

---

## Nationality, *Hukou*, and Ethnicity: The Institutional Structure of Citizenship in Contemporary Mainland China

---

Zhonghua GUO

School of Government, Sun Yat-Sen University, Guangzhou, China

### Abstract:

From an institutional perspective, nationality and citizenship rights are the basic elements of citizenship. Individuals gain citizenship either through *jus soli* or by *jus sanguinis*. Citizenship is believed to be closely related to a country's political structure: a unitary system has one level of citizenship, often understood as nationality, while a federal system may have two levels of citizenship, that is, citizenship at the federal level and at the sub-national state level. However, a case study of China depicts a rather different context: the criteria for accessing citizenship are more flexible and the institutional structure of citizenship is more complicated. Besides *jus sanguinis*, other elements, such as certain political considerations, economic investments, and technology transfers, are paths to citizenship. Additionally, besides the concept of nationality defined by national citizenship, *hukou* (household registration) and ethnicity are the most important determinants of sub-national citizenship. In mainland China, citizenship functions more as the ruling class strategy.

**Key Words:** Citizenship, Nationality, *Hukou*, Ethnicity

The focus of this paper is on the institutional structure of citizenship in the contemporary People's Republic of China (hereafter China). There are two main reasons why I chose this topic. First, existing citizenship studies focus on European cases. The study of an East Asian case will help to expand the scholarship on, and show the complexities of, citizenship. More specifically, if China's case is markedly different than existing cases, this paper can then help enrich knowledge about citizenship. Second, based on the study of China's citizenship institutions, this study will allow us to better understand Chinese politics.

With the institutional structure of Chinese citizenship as the core, this paper is divided into six parts. The first part illustrates why the study of citizenship matters in the Chinese context. The second part conceptualizes citizenship so as to lay a solid base for further discussion. Third, no matter in which country, nationality is often considered to be the first and foremost citizenship definition for individuals, thus, the third part explores the historical change and current situation of Chinese nationality. Though China is thought to be a typical unitary government, the institutional form of citizenship is by no means single and universal. Instead, below the concept of Chinese nationality, there are different categories of citizenship based on different sub-national criteria. The fourth and fifth parts then discuss different sub-national citizenships in China. More specifically, the fourth part focuses on citizenship based on the institution of *hukou* (household registration), looking into how the *hukou* shapes individuals' status and rights within the Chinese citizenry. The fifth part probes into citizenship based on the institution of regional ethnic autonomy, evaluating how ethnicity shapes individuals' citizenship. The last part concludes with a generalization of the main features of Chinese citizenship and discusses the general implications for citizenship studies.

## 1. DOES CITIZENSHIP MATTER IN CHINA?

At first glance, mapping the institutions of citizenship in the Chinese context promises to be an excursion into the world of make-believe. Since at least Weber's time, citizenship has been considered a unique product of Western political and cultural heritage and is often linked with notions such as political equality, rights, democracy, and national identity. Not only were the natural, social, and political environments in Eastern societies such as China and India thought to be incompatible with the requirements of citizenship (Weber, 1958:83; Montesquieu, 2011:126-128; Witfogel, 1981), Chinese intellectuals themselves in the early 20th century also thought that in China, there were only slaves and *bumin* (tribal people) rather than *guomin* (citizens) (Liang, 2010:179; Zhang & Wang, 1977:73). Even in the present era, citizens still play no meaningful part in choosing political leaders and have only marginal roles in electing the people's congress, even though it has a very limited function in policy-making and checking the power of the party and the executive branch (O'Brien, 2002:213).

Be that as it may, the subject of citizenship cannot be readily kicked away in China. For one thing, there are no necessary connections between citizenship and equality, right, and democracy. As Charles Tilly (1995a:233) argued, the authoritarian regimes of Mussolini, Hitler and Franco all

emphasized bonds of citizenship and Mann(1996) also identified five variables of citizenship, only one of which is associated with the elements of equality, democracy, and rights. On the other hand, many studies have shown that citizenship not only exists in China in various forms, but also plays various functions, some of which are not necessary related to democracy, equality or rights. For example, according to Guo(2014:365-375), the origin of Chinese citizenship can be traced back to the late Qing Dynasty and the early Republic of China (around the turn of the 20<sup>th</sup> century), when China was in the abyss of colonization under the Western powers, intellectuals wished to found a Chinese modern state by translating western citizenship. Culp's (2007:2-3) study has shown that there was a rich citizenship education in southeastern China during the period of 1912-1940, the aim of which was to "offer answers to the crises of sociopolitical order and mounting imperialism that China confronted at the start of the twentieth century". O'Brien and Li's (2006) study demonstrated that even in the remote Chinese villages that seem to be least associated with citizenship, there were various kinds of citizenship practices. Other scholars have also indicated that the concept and practices of citizenship are important in the ethnic autonomous regions populated mostly by minorities(Shih, 2002; Yi, 2006).

Insomuch as it is clear that citizenship, the West, and democratic regimes cannot be tied up in one neat bundle, and China has its various forms and rich practices of citizenship as well, it becomes reasonable to explore the institutions of citizenship in contemporary China. But if citizenship exists in Chinese cities, villages, and autonomous regions in a variety of forms and fulfills different functions, how should we conceptualize it?

## 2. CONCEPTUALIZING CITIZENSHIP

While citizenship can be traced back to Greek and Roman in antiquity, the rise of modern citizenship began with the development of cities in Medieval Europe, where the public sphere began to emerge between the state and the "burgers" who worked in the workshops and the peasants who worked in the fields(Weber, 1958: 91-108). With the advent of modern capitalist revolutions and the beginning of the nation-state era in the 17<sup>th</sup> and 18<sup>th</sup> centuries, citizenship became a universal status of individuals in most Anglo-Saxon countries. Based on this development, a contractual relationship between the state and the individual became the main political scenario and the traditional relationship of master and slave between the ruler and the subject became illaudable and illegitimate. According to this contractual relationship, the state is obliged to protect its citizens and to endow them with citizenship rights. In return, citizens must contribute their allegiance to and fulfill their obligations for their states as long as the latter has met their requirements for a political identity and citizenship rights(Heater,1999:115). As a result, modern citizenship not only reversed the direction of political thinking, which had lasted for more than one thousand years in the West, it has also helped to set up the political framework of the modern nation-state(Faulks,2000:31-35; Janoski, 2013).

With the rise of globalization and post-industrialism in the second half of the 20<sup>th</sup> century, citizenship came to the fore again and became closely related to various issues and problems of

the contemporary world (Roche, 1992; Habermas, 2000). In 1949, British sociologist T.H.Marshall gave a seminal speech, *Citizenship and Social Class*, at Cambridge, which marked a new beginning of citizenship study in contemporary times. Thereafter, the concept of citizenship was interpreted from various perspectives with different and new notions about citizenship formed and theorized. For instance, reflecting on traditional citizenship, feminists brought forward “woman-friendly”(Lister, 2003) and “differentiated”(Young, 1990) citizenships, ecologists proposed “environmental” citizenship(Dobson, 2003), and multiculturalists suggested “multicultural” citizenship(Kymlicka, 1996). Besides these, “intimate citizenship”, “enterprise citizenship,” and many other concepts have also influenced the concept of citizenship. Faced with such chaos, it is worthwhile to ask whether we still have anything in common in the understanding of citizenship(Fahrmeir, 2007; Delanty, 2000).

For many years I have worked on the concept of citizenship and tried to clarify its complicated meaning in the contemporary context(Guo, 2012a, 2012b, 2013). Generally speaking, from the institutional perspective, citizenship is mainly demonstrated through institutions concerning nationality, rights, and obligations. Citizenship is often understood as the full membership an individual holds in a political community. In modern times, the nation-state is the basic and foremost form of political community. Nationality, which means the formal membership an individual holds in a nation-state, is thus thought to be the basic meaning of citizenship. For example, Miller et al. (1991) said, citizenship and nationality are two sides of the same political coin. Heater(1999:95) also pointed out that “[f]or two hundred years citizenship and nationality have been political Siamese twins.” In T. H. Marshall’s speech of *Citizenship and Social Class*, citizenship was also regarded as the status of being “accepted as full members of the society, that is, as citizens” (Marshall and Bottomore, 1992:6).

An individual’s full membership in a political community results in the secondary meaning of citizenship: rights and obligations (Janoski, 1998; Xia,2013). As to what categories of citizenship rights and obligations a citizen should entail, different scholars have different understandings. T.H.Marshall divided citizenship rights into three categories: the civil, political and social elements.

The civil element is composed of the rights necessary for individual freedom—liberty of the person, freedom of speech, thought and faith, the right to own property and to conclude valid contracts, and the right to justice...By the political element I mean the right to participate in the exercise of political power, as a member of a body invested with political authority or as an elector of the members of such a body...By the social element I mean the whole range from the right to a modicum of economic welfare and security to the right to share to the full in the social heritage and to live the life of a civilized being according to the standards prevailing in the society (Marshall, 1963:74).

Marshall did not say much about obligations, though his illustration about citizenship rights caused long and vehement debates in the field of citizenship studies (Giddens, 1982; Turner,

1986). Based on the Marshallian paradigm, Janoski expounded citizenship rights and obligations even further. According to his viewpoints, though T. H. Marshall's division of citizenship rights is basic and enlightening, he neglected a very important sphere, the market sphere, which is based on participatory rights. So, he argued that citizenship rights should be divided into four categories: legal rights (which are almost equal to Marshall's civil rights), political rights, social rights, and participation rights (Janoski, 1998: 30-31). Corresponding to these four types of citizenship rights, there are four types of citizenship obligations as well: legal obligations, political obligations, social obligations, and participation obligations (Janoski, 1998: 54-55). Based on the premise of nationality, rights and obligations become indispensable ingredients of citizenship.

Given that there are abundant controversies concerning the concept of citizenship, I shall not list its other meanings, though they may also be very important and insightful for the analysis of this article, such as understanding citizenship from the perspective of identity (Tilly, 1995b; Miller, 2000) and acts (Isin and Nielsen, 2008). In this article, I will confine my analysis to the institutional dimensions and understand citizenship as formal membership in a political community and the rights that result from such a membership. I will not say much about obligations throughout this article, though they are by no means unimportant. The main reason for doing this is that memberships in different groups, such as in urban and ethnic communities, endow individuals differential special rights rather than obligations. Next, in the following three parts, I concentrate on Chinese citizenship based on nationality, *hukou* (household registration), and ethnicity, analyzing the institutional framework of Chinese citizenship and the political idea behind it.

### 3. CHINESE CITIZENSHIP AS NATIONALITY

Though citizenship is a relatively recent phenomenon in China, it developed multiple forms in the past one and a half centuries. In 1842, when the Qing Dynasty<sup>1</sup> was forced to sign the *Nanjing Treaty* with the British government, Chinese political leaders gradually learned about modern politics and discovered that the world was composed of a limited number of nation-states with equal status, rather than the long recognized *Tianxia* (heaven) system, within which China was situated at the center and other states at the periphery. Under the influence of international legal practices and foreign nationality laws, in 1909, the Qing court began to enact the nationality law and to apply patrilineal *jus sanguinis* to regulate its subjects, which meant that the children of a Qing subject acquired their father's nationality by nature. From 1912 to 1949, the Republic of China (ROC) replaced the Qing Dynasty and promulgated two nationality laws in 1914 and 1929, which were in substantial agreement with the 1909 statute but eliminated some discriminatory provisions against women. In 1949, the PRC was founded. The PRC did not usher in a new legal definition of Chinese citizenship at the beginning of its governance and maintained the 1929 *Nationality Law* of the ROC until the mid-1950s. In 1954, the PRC promulgated its first

---

<sup>1</sup> Qing was the last dynasty in Chinese history, which was founded by the ethnic group of Manchu in 1644 and was overthrown by *Xinhai* Revolution in 1911.

constitution, which defined the boundary of Chinese citizenry. Although China signed a series of treaties concerning the legal status of overseas Chinese with Indonesia, Malaysia, Mongol, Myanmar, Nepal, Thailand, and other countries, the formal *Nationality Law* was not promulgated until 1980 (Wang, 1983; Yu, 1983). Afterwards, the 1982 constitution of the PRC also included provisions regarding Chinese nationality.

At the beginning of the PRC era, the Chinese government adopted the principle of *jus sanguinis* and recognized dual citizenship, but by the end of the 1950s, the PRC launched a new nationality policy, which ceased to recognize dual citizenship. There are several reasons for such a policy change (Choe, 2006). First, after the Second World War, many Southeast Asian countries became sovereign states. These new countries, which were heavily populated by ethnic Chinese, faced the problems of producing their own loyal citizens and protecting the integrity of their sovereignty. These non-communist countries became very weary of Chinese dual citizenship policies and the communist revolution. Faced with these challenges, in order to establish good relationships with its neighbors, the PRC adjusted its citizenship policies towards the overseas Chinese and gave up the dual citizenship provisions. Second, at the end of the 1950s, the PRC changed its perceptions concerning international relations and foreign policies and shifted from “one-side policy” (*yibiandao zhengce*) and “socialist camp orientation” to “set up a separate kitchen” (*lingqi luzao*) and “third world orientation.” There were a series of debates between the PRC and the former Soviet Union regarding the essence of socialism during that period, which finally resulted in the PRC divorcing itself from the socialist camp and joining the third world circle. Against such a background, China endeavored to establish good relationships with third world countries and to gain support from them, for which eliminating the dual nationality clause was a necessity. There were also other reasons such as the recognition of the political climate at the time. When the PRC still followed the line of the “socialist camp” and allowed dual citizenship, the political leaders hoped that the overseas Chinese could help export the Chinese communist revolution to their settled countries, so they kept the *Nationality Law* which recognized dual citizenship and regarded the overseas Chinese as PRC’s citizens. But when they found that the communist revolution had little resonance among the overseas Chinese, they decided to forsake the dual citizenship policy and to encourage the overseas Chinese to acquire citizenship in their settled countries (Cohen and Chou, 1974). This situation didn’t change until the Reform and Opening era.

In 1978, the top Chinese political leader Deng Xiaoping initiated the Reform and Opening policy, which aimed to grow the Chinese economy. The goal of economic growth helped to reshape PRC’s nationality policy. In order to attract the investment and technology transfers from overseas Chinese then needed to realize Chinese modernization, the PRC changed its citizenship policies dramatically. In 1979, when talking with other top political leaders, Deng (1994: 156-157) said, “[n]ow we are focusing on construction, we need to find out every possible way. We not only must attract foreign capitals and techniques, but also need to encourage overseas Chinese to come back to establish factories... We must depend on both domestic citizens and overseas

Chinese, as long as they are patriotic and capable.” In the same year, the Chinese official newspaper, the *People’s Daily*(*Renmin Ribao*) published an official editorial titled “Attention must be Paid to Overseas Chinese Affairs”(“*Bixu Zhongshi Qiaowu Gongzuo*”) and argued that overseas Chinese constituted part of the Chinese nation (People’s Daily, 1978). Out of such considerations, the PRC blurred the distinction between overseas Chinese holding Chinese citizenship (*huaqiao*) and ethnic overseas Chinese holding foreign citizenship (*huayi*) and started to give privileges to both to woo them back to invest.

These privileges include, for example, setting up various organizations to solve overseas Chinese affairs, giving overseas Chinese various social rights, and providing them with the convenience to enter and depart China, etc. With these favorable policies, many overseas Chinese started to move to China to invest. According to one statistic announced by the Chinese official news agency, *Xinhua*, in 1989, investments made by overseas Chinese and residents of Hong Kong, Macau, and Taiwan amounted to thirty billion dollars, which accounted for over seventy percent of the total foreign investments in China (Choe,2006). Thereafter, this percentage remained nearly the same or even increased. Such as, in 2005, foreign investments in China amounted to more than sixty billion dollars, among which, more than seventy percent were from overseas Chinese (Zhu and Jia, 2006). China entered the World Trade Organization (WTO) in 2001, after that, the Chinese government began to use a green card system to attract foreign investment. But this green card system was mainly used for overseas Chinese rather than non-Chinese foreigners. According to one statistic released by *Xinhua*, the number of foreigners who were granted a green card was fewer than 100, although some 600,000 worked in China before 2001 (Xinhua News Agency, 2001). However, from 2010-2012, the number increased to 564, 656, and 1202 respectively (*Global Times*, 2013). More than half of these green cards were given to ethnic overseas Chinese who had already held American, Canadian, Australian, German, and Japanese citizenships. Most of the recipients were experts, scientists, or entrepreneurs. The green card system enabled them to live in China permanently and to enjoy various rights that they had previously been excluded from.

As a conclusion of this section, if we regard citizenship as nationality, contemporary Chinese citizenship is made up of *jus sanguinis* for native Chinese and the green card for foreigners. As to the first part, the fourth provision of *Chinese Nationality Law* stipulates, “[a]ny person born in China whose parents are both Chinese nationals or one of whose parents is a Chinese national shall have Chinese nationality”(National People’s Congress, 1980). That means the basic determinant for a person to get Chinese nationality is through having a Chinese citizen as a parent. In 1996, Qiao Xiaoyang, dean of the Legal Committee of the Chinese Congress, said, “Chinese nationality is based on *jus sanguinis*, but at the same time supplemented by other principles”(Qiao, 1996). As to the second part, although the green card does not grant formal or full Chinese nationality to its holders, it entails substantial citizenship rights and forms a supplementary part of Chinese nationality. The reason that the Chinese government issues the green card is mainly out of the consideration of national political and economic interests. That is, in order to attract

foreign investment and technology, it grants green cards to foreigners, especially overseas Chinese, who have already held foreign nationalities to encourage them to contribute for China's modernization.

#### 4. CHINESE CITIZENSHIP AS HUKOU (HOUSEHOLD REGISTRATION)

If we regard citizenship as a set of institutions that pertain to membership in a political community and a right to an allocation of resources, then, apart from nationality, Chinese citizenship also depends on *hukou* status. While nationality creates a distinction between Chinese and foreigners, *hukou* creates a distinction between urban and rural residents. Although in post-1949 China, nearly every version of the Chinese constitution adopted the same provision that “[a]ll persons holding the nationality of the People’s Republic of China are citizens, equal before the law, and enjoying the rights while performing the duties prescribed in the constitution and the law,” the Chinese citizenry are by no means homogeneous and equal, among which, the inequality between rural and urban is the most striking. The *hukou* institution established two separate and independent communities in China’s rural and urban areas, and membership in different communities entitled individuals different rights and duties.

There were three main steps that formed the household regulations and all of which happened in 1955. First, in June, the State Council enacted the household registration system with the *Directive on the Establishment of a Permanent System of Household Registration*, which required all households, both in the rural and urban areas, to be registered. Second, in August, the same body promulgated *Temporary Methods for Supplying Urban Grain Rations*, which associated household status with state grain and made it clear that only urban households were eligible for grain rations. And third, in November *the Criteria for the Demarcation of Urban and Rural Areas* was promulgated, which not only carved a clear boundary between rural areas and the city, but also legitimated the urban households’ greater access to rights than the rural ones. With these three pronouncements, two separate and unequal communities were formed in China’s rural and urban areas. As a result, in early 1958 the National People’s Congress passed *Regulations on Household Registration in the People’s Republic of China* (hereafter *Regulations*), which marked the systematization of the division between peasantry and urbanites. Thereafter, in the two succeeding decades, peasants were locked in the fields, growing the foodstuffs needed to feed the urban workers and sustain the cities(Whyte, 1995:4).

The household registration system entailed political purposes and resource controls and was used by the state as a means to isolate peasantry from urbanites, country from city, not just geographically but socially as well: to create what amounted to “institutional boundaries” between them(Solinger, 1999:27). According to the provisions of the *Regulations*, “citizens throughout the country must have their household status registered”(provision 2); “[r]ural residents are forbidden from moving to cities unless they get the related certificates from urban employment offices or schools” (provision 10); and “[r]ural residents who stay longer than three days in the cities must apply for temporary residence at the office of urban *hukou* registration and



must register upon leaving”(provision 15). Through these provisions, the state restricted free movement between the rural and urban areas and established two enclosed systems, which marked different memberships and entailed different citizenship rights.

This begs the question: why did the Chinese Communist Party(hereafter, the CCP) establish such a rigid system throughout the country? First, from the Opium War (1840) onwards, because of foreign invasions and internal riots, Chinese political leaders endeavored to establish a strong political authority to unify the country and to sufficiently control the territory and population. The CCP had the same dream and finally achieved this goal through the household registration system. The institution of household registration enabled the CCP to have a tight control over the whole population for its own ends of unity and territorial control.

Second, the CCP was influenced by the former Soviet Union and Marxism. As China’s new leaders after 1949 began to build their socialist country, they drew upon a range of practices pioneered by the former Soviet Union, among which was the tenet of Marxist attitudes towards the flow of population. According to Marxist doctrine, capitalism was the main cause of the spontaneous movement of population, a state aspiring to be socialist would need to avoid allowing people to accumulate spontaneously in cities. If a state had to bring in labor from the rural areas to develop the productive forces, it must be under control of the state. With this belief, after 1932, the Soviets created internal passports for urban residents, which didn’t extend to rural residents until 1974, to limit the flow of population. China had a strong belief in Marxism during that period and copied the same practice from the Soviets, albeit with its own adaption.

Third, the specific needs of China’s planned economy necessitated the household registration system’s establishment. In order to establish a pure socialist state, Chinese leaders changed its economy to a planned economy in the middle of the 1950s. A planned economy, with its manifold forms of arrangement, provision, and supply, was feasible only on the foundation of tight population control, which, in turn, demanded a registration system. Ideally, registration stabilized the location of the individual workers as a means of organizing production and allocating resources. In the succeeding two decades after the 1950s, household registration played such a role for communist China.

Last but not least, the specific strategy of socialist construction Chinese leaders held during that period drove the establishment of the system. After the foundation of the People’s Republic of China, especially after the establishment of the planned economy in the mid-1950s, “industrialization” became the solitary goal for Chinese socialist construction. In order to catch up with the United States, the United Kingdom, and other advanced capitalist states, Chinese political leaders launched a huge push for industrialization, “the Great Leap Forward.” During this process, the institution of household registration played many important roles: it enabled the state to calibrate the pace of industrialization by controlling the size of the legal labor force in cities and, by barricading the cities against peasants, it also made the peasantry a labor reserve, readily available for the big spurts of industrial growth and disposable in tighter times

(Solinger,1999:37; Lu,2004), and, by restraining the prices of agricultural products to a very low level, the state could levy extra capital from the peasantry for its industrial purpose.

The *Regulation* established two enclosed systems in Chinese rural and urban areas since the end of the 1950s, which lacked freedom of movement and were endowed with different rights and duties. Although the constitution guarantees that all individuals deserved the title of “Chinese citizen,” this equality remained superficial while substantial inequalities between these two systems formed by the *Regulations* remained. As many scholars argue, rural household status was a noose imposed on the peasantry (Chan,1994), after which differences between the rural and the urban areas replaced that of the classes (Solinger, 1999). In 1979, China pioneered a new policy of Reform and Opening. The noose on the peasantry seemed to be loosened: peasants could go to the cities to stay as long as they wished without requiring certificates, they could enter factories to work for a small wage as long as they could find a job, and in rural areas the mechanism for the institutional control of the peasants, the People’s Commune (*Renmin Gongshe*), was also abolished. Citizenship of the peasants seemed to be improved or to be in the process of improving with the huge inequality between country and city seemed to be significantly alleviated.

Yet, a closer scrutiny reveals that these rural migrants still remained confined within the framework set up by the household registration: though they can go to the cities now, most of them cannot obtain urban household status or membership of the urban community, their institutional status is still a rural one, which means that their electoral rights, medical care, pensions, housing benefits, children’s schooling, etc. all remain in the rural areas. Because they lack institutional protections in the cities and are considered “outsiders”(Zhang, 2012), they tend to be marginalized to the “3D” (dirty, difficult, and dangerous) jobs, with which the urbanites have no interest. Their wages are minimal and are often skimmed or delayed. A closer look at migrant workers in the cities shows that peasants are still subjected to the state’s persistent imperative in the Reform Era: to promote the developments of urbanization and productivity, which was called “modernization” previously, at the costs of the peasants’ citizenship rights. While peasants may get some civil rights, especially the right of free movement, the huge inequalities between ruralites and urbanites/country and city still remain unchanged.

Based on the above analysis, we can find that household registration(*hukou*) is an indispensable element for analyzing Chinese citizenship institutions. While nationality grants citizenship to residents who have Chinese lineage and live in Chinese territory, within the Chinese citizenry, household status(*hukou*) creates two separate communities based on the division of ruralities and urbanites, country and city. Chinese citizens are either members of the urban community or the rural one with each community entitled to different rights.

## 5. CHINESE CITIZENSHIP AS ETHNICITY

Ethnicity is another important element of Chinese internal citizenship institutions. Besides the majority *Han* Chinese, China has 55 ethnic minority groups, which are a majority of the

population in 60 percent of China's territory. Based on the 2010 census of the Chinese population, some 91.5 percent of the population was classified as *Han* Chinese (1.23 billion), the rest are ethnic minorities (0.11 billion). But most of these minorities live in boundary provinces, for instance, the southwestern provinces of Yunnan and Tibet, the Western province of Xinjiang, or the northern province of Inner Mongolia. These areas are rich in natural resources like timber, water, and petroleum on the one hand, and border countries including Russia, India, Vietnam, Laos, Myanmar, Mongolia, North Korea, and the former Soviet republics of Kazakhstan, Kyrgyzstan, and Tajikistan on the other hand. Some of the ethnic groups even have common ancestry with peoples in neighboring countries. For example, Korean, Mongol, Uygur, Kazak, and Yao minorities are found not only in China but also in Myanmar, Korea, the Mongolian People's Republic, Kazakhstan and Thailand as well. Because of their resources and locations, minorities are of vital importance for the Chinese government. If the Chinese government failed to maintain good relations with these groups, China's border security and national integration could be jeopardized. Considering this situation, since the 1950s, Chinese government promulgated a series of favorable policies towards the ethnic minority groups and regions, which in return have produced substantial influence on the institutions of Chinese citizenship.

Though there have been some policy changes towards ethnic minority groups, especially during the Cultural Revolution(1966-1976), the core policies have basically been kept consistent since the foundation of the People's Republic of China. These essential elements can be described as the following: 1) formal recognition that China is "multiethnic" in nature, 2) all nationalities are "equal" in status to prevent both *Han* chauvinism and minority ethnocentrism, 3) ethnic groups have the right of self-rule, and to promote ethnic cadres to rule their areas, 4) central government must recruit ethnic cadres to staff its agencies, shift resources into ethnic areas, and provide ethnic groups with exemptions or privileges (Yang, 1997). These core policies not only formed the base of the autonomous political institutions in minority regions, but also the specific characteristics of minority citizenship.

If we regard citizenship, first, as full membership an individual holds in a political community, minority status then defines such community and membership. In 1952, the newly established Chinese government promulgated *the Implemental Program for the Autonomy of the Regional Ethnic Areas*, which stipulated conditions for founding autonomous regions, the status of the autonomous regions in the Chinese political system, and the rights that minorities could enjoy. Thereafter, the successive constitutional drafts<sup>2</sup> all confirmed the regional autonomous institution of the minority concentrated areas (Wang, 1988:80-95). In 1984, the second session of the sixth National People's Congress passed the *Law of People's Republic of China on Regional Ethnic Autonomy* (thereafter *Regional Autonomy Law*), which specified how the regional autonomous institution should be established in a systematic way. Based on these documents, China systematically established the institution of regional ethnic autonomy, among which, minority

---

<sup>2</sup> Altogether, there were four formal constitutions in the post 1949 era, which were made in the year of 1954, 1975, 1978, and 1982. The 1982 constitution has four amendments.

community is one of the most important pillars. For example, the second clause of the *Regional Autonomy Law* stipulates, “regional autonomy shall be practiced in areas where minorities are concentrated. Ethnic autonomous regions shall be classified into autonomous regions, autonomous prefectures, and autonomous counties. All ethnic autonomous regions are integral parts of the People’s Republic of China.” So far China has established five autonomous regions on the provincial level. They are Guangxi, Tibet, Xinjiang, Inner Mongolia, and Ningxia, which are for minorities of Zhuang, Zang, Uygur, Mongol, and Hui respectively. Besides provincial autonomous regions, there are also 30 autonomous prefectures, 120 autonomous counties, and 1173 autonomous townships (Chinese Central Government, 2005). These regions, prefectures, counties, and townships are minority communities of different ethnic groups, only those who are classified as minorities can hold formal membership and enjoy the rights that are associated with membership, discussed below.

Based on these communities and status, minorities can enjoy privileged political rights that ensure equal treatment with *Han*. According to the third and fourth clauses of the *Regional Autonomy Law*, autonomous regions are Chinese local governments, which can exercise not only the power of local governments in general, but also the power of autonomy within the limits prescribed by the constitution, by the *Regional Autonomous Law*, and other laws for minorities in particular. For instance, the 16<sup>th</sup> provision of the *Regional Autonomy Law* stipulates, “the chairman of the autonomous region should be selected from the minority who exercise regional autonomy, and cadres in the departments of the autonomous regions should be mainly chosen among citizens of the minority who exercise regional autonomy and of other ethnic groups in the area.” Suffrage is another important element of political rights and compared with the *Han* majority, minority citizens can enjoy many privileges as well. According to China’s *Electoral Law* promulgated in 2004, by the sanction of the National People’s Congress (thereafter, NPC), autonomous regions can have an extra five percent of delegates above the average number of the local congress. For instance, the average number of deputies at the county level is 120, an autonomous region of the same level thus can have 126. At the same time, the *Electoral Law* has also stipulated that each minority should have at least one deputy in the NPC, no matter how small the ethnic group is. According to the statistics released by the 2010 census of the Chinese population, there were 6 minority ethnic groups whose populations were less than 10,000 in total. The smallest one was just 3556. Even these groups are guaranteed one deputy in the NPC. The proportion of political representation for these small groups is much higher than for the *Han* majority and other big minorities. As for the *Han* majority, the proportion amounted to 670,000 citizens for one NPC deputy in the recent 12<sup>th</sup> NPC elections. Although when compared with western democratic countries, the political rights of Chinese citizens are less represented and less important in general, ethnic groups are more privileged in this regard than the *Han* majority.

If we follow the Marshallian paradigm and consider social rights as one of the indispensable elements of citizenship rights, minorities enjoy many privileged social rights as well. The *Regional Autonomous Law* specified the social rights that ethnic minorities have, which can be

classified into two categories: the first is the concrete rights that minorities enjoy, which include linguistic, educational, health, cultural, economic, ecological, family planning, and other dimensions. For example, according to the third provision of the 37<sup>th</sup> clause, “schools (classes and grades) and other institutions of education where most of the students come from minority nationalities shall, whenever possible, use textbooks in their own languages and use their languages as the media of instruction.” Minorities thus can use their own language for teaching where applicable. As to the family planning policy, minorities with a total population less than ten million can have a second child and, in some places such as mountainous counties, and for some minorities with sparse population density, a third or even a fourth child is also allowed (CCP Central Committee, 1984). As to other cultural aspects, minorities are allowed to practice their religion, marriage customs, and other aspects of their culture as they please, some of the nonpolitical expressions of ethnicity, such as native costumes and folk dances, are even encouraged.

The second category of social rights includes resource allocation and policies offered by upper level governments. There are many provisions in the *Regional Autonomous Law* that prescribe the responsibilities that upper level governments must bear for promoting the social and economic developments of the ethnical regions. These responsibilities are mostly financial and policy oriented. According to the *White Papers of Chinese Regional National Autonomy* released in 2009, the Chinese central government adopted various policies for and offered huge financial investments in the regional ethnic areas, which included priority for policy making, improvements in infrastructure, increase in financial support, special measures for educational development, reduction of various forms of poverty, etc. in the ethnic areas. As for financial investments, for example, regarding infrastructure expenditures in 2003, the total investment in fixed assets in ethnic autonomous areas was 473.4 billion *yuan*, 3.7 times that of 1994. Of this, 283.7 billion *yuan* was invested in infrastructure construction, 4.2 times that of 1994 (Chinese Central Government, 2005). Also in 2003, the state-owned railway operation mileage in ethnic autonomous areas reached 15,100 km, a near three-fold increase of 297 percent compared with 1952; the highways open to traffic in autonomous areas totaled 547,800 km, 21 times that in 1952 (*ibid*, 2005).

Although the assumption that national citizenship takes precedence over the ethnic one has not changed since the foundation of the PRC, the latter offers minority groups different identities and favorable citizenship rights. Based on the minority communities and rights mentioned above, ethnic citizenship has become an important legal status in China. Though the Chinese central government has offered ethnic groups independent spaces, rights of self-government, and many other privileges, some of these groups are by no means satisfied with their situation. In areas such as the Tibet or Xinjiang autonomous regions, the previously independent or semi-autonomous Tibetans and Uygurs want greater independence and more rights, sometimes even a separate state. They hate the large numbers of *Han* settlers in their regions and tensions and conflicts between *Han* and minorities ensued one after another in the past several decades. To a large extent, the

goal of regional ethnic autonomy is to exchange rights with integration and patriotism, but in the regional ethnic communities, ethnic groups appear to lead largely separate lives which intensify their ethnic identities and in turn undermine the state's legitimacy and integration.

## 6. CONCLUSION

From the institutional perspective, citizenship has long been considered an individual's formal membership in a given political community and citizenship rights resulted from such a membership (Marshall and Bottomore,1992; Janoski,1998:8-11; Lister,2003:15). The institutions of citizenship in China share the same meaning. But if we understand Chinese citizenship as the same as its Western counterpart, we neglect its unique traits. Outside of its similarities with Western conceptions of citizenship, Chinese citizenship also has many unique traits, which can be roughly construed through the lens of structure, criterion, and function of Chinese citizenship.

To begin with the structure, for most countries in the world, the institutional structure of citizenship is determined by state structure. A unitary system often has just one layer of citizenship, that is, nationality or national citizenship. France is the most important case in this regard. In contrast, a federal structure may have two layers of citizenship: citizenship of the federal level(national level) and that of the sub-national level(or local level). The U.S.A. is the most important case of this kind. In this case, the federal level is more important than the local level, and the latter is mainly for the purpose of economic, social and cultural affairs. China has declared itself a unitary state since the foundation of the People's Republic of China. The preface of the 1982 constitution stipulated that "the People's Republic of China is a unitary multinational state created jointly by the people of all its nationalities," which means, though Chinese authorities admit China is a multinational state and was jointly created by all its nationalities, China is essentially a unitary state. China's unitary nature is evident in many political aspects. For example, it has just one constitution, the power of local governments is endowed by the central government, and this power can be expanded but also can be taken away. But the structure of Chinese citizenship is by no means unitary. On the contrary, as we have illustrated above, there are multiple levels of citizenship. National citizenship, or nationality, is a universal citizenship for all Chinese citizens. Descendants of Chinese citizens who do not possess foreign citizenships can naturally obtain Chinese citizenship(*jus sanguinis*). Nationality is the boundary between Chinese citizens and foreigners and provides the former with basic citizenship rights and obligations, for example, the right of receiving compulsory education, consulate protection in a foreign country, etc. Nationality is the "international passport" of Chinese citizens, but there are "internal passports"(Torpey,2000:164-165) as well. That is, within the Chinese citizenry, *hukou*(household status) and ethnicity are more substantial. Different household or ethnic statuses form distinct citizenship rights and obligations. Though national citizenship confers Chinese individuals with equal legal status, these sub-national levels of citizenship, to a large degree, create unequal rights and obligations within the Chinese citizenry.

As to criterion of gaining citizenship, it is generally believed that there are two basic ways for accessing citizenship: ascription and naturalization. The former means “every state ascribes its citizenship to certain persons at birth,” while the latter means “[p]ersons to whom the citizenship of a state is not ascribed at birth may be able to acquire it later in life through naturalization”(Brubaker, 1992: 31-34). But in reality, different states may use different methods for ascription: some ascribe according to ethnic background, which forms the principle of *jus sanguinis*, while some confer according to territory, which forms the principle of *jus soli*. These two criteria and naturalization form the basic principles for accessing to citizenship: *jus sanguinis*, *jus soli*, and *jus domicile* (Choe, 2006). Although these principles are more complicated in reality and different states often combine them together for regulating access to their citizenship, all laws on citizenship or nationality are based at least on these three basic principles. Federal systems have two levels of citizenship. The basic principle for differentiating citizenships of the federal level and the local ones is the constitution, which makes clear demarcations between the federal government and the member states.

Chinese citizenship follows some of the above principles, but also has its own unique principles. At the national level, Chinese nationality is ascribed with *jus sanguinis*, which means ethnic connection with a Chinese citizen is the premise for access to Chinese citizenship. Though the Chinese government also confers green cards to people who hold foreign citizenship, it is not a universal practice and the green card also does not provide full citizenship. The principles of Chinese local citizenships are more complicated, among which, household and ethnic status are the two most important facets. Household status is based on the division between country and city, and different residential statuses bring forward different citizenships. Ethnic status is the second principle of Chinese local citizenship, which is based on the division between *Han* majority and ethnic minorities. An ethnic status not only bestows an individual with a different membership, but endows him with different citizenship rights as well. No matter which local citizenship, the constitution does not play a vital role as in its western counterpart. From the Chinese experience we can conclude that citizenship not only can be based on *jus sanguinis*, *jus soli*, and *jus domicili*, it can also be based on residential and ethnic status, so the criterion for classifying citizenship is far more complicated than it has commonly been envisaged.

Finally, what are the particular functions of Chinese citizenship? There have been many theories about the function of citizenship. For example, Mann(1996) thought citizenship was no more than “ruling class strategies” or means of “domination.” On the contrary, Turner(1990, 1993) thought it could be one approach for “right claiming” or “empowerment.” For Isin (2009, 2012), citizenship can be both domination and empowerment separately or simultaneously. But for many other authors, citizenship means measures of “inclusion” and “exclusion,” it includes certain individuals as the citizenry while excludes others (Brubaker, 1992; Lister, 2003; Torpey, 2000). To a certain degree, all of these articulations about the properties of citizenship fit the Chinese case. Every form of Chinese citizenship (nationality, *hukou*, and ethnicity), no matter on which level (national or local), is both inclusive and exclusive, it defines and identifies the

“insiders” and “outsiders” explicitly in accordance with formally articulated criteria. The insiders are empowered with certain citizenship rights while the outsiders are excluded.

But as a whole, besides these general functions, Chinese citizenship has also exhibited certain special functions. From the perspective of nationality, although Chinese nationality follows the principle of *jus sanguinis* in general, it can be flexible. After the Reform and Opening at the end of 1970s, when absorbing more foreign investment and technology became the main goals for Chinese modernization, citizenship became one mean for this end, and the green card system was invented. Citizenship as *hukou* also connoted the same implication. In the late 1950s, when the Chinese government wanted fervently to develop its heavy industry and catch up with Western countries, the institution of household registration, which shaped Chinese citizenship profoundly, was brought forward. *Hukou* was not only a means for the state to control the flow of population and labor power, but also an important means to levy the profits of the peasantry. The same function is also demonstrated by the institution of regional ethnic autonomy. As I have expounded above, the reasons that the Chinese government established this institution, to a large degree, were to pacify the border provinces and to enhance legitimacy and patriotism in the minority groups; political considerations exceeded the importance of citizenship rights. So, from China’s experience, we can see that citizenship is not always constant; on the contrary, it serves the overall goals of the state. Important political and economic goals such as economic development, technology modernization, diplomatic relation, national security and integration, and political legitimacy have direct effects on the formation and change of the citizenship institutions of a country.

## REFERENCES

- [1] Brubaker, R. (1992) *Citizenship and Nationhood in France and Germany*, Cambridge, London: Harvard University Press.
- [2] CCP Central Committee (1984) “CCP’s Sanction on National Birth Planning Committee’s *Report about the Situation of Birth Control Work*” (No. 7 Document of the CCP Central Committee, 1984)
- [3] Chan, K. W. (1994) *Cities with Invisible Walls: Reinterpreting Urbanization in Post-1949 China*, Hong Kong: Oxford University Press.
- [4] Chinese Central Government (2005) *White Papers of Chinese Regional National Autonomy*, [http://news.dayoo.com/china/200908/07/53868\\_10344684.htm](http://news.dayoo.com/china/200908/07/53868_10344684.htm).
- [5] Choe, H. (2006) “National Identity and Citizenship in the People’s Republic of China and the Republic of Korea”, *Journal of Historical Sociology*, Vol. 19, no.1.
- [6] Cohen, J. A. & Chou, J. (1974) “People’s China and International Law: A Documentary Study”, *Studies in East Asian Law*, Princeton N. J.: Princeton University Press.
- [7] Culp, R. (2007) *Articulating Citizenship: Civic Education and Student Politics in Southeastern China, 1912-1940*, Cambridge and London: Harvard University Press.



- 
- [8] Dagger, R. (1997) *Civic Virtue: Rights, Citizenship, and Republican Liberalism*, New York, Oxford: Oxford University Press.
- [9] Delanty, G. (2000) *Citizenship in a Global Age: Society, Culture, Politics*, Buckingham and Philadelphia: Open University Press.
- [10] Deng, X.P. (1994) *Deng Xiaoping Wenxuan (Selected Works of Deng Xiaoping)*, Beijing: Renmin Press.
- [11] Dobson, A. (2003) *Citizenship and the Environment*, Oxford: Oxford University Press.
- [12] Fahrmeir, A. (2007) *Citizenship: The Rise and Fall of a Modern Concept*, New Haven and London: Yale University Press.
- [13] Faulks, K. (2000) *Citizenship*, London and New York: Routledge.
- [14] Giddens, A (1982) *The Profiles and Critiques in Social Theory*, California: The University of California Press.
- [15] *Global Times* (3013) “More and More Overseas Chinese and their Children Move Back China”, September 17.
- [16] Guo Z.H. (2012a) “Citizenship in changing societies: an interpretation of the conceptual connotation and changing mechanism”, *Journal of Wuhan University*, no.1.
- [17] --(2012b) “The contents of *Guomin* and the imagination of state during late Qing and early ROC: perspective from the translation of citizenship”, *Journal of Nanjing University*, no. 6.
- [18] -- (2013) “The formation of the political discourse in the process of translation: analysis of the translation of ‘citizen’ and ‘citizenship’”, *Annual Review of Chinese Political Science*, vol. 2.
- [19] -- (2014) “Translating Chinese Citizenship”, in Isin, F. E & Nyers, P. (ed.) *Routledge Handbook of Global Citizenship Studies*, London: Routledge.
- [20] Habermas, J. (2000) “Citizenship and National Identity”, in Miller, D. (ed.) *Citizenship and National Identity*, Cambridge: Polity Press.
- [21] Heater, D. (1999) *What is Citizenship?* Cambridge: Polity Press.
- [22] Isin, F. E & Wood, P. K. (1999) *Citizenship and Identity*, London, thousand Oaks, New Delhi: Sage Publications.
- [23] Isin, F. E. and Nielsen G. (2008) *Acts of Citizenship*, London: Zed Books.
- [24] Isin, F. E. (2009) “Citizenship in Flux”, *Subjectivity*, Issue 29: 367-388.
- [25] -- (2012) *Citizens without Frontiers*, London: Zed Book.
- [26] Janoski, T. (2014) “Citizenship in China: a comparison of rights with the east and west”, *Journal of Chinese Political Science*, vol.19, issue 3 (forthcoming).
- [27] Kymlicka, W. (1996) *Multicultural Citizenship: A Theory of Minority Rights*, Oxford: Oxford University Press.
- [28] Liang Q.C. (2010) *Wuxu Zhengbian Ji (Notes about the Wuxu Coup)*, Nanning: Guangxi Normal University Press.

- [29] Lister, R. (2003) *Citizenship: Feminist Perspectives*, New York: Palgrave.
- [30] Lu Y.L. (2004) *Household Institution: Control and Social Differentiation*, Beijing: Shangwu Publishing House.
- [31] Mann, M. (1996) "Ruling Class Strategies and Citizenship," in Martin Blumer and Anthony M. Rees (ed.) *Citizenship Today*, London: UCL Press: 125-144.
- [32] Marshall, T. H. (1963) "Citizenship and Social Class" (original 1950) in his *Sociology at the Cross Roads*, London: Heinemann.
- [33] Marshall, T. H. and Bottomore, T. (1992) *Citizenship and Social Class*, London and Concord: MA: Pluto Press.
- [34] Miller, D. et al (1991) *The Blackwell Encyclopaedia of Political Thought*, Wiley: Blackwell Publisher.
- [35] Miller, D. (2000) *Citizenship and National Identity*, London: Wiley.
- [36] O'Brien, K. (2002) "Villagers, Elections, and Citizenship", in Merle Goldman & Elizabeth J. Perry (ed.) *Changing Meaning of Citizenship in Modern China*, Cambridge: Harvard University Press.
- [37] Montesquieu (2011) *The Spirit of the Laws*, edited by Anne M. Cohler, Basia C. Miller & Harold S. Stone, Cambridge: Cambridge University Press.,
- [38] National People's Congress (1980) *Nationality Law of the People's Republic of China*, September 10<sup>th</sup>.
- [39] People's Daily (1978) "Attention must be Paid to Overseas Chinese Affairs" (*Bixu Zhongshi Qiaowu Gongzuo*), January 8<sup>th</sup>.
- [40] Qiao X.Y. (1996) "Explanations about the implementation of Chinese Nationality Law in Hong Kong special administrative zone", *Gazette of the State Council of the People's Republic of China*, no. 16.
- [41] Roche, M. (1992) *Rethinking Citizenship: Welfare, Ideology and Change in Modern Society*, Cambridge: Polity Press.
- [42] Roskin, M. et al (1997) *Political Science* (6ed), Prentice-Hall Inc.
- [43] Shih, C.Y. (2002) "Ethnic Economy of Citizenship in China", in Goldman, M. & Perry E. (ed.) *Changing Meanings of Citizenship in Modern China*, Cambridge: Harvard University Press.
- [44] Solinger, D. (1999) *Contesting Citizenship in Urban China*, Berkeley, Los Angeles, London: University of California Press.
- [45] Stevenson, N. (2001) *Culture & Citizenship*, London, Thousand Oaks, New Delhi: Sage Publications.
- [46] Tilly, C. (1995a) "The Emergence of Citizenship in France and Elsewhere," *International Review of Social History*, no.40, supplement 3:233.
- [47] Tilly, C. (1995b) "Citizenship, Identity and Social History", *International Review of Social History*, no.40, supplement 3:1-17.

- [48] Torpey, J. (2000) *The Invention of the Passport: Surveillance, Citizenship and the State*, Cambridge: Cambridge University Press.
- [49] Turner, B. (1986) *Citizenship and Capitalism*, London: Allen & Unwin.
- [50] -- (1990) "Outline of a Theory of citizenship", *Sociology* 24(2):189-217.
- [51] -- (1993) "Contemporary Problems in the Theory of Citizenship", in Turner, B. (ed.) *Citizenship and Social Theory*, London: Sage.
- [52] Wang, K.Y.(1983) "Basic Principles of the Nationality Law of the People's Republic of China", in *Selected Articles from Chinese Yearbook of International Law*, C. S. o. I. Law, ed. pp.220-239, Beijing: China Translation & Publishing Ltd.
- [53] Wang T.X. (1988) *MinzuFaGailun (On Ethnic Law)*, Kunming: Yunnan People's Press.
- [54] Weber, M. (1958) *The City*, Translated and edited by Don Martindale & Gertrud Neuwirth, London, New York: The Free Press.
- [55] Whyte, M. K. (1995) "The Rural-Urban Gap in China's Development", Paper prepared for the conference Rural China, Columbia University, East Asian Institute, March 31-April 2.
- [56] Wittfogel, K. (1981) *Oriental Despotism: A Contemporary Study of Total Power*, Vintage: Vintage Books.
- [57] Xia Y.(2013), "A study of the contemporary Western citizenship: concept and theories", in Xiao Bin, *Annual Review of Chinese Political Science*, Shang Hai: Gezhi Publishing House.
- [58] Xinhua News Agency (2001) "More Foreigners to Get Permanent Residence Permit in China", November 27<sup>th</sup>.
- [59] Yang H.D., *Briefing on Minority Human Rights in China*, Beijing: Peking University Press.
- [60] Yi, L. (2006) "Choosing between ethnic and Chinese citizenship", in Fong, V. L. & Murphy, R. (ed.) *Chinese Citizenship: Views from the Margins*, London & New York: Routledge.
- [61] Young, I.M. (1990) *Justice and the Politics of Difference*, Princeton: Princeton University Press.
- [62] Yu, S.(1983), "China's Nationality Law and Principles of International Law", in *Selected Articles from Chinese Yearbook of International Law*, C. S. o. I. Law, ed. pp.220-239, Beijing: China Translation & Publishing Ltd.
- [63] Zhang Y.H. (2010) *Studies on Peasant's Citizenship*, Beijing: Jiuzhou Publishing House.
- [64] Zhang Z. & Wang R.Z. (ed.)(1977) *Selections of the Political Comments during the Ten Years before Xinhai Revolution*, Vol. 2, Book 1, Hong Kong: Sanlian Bookstore.
- [65] Zhu W.Z. & Jia H.T. (2006) "An Analysis of the Influence of Overseas Chinese Investment on Mainland China's Economy", *Academic Study*, no. 12.