

## WANG, Tieya

**Born:** 6 July, 1913; Fuzhou, China

**Education:** B.A., Tsinghua, 1933; M.A., Tsinghua, 1936  
Research Fellow, London School of Economics, 1937-39

### Professional Appointments

- *Professor of International Law*, Peking University 1946 to date.  
National Central University, 1942-1946;  
National Wuhan University, 1940-1942.
- *Director*, International Law Institute, Peking University, 1983-1988.
- *Visiting Professor of International Law*  
Hague Academy of International Law, 1991;  
University of California at Los Angeles (UCLA) School of Law, 1989;  
University of British Columbia, Vancouver, Canada, 1988.
- *Visiting Scholar of International Law*  
Columbia Law School, 1982, 1989, 1990;  
New York University Law School, 1991.
- *President*  
Chinese Society of International Law, 1991 to date.  
Vice-President, 1980-1991.
- *Vice-President*, Chinese United Nations Association, 1983 to date.
- *Co-Editor-in-Chief*, Chinese Yearbook of International Law, 1990.
- *Adviser*  
China Law Society, 1985 to date.  
People's Institute of Diplomacy, 1983 to date.  
Chinese Society of Oceanography, 1988 to date.  
Chinese Institute of Study on Hong Kong, 1990 to date.
- *Fellow*, World Academy of Art and Science, 1986 to date.
- *Founding Member*, World Network of International Lawyers, 1991.
- *Member*  
Institut de droit international, 1987 to date.  
Canadian Council on International Law, 1983 to date.  
Advisory Board, Asian Yearbook of International Law, 1990.  
Editorial Board, Journal of Ocean Management and  
International Law, 1982 to date.  
National Committee, Chinese People's Political Consultative  
Conference, 1982 to date.  
Drafting Committee of the Basic Law of the Special Administrative  
Region of Hong Kong, 1981-1990.  
Central Committee, Democratic League of China, 1980 to date.

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### WANG TIEYA

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B.A. National Tsinghua University, 1933; M.A. (International  
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Professor of International Law, Peking University, 1946-

Professor of International Law, concurrently, Chinese University  
of Political Science and Law; Institute of Diplomacy; People's  
University of China; Nankai University, Tianjin

Member, Chinese People's Political Consultative Council

Member, Committee on the Drafting of the Basic Law of the  
Special Administrative Region of Hongkong, Chinese National  
People's Congress

Vice-President, Chinese Society of International Law

Vice-President, Chinese United Nations Association

Co-Editor-in Chief, Chinese Yearbook of International Law

Membre, Institut de droit international

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Fellow, World Academy of Art and Science

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Law: the Journal of Marine Affairs

Honorary Member, European Association for Chinese Law

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Advisor, Chinese Political Science Association

Advisor, Chinese Society on the Study of the History of International Relations

Advisor, China Association for the Advancement of International Understanding

Council member, Chinese Center for International Cultural Exchange

Council member, China Association for International Understanding

Council member, Chinese People's Institute of Diplomacy

Council member, Chinese Society for Higher Education

Visiting Scholar, Columbia Law School, 1980-1990

Visiting Professor, University of British Columbia, Vancouver, 1988

Visiting Professor, University of California at Los Angeles, 1989

Visiting Professor, Hague Academy of International Law, 1990  
Lectures at Harvard, Yale, Berkeley, Los Angeles, Virginia, Connecticut, Dalhousie, 1980-1988

Professor of International Law, National Wuhan University, 1940-1942

Professor of International Law, National Central University, 1942-1946

Professor of International Law and Relations, Peking University, 1946-

Chairman, Political Science Department, 1947-1952 (Peking University)

Head, Section on the History of International Relations, History Department, 1952-1956 (Peking University)

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Head, Section on International Law, Law Faculty, 1956-1957; 1980-1983  
(Peking University)

Director, International Law Institute, 1983-1985 (Peking University)

Senior Research Fellow, Institute of Law, Chinese Academy of  
Social Sciences, 1981-1986

Researcher, London School of Economics and Political Sciences,  
London, 1937-1939

Member, Chinese delegation to the Asian States Conference,  
New Delhi, 1955

Member, Chinese delegation to the International Democratic  
Lawyers Congress, Brussels, 1956

Legal Advisor, Chinese delegation to the United Nations, 1950

Legal Advisor, Chinese delegation to the United Nations Con-  
ference on the Law of the Sea, 1979

### Recent writings in English:

"The Third World and International Law", in R.St.J. Macdonald  
and Douglas Johnston (ed.), The Structure and Process of Inter-  
national Law: Essays in Legal Philosophy, Doctrine and Theory, 1983

"China and the Law of the Sea", in Douglas M. Johnston and  
Norman G. Letalik (ed.), The Law of the Sea and Ocean Industry:  
New Opportunities and Restraints, 1984

"China and International Law: An Historical Perspective", in  
International Law and the Grotius Heritage, A Commemorative  
Colloquium held at the Hague on 8 April 1983, 1985

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"Nuclear Deterrent and International Law", in Maxwell Cohen and Margaret E. Gouin, *Lawyers and the Nuclear Debate*, 1988

"International Law in Transition", a report presented to the Pacific Region and International Law Conference, 1988

"The Concept of the Common Heritage of Mankind", in *China and International Law*, to be published, 1989

"United Nations and International Law", *Ibid.*

Questions for Professor Wang

February 7, 1992

1. Your life as a student in the Political Science Department of Qing Hua University (1931-1934?), how did you live? What was going on at the time, etc.

easy days  
work hard

library & gymnasium

Political Science Department  
Business School

2. Life in Chungking from 1942-1946. Where did you live? What was going on at the time? Japanese bombing. What was the difference between Central University and Chungking University?

University campus  
poor dormitory  
heavy family burden

3. What were the "student movements" between 1946, when you joined Peking University, and 1949? For example, what was the movement against the civil war? The democratic movement against the government?

Democratic movements  
against the govern-  
ment;

4. What was the Black list?

To be arrested for torture.

Shen Chong  
Three anti's

5. What was your situation between 1973 and 1977, when you started giving lectures again?

Anti Hunger  
" Civil war

6. In what year was the Institute established?

1983



1. The person for you to see is Hoover  
There is your chance to go to meet him,  
but only when you are ready.

2. No because James he will be very up. For you: see the development of PRC =  
China;

**The United States  
and China in the  
Twentieth Century**

**Michael Schaller**

This book examines the history of Sino-American relations in the nineteenth and twentieth centuries, with emphasis on the years since 1937. The author describes and analyses events from the nineteenth-century opium trade and missionary movement to the recent establishment of diplomatic relations. Illustrated £6.95

X  
L. H. H. H.

Oxfor U.P 1980

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## Beijing lays claim to entire Mongol region

Reuter in Ulan Bator

**C**HINA has said in a secret circular that the independent country of Mongolia and a Mongol-inhabited part of Russia should be considered Chinese territory.

The circular, obtained by Reuters, orders a campaign against those it alleges are working for the secession of Chinese-controlled Inner Mongolia. It targets the United States, some Japanese academics, unspecified Western countries and Tibet's spiritual leader, the Dalai Lama.

There was no immediate comment from Beijing.

Issued by the Inner Mongolian branch of China's secret police — the State Security Bureau — and dated March 24, the circular argues that the concept of Mongol nationalism is flawed because Mongol territories are in fact Chinese.

"The Mongolian region has from ancient times been Chinese territory," the eight-page document says. "As of now, the Mongolian region comprises three parts which belong to three countries."

It names the three parts as the Russian republic of Buryatia, the independent Mongolia where 2.2 million Mongols live, and Inner Mongolia where 3.4 million Mongols are now outnumbered five to one by Chinese settlers.

Mar 30/92  
P. 6  
Guo [signature] E



July 1992



In 1989, journalists march in Tiananmen Square: 'The electronic age caught up with the Chinese rulers' atavistic off-with-his-head tradition.'

# China: then, now and always

Review by  
PAUL M. EVANS

**A**T the venerable age of 84, John Fairbank delivered the completed manuscript of this book to his publisher last September. A few minutes later, he suffered a heart attack, fell into a coma, and died peacefully two days later.

*China: A New History* thus stands as the final instalment in an extraordinary career that dominated China studies in the West for almost 50 years. Along the way Fairbank produced 64 books, almost 500 articles and essays, and enough historians from his Harvard seminar to staff more than a hundred universities in the United States alone.

This book is the kind of synoptic history that was a Fairbank specialty. It elegantly synthesizes a prodigious range of recent scholarship and is equally ambitious in chronological sweep — from the paleolithic to the Tiananmen Square massacre. The result is a multilayered, multi-causal extravaganza, dealing with cosmology, economics, state institutions, social forces, even daily life — a kind of "All under Heaven under one cover."

Anything but pedantic, it bubbles with relaxed wit. At one point the Chinese response to Mao's July 1966 swim in the Yangzi is compared to "the news that Queen Elizabeth II had swum the Channel"; elsewhere Patrick J. Hurley, Roosevelt's special emissary to China in 1946, is described as "a flamboyant and simple-minded American, Reaganesque ahead of his time."

The Imperial Confucian state and its 20th-century successors are at the heart of the history. Protected by geography at its inception, nurtured by a fusion of philosophic persuasion and autocratic violence, and hardened by nomadic conquests from Inner Asia, the Chinese state proved capable of governing more people for a longer time than any other form of government yet known. Curiously, it also proved (until quite re-

cently) to be both small and non-intrusive into local life.

While the Neo-Confucian state has long been hailed as a balance of *wen* (persuasion, the written word, moral and cultured civility) and *wu* (punishment, the use of force, the military order), *wu* dominates in Fairbank's last rendering. Put bluntly, "uninhibited autocracy [is] the primal law of the Chinese political order," an autocracy Fairbank chronicles in numerous depictions of castrations, beatings, executions and military campaigns.

**I**N 1948, Fairbank's first book (*The United States and China*) delivered a blistering indictment of Nationalist rule on the mainland; his last is an obituary for Chinese communism. During the Great Leap Forward, Mao led his supporters "over a cliff"; during the Cultural Revolution, he led them "up a mountain and into a volcano." The Communist leaders are presented as "fundamentalists," contemptuous of learning, vengeful, capable of cruel and fanatic destruction, and incapable of grasping China's problem of modernization.

Intellectuals remain Fairbank's main touchstone. His closest Chinese friends were the 1930s and 1940s generation of what he now calls "Sino-liberals." Watching them be mowed down on the mainland by successive efforts of the Nationalists, and then more effectively by the Communists, was wrenching. They are, he now writes dispassionately, "points of growth, like spores growing in a biological laboratory's broth, scattered over a large surface."

The "spores," in at least their technocratic form, are important, the key to China's future, as a telling vignette reveals. In 1942, 31 Chinese engineers came to the U.S. for training in major industrial firms. Twenty-one of them remained in mainland China; none achieved an important position and all suffered political persecution. Of the seven who moved to Taiwan, three headed state-run industries and two became

ministers of economic affairs, one of whom later headed all economic planning and development and the other went on to be premier.

In the vocabulary of traditional Chinese statecraft, the Communists destroyed the customary balance between power and learning. In contemporary parlance, they systematically orchestrated the "decapitation" of China's intellectual elite.

The June 4 massacre in Tiananmen Square revealed little new about autocratic power or a Communist government which had already executed millions. But in Tiananmen "the electronic age caught up with the Chinese rulers' atavistic off-with-

## CHINA A New History

BY JOHN KING FAIRBANK

Harvard University Press, 519 pages, \$33.50

his-head tradition." This produced an enormous shock for the outside world. And domestically, "like the Romanov Tsar's Bloody Sunday massacre of unarmed demonstrators in 1905," Fairbank notes, "this ended the CCP regime's support among the urban and intellectual elite." Although the Communist hold on the countryside remains strong, their moral claim to rule has withered.

What of the prospects of "civil society" in China, the current dream of so many outside China in the wake of the dramatic changes in the former Soviet Union and Eastern Europe? History commands caution. Fairbank persuasively argues that there is no direct Chinese equivalent to the independent spheres which grew up in Europe against feudal society and which produced civil liberties under the protection of law, something we call human rights. Only in the last century with the Western incursion did pockets of autonomy emerge in specialized occupations outside the direct state control.

And what of the future? On the positive side, one billion people taking off into economic growth can't be stopped by the government. But the political structure is very much in question. Even limited pluralism runs head-on into pervasive views about disloyalty and conspiracy. And who are the leaders of change? Chinese dissidents remain weak. They lack private property and are utterly dependent on work units for physical sustenance. Equally important are the self-imposed constraints among the educated few who succeeded through "obedience and connections." The youthful protesters in Tiananmen linked moral commitment to the cause of complaining, in the process reaffirming their loyalty to the establishment. Even for practical negotiations, they had no concrete demands.

In earlier years, Fairbank brimmed with recommendations on U.S. policy. But in this final work, he is China-centred to the end, more inclined to observe than intervene. "We would do well to keep in mind the differing values founded on the difference of historical experience in China and in the West," he concludes. "One need not abandon one's hope for liberal individualism in civil society in order to acknowledge the long-continued efficacy of China's authoritarian collectivism and the modern Chinese intellectuals' excruciating task of having to find some midpoint between them."

It will pass to a successor generation of Western scholars and Chinese intellectuals to find a way forward. Fairbank's last bequest is a formidable statement of the immense problem they confront.

Paul M. Evans is director of the University of Toronto-York University Joint Centre for Asia Pacific Studies. He is the author of *John Fairbank and the American Understanding of Modern China*, and co-editor (with Bernie Frolic) of *Reluctant Adversaries: Canada and the People's Republic of China, 1949-1970*.

# Asia begs to differ on democracy's importance

C  
F.P.  
July 14  
1992

DEMOCRACY IS a good thing, right?

I mean, we're all in favor of it. In fact, we figure everybody is in favor of it, with the exception of a few dictators, the occasional nullah, and one or two people in Beijing, right?

Most of us figure democracy is the reason we're so well off. Democracy encourages individual initiative, personal ambition, a willingness to work hard in return for an appropriate reward. Right?

Well, maybe that's what they told you in school, but it doesn't seem to have filtered through to Hong Kong.

This is a place where you can still find respected members of the local community warning about the dangers of majority rule, equal rights and all that.

Some of the best-known names in the colony consider the whole idea of "too much" democracy decidedly worrying. Not long ago Baroness Dunn, a local girl who not only got a title from Margaret Thatcher but managed to acquire her accent as well, addressed Britain's House of Lords on the subject.

She warned the British against angering

KELLY McPARLAND is *The Financial Post's* Hong Kong bureau chief.

China. Beijing has said it will allow 20 of Hong Kong's 60 legislative councillors to be directly elected by 1997, and no more. Britain thinks elections are a nice idea and wants to encourage them. The baroness, who used to be just plain Lydia Dunn before she met Thatcher, advised them not to bother.

Challenging China's right to push people around would just get Beijing's back up, and that would be bad for Hong Kong, she argued. It might endanger the one commodity Hong Kong considers more precious than any other: its affluence.

This suggestion — that rights should be happily negotiated away in return for a steady income — might strike some as a heinous idea. What was the Cold War all about if not the need for democracy to triumph over tyranny?

Okay, in Canada that's the sort of thing

we like to hear. But in Hong Kong there are quite a few people who agree with the baroness.

Philip Tose, for instance. Tose is the well-connected chairman of Peregrine Investment Holdings, a company that has shot from nowhere to become one of the colony's best-known financial houses in the space of a few years.

Tose pointed out that three of the most troubled economies in Asia — India, Australia and the Philippines — share one connection: Western-style democracy.

On the other hand, three of the best performers — Hong Kong, Singapore and South Korea — combine political autocracy with economic freedom. If you want to see what political freedom does to an economy, look at Russia. China, in comparison, has tried to combine political authoritarianism with economic liberalization.

"The results have already been stronger growth," said Tose, who finds Britain's desire to boost Hong Kong's democracy "disturbing."

Behind such views is a bigger argument, which goes beyond the understandable reluctance of people in Hong Kong to see their golden goose gutted. It relates to the way much of Asia views the world, and how that

differs from the Western view.

Asians have tried many times to convince Westerners they don't have a monopoly on evaluating life and what it's all about. Notions of rights and freedoms considered unchallengeable in the West only arrived here because they were imported. If Asia had really wanted them, wouldn't it have invented them itself?

In addition to the places he mentioned, Tose might have listed several other Asian success stories that only marginally conform to Western notions of democracy. Taiwan was run as the personal fiefdom of the Chiang family for 40 years, a situation from which it is only gradually retreating.

Thailand has been a military stronghold for 60 years. Japan has been run by the same party for almost 40 years, with prime ministers rotated in and out of office without even the pretence of public input.

Many people here would argue such success came from concentrating on economic development rather than divisive political quarrelling, which they would suggest is one of the strongest, and weakest, features of Western democracy.

Wealth creation comes first, political sophistication follows later, they claim. Much of the population seems to agree.



Kelly  
McParland

INSIDE  
ASIA

July 1992

# China Past and Present: Two Perspectives



By Andrew Collier

## IDEAS

### BOOKS



The epic saga of the People's Republic from the Communist victory to Tiananmen Square and beyond



**CHINA IN OUR TIME:**  
THE EPIC SAGA OF THE  
PEOPLE'S REPUBLIC, FROM  
THE COMMUNIST VICTORY  
TO TIANANMEN SQUARE  
AND BEYOND

By Ross Terrill  
Simon & Schuster  
366 pp., \$25

**CHINA: A NEW HISTORY**  
By John King Fairbank  
Belknap/Harvard U. Press  
519 pp., \$27.95 US  
\$19.95 UK

At the time of the Nixon-Mao summit in 1972, William F. Buckley accused historian Ross Terrill during an interview on the television program "Firing Line" of making excuses for the Chinese communists.

"To a degree I was," Terrill freely admits in his engaging book "China In Our Time." In an effort to prove that détente with China was in America's interest, "I tended to gloss over the repression of freedom within China," he writes.

Over the span of 19 trips to China, Terrill, an Australian-born research associate at Harvard University, struggled long and hard with a country he calls "an arena of hope and fate."

He began with deep optimism. While meandering through Eastern Europe, he knocked on the doors of Chinese embassies, finally gaining admittance to China in 1964.

At the time, he writes, China was a "courteous and moral society" where a taxi driver refused his tip and the bartender happily returned his lost wallet.

By the mid-1970s, China was embroiled in the Cultural Revolution. While gathering material in China for a book, Terrill found the politics similar to a Peking Opera - but with sinister undertones. He recalls cynically the man who claimed he married his wife because "she had 'beautiful Mao-thoughts.'"

As with many China watchers, the end of his love affair came

with the Tiananmen Square incident in 1989. He arrived in Beijing in the thick of the confrontation between students and the Army. In one of the more vivid passages in the book, the seasoned traveler is shocked by the burning ambulances and screams of students being shot.

The deaths could have been avoided, he maintains, if Prime Minister Zhao Ziyang had won the support of Deng Xiaoping earlier on or if the students had not clung so fiercely to their demonstration and forced the government's hand.

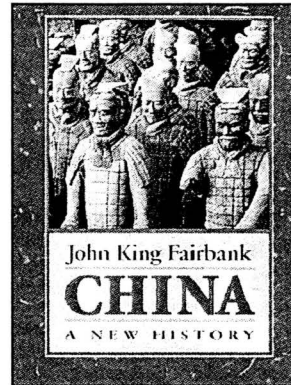
Throughout the years of turmoil in Mao's China, Terrill had a ringside seat. Henry Kissinger returned from his China summit surprised that the Chinese knew so much about him - courtesy of Terrill. On occasion, Terrill doesn't hesitate to trumpet his own role in history.

But one ends the book grateful to have watched the Chinese political opera with a seasoned buff who from time to time slips away and reappears on stage.

The man Terrill cites as his mentor at Harvard, who is perhaps the preeminent American scholar of modern China, John K. Fairbank, died last year at age 84 just after completing "China: A New History."

Fairbank breaks little new scholarly ground in this work, but that wasn't what he had in mind. Instead, he wished to take advantage of the reams of original research by others in recent years to correct the record, particularly concerning the country's early days 3,000 years ago.

Whether foreign invaders, like the Mongols under Genghis Khan, or natives, such as the Han



Dynasty (220 BC to AD 226), the key question is the issue of dynastic control.

For example, contrary to his bad press, Genghis Khan brought more to his rule of China in the 13th century than swordsmanship and rapacious plundering. Genghis and his grandson Kublai (of Rudyard Kipling fame) added hundreds of miles to a huge canal that crisscrossed the country, created a new layer of bureaucrats, and even encouraged the study of Confucious.

TUCKED away in their massive palaces, later emperors schemed in the creation of huge networks of family and bureaucratic institutions to control the country. And, for the most part, their stratagems worked. "... among European dynasties ... none ruled as large a state as China or maintained such a monopoly of central power," Fairbank notes.

In the end, the power held by the dynastic rulers was for naught. By the 13th century, China was technologically ahead

of the West, but as the dynasties waxed and waned, China failed to keep pace.

"The imperial mixture ... created a self-sufficient and self-perpetuating civilization. But it did not form a nation-state with a government motivated to lead the way in modernization," Fairbank writes with a tinge of sadness.

Has the Chinese Communist Party done any better? At one point in his long career, which began in 1929 with a trip to Beijing as a Rhodes scholar and included stints as an ambassador's assistant, Fairbank viewed the communists who took over in 1949 as China's best hope in achieving that modernization.

But in a footnote, he writes of a change of heart. In one of the book's few personal asides, he calls a 1972 procommunist statement of his "an outstanding example of sentimental sinophilia."

Like many scholars of his generation, Fairbank is concerned more with the grand affairs of state than the ordinary doings of the *lao bai xing*, or common people. He devotes just 20 of his 423 pages to the key problems of population growth and economic development. A reader accustomed to economic analysis may find Fairbank wanting in explaining why China failed to keep up with the West in material wealth.

Overall, though, he once again proves his expertise at bringing Chinese history out of the dusty shelves of antiquity by writing a masterly study of the richly varied history of the Middle Kingdom.

■ Andrew Collier, a freelance writer, spent a year studying Chinese at Beijing University.

他教导下级官吏说，作县官的如果能竭尽自己的心力和聪明才智，诚心“爱民”，贯彻“抚辑教养”的方针，即使是蛮夷的人，也是可以感化的；即使是产生“盗贼强梁”的地方，也是可以变为“礼义冠裳”的所在。他强调这一方面的目的，集中到一点，即在于使用软的一手，以“破心中贼”。但这软的一手是有限度的。他强调刑罚是“德教化”的保障，“果有顽梗强横，不服政化者”，就一定要“即行擒拿，治以军法，毋容纵盗，益长刁顽”。

强调执法要“情法交申”，区别对待 他反对“贪功妄杀，玉石不分”。例如处理“宸濠之乱”的反叛人员时，主谋只对主犯处以极刑，至于各“从逆”的人犯，则认为“原情亦非得已，宥之则失于轻，处斩似伤于重”，不如“俯顺舆情”，判处永远充军，使“情法得以两尽”，“以存罪疑推重之仁”。在另外一个“告示”中，他甚至宣布对于胁从“作恶”的人，免于追究，“俱准投首免死，给照复业生理”。这种作法使得“奸谏知警，国宪可明”，也显示了朝廷的“仁德”。这正是他的“绥柔流贼”策略在法律上的具体运用。此外，他还主张适用法律要结合当时当地的具体情况，特别是在“地里遥远，政教不及”的边远地区和“小民罔知法律”的情况下，一切“词讼差徭钱粮学校”等事务，都可以从当地实际出发，作权宜的处置：“应申请者申请，应革者革，务在畜众安民，不必牵制文法”。在“行法宜宽”的原则下，他已注意到运用法律的灵活性问题。

重视“纲纪”，整肃执法之吏，杜绝“法外之诛” 他认为“法之不行，自上犯之”。对那些寅缘窃据官职的官僚子弟的不法行为，如居心刻薄，“骚扰道路，仗势欺人，无劳而冒赏，懈战士之心，兴边戍之怨”的情况，应当予以整肃，特别是对“戾于法”的执法之吏，应当严肃处理。但是他指出，在司法审判中，“刑曹典司狱讼”，“受命于上，受命于下”，他们往往受到权贵的拂抑和牵制，以致“法断狱之词”，“未出于口，而辱已加于身；事未解于法，而机已发于陷阱”。在这种情况下，要使他们“不徇于权势，不徇于祸败”是很难的。这就尤其要从整肃吏治入手，消除执行法律的阻碍。他还力主加强监狱管理，杜绝“法外之诛”，指出京师的“提牢厅”，是“天下之重地”，负责提牢的官吏，不能不慎重对待。对于“桎梏之缓急，肩钥之启闭，寒暑早夜之异，饮食之殊异”，甚至于微贱到“箕帚刀锥”、“涤垢”等事，无不应当认真注意，以“身亲之”。这样才能“使囚徒不致有怨”，又可免使囚者被“轻弃之于死地”。他还指出，狱中囚犯的再行“犯罪”，并非全是“禁防不严”，更有促使他们再犯的监管不当的原因。所以只有“使囚徒令不苛而密”，使囚犯免受“法外之诛”，才能“使法外之诛”。

(饶鑫贤)

际法研究生，1936年毕业，得硕士学位。1937年入英国伦敦经济政治学院学习和研究国际法，1939年返国后历任武汉大学、中央大学政治系教授。1946年转任北京大学政治系教授，1948年兼任政治系主任。1952年任北京大学历史系教授兼国际关系史教研室主任；1954年兼任法律系教授和国际法教研室主任。现为北京大学法律系教授、国际法研究所所长，兼中国外交学院教授和中国社会科学院法学研究所研究员、北京大学美国问题研究中心主任；并担任中国国际法学会副会长、中国政治学会顾问、中国国际关系史学会顾问、中国法学会理事等职。



王铁崖长期从事国际法和国际关系的教学和研究工作。1933年以来陆续发表有《领事裁判权制度》、《租借地问题》、《条约与国内法的冲突》、《外国人在中国的法律地位》、《海洋法与联合国第三次海洋法会议》、《大陆架的目前法律状况》、《国际法当今新动向》、《新独立国家与国际法》、《国际经济法——作为国际法的一个新分支》、《第三世界与国际法》等论文；主编有《国际法》教科书；撰有《新约研究》、《战争与条约》等专题论著，并编纂《1871~1898年欧洲国际关系》、《1898~1914年欧洲国际关系》、《1914~1919年第一次世界大战》、《中国旧约章汇编》(3卷)、《海洋法资料汇编》等资料近10种。王铁崖1980年起担任美国《海洋管理与国际法》编辑委员会委员，1981年参加国际法学会，为联络会员，1983年被聘为加拿大国际法理事会咨询理事。他还担任《中国大百科全书·法学》编委会委员兼国际法分支主编之一。

王铁崖于1957年参加中国民主同盟，1983年参加中国共产党。

(张国华)

Wang Yuanliang

王元亮 元人，号长卿，籍贯、生卒年不详。曾任江西等处中书省检校官，著有《唐律释文》、《唐律纂例五刑图》两书，现存。据中华民国时期北洋政府国务院法制局所刊《宋刑统》王式通序称：“元王元亮《唐律纂例五刑图》，列刑统五刑决杖配役之法，与唐制不同。”又“《唐律释文》所附释文，本为刑统而作，非为唐律注释，中多律文及疏议未见之语，以刑统校之，悉在所载令敕诸文之中，并非无故阑入，其间有与疏议不同者，亦刑统所改。”可见王氏两书非纯为唐律而作，但由于刑统包含了全部唐律及其疏议，因此这两部书仍不失为研究唐律的重要参考资料。

(徐毓民)

weihai gonggong anquanzui

危害公共安全罪 (crimes against public security) 危害广大群众生命健康和公私财产的安全，

中国当代国际法学家。原籍福建福州人。1933年毕业于清华大学，获法学学士学位。同年入该校研究院，为国

Wang Tiya (1913 - )

Original name — Qingchun

pseudonym — Shidi

- 1933: Graduated from the political Science Department, Qinghua University, and obtained LL.B.
- 1936: obtained LL.M at Qinghua University
- 1937-1939: Study and research International Law at the London School of Economics.
- 1939 after returned to China = professor at Wuhan University and Central University.
- 1946: professor, political Science Department. Beijing University.
- 1948: He was nominated Chairman of the political Science Department
- 1952: professor, History Department. Beijing University, and the head of the teaching and research section on history of international relations.
- 1954: professor, Law Department. Beijing University, and the head of the teaching and research section on International Law.
- present: professor, Law department, Beijing University; Director of International Law Institute; professor at College of foreign Affairs; Research fellow at Law Institute of Chinese Academy of Social Sciences; Director of Research Center on American Issues at Beijing University; Vice president of the Chinese Society of International

Law; Advisor of Chinese Society of Political Science; Advisor of Chinese Society of History of International Relations; Council member of Chinese Society of Law.

Publications:

- Essays:
- ① Exterritorial Consular Jurisdiction
  - ② problems concerning leased territory
  - ③ The Conflict Between Treaty and Domestic Law
  - ④ The Legal Status of Aliens in China
  - ⑤ Law of the Sea and the Third UN Conference on the Law of the Sea
  - ⑥ The Current legal Status of Continental Shelf.
  - ⑦ Current Trends of International Law.
  - ⑧ New Independent States and International Law
  - ⑨ International Economic Law — as a new Branch of International Law.
  - ⑩ The Third World and International Law

He was the editor of Chinese Textbook on International Law.

Books: ① Studies on New treaties  
② War and Treaty

Materials: ① European International Relations (1871-1898)  
② European International Relations (1898-1914)

③ The World War I (1914—1919)

④ The Comprehensive Collection of Chinese old Treaties and Regulations (3 volumes)

⑤ The Collection of materials on Law of the Sea

1980: Member of the Editorial Committee of Marine Control and International Law (U.S.)

1981: Member: Institut de Droit International.

1983: Advisory Councilor: Canadian International Law Association.

He was one of the editors of Chinese Encyclopaedia — Law

1957: Member of Chinese Democratic League.

1983: Member of the Chinese Communist Party.

(Zhang Guohua)

Translated from

Chinese Encyclopaedia — Law

P615.

Publication Date: 1984. 9.

**Chinese Communism, by Dick Wilson and Matthew Grenier (Paladin, £5.99)**

Back a while, when east was east and west was west, television followed six rich American matrons on a tour of China. They ooh'd and aah'd at ice-cream in plain paper wrappers and kids in plain cotton tunics. But when they intervened to help the cutest side win a playground tug-of-war, the victors burst into tears. "The idea of the game," explained the distraught interpreter, "is that the two sides balance." I never forgot that vision of Utopia, but have the Chinese? The answer, of course, is yes and no. Wilson and Grenier separate the communism from the Confucianism and Marx from Mao. But come armed with a grounding in political theory, or you will find yourself wondering what the question was. DN

**A Journey Through Ruins, by Patrick Wright (Paladin, £6.99)**

You know those walls that generations of fly-posters have transformed into a peeling laminate of concerts and wrestling bouts and closing-down sales (everything must go)? That's more or less how Patrick Wright sees the London borough of Hackney. He tears back today's makeshift mosque to reveal yesterday's junk-shop, pasted over the run-down roller-blind factory that was first a methodist chapel. If Martin Amis and John Betjeman had co-written a volume of political and social commentary, it might read like this. DN



Hainan's young entrepreneurs hope the new atmosphere in Beijing will let them realise their dream of emulating Taiwan

# Chinese capitalism's frontier island

John Gittings reports from a very special economic zone Deng Xiaoping wants to spread wealth inland, but which conservatives view as corrupting

THE "chickens" are drinking lemon tea at the Haikou Hotel before their evening business begins. The grand piano on its green baize platform is still covered with bright crimson cloth. More spectators than customers are sitting on pink-cushioned chairs, viewing the chickens — girls from Guizhou, Guangxi and Shanghai. This is Hainan island, China's new frontier.

The girls' features are almond-shaped as those of Chinese opera singers, though the clothes range from shimmering blouses to jeans. The whole cafe, raised on a dais in the hotel lobby, is a piece of theatre the Haikou police do not bother to interfere with. In Shenzhen, next to Hong Kong, the authorities at least go through the motions, but Hainan is a "more special" Special Economic Zone.

Hainan island was known for a very different sort of performance in the Cultural Revolution 20 years ago. Young Red Guards all over China sang the tunes from the famous ballet, *The Red Detachment of Women*.

Personally supervised by Jiang Qing (Mrs Mao) — who used to winter by the beach at Sanya in the south of the island — it was a work of revolutionary feminism. Women fighters leapt through the air flourishing pistols against a background of Hainan's tropical vegetation, in a tale of triumphant struggle against the wicked Kuomintang.

"Forward march, forward march," they sang.

Hainan is now engaged upon a very different kind of forward march. It is either China's frontier zone of opportunity which will become (Deng Xiaoping hopes) the first of "10 new Hong Kongs" or — his conservative opponents complain — a sink of exploitation and spiritual pollution.

Plans for China's first free port, at Yangpu on the island's western coast, have burst back to life after Mr Deng kicked-started the new reform movement earlier this year by his visit to the Special Economic Zones near Hong Kong.

"We hoped he would come here," one ambitious economist in Hainan explained. "We even prepared a room for him at the Luhuitou hotel in Sanya, where Jiang Qing used to stay".

Mr Deng's protégé, ex-mayor of Shanghai Zhu Rongji, did come and he is now personally in charge of Hainan's "second revolution".

The Hong Kong company Kumagai Gumi (in which the parent Japanese company has a 35 per cent share) has finally clinched a deal to lease 30 square kilometres of territory at Yangpu for 70 years. The managing director, C. P. Yu, is touring Asia's little dragons — starting in Seoul and Taipei — to entice investors.

He lists the advantages: no Chinese bureaucracy; companies will lease directly from Kumagai; there will be direct approval from Beijing — he does not have to wheedle with the Hainan authorities. There is a virtually tariff-free regime plus a five-year tax holiday on profits.

An excellent natural deep water harbour has already had some port facilities developed. Vietnam is just 90 miles across the South China Sea and is already sending trade delegations to Hainan. Locating the sparse local fishing population will be cheap. Land is cheap and, above all, so is labour.

No one knows just how many mainlanders have slipped across the straits from Guangdong province illegally. Hainan's population has certainly risen by several hundred thousand in a year to just under 6 million, and contractors in Haikou's property boom know where to find cheap labour for dirty work.

Young men with no tools but

their hands sit under bridges or on street corners, waiting to be hired.

Digging sand from the river may only earn a few Chinese dollars (renminbi) a cartload, but it can bring in 300 (£30) a month (what a "chicken" gets from a single customer).

LIKE all frontier regions, Hainan carries the prevailing trend further. During the Maoist years it was a closed zone where the army and navy watched China's southern door. In the Cultural Revolution, ferry-loads of Red Guards sailed from Canton to hack down primeval forest in Hainan, plant rubber trees, and "learn from the peasants".

In the changed climate of the 1980s, the whole island was designated a Special Economic Zone, several hundred times larger than the small zones fringing Hong Kong. Then for two years after the Beijing massacre, conservative censure prevailed.

Now thanks to Mr Deng, the city of Haikou is awash not just with typhoon season flash storms but with hot speculative money. The property market is booming and the stock exchange opened in April. At least 400 property companies have been grabbing land earmarked for luxury housing, golf courses, hotels, or for development zones around Haikou.

Much of the money is from the mainland, although plane-loads of eager Taiwanese are beginning to arrive. The get-ahead officials are mainlanders

too. Some confess they too hope to dabble in property; others just do it. Hainan officially allows government cadres to move directly from public office into private business. It already has a reputation for colourful dealings and it lost two governors in the space of four years.

Ex-governor Lei Yu, sacked in 1985, is still a folk hero. He allowed the island to import 79,000 foreign cars and trucks in one year for irregular resale to the mainland, generating enormous profits.

The young entrepreneurs recall those exhilarating months when anything went in Hainan. "He had the whole army, navy and airforce out delivering cars," says a chauffeur with thousands of RMB in the bank. "Lei Yu didn't waste time talking. If you had a good idea, he just let you make money."

Lei Yu has just turned up in the nearby Guangxi province on the mainland, where he is in sole charge of its "opening up" plans, and no doubt will have many more good ideas.

Lei Yu's successor, Liang Xiang, sacked after the Beijing massacre in 1989, was another economic innovator but with a very different reputation. The people he allowed to make money included his wife and son.

But the Liang Xiang case also has a political aspect. He thought he had bought Beijing's backing for the Hainan boom by inviting the offspring of high-ranking officials to sit on the boards of Hainan-based state trading companies.

But he backed the wrong side. One of those he brought in was Zhao Erjun, son of the Communist Party secretary-general at the time, Zhao Ziyang, disciplined for opposing the army suppression of the Beijing students.

Property speculation drives the new stock market — four out of Hainan's first five quoted shares were for property companies — but it has had a stormy start. After a week in operation, Mr Zhu flew down from Beijing to warn his Hainan protégés that they were going too fast. For this little island to open a new exchange, with only Shanghai and Shenzhen already fully operating, would upset too many people.

When I visited, a compromise had been reached: the exchange was only trading in Shenzhen shares. But Hainan entrepreneurs are confident that full permission cannot be withheld for long. "You have to give a baby a ration-book even if the parents have exceeded the one-

child policy", says one. "This baby has been born and they can't kill it off."

No one has yet been stabbed to death outside the Hainan stock exchange — unlike in Shenzhen where rival triad gangs fight to control places in the queue. No one has yet followed the unfortunate speculator in Shanghai who, unused to the law of the market, committed suicide when he lost £100.

There is still enormous excitement on the pavement outside, where prospective customers jostle to squeeze through an iron grille, or copy down the latest figures from Shenzhen pasted up on the wall. My own informal visit added to the excitement. Did the foreigner know something they did not? But these are small potatoes. Anyone with connections had already bought the new Hainan stock through inside trading before the exchange even opened.

HAINAN Island is not quite such a familiar location globally as, say, Taiwan or Cyprus or the Seychelles. It is, in the not entirely fortunate phrase of the Tourist Bureau, China's End of the Earth.

In imperial days, out-of-favour officials were banished to it. Yet it is the size of Taiwan, warm, wet and tropical and deserves to be better known.

Water buffaloes, straw-hatted peasants and deeply pregnant sows amble across Lei Yu's new straight roads. Roadside stalls sell coconuts, mangoes, wild birds and snake. The eastern route from Haikou to Sanya plunges through deep green paddy and plantations of half a million coconut palms. The western route crosses wilder flatlands where little but cactus grows. The most interesting road — through the centre — climbs into mountains where some virgin forest has survived the Red Guards. There are thatched Miao villages with yellow walls of adobe, and old Li women in black shovel hats.

Touristically, it is still a blank on the western map, but Hainan is aiming high. The resort at Sanya has 100 miles of beaches, 10 bays, coconut palms and plans for an airport able to take Boeing-747s.

The plan is to make Sanya an International Tourist Beach. City officials sit till late at night awarding contracts or handing out hotel concessions. Land prices have multiplied six times in the last two years. Mainland money is searching for investment opportunities. One hotel is owned by the Tourism Bureau of Nanjing in central China, another by the Cigarette Corporation of Yunnan province.

"Tourism will be the motor for economic development," Sanya's planners are too gripped by the concept to listen to any gentle suggestion that, in the Chinese phrase, "the conditions may be lacking". Sanya's tourists are up from nearly 350,000 in 1988 to 435,000 last year, but the big increase has come in domestic tourism and in the arrival of more "compatriots" from Hong Kong and Macao.

The numbers of "real foreigners" have actually fallen in the same three year period from an already modest 13,000 to only 7,500.

An international beach? In the main Sanya stretch the only hotel from which guests can walk to the sea with ease has stained carpets and surly clerks who try to evade tax by not writing out receipts. There is very little seaside atmosphere and excavation is taking place behind the best sands.

With great enthusiasm, for-



Catching up . . . Prospective investors gather outside the new and tiny Hainan stock exchange, where prices from China's other bourses are pasted on the wall

ign travel firms are being invited to set up bureaux in Sanya and foreign supermarkets will also be welcomed. But no one seems to understand that the western travel market operates on tight margins and quality controls which Sanya will find it hard to meet.

SUN YAT-SEN, father of the first Chinese revolution, first dreamt of developing Hainan island. Much later, so did the far-sighted prime minister Zhou Enlai. Now the dream has become the test of Deng Xiaoping's doctrine that the new special economic zones can "get rich first" by opening trading windows to the outside world, which will then trigger economic development throughout China. If some dirty capitalist

flies get through the mesh, the price is worth paying.

The zones bordering Hong Kong and facing Taiwan are indeed outward-opening windows, but Hainan is less certain so. Its main success so far has been to offer speculative opportunities through which surplus profits from mainland companies can be soaked up. "Industry is slightly above zero," Hong Kong reporters were recently told.

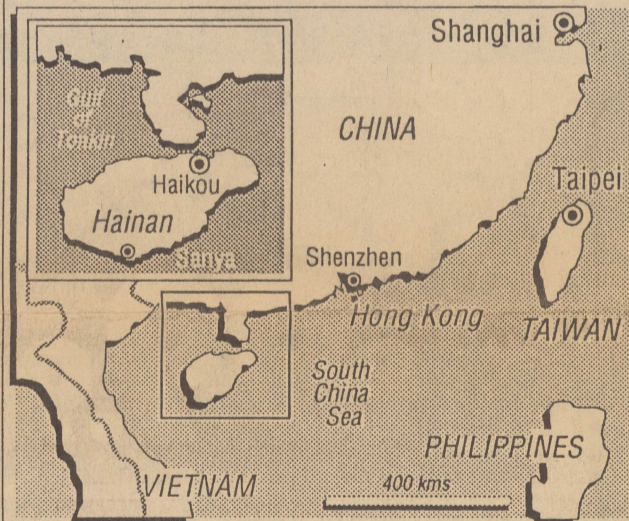
Mr Yu of Kumagai Gumi is a gleaming exception — at least for Hainan's future. He was guest of honour at the First International Coconut Festival in April, a new addition to China's rapidly expanding list of manufactured events.

A prominent commercial rival of Mr Yu in Hong Kong, deeply involved in Guangdong,

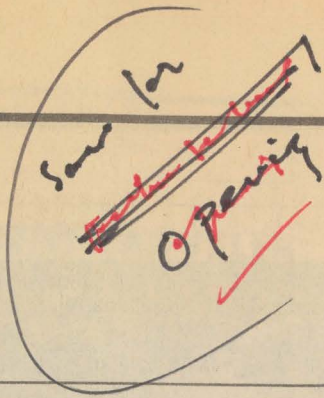
dismisses Hainan as a project for the 21st century which will take 20 years at best to begin. Certainly, Mr Yu's own optimism must depend upon remaining the "freest of free zones".

Will some of the wealth sloshing around in Haikou wash through to the rural parts of Hainan? Less than 25 miles off the main central highway, villages growing tea and rubber still struggle on an average personal income of £12 a month.

State farm leaders search for new outlets for agricultural produce on an uncertain market where last year's boom in green pepper prices has been wiped out this year by cheap imports from Indonesia. They have the same enthusiasm as the planners in Haikou and Sanya, but they are still living at the end of the world.



If money could really talk, it would beg you to put it into this account.



# TRAVEL

International Herald Tribune

## The Ethics of Going to China

by Nicholas D. Kristof

**B**EIJING — The Forbidden City has had its difficulties with visitors — 17th century Manchu invaders, 19th century foreign devils refusing to kowtow — but these days the problem is a new one: Visitors aren't coming. The 9,000-room complex, which once housed the emperor and his eunuchs and concubines, is largely bereft of Western tourists.

Modern-day imperial accommodations, such as the Palace Hotel in Beijing, are equally short of Honored Guests, as foreign devils are now called. The Palace Hotel, one of the best in China, says its occupancy rate is 20 percent, and similar rates hold for some other deluxe hotels in China.

All this is bad news for the Chinese tourism authorities, who had been enjoying large annual increases in tourism until the army crackdown in June 1989. But it is good news for those Western tourists who choose to make the trip. When I first visited Beijing in the summer of 1983, there were no rooms available and I had to sleep on a cot in a hotel lobby with hordes of other unshowered tourists; now visitors have a wide choice, and the competition among hotels is improving service and lowering prices.

Indeed, from the point of view of convenience and economy, this is by far the best time to visit since China opened to the outside world a dozen years ago. New hotels in major tourist destinations offer satellite television and international direct dialing, in place of previous charms like brown water and squashed-insect stains on the walls.

Many people in the tourism industry speak English. Taxi fleets have been expanded, and sybarites can even rent a Rolls-Royce in Beijing. The state airlines last year began selling round-trip tickets to some destinations, and it is becoming increasingly common to encounter an edible meal on a plane. The motto no longer seems to be: Air China, service with a snarl.

Overall, the number of overseas tourists in 1990 reached about 28 million, an improvement since the latter part of 1989 but still short of the peak of 32 million in 1988. But these numbers are misleading because they are made up overwhelmingly of Hong Kong Chinese, and many of these "visits" are simply one-day excursions. About 211,000 American tourists visited China in 1990, down from a peak of 301,000 in 1988.

Of course, there is a reason why Western tourists are staying away. Since the 1989 crackdown and the continuing repression, thoughts about China still turn quickly to blood on Tiananmen Square.

Whatever the ethics of the matter, even those Chinese who detest their government are surprised that Westerners would stay away for moral reasons, and some say the gesture is misplaced. More tourism revenue and more interaction with the West will increase pressure for change and democracy, they say.

A secondary concern of some foreigners is safety, particularly because of memories of soldiers of the People's Liberation Army firing machine guns randomly at crowds in June 1989, although no tourists are known to have been injured. The U. S. State Department has lifted its travel advisory, however, and there now seems little danger to tourists. Despite official denunciations of the United States, most Chinese are extremely friendly to Americans.

Still, China is among the least predictable places on earth, and it makes sense to be cautious. In June, around the first anniversary



The New York Times

ry of the crackdown on June 4, 1989, plainclothes police began to beat up Western journalists, students and tourists who loitered at Tiananmen Square or the university district. That stopped after a few days, but the anniversary this year is likely to be sensitive once more.

There are no clear-cut rules for avoiding trouble, other than obeying the police and avoiding photography of military sites or anything else that might be particularly sensitive. In general, a tourist is unlikely to feel threatened in China, for customs officers scarcely look at one's luggage and there are few police about. The atmosphere on the streets does not feel oppressive.

It is probably unwise to bring in books or magazines about the crackdown, but even

that is not a grave crime: The worst likely to happen is that they might be confiscated. Talking to people about politics, or about the crackdown, is entirely possible, but don't press the queries if the person seems flustered. Many tourist guides and officials are uneasy expressing their political views to a stranger, and they may worry about getting in trouble if they are overheard.

But many young Chinese — particularly university graduates — are delighted to exchange views with foreigners. One way to meet local people is to visit a local "English corner," where people gather in the evening to practice their English. The best is in Shanghai, along the Bund by the Huangpu River, but you may ask around in other cities if there is a functioning English corner.

If people approach you on the street to chat, you needn't fear that they are necessarily trying to swindle you. They may want to do some black market currency dealing, but it is also quite likely that they simply want to practice their English. Many young people are also desperate to get to the United States, so they may ask questions about applying to American universities, and a few may even hope to find an American to pay their way.

The result of the drop in tourism is that the best tourist hotels, which often cater to Americans and Europeans, are not doing very well. Less expensive tourist hotels are doing a bit better, partly because of a rise in the number of tourists from Taiwan — there were 920,000 last year.

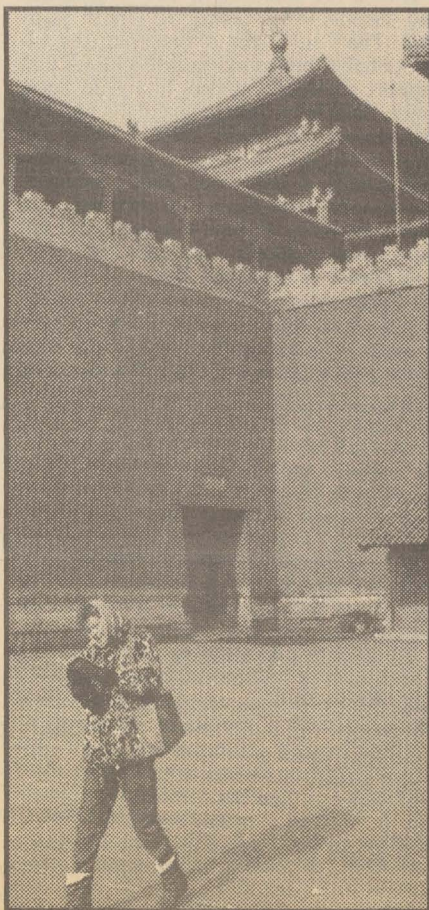
The drop in tourism seems even greater than the numbers suggest, because a wave of new hotels has been completed around the country. The three major destinations, Beijing, Shanghai and Xian, are particularly overloaded with new hotels. Planned before the crackdown, they are now fighting for customers — so bargains are everywhere. The newly opened China World Hotel, which with the Palace Hotel is the best in Beijing, normally charges \$150 for a standard twin room, but until the end of March offers a reduced rate of \$70 (plus 15 percent for tax and service; telephone 500-5258). The reason is simple: occupancy is only 20 percent. At the Palace Hotel, a standard twin is \$108 (plus 15 percent; 512-8899).

Moving down a notch, there has been a proliferation of mid-range hotels. The newly opened Tianlun Dynasty Hotel has an introductory rate through March, possibly longer, of \$45 (plus 10 percent; 513-8888), while the best bargain of all is at the Holiday Inn Lido, which through the end of March is charging only \$30 (plus 10 percent; 500-6688).

The best hotel in Shanghai, the Hilton, in the same league as the Palace and the China World in Beijing, has a rate of \$99 through early March (plus 10 percent; 255-0000). The newly opened Portman Hotel has rooms beginning at \$42 (plus 10 percent; 258-2582).

Similar bargains can be found in other major cities, and it is well worth trying to negotiate a deal before making a reservation.

One alternative to Western-style hotels is Chinese guest houses that used to accommodate national leaders. The rooms are not as convenient and comfortable as those in Western hotels — room service may not exist, double beds are hard to find, and food is not so good — but they offer beautiful settings and much more Chinese charm than a Western hotel. In Beijing, for example, the former residence of Chairman Hua Guofeng (China's leader from 1976 through 1978) has been turned into the 20-room Hao Yuan Guest House. It is near bustling shopping



Continued on page 12

# China *Continued from page 11*

streets, yet it offers quiet rooms off a central courtyard in the traditional Chinese style, for just \$29 and up per night (553-179); reservations are advisable because there are many long-term guests, but the receptionist may not speak English.

An advantage of the Hao Yuan is that it is close to the Palace Hotel, with its restaurants and taxis. The main guest house in Beijing, Diaoyutai, also called Angler's Rest, is more isolated but is in a beautiful park in the Western part of the city. Diaoyutai is still used to accommodate foreign dignitaries (President George Bush stayed there in 1989), but rooms are offered to the public when available (most of the time) for \$140 a night and up (866-250).

In Shanghai, a similar official guest house offers rooms for \$59 a night (Shanghai Guest House; 432-8800.)

The only problem with a nice hotel in China is that it gives a misleading sense of the country. A standard tour of Beijing, Shanghai and Xian offers about as much insight into China as an excursion to Manhattan and Beverly Hills might provide an understanding of the United States. About 70 percent of Chinese live in villages, and

entire salaries for months for one night in the kind of hotels that accommodate foreigners.

So for those with a hankering for adventure, it is worth an effort to leave the well-worn path. One way is to hire a taxi and ask the driver to take you to a village a couple of hours away. One possibility is the Zhou Kou Dian area southwest of Beijing; another is the Nankou area, along the road to the Great Wall. Villagers are normally happy to get foreign visitors, particularly if they bring some nominal gifts, such as a cheap soccer ball for the children, or if they have a Polaroid camera and can leave photos behind.

Another option, for those with more time, is to take a few days to visit a place like Mount Tai, a holy mountain in Shandong Province that attracts peasants and pilgrims and that can be climbed in a few strenuous hours. Such excursions may mean inconveniences and communications problems, but they also offer adventure and a chance to mix with ordinary Chinese.

Licking a five-cent Popsicle on the mist-shrouded peak of Mount Tai, or playing table tennis on warped board with gleeful village children — that's the real China. ■

# China's long march toward democracy

BY TIMOTHY BROOK

FOR the first time since June 4, 1989, China is back in the public eye. The Beijing massacre in Tiananmen Square doused the goodwill of most Canadians and we turned our eyes elsewhere. But when China tossed MPs Beryl Gaffney, Svend Robinson and Geoff Scott out of the country last month, it stirred Canadians into thinking again about what the Chinese government has done, and how we should respond.

The reaction in 1989 among Chinese and around the world was condemnation. However corrupt the Chinese government may have been, or however extreme the demands of democracy activists, there could be no excuse for letting the People's Liberation Army shoot its way into the centre of Beijing. The deaths of two to three thousand civilians was a grossly unacceptable price for a government to exact of its own people.

Since then, the chorus of condemnation outside China has quietened. Some in Canada — journalists, human-rights activists, academics in the humanities, exiled Chinese intellectuals and Chinese Canadians — still speak with the voice of the critic. But more and more, especially since last month's incident, a different voice is being heard in business and social-science circles.

To read the articles by Professor Myron Gordon (Another Perspective on China — Jan. 19) and businessman Norman Endicott (Three Stooges Take On The Dragon Jan.28) is to hear the voice of the apologist.

The apologist reminds public opinion in the West of all the reasons not to stop China from returning to the table of our common humanity. Geopolitical concerns, strategic interests, international trade, cultural interchange, business opportunities, competition with the Japanese, even guilt for past imperialism — all of these are put on the list. Reasonable people are asked to make note of them in the hope they will conclude that the aftermath of June 4 is over. That we should get back to business as usual.

The difference between the critic and the apologist hinges on how they view the democracy movement. That difference in turn hinges on a broader disagreement over whether democracy is alien to Chinese culture.

The apologist doubts that the democracy movement had much to do with democracy. He will concede weaknesses and excesses within the Communist Party, but believes that the Chinese leadership had to ensure stability at all costs. The issue for him is not freedom of expression, but freedom from want. This means that Chinese intellectuals have no right to demand political rights until all physical needs have been satisfied. By implication, the government that strives to provide for its people can be excused for killing them.

THE apologist also doubts that the democracy movement has broad popular appeal. The people in the streets were duped by a handful of conspiring intellectuals who, Mr. Endicott charges, are just like the old Confucian scholars, "the bane of social development in China for 2,000 years."

The critic takes a different view. He looks at the democracy movement as both popular and democratic. More than one million people marched in support of the students in Beijing, and Beijing was only one of 200 cities where people went out to tell their

government that corruption, inflation, authoritarianism and mismanagement were unacceptable.

But they marched for something more concrete, too. They marched for the right to march. They may not have grasped the subtleties of Jeffersonian democracy, as the apologist likes to note, but that is to misunderstand democracy. It is not an idea, but action.

By daring to express principles higher than obedience to state power, the people took one more step in the long march toward realizing the democratic process in their country.

The apologist does not agree that the Chinese people want, or are even capable of wanting, responsible government.

BEHIND this view lies a cynical, condescending, even racist notion of China as a strange land where the people are too stupid or complacent to want anything but full bellies and a roof over their heads, a charmed place where rules of the outside world do not apply.

The critic does not deny that the cultural differences between China and Canada must be recognized as the two partners learn to speak with each other.

But he cannot accept the apologist's two key assumptions: first, that the Chinese people prefer submission and payoffs to democratic rights and human dignity, and second, that human rights can be conferred only after economic modernization has been achieved.

The critic does not believe that the Chinese people should be expected to tolerate intimidation, arbitrary detention, torture and extrajudicial execution until they cross some arbitrary level of per-capita national output.

What the critic does believe is that the ghost of June 4 must be set to rest, and not simply by forgetting that the killings ever happened.

The Chinese government must take four steps: acknowledge what occurred, take responsibility for the unnecessary loss of life, release those imprisoned for the non-violent expression of their beliefs, and make restitution to the families of those who were killed.

It is hard to imagine, of course, that China's rulers will make any of these moves. But it doesn't hurt to keep them in the public eye.

Prof. Gordon fears that a critical attitude among Canadians will isolate China and push us all in the direction of a new cold war. I strongly disagree. A conciliatory attitude now will win neither respect nor goodwill in China.

We should speak to the Chinese government frankly and freely, as an equal, not, as Mr. Endicott would have us, as a deferential guest. Let the Beijing regime know that we expect it to live up to international standards of rights and protections specified in United Nations conventions.

To ask that the Tiananmen massacre be remembered is not an arrogant indulgence. Nor is it a trick by Chinese exiles to improve their chance for getting Canadian citizenship, as Mr. Endicott ludicrously suggests.

It is simply our moral responsibility as citizens of the world. Massacre and political imprisonment in any country are unacceptable, and we should not let China off the hook by pretending that it is a special case. It isn't.

The three Canadian parliamentarians should be pleased. If they hoped that all Canadians would approve of their tactics, they failed. But if they sought to bring the issue back into the public eye, they succeeded.

Timothy Brook is a professor of Chinese history at the University of Toronto. His study of the Beijing massacre, *Quelling the People*, will be published this fall by Lester Publishing.

# Cultural Links With Chinese Are Eroding

By **SHERYL WuDUNN**

Special to The New York Times

BEIJING, Nov. 5 — Throughout the 1980's, Chinese-American relations flourished across the cultural bridges built by scholars, artists and business executives who established exchange programs and advisory councils to help bring the two nations closer.

Now, these bridges are slowly deteriorating, not so much because China is closing its doors, but rather because American bitterness over human rights abuses in China has dried up interest. Many of these programs are fighting for survival, and their struggle underscores the difficulties that the Chinese-American relationship is likely to face in the future.

"It's all part of the tremendous mood swings people suffered, going from the exaggerated rosy picture of China that Americans have from time to time to the exaggerated, depressed picture that they have from time to time, and now we're in the bottom of the swing," said Jerome A. Cohen, a specialist in Chinese law at New York University. "The whole picture is a very serious and sad picture."

## Students and Tourists Still Come

To be sure, many American students still come to China on exchange programs and American tourists still flood the Forbidden City. But several highly organized and prominent links between the two countries are now in trouble because of disgruntlement at the political repression in China — even though those associated with the programs insist that they help foster a more democratic culture there.

These people worry that if the trend develops, it could create an increasing gap in understanding that may make bilateral problems more difficult to resolve.

"The great impetus for Americans to give is a missionary impetus — wanting China to change — and there's a frustration that China hasn't changed the way we wanted it to," said Anthony J. Kane, co-director of the Center for Chinese and American Studies, a program sponsored by Johns Hopkins University and Nanjing University. "It's going to end up hurting Sino-American relations in a number of ways. Obviously, it closes a window."

The six-year-old center, in the eastern city of Nanjing, is one of those that is struggling. It has enough money to make it through this year, but may not be able to operate next academic year. The program, which has 31 American students and 46 Chinese students this year, exposes the Chinese to American teaching methods and materials.

## Students Turned Away

A second major exchange, a business school program for Chinese students at the Dalian University of Technology in the northeastern city of Dalian, did not take students this academic year because it did not have enough money. The United States Department of Commerce, which had sponsored the program by contributing \$400,000, used the money elsewhere. Organizers are trying to arrange private financing to keep the program alive.

The United States-China Business Council, which represents the interests of American businesses in China, has lost about one-fourth of its membership in the last two years. The Council's president, Donald M. Anderson, says that raising money has been difficult for a variety of reasons, including the poor economy in the United States.

Most of the money from foundations is going elsewhere — often to the Soviet Union and to countries in Eastern Europe. Only a few of the large foundations, such as the Ford Foundation, which has an office in Beijing, continue to finance projects in China on a steady basis.

To raise money, programs sometimes need to be packaged as part of an Asiawide effort so that China is not singled out. Moreover, some centers have scaled down their programs, while others have been rethinking their strategies.

## Arts Exchange Is Silent

For example, the Center for U.S.-China Arts Exchange, which brought Arthur Miller's play "Death of a Salesman" to China in the early 1980's, currently has no programs in place. For the last two years, it has been revising its focus and approach. Now, it hopes to translate and distribute works about prominent Western composers. Chou Wen-chung, the center's director, also said that it plans to focus its exchanges not on the big Chinese cities, but instead on the smaller cities and counties.

Organizers say that for the near future, they do not foresee changes in the American perception of China, which many believe is unduly negative. They are confident a change in attitude will come about, but none could say when they expected that to happen.

"It is important for Americans to actually go over and see what is happening," Jan C. Berris, vice president of the National Committee on United States-China Relations, one of the organizations not in difficulty. "Until the number of Americans who have the opportunity to go increases, I am concerned that these impressions that are now prevalent in the country are going to remain."