempting to comprehend the nature of the game being played in post-Maoist China, other issues ought to be considered. We should not forget, for example, that during the great student demonstrations in Tian An Men in May 1989, thousands of Muslims took to the streets, in the capital as well as elsewhere, to protest against the publication of a book that was considered blasphemous and to call for it to be banned. Whilst the student movement was repressed, the Muslim protest was greeted with open arms<sup>26</sup>.

<sup>&</sup>lt;sup>24</sup> Constitution of the People's Republic of China, 1993 (The Laws of People's Republic of China, Beijing, 1993).

<sup>&</sup>lt;sup>25</sup> See Amnesty International, *Religious Repression In China*, 1996; Amnesty International, Annual Report, 2002, China.

<sup>&</sup>lt;sup>26</sup> See Gladney (1996), pp.1-7.