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China's leaders have emphasized military issues at the Chinese legislature and in a new small leading group, calling for a "military that can fight and win wars."

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*The opinions expressed in China Brief are solely those of the authors, and do not necessarily reflect the views of The Jamestown Foundation.*



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## March 25: China Defense and Security Conference

The Jamestown Foundation will hold its Fourth Annual China Defense and Security Conference on March 25 in Washington, D.C. In keeping with the Foundation's mission, the conference will focus on understanding China's rising military power and strategy by carefully examining Chinese-language sources. Speakers at the conference will provide an extensive overview of recent developments in military training and operations reform, and take on challenging questions in Chinese foreign policy, including:

- How do Chinese leaders reconcile a drive to improve relations with neighboring states with increasingly aggressive actions in territorial disputes?
- Is popular nationalism an external constraint on Chinese policy-making, or it is cultivated to support China's positions?
- What is the role of cyber-warfare in Chinese strategic thought?

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## In a Fortnight

### **NEWEST SMALL LEADING GROUP TO 'DEEPEN REFORM OF NATIONAL DEFENSE AND THE MILITARY'**

By David Cohen

The formation of a new committee for military reform at the top echelons of China's Communist Party suggests that the Chinese leadership is beginning a concerted push to restructure the People's Liberation Army (PLA). The creation of the new Small Leading Group for Deepening Reform of National Defense and the Military, a subcommittee of the top-level Central Military Commission was announced in state media on March 15 (Xinhua, March 15). The formation of a new top-level group is big news in China, and it received immediate attention from international media (Reuters, March 16). The new group appears in some ways to follow the model of other small groups established during the past year. However, given the established power of the General Secretary of the Party over the military, its political rationale and goals are less clear.

#### **A Push for Rapid Reform**

Speaking to military delegates at the recent National People's Congress (NPC), Xi declared his intentions to make big changes fast. He stated that China is currently enjoying a "window of opportunity" to accomplish

military reform. Picking up on this theme, speeches by the delegates emphasized that the military is at a critical juncture for reform: "If we seize this moment, reform may be accomplished in one fell swoop; if we let it pass by, we will lose a great opportunity" (*PLA Daily*, March 12).

This window of opportunity consists of favorable environments for reform both within China and internationally. Internally, China enjoys rapid GDP growth, which allows it to fund rapid upgrades to PLA capabilities. Internationally, it enjoys peace and "a period of adjustment in the relations between great powers," allowing China to narrow the gap with "world powers" (the United States is not mentioned by name) (*PLA Daily*, March 12; Xinhua, February 27). The broader national project of reform is also cited as an important part of this window—and, as Xi noted at the NPC, military reform is an important part of comprehensive reform. Chen Zhou, a researcher at the Academy of Military Science and a PLA delegate at the NPC, said in his speech that national reform is the "foundation" for military reform, and that military reform must be accomplished during a time of peace (*PLA Daily*, March 12).

Despite being thus likened to other, similar bodies formed the past few months—the Small Leading Group on Comprehensively Deepening Reform, the National Security Council and the new leading group on cyber-security—the new military reform body appears to have some significant differences. The other groups seem to have two major functions: First, they provide alternative power centers to get around mistrusted bureaucratic actors such as the National Development and Reform Commission and the Political-Legal Commission—a tactic exploited by Mao Zedong in launching the Cultural Revolution, during which the Small Leading Group for Cultural Revolution pushed aside the Politburo as China's highest authority. Second, they provide coordination between separate bureaucracies with shared responsibilities for issues like stability and cyber-security. From this point of view, it is not clear what advantage the new military reform group has over the existing Central Military Commission (CMC), also headed by Xi. It appears to have responsibility for the same organizations. Furthermore, where the other groups pointedly exclude many of Xi's colleagues, the other two members of the military reform group who have been named publicly

are the two vice chairmen of the CMC, Generals Fan Changlong and Xu Qiliang (CCTV, March 16).

The formation of the new leading group could simply be a way of signaling Xi's determination to accomplish military reforms. Alternatively, as more of the membership is revealed, we may find that it excludes other figures more tied to the "old guard." The arrest on corruption charges of retired General Xu Caihou, a powerful figure who recently aged out of the vice chairmanship of the CMC, may confirm that Xi is targeting a power group in the PLA (*South China Morning Post*, March 19). Finally, by tying long-desired restructuring goals to "reform," Xi may simply be bringing established military priorities behind his political banner.

### Understanding the Goals

What will a reformed PLA look like? While touching upon ideological elements, Xi's speech at the NPC—and commentaries published in *PLA Daily*, Xinhua, and the ideological journal *Seeking Truth* have emphasized the more practical ability to "fight and win wars." This, Xi explained, requires organizational changes: "Without a modern form of military organizations, there can be no national defense and military modernization. We must further promote the reform of the command structure, force structure, policies, systems, etc., to build strong national defense" (*PLA Daily*, March 16). The formation of the group was also followed by guidance from the CMC on raising training standards, answering Xi's call for a more professional and capable military (*PLA Daily*, March 20).

While the PLA's command and force structure have been on reform lists for years, they have so far proved to be extremely challenging to change: Despite the rising importance of naval operations and aviation in China's maritime disputes, PLA national and regional headquarters remain dominated by ground forces officers. They have, so far, resisted efforts to empower the other branches in order to create a joint command structure.

This last may be the explanation for the political necessity of a new small leading group—as well as another conundrum about Xi's approach to the military. Since coming in, Xi has continually stressed the need for the PLA to "absolutely obey the commands of the Party."

Many analysts have read this as either an empty reiteration of Party dogma, or as reflecting concerns about generals "going rogue." There is little real doubt about the General Secretary's ability to command operational decisions—but military officers have successfully resisted recent reforms to their bureaucratic structures. This may be the area in which Xi is concerned about military disobedience—and which the new small leading group has been created to break through.

*David Cohen is the editor of China Brief.*

*For in-depth coverage of the obstacles to reform, and the role of the Party's ideological guidance in overcoming them, see "Restructuring the Military: Drivers and Prospects for Xi's Top-Down Reforms" in China Brief, February 7.*

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## The Military Dimensions of NPC 2014

By Peter Mattis

On March 4, Premier Li Keqiang delivered the annual Report on the Work of the Government to the National People's Congress (NPC). In the small section on national defense, Premier Li stated: "We made solid progress in strengthening national defense and the armed forces, and the armed forces and armed police force now are full of new vigor and have enhanced their capabilities... [We will] further modernize them and upgrade their performance, and continue to raise their deterrence and combat capabilities in the information age" (Xinhua, March 14). Such policy bromides aside, the NPC provides further evidence of an increasingly coherent Chinese strategy that links military modernization with Beijing's expanding interests. Moreover, the statements about China's aspirations and security environment indicate a relatively high degree of concern about the stability of China's place in the world.

### Military Themes of the NPC

The thematic elements of the NPC should surprise no one who has paying attention to Party General

Secretary and Central Military Commission Chairman Xi Jinping's military priorities over the last year. Beijing has become increasingly concerned about its development environment, based on a more complex regional security environment and challenges to national sovereignty (Xinhua, March 6; China Radio International, March 6). According to one commentary, China's weakness relative to the United States is forcing Beijing to accelerate military modernization, because the U.S. rebalance toward Asia has emboldened other countries to infringe on Chinese sovereignty and could affect its growing interests abroad (Xinhua, March 6). Although the Xi Jinping's "China Dream" has not achieved the ideological standing of his predecessor's contributions, its influence and military applications clearly shape the outcomes of the NPC.

### *Peace Through Strength*

Knowing full-well that foreign commentators would focus on this year's 12.2 percent defense budget increase, Beijing had a number of ready remarks to assuage anxiety about the meaning of this increase. Foreign Ministry Spokesperson Qin Gang responded to questions about the defense budget increase, opining that "Some foreigners always expect China to be a baby Scout. In that way, how can we safeguard national security and world peace? How can we ensure stability in the country, region and the world?... Even as a Scout grows up, his former dress and shoes will not fit anymore and thus he will have to change into bigger ones (Xinhua, March 5). Wen Bing, a researcher at the PLA's Academy of Military Sciences, saw the defense budget increase as having three messages: "First, it's a reflection of the government's adherence to its central task—economic development... Second, it displays the Chinese government's confidence in coping with its ever-more-complicated exterior environment. Instead of leapfrog, China has always adopted moderate rises in the defense budget... Third, it delivers an explicit message that China is adamant in maintaining the national security and global peace" (Xinhua, March 5).

In an institutional commentary, Xinhua eloquently encapsulated the other Chinese voices and the relationship between the military modernization and a favorable environment for China's development:

To portray China as a threat because of its relatively big military budget is as nonsensical

as to depict it as a pillar of peace if it spends nothing at all on defense. Furthermore, a militarily stronger China will be a more robust ballast of peace in a region where the security situation is increasingly complicated and volatile. As a responsible, major stakeholder in regional peace and stability, China needs sufficient strength to prevent hot-headed players from misjudgment and thus forestall conflict and war, so as to maintain a favorable environment for the socioeconomic development of all in the neighborhood (Xinhua, March 5).

The defense budget commentaries reinforced the themes elaborated by news articles and PLA deputies' discussions, implying the PLA's relative weakness and the need to pursue Xi Jinping's "Dream of a Strong Military" for China's general development. PLA deputies at the NPC observed that "China's peaceful development cannot be ensured without a consolidated national defense and a powerful military" (China Military Online, March 6). As NPC spokesperson and former vice minister of foreign affairs Fu Ying noted, "based on our history and experience, we believe that peace can only be maintained by strength... we Chinese might ask, can a prosperous country such as China really achieve peace without a strong national defense?" (Xinhua, March 4). One institutional PLA commentary provided an example of Fu's history, asking why the Qing Dynasty faced nothing but war despite its desires for peace. The answer, predictably, was a lack of strength, and an invocation of the Roman dictum "if you want peace, prepare for war" (*PLA Daily*, March 15). Without such preparations, China's exposure to the international system could derail China's national rejuvenation. Major General Qian Lihua, former director of the Foreign Affairs Office at the Ministry of National Defense, said "If there is a war, it will only damage the hard-earned economic recovery" (Xinhua, March 3).

### *The "Dream of a Strong Military" Continues*

The three components of Xi Jinping's "Dream of a Strong Military" (*qiangjun meng*)—PLA loyalty to the party, fighting and winning battles, and maintaining a good work style—set the tone for the NPC coverage (*PLA Daily*, March 8; "Army Day Coverage Stresses Winning Battles with 'Dream of a Strong Military,'" *China Brief*, August 23, 2013). Premier Li addressed the first pillar in the work

report, noting the need to “strengthen and improve the political beliefs of the armed forces” (Xinhua, March 14). Although the work report perhaps underplays this point, the rest of the PLA coverage placed army loyalty at the top of military priorities. As one article opened, “faith is the root of the loyalty, the foundation of the military spirit” (*PLA Daily*, March 11). CMC member and PLA Navy Commander Admiral Wu Shengli placed “ideological and political construction” and adherence to the guidance of the party center and Xi Jinping as the first of three priorities (Chinamil.com.cn, March 7). The clarification in recent years that the preservation of the party’s status is a “core interest” means that this pillar of Xi’s dream encompasses more than just the party controlling the gun. The PLA also has a responsibility to help preserve the party’s legitimacy, which could explain the rise of the PLA’s hawkish commentators as well as the need for the PLA to join in Xi’s mass line and anti-corruption campaigns (see “Propaganda as Policy? Explaining the PLA’s ‘Hawkish Faction’ (Part Two),” *China Brief*, August 9, 2013).

The work report and NPC-related commentaries reiterated the common refrain of the PLA’s need to be able to fight and win wars, because of continuing shortfalls in the military’s capabilities to protect China’s interests. In a speech on March 5, CMC Vice Chairman General Xu Qiliang “stressed that achieving the dream of building a powerful military is the mission and responsibility of the servicemen of our generation. It is necessary to focus on the real-combat training and push forward the combat power toward the high end” (China Military Online, March 7). This focus runs throughout the PLA, including its research and development process. As Lieutenant General Zhang Yulin, NPC deputy and deputy director of the General Armaments Department, stated, “‘Actual-combat orientation’ means the whole process ranging from equipment design, research and manufacture and production through test and verification” (China Military Online, March 7). The Central Military Commission continues to maintain a long-standing judgment about the shortfalls in the PLA capabilities known as the “Two Incompatibles” (*liang ge buxiang shiying*)—PLA capabilities are incompatible with winning local wars under informatized conditions and with accomplishing the new historic missions—as well as related slogans like “the inability to fight means the inability to guarantee the outcome” (*da bu liao zhang jiu bao*

*bu liao di*) (*PLA Daily*, March 10).

Improving the PLA’s work style (*zuofeng*) carries the Xi’s anti-corruption and mass line campaigns into the military. PLA officers are advised to be disciplined in their self-cultivation, self-discipline and use of authority (*PLA Daily*, March 10). Senior PLA officers and military commentators believe addressing the principle contradictions in PLA modernization, like the “Two Incompatibles,” requires changes that go beyond hardware and doctrine, including changes to education, mentality, and discipline. Corruption, accordingly, disrupts PLA modernization by undermining the military’s spirit and distracts from the goal of preparing to fight and win modern wars. If corruption is not addressed, according to the commentator Luo Yuan, the PLA could be defeated before it even fights (*Global Times*, March 18; *PLA Daily*, February 23; December 18, 2013). The need for a mass line campaign to address military corruption suggests a number of continuing problems at the mid-level ranks, such as pay for promotion, that distract officers from the second pillar: preparing to fight and win battles.

The work style reform reportedly has had an effect on the way the PLA speaks to itself and handles information. As one deputy from the Jinan Military Region, Han Qingbo, observed, the PLA has made “fewer flourishes, dealing more with facts” (*huajiazhi shao le, gan shishi duo le*) (*PLA Daily*, March 9). However, the PLA’s progress on addressing the work style has been skin deep and requires greater perseverance to root out the problems, such as non-commissioned officer selection (*PLA Daily*, March 9).

#### *Press Forward with Military-Civil Integration:*

In addition to being mentioned in the premier’s work report, military-civil integration (*junmin ronghe*) also was one of three topics discussed by Xi Jinping when he attended a PLA deputies meeting at the NPC on March 11 (Xinhua, March 11; March 14). At that meeting, Xi stressed the importance of military-civil integration for “achieving the dream of a strong military” and using the power of the market economy to support military modernization (*PLA Daily*, March 12). Pushing forward with military-civil integration was characterized as one of the party center’s “major strategic decisions in the new era,” which was reflected in its selection as a key theme for

the Army Day editorials in recent years (“Civil-Military Integration Theme Marks PLA Day Coverage,” *China Brief*, August 12, 2011). Adding context to Xi’s remarks about the value of the market, political commissar of the East China Sea fleet Wang Huayong suggested the army could learn from the special economic zones set up during the early reform era and possibly establish the PLA’s own experimental zones to encourage modernization (*PLA Daily*, March 11).

Apart from its modernization implications, one PLA delegate noted that military-civil integration should be adopted to improve the military’s handling of non-combat military operations, particularly inside China. Usually, military-civil integration is about leveraging the civilian sector to build the military; however, some of the proposals, such as those from the Henan chief of People’s Armed Police Shen Tao, went the other direction. Shen’s proposals addressed using military surveillance resources to bolster domestic humanitarian missions. Shen’s other suggestions of linking or allowing interoperability between civilian and PLA information systems that could be activated in emergencies also required the PLA assisting the civilian sector with information security (*PLA Daily*, March 10).

## Conclusion

The military themes of this year’s NPC reinforce the notion that Chinese strategy has become institutionalized from the developmental goals of the party congress work reports to the application of military modernization. [1] At a basic level, strategy is all about how leaders will use the means available to control their environment and achieve objectives. The 18th Party Congress Work Report outlined China’s national rejuvenation as “building a prosperous, powerful, democratic, civilized, and harmonious socialist modern country” by the centennial of the People’s Republic (“The 18th Party Congress Work Report: Policy Blueprint for the Xi Administration,” *China Brief*, November 30, 2012; Xinhua, November 17, 2012). The PLA’s contributions to these objectives come through its ability to fight and win wars, deter (and coerce) adversaries and execute non-combat military operations. Slogans like the “Dream of a Strong Army” and the “Two Incompatibles” identify where PLA modernization must go and provide reference points for evaluating the usefulness of any given reform or proposal, enabling the

dialectic between ends, ways and means that is required for effective strategy.

The explicit “peace through strength” narrative shows that the world in which Chinese leaders think they live is a very dangerous one—and getting worse—with a variety of challenges threatening to derail China’s development. For example, Japan is a country where “increasingly rampant rightist elements attempt to deny history, sabotage the postwar world order and scuttle the pacifist constitution” (Xinhua, March 6). In the speech where President Xi vowed not to “compromise [Chinese] core interests, no matter when or in what circumstances,” he also told the PLA “western hostile forces” are making China’s territorial sovereignty, geopolitical environment and internal ethnic and religious contradictions more severe (*PLA Daily*, March 15; Xinhua, March 11). The PLA’s ability to achieve the “Dream of Strong Army” to face these immediate challenges relates directly to China’s overall ability continue its progress toward the developmental milestones of 2049. Thus, the NPC narratives may reflect fear as much as the desire to be able to assert China’s prerogatives. *Peter Mattis is a Fellow in the Jamestown Foundation’s China Program and a PhD student in Politics and International Studies at the University of Cambridge. He served as Editor of China Brief from 2011 to 2013.*

## Notes

1. Timothy Heath, “What Does China Want? Discerning the PRC’s National Strategy,” *Asian Security*, Vol. 8, No. 1 (2012), pp. 54–72.

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## Malaysia Walks Tightrope on China and the South China Sea

By Prashanth Parameswaran

For almost two years, Malaysia and China have been making elaborate preparations to commemorate the historic 40th anniversary of their diplomatic relationship in 2014 (The Star, August 29, 2012). Yet the first few months of “Malaysia-China Friendship Year” have been anything but celebratory, with greater anxiety about

Chinese encroachments into Malaysian waters and the mystery surrounding a missing Malaysian plane initially headed for Beijing threatening to strain ties. Malaysia appears to be refining its conventional hedging strategy by intensifying a buildup of own capabilities and solidifying ties with regional actors and other external powers like the United States. Yet, the importance the government attaches to the relationship as well as political and budgetary realities suggests that there may be limits to both how the Southeast Asian state can respond, as well as the extent to which the South China Sea issue affects overall ties. Hence, despite skepticism of Chinese intentions, Malaysia is unlikely to either abandon its balanced approach or sign on to any overtly anti-Chinese initiatives anytime soon, despite the entreaties of other regional actors.

Malaysia's perception of China during the early Cold War was characterized by deep suspicion, owing to the specter of the Communist threat emanating from Beijing's ties to both the Communist Party of Malaysia (CPM) and the Soviet Union. But in a changing geopolitical environment, Malaysia became the first Southeast Asian country to normalize relations with China in 1974, a milestone both sides continue to emphasize publicly. Particularly with the end of the Cold War and the uncertainty surrounding China's rise, Malaysia has quietly pursued a hedging strategy designed both to maximize the benefits of the Sino-Malaysian relationship and to minimize risks by strengthening economic and security links with other powers such as the United States (see *China Brief*, September 21, 2012). Under Malaysia's current Prime Minister Najib Razak, bilateral ties have reached new heights, with the two sides agreeing to upgrade bilateral ties to a comprehensive strategic partnership during Chinese President Xi Jinping's visit to Malaysia last October (Xinhua, October 4, 2013).

### Recent Developments on the South China Sea Issue

Yet for all the positive developments in other dimensions of the Sino-Malaysia relationship, the South China Sea continues to remain a thorn in its side. Tensions between Malaysia and China are chiefly about overlapping claims in the Spratly Islands, which are located at the central part of the South China Sea. The Spratlys are north of Borneo, which includes the east Malaysian states of Sabah and Sarawak. Encroachments by China into what

Malaysia considers its exclusive economic zone (EEZ) are not new or rare—from 2008 to 2012 alone, as many as 35 assets belonging either to the People's Liberation Army Navy (PLAN) or Chinese law enforcement agencies were observed in Malaysia's EEZ (Maritime Institute of Malaysia, April 15, 2013). Yet Malaysia has traditionally preferred to respond to Chinese provocations quietly by registering private protests and slightly adjusting its relationships with other states, a sharp contrast to the more outspoken approaches adopted by the Philippines and Vietnam in recent years.

But several incidents over the past year have raised eyebrows because of their boldness and growing threat to Malaysia's security amid a broader pattern of increasing Chinese assertiveness in the South China Sea. On March 26, 2013, a flotilla of four PLAN ships visited James Shoal (which China calls Zengmu Reef and Malaysia calls Beting Serupai), 80 kilometers from Malaysia and 1800 kilometers from the mainland coast close to the outer limits of Beijing's nine-dashed line claim. The crew reportedly conducted an oath-taking ceremony on the deck of one of the ships, the *Jinggangshan*, pledging to “defend the South China Sea, maintain national sovereignty and strive towards the dream of a strong China” (*South China Morning Post*, March 27, 2013).

Malaysian officials initially announced there were no reports of an encounter with the flotilla, but then later said that Malaysia had in fact lodged a protest with Chinese authorities. Others also suggested that a Malaysian naval offshore patrol vessel, the KD *Perak*, monitored the exercise and issued orders for the PLAN to leave the area (*The Strategist*, April 2013). Then, in April, a Chinese maritime surveillance vessel returned to James Shoal and left behind steel markers to assert China's claim, an incident that was only fully publicly revealed a few months later (*The Diplomat*, February 28).

In January 2014, when a three-ship PLAN flotilla visited James Shoal again and a similar oath-taking ceremony was conducted, the chief of the Royal Malaysian Navy (RMN), Admiral Abdul Aziz Jaafar, initially denied that the exercises took place. It was not until February 20 that the chief of the Malaysian armed forces, Zulkefeli Mohamad Zin, finally publicly confirmed that the incident did occur. In fact, just after the incident China's ambassador to Malaysia paid a quiet visit to Malaysian

defense minister Hishammuddin Hussein, who was also joined by service chiefs (Xinhua, January 29; *The Star*, January 30). By now, some politicians in Malaysia were calling for a more assertive government response because Beijing's recent actions were affecting not only the security and sovereignty of Sabah and Sarawak, but the rights that Malaysia enjoyed within its EEZ, including the right to exploit marine resources and strategic oil and gas reserves (*Borneo Post*, February 5).

The disappearance of Malaysian flight MH 370, initially bound for Beijing and carrying more than 150 Chinese nationals, has also thrown yet another spanner in the works. Chinese media and officials have sharply criticized Malaysia's handling of the investigation, noting the frustration at the lack of timely authoritative information disclosed by the government and its reluctance to share insights (*China Daily*, March 13; *Global Times*, March 13; Xinhua, March 15). Chinese Foreign Ministry spokesman Qin Gang also noted that China had the responsibility to "demand and urge" Malaysia to step up its efforts, and Beijing has deployed what Chinese media have called the largest Chinese rescue fleet ever assembled, including warships, coastguard vessels, aircraft and satellites in its search area (Reuters, March 13).

### Malaysia's Refined Hedging Strategy

Despite Malaysia's seemingly quiet public response, the additional measures the government has taken during the past year or so suggest that it is in fact recalibrating its hedging strategy to account for these increasingly bold Chinese encroachments. Diplomatically, Malaysia has accelerated efforts over the past few months to work with its fellow claimants in the South China Sea, namely Brunei, the Philippines and Vietnam to coordinate a joint approach on the dispute. Less than a week after the incident in January, Malaysian Foreign Minister Anifah Aman made an unannounced private visit for discussions with his Philippine counterpart, during which the South China Sea issue was raised according to the Philippine foreign ministry (Reuters, February 26). Malaysia was also actively engaged in organizing and participating in the first ASEAN Claimants Working Group Meeting held in Manila on February 18, and Kuala Lumpur is reportedly hosting the second round later this month following ASEAN-wide consultations with Beijing on March 18 (*Philippine Star*, March 3).

Malaysia has also announced efforts to boost its own capabilities. In addition to stepping up patrols around the area, Hishammuddin issued a statement in October last year that the country would set up a marine corps and establish a naval base 60 miles away from James Shoal in Bintulu, Sarawak. While the statement itself did not refer to the South China Sea explicitly and cited security in the East Malaysian state of Sabah as the rationale, the proximity of the base, the timing of the move and the prioritization of the initiative was not lost on defense analysts (*Jane's Defense Weekly*, October 15, 2013).

Kuala Lumpur has also intensified its military engagement with the United States. During Hishammuddin's inaugural visit to Washington, D.C. in January since assuming the defense portfolio, he discussed strengthening military exercises and training with his counterpart Chuck Hagel (*New Straits Times*, January 19). And when U.S. admiral Jonathan W. Greenert met with the RMN chief Aziz in February, the two discussed the recent incident with the Chinese navy, talked about submarine operations and agreed to more U.S. ship visits to Malaysian ports in the future, in addition to the average of over twenty per year registered over the past six years (*The Malay Mail*, February 11). Greenert also reportedly assured Aziz of America's commitment to Malaysia's national security.

### The Limits to Malaysia's Response

But even if these developments suggest a more energetic Malaysian response to China's growing assertiveness in the South China Sea, there are a few key factors that limit the extent to which the Southeast Asian state can react, as well as the degree to which this dimension will affect the overall relationship, both now and in the near future.

First, Malaysia's historical relationship with China is something which both sides continue to take very seriously. Beijing never forgets that Malaysia was the first ASEAN state to normalize ties with China at a time where some of its peers were still concerned about the threat it posed. Furthermore, it matters to both sides that this historic normalization was done when Najib's father, Tun Abdul Razak, was prime minister. For example, when Najib visited China for the first time as Prime Minister in 2009, Chinese Prime Minister Wen Jiabao gifted him a photo picturing Najib's father signing the joint communique to establish diplomatic ties with Chinese Premier Zhou

Enlai (*China Daily*, December 17, 2013).

Second, and on a related note, Malaysia's civilian leadership has placed a high priority on maintaining good overall ties with Beijing and is determined to ensure that irritants in one area do not get in the way of an otherwise successful relationship. As Najib clearly stated in his keynote address to the Shangri-La Dialogue in 2011, while Malaysia remains fully committed to a "common ASEAN position" in terms of engaging China on the South China Sea, it is "equally determined" to ensure that the bilateral relationship "remains unaffected" (Shangri-La Dialogue, 2011). This is especially important this year, as Najib continues to try to make advances in his chief goal of making Malaysia a developed country by 2020 by boosting investment and tourism, cutting subsidies and reining in the deficit amidst intensified domestic opposition (*New Straits Times*, March 8). As Malaysia's largest trade partner, export destination, import source and tourist-generating market outside of ASEAN, China will be at the forefront of any successful economic strategy, and it will take a lot for Najib to risk straining the overall relationship. However, it is important to note that Malaysia is a top economic priority for China as well, being its third largest trade partner in Asia after Japan and Korea and accounting for about a quarter of Beijing's overall trade with Southeast Asia (Xinhua, January 21).

Even as Malaysia continues to be cautious about Beijing's assertiveness in the South China Sea and intensifies its hedging efforts, it still seeks better ties with Beijing in the security realm, albeit in a gradual and calibrated manner. For example, a year after the two sides had held their first ever defense and security consultation and following President Xi's visit to Kuala Lumpur in October 2013, Hishammuddin paid a visit to Beijing and announced that China and Malaysia were expected to launch their first-ever joint exercise in 2014 and that he had invited his counterpart Chang Wanquan to visit the Malaysian naval base of Mawilla 2 in the South China Sea in pursuit of launching a "direct-contact" relationship with China's South China Sea fleet (Xinhua, September 11, 2012). While this security cooperation is relatively modest considering that both sides signed a memorandum of understanding nearly a decade ago, and even if the push on some initiatives is largely coming from Beijing, these efforts nonetheless deserve mention.

Third and finally, in spite of any rising threat perception vis-à-vis China, budgetary constraints may also restrict what Malaysia can realistically do to enhance its own capabilities to counter Beijing. The current political environment is characterized by a combination of widespread public discontent over price hikes, broader dissatisfaction with the government—which actually lost the popular vote in its election victory last year—and a deep suspicion about corruption in military purchases. This makes spending increases on military procurement a tough sell. For instance, RMN chief Aziz said in a January address this year that the Malaysian navy does not expect to undertake significant development programs in 2014 beyond existing commitments due to budgetary constraints. While he also added that the navy may ask the government to fund new purchases, such as surveillance radars and underwater security systems that could enhance Malaysian capacity to act in the Spratlys, as well as additional ships to relieve the stress of maintaining the navy's current operational tempo, it remains to be seen whether the government will be able to approve, acquire and deploy them in a timely fashion (*Jane's Defense Weekly*, January 9).

So while some countries may continue to hope that Malaysia will speak louder and carry a bigger stick when it comes to countering Chinese aggression in the South China Sea, it is far more likely that the government will insist on both adjusting its quiet hedging strategy against Beijing while also working equally hard to prevent that issue from undermining the overall bilateral relationship. Until and unless this balanced approach becomes unviable, Malaysia looks set to continue to walk the tightrope on China and the South China Sea.

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## Fleshing out the Third Plenum: the Direction of China's Legal Reform

By John Wagner Givens

Since the Third Plenum in November of last year, a couple of interesting documents have appeared that have begun to add meat to the Plenum's bare bones recommendations for reforming China's legal system. Efforts appear to be underway to centralize court finance, end Re-education Through Labor, and bring justice into the internet age. Even with Xi Jinping's support, however, many of the problems with China's legal system run too deep to be remedied by these reforms.

Received wisdom states that Third Plenums are momentous events, the pronouncements from which signal the direction and speed of reform in China for the next five years. The reality, however, is that they are primarily convenient milestones from which to date reforms. Initial signals trickle out in the form of supporting documents, but the proof of reforms' effectiveness often emerges years later. Even the now-legendary Third Plenum of the 11th Party Congress in 1978 is largely a convenient shorthand for reforms that began with the death of Mao Zedong two years before and were not truly solidified until Deng Xiaoping's Southern Tour in 1992. Besides, there was almost no hint of these changes in the decisions that emerged from the 1978 plenum, which barely mentioned the word reform and reaffirmed Mao's soon-to-be-defunct People's Communes.

The resolutions emanating from last November's Third Plenum were predictably positive-sounding and vague. Even those related to economic reform, the apparent focus of the 18th Third Plenum, are hard to interpret. Guidelines for legal reform posed even greater difficulties, as they were sparse, leaving little material to work with. Many of the elements of the resolutions sound encouraging:

- “Ensure that judicial and prosecutorial powers are exercised independently, fairly, and in accordance with the law.”
- “Perfect structures for the judicial protection of human rights.”

- “Create robust mechanisms for the exercise of judicial power. Optimize the allocation of judicial authority, create robust divisions of labor for judicial responsibilities, mutually coordinate and restrain judicial powers, strengthen and standardize legal and social supervision over judicial activities” (*CCP Central Committee Resolution concerning Some Major Issues in Comprehensively Deepening Reform*, Xinhua, November 15, 2013).

Yet some of these phrases contain elements with the potential to worry observers of China's legal system. For example, “social supervision over judicial activities” smacks of the phenomenon of popular opinion superseding law that was evident in the recent Tang Hui affair. In this incident, the continued efforts of a victim's mother to publicize her daughter's case eventually resulted in the sentences for a number of men being ratcheted up to the death penalty, far more than the evidence should have allowed for (*Southern Weekend*, August 1, 2013).

A couple of documents that have emerged since last November, however, have begun to hint that the slogans of the Third Plenum may be less empty than they first appeared. The first document contained written instructions issued by Xi Jinping to the People's Courts. The actual content of the instructions largely repeats uninteresting slogans, many of them drawn from the Third Plenum (*People's Court Daily*, January 30). Yet, the unusual step of China's top leader issuing instructions directly to the Courts and praising their efforts has been seen by some commentators as implying a significantly greater level of support for the courts and legal reforms than has been seen in the past (*Supreme People's Court Monitor*, February 18).

The second document, entitled: “Opinion Regarding Mass Work on Innovative Solutions to Prominent Petitioning Problems,” was issued by the General Offices of the Communist Party Central Committee and the State Council on February 25. As is often the case with such documents, many of its recommendations were so basic as to be meaningless, worrying, or both. Point three, for example, exhorted all state officials to act according to the law. More promising sections, however, stressed enlisting the courts in and improving the mechanisms for dealing with both petitioners and the underlying

problems that give rise to their grievances. It goes on to name some of the most significant socio-political and economic issues in the PRC: “land acquisition and demolition, labor and social security, education, health care, corporate restructuring, environmental protection, etc.” Point nineteen of the document recommends the use of new technology in reaching out to the masses, including micro-blogs, WeChat, QQ instant messenger and the web more generally (Xinhua, February 25). This was likely the most actionable proposal, as it was followed up a few days later when the Supreme People’s Court launched its new website for handling petitions, complaints, and grievances ( <http://www.court.gov.cn/ssxf/index.jsp> , February 28) In order to assess whether these actions are tinkering, or progress toward the rule of law in China, it is necessary to ask:

*Could reforms and policies alluded to by the Third Plenum and these subsequent documents improve the ability of people and organizations to use China’s courts to appeal to central policy priorities against the interests of local governments?*

To provide the best possible answer to this question, this article will focus primarily on administrative litigation in China. In the PRC, administrative litigation refers to cases in which some part of the local Chinese government is sued for violating its own laws, rules and regulations. It is, therefore, the division of China’s legal system which is most directly relevant to helping Chinese citizens challenge the authoritarian zeal of their local governments. Many of the arguments made here, however, will be applicable to China’s legal and political system more broadly.

Probably the most promising reform to the Chinese legal system that was proposed in this Third Plenum is embedded in the sentence: “Reform judicial management systems, promote the unified management of human resources in courts and procuratorates at the provincial level and lower, explore the establishment of judicial jurisdiction systems that are suitably separated from administrative subdivisions, guarantee the uniform and correct implementation of State laws.” Most experts assume that this refers to reforms that would move control over courts’ budgets and personnel to a higher judicial or administrative level. This would remove, or at least lessen, the power of local level People’s Congresses to appoint and dismiss judges, and local government control over courts’ budgets. These reforms are potentially significant

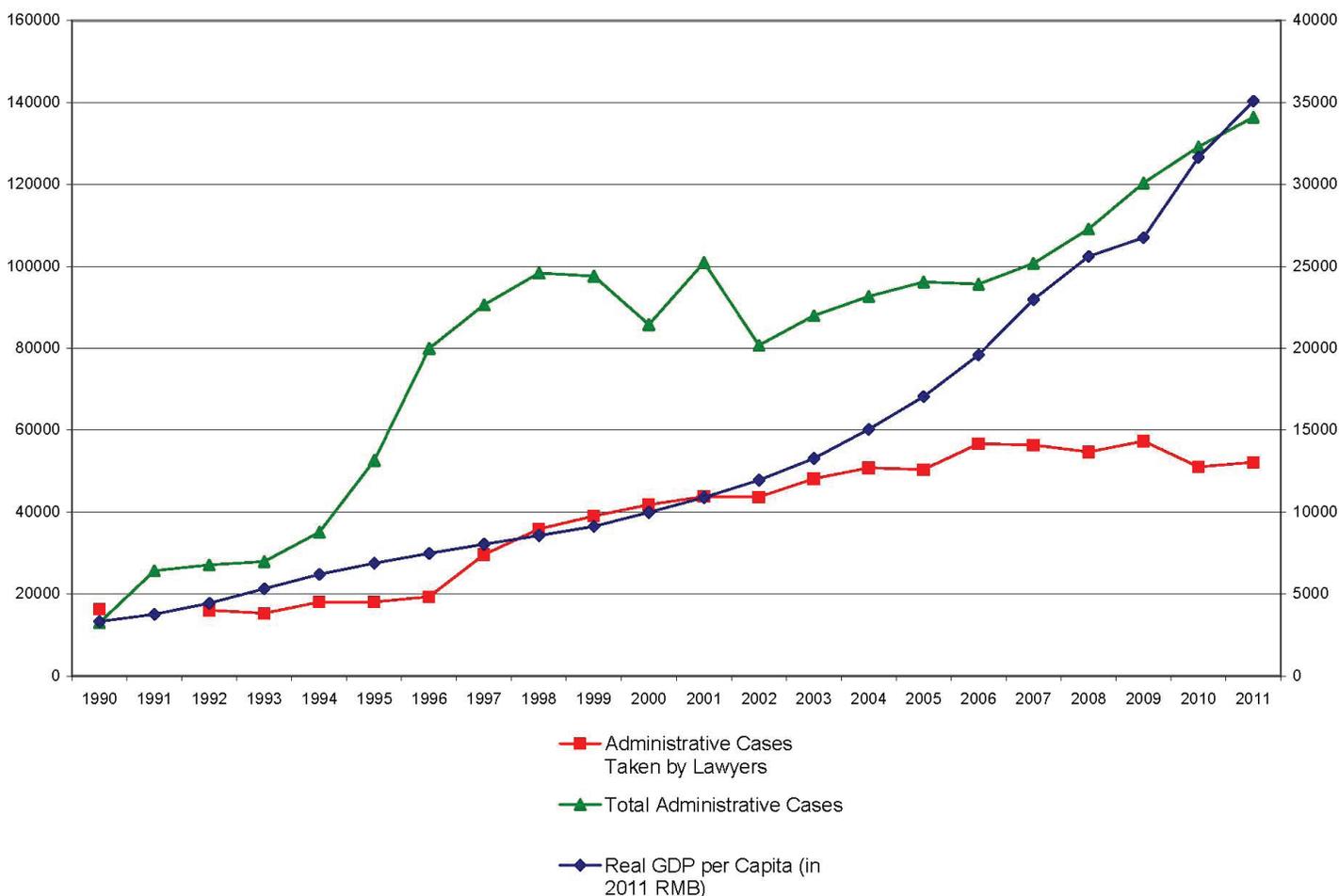
because local government control over courts’ budgets and personnel is one of their prime levers of influence over a judicial system that might otherwise be able to hold them accountable. While this would represent an important step forward, there are a number of reasons to temper optimism with a great deal of caution.

Reforms that would go some way towards centralizing courts’ budgets and personnel have been tossed around for years or even decades. Even many of the phrases used in the last year are the same or similar to those that have been seen before. Like the economic policies of the 11th Third Plenum, these reforms have already begun on an experimental basis and whether they continue or not will depend on how the party evaluates their effect in the years to come (Duowei News, October 10, 2013). Even if followed through to the fullest, however, the impact of this reform will not be as significant as some might hope.

Litigation in China already allows for appeal to a higher court. So for example, if someone sues a department in the county-level government, they are likely to start in a basic-level court, which the local government can pressure through their influence over the court’s budget and personnel. A subsequent appeal, however, brings the case before an intermediate court. Unless the county-level department has strong allies in the prefectural government, which is unlikely, it should not be able to put any serious pressure on the intermediate courts. Interviews this author conducted with Chinese lawyers even uncovered cases where lower court judges informed lawyers that political pressure would not allow them to find in a plaintiff’s favor, but recommended appeal as a way of circumventing this issue. To be sure, appeal is not a panacea. Ideally, plaintiffs should be able to get an impartial hearing in the court of first instance. Additionally, county-level courts can make it difficult to appeal by not issuing a written refusal to hear a case. Nevertheless, moves to centralize budgets and personnel would represent a positive move towards substantial real reform.

Structural reforms facilitating the independence of courts, as vital as they are, are only one piece of the puzzle. The Chinese legal system is not simply held back by local governments interfering with the implementation of central government policies. Many of the laws that allow the Chinese legal system to limit the discretion and

ADMINISTRATIVE CASES COMPARED TO GDP PER CAPITA, BY YEAR



authoritarian zeal of the Chinese state are heavily biased in favor of the state. Even completely impartial courts can only do so much when faced with a legal framework that is tilted dramatically in favor of local governments. While some of these rules and regulations are issued by local governments to help them subvert central policies they find irksome, many of the most important deficiencies are in national level laws and policies. For example, the administrative litigation law does not contain any provision to compel the government to produce evidence that might prove its wrongdoing, and without such evidence it is difficult for a court to find against the government. More broadly, the Chinese constitution is not justiciable—it cannot be used as a basis for actual litigation. Without a sweeping overhaul of China’s laws, rules and regulations, China’s courts will have difficulty acting as a robust check on the arbitrary exercise of power by China’s local governments.

There are also broader factors of legal infrastructure

and culture that make the Chinese legal system less effective than it could otherwise be. Both for lawyers and judges, there is very little specialization, especially in administrative law, a problem that exacerbates an already existing shortage of skilled, trained, experienced and educated judges and lawyers. Whether rooted in culture, institutional factors or experience, average citizens tend to be reluctant to litigate or seek legal advice. This means that even when the legal system provides a somewhat effective tool for seeking redress against the state, many people fail to take advantage of it. The statute of limitations for administrative cases, for example, is three months, which is the same as in many developed world jurisdictions. The fact that Chinese often only turn to courts and lawyers as a last resort after exhausting other avenues, however, means that most potential administrative cases in China are lost before they are begun. Changing China’s legal culture and building a solid legal infrastructure that would extend to remote areas where local governments tend to be the most overbearing might take decades, even with

strong central government support.

One of the other big changes announced in this Third Plenum, the abolition of Re-education Through Labor (RETL), illustrates the need for broader reforms. RETL, known in Chinese as *laojiao*, is a type of administrative detention that allows China's police to sentence an individual to three years (with a possible one-year extension) without a trial or judicial confirmation. It has long been possible to challenge RETL sentences in China's administrative court. Yet the courts have clearly proved an insufficient check, and public outcry over continued abuses and problems mean that the state finally felt the need to abolish the system entirely. Many other important political and socio-economic issues will similarly require a complete overhaul before the courts can properly address them. For example land expropriation, the leading issue in administrative courts, is unlikely to be satisfactorily dealt with by judges until a workable system of rural land ownership is established.

Despite its severe limitations, Chinese citizens have increasingly turned to their legal system in general, and administrative litigation in particular, as a way to solve problems. As the graph on the previous page shows, administrative cases brought against the Chinese state have increased at a prodigious rate, more or less keeping pace with economic growth, a staggering accomplishment considering that China has experienced the most remarkable period of growth in human history. On the other hand, the number of cases handled by lawyers has not kept pace, showing the limits to the broader system and legal infrastructure. Large numbers of fresh law majors can, and have been, graduated in a short period. But giving them the training and experience necessary to take on an opponent as powerful as the Chinese state, even in its local manifestations, is a long-term process.

Rome was not built in a day—nor were the laws and courts that still serve as the basis for most legal systems around the world. The Chinese legal system is a stronger institution for defending the rights of average Chinese against the abuses of local governments than it was two decades ago. It has a long way to go, however. While promising to abolish and centralize court finance and personnel is an important step and technology may help courts better serve the Chinese public, China's top leadership probably does not have an appetite for many

of the more profound reforms that would be needed to make dramatic improvements to China's legal system. Reforming the law is an ongoing process that will probably require at least a few more Third Plenums.

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## Old Wine in an Ancient Bottle: Changes in Chinese State Ideology

By Carl Minzner

Only a year since assuming the top Party post in November 2012, Xi Jinping has emerged as the strongest Chinese leader in decades. His sweeping anti-corruption and mass line campaigns have shaken the bureaucracy, consolidated his power, and removed the supporters of former security tsar Zhou Yongkang. And at the Third Plenum in the fall of 2013, Xi asserted direct control over the economic reform and domestic security portfolios with the announcement of two new national committees that he himself will chair (Xinhua, January 24; "Xi's Power Grab Towers Over Market Reforms," *China Brief*, November 22, 2013).

Xi is also moving to leave his stamp on state propaganda and ideology, borrowing language and themes used by his predecessors and accelerating a trend toward replacing socialist doctrine with nationalist rhetoric that reconciles Mao with Deng Xiaoping, Chiang Kai-shek and Confucius. In content, he has sought to neuter the struggles between left and right by declaring that the pre-reform historical legacy of Mao Zedong and the post-reform one of Deng Xiaoping are of equal weight (*Straits Times*, November 9). In style, he has appropriated Mao's populist touch (see "Xi Invokes Mao's Image to Boost his Own Authority," *China Brief*, January 10). Recent weeks have seen heavy state media coverage of Xi—and not other top Party leaders—eating steamed buns with ordinary citizens, delivering New Year's greetings to the

nation and extending his wishes to students and recent graduates, all to an enthusiastic citizen response.

Xi's efforts in the ideological sphere go deeper still. He is appropriating the mantle of Chinese traditional culture to fashion a new image for one-Party rule, and sanitizing official representations of socialism to correspond with the economic realities and nationalist enthusiasms of recent years. Naturally, this is a continuation of efforts dating back to the late 20th century. Since Deng, central authorities have regularly struggled to reinterpret the Party's socialist legacy to correspond with the market-based reforms that have dramatically changed China's economy and society. And since the early 2000s, traditional Chinese culture has been a key tool in Beijing's attempt to project soft power on the international stage (see "Confucius Institutes and the Question of China's Soft Power Diplomacy," *China Brief*, July 7, 2010).

But Xi's moves are also part of a new, concerted play to rework the doctrinal foundations of Party legitimacy, one that is directly tied to the 2011 Party plenum communiqué on culture. And they are steadily altering official depictions of Chinese history in museums, textbooks and state media.

### **Socialism continues to be toned down . . .**

Xi set the new ideological tone early on. After the 2012 leadership transition, his first official act was to take the Politburo standing committee members on a collective tour of the newly reopened national history museum. The focus of their visit was the Road to Revival exhibit, which redefines the Party's legacy over the past 150 years.

This new historical narrative more clearly situates the Communist Party in a broad story of nationalist revival, rather than one of socialist revolution. 1949 is no longer as critical a date. Instead, the Party is part of a panoply of reformers stretching back to the late 19th century, all with a shared goal—reviving the Chinese nation. Chiang Kai-shek and the Nationalists are depicted more as misguided comrades-in-arms, rather than tyrannical oppressors. Such an approach also has obvious utility as mainland leaders continue to woo the Ma administration in Taiwan, recently holding the first face-to-face meetings between government officials in charge of cross-strait relations (CCTV, February 18). Similarly, the imperial reformers

of the late Qing are portrayed as sympathetic top-down technocrats attempting to industrialize China, rather than remnants of a feudal regime holding back the tide of modernization.

Consistent with this narrative, the public depiction of the Party's history is being scrubbed of much of its socialist roots. The concept of class struggle is almost completely gone; 1930s-era Party efforts at organizing peasant revolution, significantly downplayed. Of course, this makes sense. Peasant rebellion and worker activism are now precisely the things most feared by the fusion of political power and economic wealth that has emerged as China's governing elite in recent decades.

Other museums, such as that of the First Conference of the Communist Party in Shanghai, have been harmonized with similar photos and historical periodization. New propaganda materials with identical themes have begun to crop up throughout the state apparatus. One example is the work "500 Years of Socialism," which central propaganda and organization bureau officials are currently circulating for lower-level cadres to study in conjunction with the Third Plenum communiqué and Xi's recent speeches (Xinhua, February 10). This book, also being adapted as a textbook for political education classes in universities, is an updated version of "400 Years of Socialism," initially issued in the early 1980s. The author of both is Yu Youjun, former Shanxi governor and erstwhile rising star in the Chinese bureaucracy. Demoted and subjected to two years Party probation in the wake of the 2007 Shanxi "brick kiln" slave labor scandal, he spent his time revising his earlier work. The new version appears to mark a political re-emergence for Yu. Published in 2011, it was made into a 50-part documentary first aired on state television in 2013, and currently being rebroadcast at regular intervals.

As with the museum exhibits, the video documentary continues the process of rewriting the history of the Party's origins. In this telling, 1949 was not primarily a socialist revolution, nor was Mao a socialist leader. Rather, both the revolution and the early 1950s are held up as successful examples of Mao's New Democracy. Lenin and the New Economic Policy receive similar treatment. Capitalists were not the target of the revolution, according to this narrative. Indeed, the signature Party reforms of the 1950s aimed at protecting national industry and

commerce, such as insisting on protecting the nationally-renowned Quanjude restaurant in the face of the owner's efforts to close it.

In contrast, the documentary broadly portrays socialism as part of a utopian search for a better world, rather than as a practical political philosophy. It strongly links 20th century socialism to a specific failed set of economic policies pursued by the Soviet Union and incorrectly implemented in China from the late 1950s to 1970s (but only briefly discussed). The 1980s version of Yu's work had merely criticized the Soviet emphasis on heavy industry and agricultural collectivization. The 21st century version goes further, condemning core socialist concepts such as class struggle, egalitarianism, and non-market incentives (*Southern Weekend*, July 1, 2011). The video documentary fuses this criticism with an attack on Soviet-era reforms to one-Party rule, ranging from Khrushchev's "secret speech" on Stalin to Gorbachev's efforts at pursuing political, instead of economic, reform.

The new state propaganda line consequently comes close to divorcing China from any of the actual remaining philosophical content of Marxist socialism (as opposed to Leninist or Maoist one-Party rule). This raises the question of exactly what the Party seeks to point to as its ideological source of legitimacy.

### ... and "traditional Chinese culture" brought in

Xi has clearly pointed to an answer. In November 2013, he made a carefully-planned visit to Qufu, the birthplace of Confucius, where he inspected the Confucius Research Institute, extolled the classics and the influence of Confucian thought on the Sinicization of Marxism, and proclaimed: "From the day it was founded, the Chinese Communist Party has been a loyal standard-bearer and proponent of the excellent elements of traditional Chinese culture . . ." (*Ta Kung Pao*, February 12).

Of course, this is not true. From its birth in the wake of the May 4th movement—a reaction against traditional culture—to Cultural Revolution-era efforts to obliterate China's past, the Communist Party has always had a deeply conflicted relationship with history. For decades, it has sought to ground its legitimacy in modernization—whether Marxist socialism or economic reform—not tradition.

But this is the new Party orthodoxy. Xi's statement above is directly lifted from the 2011 Party plenum communiqué on culture. The 2011 communiqué not only asserts that the Party itself is rooted in tradition, it also sets out sweeping instructions to expand the promotion of traditional Chinese culture across the board—in the media and Internet, within educational curricula and in cultural exchanges with Hong Kong and Taiwan. The content of the 2011 communiqué is being explicitly incorporated into central instructions to provincial officials on improving governance (*Xinhua*, February 17). It has been made a key component of the new "core values" (*hexin jiazhi*) campaign that Party authorities announced on December 23 (*Xinhua*, December 23). And it has been made the focus of recent Politburo collective study sessions (CCTV, February 25). Naturally, this new direction also builds on the popular resurgence of interest in traditional culture among many citizens, amid the sense that Chinese society has lost its moorings in the midst of rapid economic and social change.

State media content has already begun to shift in accordance with the propaganda line launched in 2011. In 2010, televised dating programs such as *If You Are The One* (*Fei Chang Wu Rao*) made a huge splash in popular media, prompting concerns that they were contributing to a decline in moral values. These have since been toned down. New television programs emphasizing traditional culture have been added, such as the Chinese Character Dictation Competition. Introduced in 2013, it requires contestants to reproduce characters using pen and paper after hearing them spoken, and has been credited with sparking a renewed interest in writing among a younger generation raised on software for inputting characters into electronic devices. And since the beginning of 2014, the CCTV evening news has significantly expanded the invocation of, and reporting on, traditional moral values in their nightly broadcasts, with new slogans such as "only with good family customs can one be a good citizen" (*you hao jiafeng cai you hao gongmin*).

Education is another example. In the fall of the 2013, Beijing authorities announced that the importance of English on the college entrance exam would be reduced, and that of Chinese increased (*New York Times*, October 22). Other provincial authorities are following suit, suggesting that high school students may be pushed to reduce their efforts to study English.

## Implications

China's pivot to its own past raises a host of questions. Some are practical. Many institutions founded during the late-20th century reform period stressed learning from abroad. How will these fare under the new policy line?

Shifts in state ideology may offer new space for Chinese reformers. Those who draw on Confucian and Buddhist traditions may find themselves with new room to address pressing social problems. Even the new Party line on socialism opens up some new rhetorical possibilities at the margins. For example, denunciations of late 19th-century European social democratic reformers have disappeared in favor of a much more neutral analysis, creating the possibility that these could be marshaled as examples of successful gradual reform in the future.

Despite this, it is very clear that current Chinese authorities intend to use their ideological shifts to buttress the existing one-Party political system. In his visit to Qufu, Xi rejected the concept of universal human rights, asserting that the distinction between good and bad were fundamentally rooted in the "traditional culture" of different countries. He repeated a comment he made to the Greek prime minister, "Your 'democracy' is the democracy of ancient Greece and Rome—that's your tradition. We have our own." (*Ta Kung Pao*, February 12).

This ideological line could also undermine efforts to promote modernization efforts such as legal reform. Consistent with late 20th-century state interests in consulting foreign models, a generation of academics and NGOs promoted governance reform in China by arranging study tours and helping establish discussions between foreign judges and officials and their Chinese counterparts. But if local Party leaders take Xi's instructions to draw ideological guidance from China's own history and traditions at face value—as commentaries in ideological sources have urged—will the Chinese Academy of Social Sciences and the Ford Foundation increasingly need to think about consulting specialists in Tang dynasty governance practices before proposing administrative law reforms for China today (Central Party School website, December 25, 2013; *People's Daily*, February 20)?

As Party authorities continue to shift back to the past,

to culture and to nationalism as a more explicit basis for their rule, the risk exists that these could fuel growing ethnic tensions within China. Concepts invoked by Xi in Qufu, such as that of "offspring of the Yellow Emperor" (*yanhuang zisun*) have a contested history within China. Nor is it clear what the implications of the new policy line will be for religious sects that do not fall easily within the definition of "traditional Chinese culture."

In China, history is not dead. It is not even past. Rather, it is returning.

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