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Preferential Policy in the Historical and  
Comparative Perspectives**

**Wang Liping** | Peking University

# **More Than Affirmative Action: China's Preferential Policy in the Historical and Comparative Perspectives**

**Liping Wang**

Peking University

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## **Abstract**

*With the ethical appeal of equality and justice as well as a more cohesive society, affirmative action policies have been in place for many years around the world. Such measures, going by various names depending on the context and perceived acceptability, have attained their goals to varying degrees in different countries, although the debates surrounding them are never over. In many countries adopting these measures, the political logic of preferential policies has long influenced policy construction and produced their ensuing dilemma: affirmative policies are enduring or even expanding while doubts about such measures continue to bubble up. Given the rapid increase in diversity in many dimensions, old and new, the situation in China is more pressing. The paper will focus on China's preferential policies in the historical and comparative perspectives in the hope of gaining a better understanding of such policies and advancing more constructive discussions about the affirmative action dilemma in China and beyond.*

In May 2016, just one month before the national college entrance examination (*gaokao*, 高考) in China, parents of examinees in Jiangsu and Hubei provinces gathered in front of their provincial educational administration buildings to voice their concerns about a sharp cut in the college admission quota allotted to the two provinces. These cuts were the product of a policy aimed at apportioning some of the admission quotas for students from the more developed eastern regions to those from central and western regions in hopes of raising the college admission rates in these less developed regions. Such transfers of college admission quotas have been in practice since 2008, and have

indeed increased enrollment among students from less developed regions as expected. But it was the perceived severity of 2016's quota cuts that aroused the anxieties of the families concerned. Official explanations in the two provinces appear to have dispelled the initial sense of bewilderment among parents, but the incident has cast doubt over similar rules and preferential policies in general.

This article seeks to explain two of the immediate questions arising from this news-making incident:

- (1) Why affirmative-action-like policies persist despite the increasing doubts about or even opposition against them?
- (2) What makes such well-intentioned policies less desirable or even questionable?

Affirmative action has been a contentious issue for years. Most debates around affirmative action are developed from the perspective of philosophy or ethics. As a result, the debates are usually formulated in terms of 'yes or no,' or 'good or bad.' Such debates will never end. Instead of taking this "*ought to be*" approach to affirmative action in my study, I consider "*what it is*." What affirmative action was in the past and what it is (compared with its manifestations in other countries)—as well as what challenges it is facing today—are my primary concerns.

### **One American phrase, various concepts and practices**

Affirmative action is a notion and technical term with clear American connotations. The phrase "affirmative action" was coined by President John F. Kennedy and first appeared within the text of Executive Order 10925, which he signed in 1961. The year

1965 was a watershed moment in the history of affirmative action. In President Lyndon B. Johnson's Commencement Address at Howard University that spring, he argued that the process was integral to the achievement of civil rights: "This is the next and the more profound stage of the battle for civil rights. We seek not just freedom but opportunity. We seek not just legal equity but human ability, not just equality as a right and theory but equality as a fact and equality as a result" (Johnson 1965).

Later that same year, Johnson signed Executive Order 11246, initiating the system of affirmative action in employment. Ever since, affirmative action has greatly influenced employment and education, and other areas (e.g. government procurement contracting) as well. Beginning with policies preferential to blacks and other minority groups, affirmative action grew to include women in 1967. As time passed, affirmative action evolved from its initial directive of "ensur[ing] that the applicants are employed and that the employees are treated during employment without regard to race, color, creed, or national origins" in Kennedy's executive order, to Johnson's fateful expressions "goals and timetables" and "representation", to the "results-oriented procedures" and "increase materially the utilization of minorities and women" in President Richard Nixon's executive orders of 1970 and 1971. Not surprisingly, affirmative action has become a numerical concept featured by "quotas" or "goals" (Sowell 2004, 4-5).

Even though the term "affirmative action" has become a policy catchphrase, it neither is a single policy, nor does it adhere to any agreed upon definition (Crosby 2004, 4; Reyna et al. 2005). So, in debates among the general public—as well as in the discussions among scholars, lawyers and journalists—affirmative action is usually abstract and unsubstantial, with different people having their own different pictures of policies and practices in mind. Several studies show that the knowledge of the general public about how affirmative action policy is legally defined or practically applied is

limited (Kravitz and Platania 1993; Crosby and Cordova 1996; Steeh and Krysan 1996; Fryer, Jr. and Loury 2005).

Outside the US, similar policies have been in place for years in many other countries, going by various names and resorting to various measures depending on their context and perceived acceptability. For this reason, researching affirmative action in different countries is complicated, both in theory and in practice (see also Krishna and Tarasov 2016).

In India, the analogous policy is called positive discrimination; in some Indian states as well as in Malaysia and Indonesia, such policy goes by the name of “sons of the soil” preference; in Sri Lanka, the term “standardization” is employed; the similar policy in Nigeria is called “reflecting the federal character of the country” (see also Sowell 2004, 2). In the policy practices of these countries, quotas and reservations based on group preference are common measures. Such measures are also found in Australia, Brazil, Canada, Fiji, Israel, Namibia, New Zealand, Pakistan, and beyond.

In China, such policy measures often go by a broader term—“preferential policy” (*youhui zhengce*, 优惠政策).<sup>1</sup> Being group- or region-based and of temporary or permanent duration, such measures are designed to give different groups or regions special help in various domains according to the perceived practical needs of policy-makers in different periods.

Given that many countries have their own specific terms referring to such policies, why is it that I still use the term “affirmative action”—a concept lacking clear definition—in my discussion?

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<sup>1</sup> In the Chinese context, *youhui zhengce* (优惠政策) is a widely used term indicating a **policy favorable to something**. Not all are affirmative policies. For example, a *youhui zhengce* targeting the new energy industry has nothing to do with affirmative action. But sometimes the distinction is blurred. In China, preferential policies are widespread; favorable policies still more so.

Although the affirmative action of the US was not the earliest such policy, it has become typical of the kind. The phrase “affirmative action” has also become a common and popular term referring to similar policies. And there is another more important reason. Compared to other terms used to refer to these policies, “affirmative action” is the concept used most frequently in the existing literature. Thus, in order to make best use of previous literature and establish a dialogue with the current studies on this subject, using the term “affirmative action” seems to be the best choice.

Aiming to find common ground for our discussion and include as many as countries adopting similar policies as possible in a comparison, I prefer to define the concept somewhat loosely: certain policies and related measures aiming to address social differences deriving from history, past policies, or other reasons, so as to promote equal opportunity for different groups or enhance social cohesion. No matter how affirmative action is defined, it is accompanied by the increase in government involvement in education, employment, and any other related areas.

Affirmative action has become one of the most emotionally charged issues in public life around the world. As such, controversies over affirmative action have lasted for decades and largely taken the form of philosophical or ethical questions of ‘pro or con.’ Thus, as Crosby has concluded, “In the court of public opinion, the battle over affirmative action is likely continue unabated” (Crosby, 2004, 3).

To better understand affirmative action as a specific kind of public policy, context and history are important not only in accounting for the kinds of policy in place or absent, but also in evaluating their effectiveness.

## **Tracing the Evolution of China's Preferential Policies**

In most countries adopting affirmative action, education is a common affirmative policy domain. Given China's long tradition of valuing education, tracing China's preferential policy in education provides a good entry point for exploring China's preferential policies in general.

The following is a broad strokes analysis, by period. The analysis is primarily concerned with developments in mainland China.

### ***Imperial China***

For over two thousand years, imperial China was ruled by members of the Han people, as well as by those of other ethnic groups. The preferential policy design in different periods varied significantly according to the particular nationalities of the rulers. In the Tang, Song, and Ming dynasties, whose rulers were of Han origin, the imperial court tended to establish more extensive positive policies aimed at promoting assimilation and integrating frontier communities into mainstream culture and society. During the periods of rule by other ethnic groups, the intended beneficiary groups were usually those to which the rulers belonged, along with select other non-Han ethnic groups deemed important to imperial rule. Such policies were designed to strengthen and maintain the advantage of the ruling groups; integrating marginal groups into mainstream culture and society was no longer the priority. In general, preferential policies were practiced selectively in imperial China.

The Tang Dynasty (618-907) is considered the first imperial government to enact formal preferential policies when it forged a connection between education and the civil service examination (Zhou 2009, 49). Under such policies, Tang's National University



(*Guozixue*, 国子学) and local schools (*junxue*, 郡学) accepted many students from frontier communities, providing them special treatment in examination preparation.

Frontier communities were the main recipients of preferential treatment in the Tang Dynasty; however, preferential policies were far from systematic, and classification of groups designated for special treatment was not yet present. It was in the Yuan Dynasty (1279-1368) that the earliest preferential treatment based on what we would now call “ethnicity” appeared in education and the civil service examinations. As such, ethnic identity became an important criterion in the apportioning of education opportunities. Under Mongol rule, the Yuan populace were categorized and segregated into four ethnic groups for preferential and discriminative purposes: the Mongols (*menggu*, 蒙古), the Semu (*semu*, 色目), the northern Chinese (*hanren*, 汉人), and the southern Chinese (*nanren*, 南人). Among these groups, the Mongols and their allies the Semu were privileged, while the northern Chinese and the southern Chinese were discriminated against. In the entrance examination to the Imperial College (*Guozijian*, 国子监), Mongols and Semu were given preferential treatment. Moreover, the Yuan Dynasty established Mongol and Muslim National Universities (*mengu Guozixue*, 蒙古国子学 and *huihui Guozixue*, 回回国子学) which enrolled Mongols and Muslim Turks exclusively, including only few northern but no southern Chinese. The civil service examination was also divided into tests for Mongols and Semu and separate tests for the Chinese. The first two tests were given proportionally higher quotas for the passing marks, and were substantially easier than those for the Han people (Zhou 2009, 49-50; Qiao 2000, 501-502, 540-543; Zhang 2013).

In the Ming Dynasty (1368-1644), whose rulers were of the Han majority, preferential treatment mainly targeted minority ethnic groups. For example, in determining admission to the Imperial College (*Guozijian*, 国子监), higher class

members of ethnic minorities in the southwest were most privileged. Throughout the Qing Dynasty (1644-1911), higher education admissions policy was naturally inclined to favor students from Manchu and Mongolian noble families. In the new-style schools of the late Qing Dynasty, Banners children (*baqi zidi*, 八旗子弟) were still privileged in the admission—although the privilege had narrowed. In addition, the imperial court also established Miao schools (*miaoxue*, 苗学) and publicly-assisted schools (*yixue*, 义学) for the education of the frontier communities (Zhang 2013; Ma 2000).

During the long history from the Tang Dynasty through the Qing Dynasty, the beneficiary groups of preferential policies were largely selected according to the rulers' governing needs.

### ***The Republic of China***

The founding of the Republic of China (1912-1949) marked the beginning of a modern state. Thus, fostering national identity and solidarity became the primary goal of the government's preferential policies. In addition to taking traditional measures, the Republic made ethnic minority education a priority from its inception. In 1928, it established an ad hoc institution called the Mongolian and Tibetan Affairs Commission (*Mengzang weiyuanhui*, 蒙藏委员会) within the Cabinet, charged with administrative affairs concerning Mongolian and Tibetan people and therefore better implementing preferential policies (Xie and Xu 2012; Zhu 2008). From the late 1920s through the early 1940s, the groups benefiting from the Republic's preferential policies mainly comprised students of the Mongolian minority group and students of the Tibetan minority group living in the Tibet region, as well as students of these two ethnic minority groups living in such regions as Qinghai and Xikang.

With the outbreak of Anti-Japanese Invasion War and the ensuing relocation of the capital to Chongqing, the southwestern border regions took on a new strategic importance. Considering the potentially negative impact that a narrow focus on “education for Mongolian and Tibetan people” might have on national solidarity, the government adjusted policy to render all ethnic minorities residing in frontier areas eligible for preferential treatment (Wang 2015).

It is worth noting the Soviet model had a clear impact on the preferential policy of this era, including that in CCP controlled areas. But in late 1930s and 1940s, the CCP advocated for equality over preferential treatment in education in order to build a strong united front.

Thus, beginning with the Tang Dynasty, China’s preferential policy applied to ethnic minorities evolved to fit the various objectives of different rulers and their eras. These included promoting cultural assimilation and maintaining ruling advantage as well as national solidarity; generally, they trended toward an increasingly broad range of policy beneficiaries.

### ***The People’s Republic of China***

Despite the regime change, most preferential practices in education in force during the Republic of China were continued in the PRC, with increasing numbers of new measures introduced.

Consider the example of the college and university entrance examinations. Facing high rates of illiteracy among ethnic minority peoples, authorities implemented a new admission rule in 1950 in order to increase the enrollment of ethnic minority students into colleges. According to this rule, ethnic minority students could be preferentially admitted to colleges even if their scores fell below cutoffs. Thereafter, the rule came to

be known as “preferentially admitted even though scores are the same”( *tongdeng chengji, youxian luqu*, 同等成绩, 优先录取).

Admitting students with lower scores was a general preferential practice designed for ethnic minority students. Additional preferential measures included establishing institutes of nationalities (*minzu xueyuan*, 民族学院) and other ordinary colleges and secondary specialized schools (*zhongdeng zhuanye xuexiao*, 中等专业学校) that provided a range of preparatory courses aimed at helping minority students enhance their skills and better adapt to college study. There are also places reserved for minority students at key national universities and institutes of nationalities (Teng and Ma 2005; Ao 2006; Sautman 1998; Gao 2014).

Preferential policies regarding minority education have undergone several rounds of adjustments to date. Besides general preferential policies designed for all minority students, another group of more nuanced policies targeting particular ethnic minorities (i.e. ethnic minorities living in Xinjiang and Tibet, ethnic minorities with a small population, or those living in less developed regions) have also been developed. In China, a country with a unitary constitutional structure, provincial governments are given authority to craft their own preferential policies in accordance with the relevant policy of the Ministry of Education.

The enrollment numbers of ethnic minority students and the percentages of ethnic minority student within entire college student bodies are the primary metrics used in evaluating the positive effect of preferential policies in education.

The number of ethnic minority students in college has been growing rapidly. In 1965, the total college enrollment of minority students was 21,870—17 times what it had been in 1950. Forty years later, in 2005, the figure had jumped to nearly 1 million; by

2014, it had doubled to more than two million (Ministry of Education of the PRC 1984, 2015).

As for the ratios of ethnic minority students within entire college student bodies, from 1965 to 2014, the percentage has more than doubled and reached 7.7%. The national goal is that this percentage should not be below the percentage of ethnic minority population within the general population of China. According to the latest census, this ratio would be 8.54%.<sup>2</sup> (National Bureau of Statistics of the PRC 2016)

It is worth noting that all ethnic minority students are eligible for preferential treatment in the PRC, a situation different from that in the Republic of China and imperial China. Furthermore, over the course of their nearly 70 years of development, the PRC's preferential policies have expanded in both beneficiary coverage and policy domains and measures. Correspondingly, more varied beneficiary groups have appeared.

Through this broad strokes historical analysis of China's preferential policy, it can be seen that China's preferential policy in education has evolved from selectively practiced measures in imperial China, to the inclusion of broader beneficiaries among minority groups in the Republic of China era, to full coverage for ethnic minority students and other groups in the PRC. Driving this change in beneficiary groups has been a change in preferential policy objectives. These objectives have moved from extending the influence of mainstream culture as well as promoting cultural fusion and assimilation (during the ruling period of Han people) to maintaining superiority (during the ruling period of non-Han ethnic groups) during imperial China, to more manifold objectives including fostering national identity and maintaining national solidarity during the

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<sup>2</sup> The gap between the ratio of ethnic minority students within entire college student bodies and that of ethnic minority population within the general population is narrowing while it still provides justification for continuing the current affirmative policy in education (see Li 2009).

Republic of China. These changes coincided with changes in the governing strategies of different eras.

Given the rapid expansion of these preferential policies into new dimensions after 1949, a comparative analysis will help enable a better understanding of China's preferential policy today.

## **China's Preferential Policy in the Comparative Perspective**

Policy is a practical field, and each country approaches it in its own particular way. Hence, it is difficult to compare entire systems across different countries. Rather, a partial comparison of several dimensions key to affirmative action policies is more viable.

### ***Beneficiaries***

Generally, the beneficiaries of affirmative action policies around the world are varied. Among them, ethnic or racial minorities, aboriginal peoples, women, people with disabilities, and war veterans tend to be most common. It is worth noting that while minorities are most often beneficiaries of affirmative action, some countries have introduced affirmative action policies designed for the majority. Malaysia is a well-known example. The New Economic Policy introduced in 1970 made the *Bumiputera* (Malays and other indigenous groups), which account for two-thirds of the population, its beneficiaries (Wyzan 1990). Such is also the case in Fiji and in post-Apartheid South Africa, where indigenous Fijians and Blacks (including Africans, Indians, and "coloured", also defined as "populations of need"—"those really in need") are targeted beneficiaries respectively (Ratuva 2015; Erasmus 2015).

In China, the issue of who the designated beneficiaries are is sometimes far from clear, particularly when such policies target certain regions rather than specific groups.

In terms of beneficiaries, China's preferential policies can be roughly classified into two major categories: group-based preferential policy and region-based preferential policy.

Among beneficiary groups, there are two different subcategories: enduring groups (permanent groups) and temporary groups.

Enduring groups refer to those that will last for a long time or permanently. In addition to ethnic minorities, veterans make up another enduring group. Among this group, retired officers are treated more preferentially than are ordinary veterans (retired ordinary soldiers).

In contrast, temporary groups exist for a relatively short period until they disappear. In past decades, educated youth returned to the city (*fancheng zhiqing*, 返城知青) and laid-off workers (*xiagang zhigong*, 下岗职工) have been two of the most notable groups benefiting from certain preferential policies. With the urbanization in recent decades, there has emerged a new group—land-lost farmers (*shidi nongmin*, 失地农民). Correspondingly, attendant preferential policies were devised.

Region-based preferential policies mainly target less developed regions. In China, the term “*laoshao bianqiong diqu*” (老少边穷地区) provides a good inventory of these places: mostly poor and remote areas. Specifically, *lao* (老) refers to former revolutionary base areas, *shao* (少) to ethnic minority regions, *bian* (边) to border areas, and *qiong* (穷) to less developed areas. Being relatively poor and less developed are the common problems afflicting these areas. The news-making incident in Jiangsu and Hubei provinces cited at the beginning of the paper is an example of preferential policy based on region.

The designated beneficiaries of China’s preferential policies include not only groups such as ethnic minorities and people with disabilities that are also frequently seen beneficiaries in other countries, but also several other groups defined temporally and spatially. Such broad policy beneficiary coverage leads to dense preferential policies in China. In this regard, **high policy density** is a striking feature of China’s preferential policy.

### *Policy Range*

The range of affirmative action policy varies significantly among different countries. In general, education and employment are the two main areas of focus, but some countries include still other areas within their affirmative action policymaking. The range of affirmative policies in China and selected other countries is illustrated in Table 1, below.

**Table 1 Range of affirmative policies in China and selected countries**

	Education	Employment	Assets	Fair Employment Legislation	Government contracts/ procurement	Other
<b>Brazil</b>	Y					
<b>China</b>	Y	Y(political)*		Y		Tax reduction /exemption, Bank loans, Transfer payments, etc.
<b>India</b>	Y	Y		Y		Scholarships, Bank loans, Housing, etc.
<b>Malaysia</b>	Y	Y			Y	
<b>Nigeria</b>		Y(political)*				
<b>South Africa</b>	Y		Y	Y	Y	
<b>United States</b>	Y	Y			Y	

\* Including employment within the government and politically-appointed positions.

**Sources:** Brown, Langer, and Stewart 2012; Faundez 1994; Sowell 2004; Jayal 2015; Boo 1998; Sautman, 1998.



In the dimension of affirmative policy range, the Chinese case demonstrates most of the possible policy choices. The range of affirmative policies can be employed as a reliable proxy of policy intensity. So in the sense of policy intensity, China's preferential policy goes far beyond affirmative policy as generally practiced around the world, even as there is no normal or standard affirmative action policy. Thus, **high policy intensity** is another feature of China's preferential policy. Affirmative policies in India and South Africa also exhibit similar feature.

### ***Political Basis***

Affirmative action policies may diverge or converge among different countries. Meanwhile, the reasons that different countries adopt such policies may also be similar or different. For some countries, introducing such policies was an explicit reaction to violence, aimed at preventing a recurrence. Among the countries adopting affirmative action around the world today, the US is often thought of as the forerunner. Even though its history with affirmative action is not the longest, it set a trend in adopting affirmative action in mid-1960s in response to riots and amid rising demands for civil rights; Malaysia followed shortly after, introducing its New Economic Policy in 1970 in response to appeals by indigenous Malaysians for more preferential treatment. This also was the case in Nigeria when the government introduced the Nigerian Federal Character Principle in 1979. In contrast to the situations in the US, Malaysia, and Nigeria, it was a peaceful social movement that initiated Brazil's affirmative action policymaking process in the 2000s. I call these two scenarios the **passive reaction model**.

Affirmative action was introduced to India in the context of gaining independence from British colonial rule in 1947. In South Africa, affirmative action was initiated with

the end of Apartheid in the mid-1990s. In both India and South Africa, the introduction of affirmative action was accompanied by the creation of a new constitution. It could thus be said that affirmative action in these countries was an integral part of the state-building and also endowed with important functions for advancing state-building. The relatively broad range of affirmative action policies in India and South Africa is a manifestation of this unique history.

In China, affirmative-action-like policies have been in practice for a long time. After the founding of the People's Republic of China, existing preferential policies were mostly continued. And as this paper has already discussed, affirmative policy has largely been expanded throughout the ensuing decades.

The situations in India, South Africa, and China demonstrate a model unlike that of passive reaction; theirs could be called a **proactive supply model**. In India, South Africa, and China, the introduction and continuous expansion of affirmative action policies are basically the outcomes of governments' aiming to bring about new social orders in these countries that are more supportive to the state-building process.

This comparison has enabled me to reach a tentative generalization regarding the relationship between political basis and policy intensity; namely, the proactive supply model is more likely associated with high policy intensity than is the passive reaction model.

### **The Dual Logics Underlying Preferential Policy in China**

In recent years, the ever-increasing doubts among the Chinese public seem not to have slowed the growth of preferential policies. Preferential policies still flourish. The political logic of preferential policies and the logic of social engineering have locked policy designers into a policy-making path dependency.

### *The political logic of preferential policies*

The political logic of preferential policies means that “a policy decision creates a political space,” thereby “shaping the terms of subsequent policy debates and substantially influencing political responses and new policy choices.” (Weiner, 1983) More than 30 years ago, Myron Weiner noticed a convergence among different countries that chose to follow the path of preferential policies—one dictated by the political logic of preferential policies. To a great extent, affirmative policy seems to have resulted in a kind of path dependency. This path dependency leads to affirmative action policies being created over and over again. To discontinue affirmative policies is usually impossible—recipients usually hope that their welfare lasts indefinitely, while policy designers are caught in patterns of policy development. As a result, when new disparities appear, affirmative action is often the prior policy choice *par excellence* for policy designers.

The logic of preferential policy can also help us understand why affirmative policies originally designed to be temporary later get extended again and again, until they finally seem to become permanent policies that engender other similar policies. In societies with the commitment to enhance individual equality, the reviving of group preferences are usually accompanied by limitations on duration and scope of affirmative action programs in case they become pervasive or permanent (see also Sowell 2004, 3). But the reality is a totally different story.

In the United States, it was initially proposed that special “outreach” efforts be made to inform and encourage minority individuals to “apply for jobs or college admissions in places where they might not have felt welcome before,” but “with the proviso that they would not be given special preferences throughout the subsequent process of acceptance

and advancement” (Sowell 2004, 3). In practice, however, affirmative action was redefined during the Nixon administration in terms of “goals” or “quotas,” as described above.

Another such example is India. As an equal rights amendment, affirmative action (called “positive discrimination” in India) “provides an explicit exception for policies designed to help disadvantaged segments of its population.” Such preferential policies were originally set to expire within 20 years, but decades later not only are they still in place, but they have also been extended again and again—and expanded in the process (Bajpai 1997, 53-54; Sowell 2004, 23).

The political logic of preferential policies can be best understood through the following two questions:

1. If a policy based on group preferences is put in place, is it politically possible to set limits on who receives preferences and what kind of preferences are received?
2. If preferential policies are adopted, how, if at all, can they ever be discontinued? (see also Weiner 1983)

Just as in the US, India, and many other countries, the proliferation of preferential policies and the high level of preferential policy density and intensity in China are the consequences of such a political logic. Even so, the intensity and density of affirmative policy vary from country to country. In addition to the political logic of preferential policies, China’s preferential policy also has its own specific logic.

### *The logic of social engineering*

Due to the multiple dimensions of variance and uneven development around the country, diversity has always been a palpable concern of the Chinese government. Hence, it is imperative that the CCP take stock of and attend to the needs and interests of different social groups.

Upon founding the PRC, the CCP initiated the grand project of shaping Chinese society so as to narrow the distance between its actual conditions and those of the ideal society. Yet what is an ideal society, and how is such a society achieved? The Soviet model influenced China's preferential policy construction considerably on this front. Although the Soviet model was by no means simply transplanted to China without alteration, and although the deviation from the Soviet model has grown increasingly apparent since China's reforms in the late 1970s, its influence on the philosophy of affirmative policy persists even after the demise of the Soviet Union. Most importantly, its logic of social engineering remains a lasting legacy. Apart from the influence of the Soviet model, the CCP's worldview—that of reforming the objective world through subjective activism—has shaped the manner in which it has tackled the most urgent problems facing China since its founding.

Social engineering can be understood as a governance philosophy. Its core idea is that a society can be shaped according to certain blueprints; usually, these blueprints also include certain methods by which to achieve this ideal society.

At the strategic level, an eagerness to catch up with the most advanced countries has characterized China's modernization process. The government hopes to put things in order as quickly as possible. Thus, it is not just that preferential policies seem to be indispensable in doing so; rather, it seems that more such policies are needed.

Beyond the usual realms of affirmative action policy such as education and employment, the logic of social engineering and its resulting preferential policies are also at work within the legislature and other political institutions.

The National People's Congress of the PRC is considered to replicate—or at least attempt to imitate—the actual structure of Chinese society. Take the 12<sup>th</sup> National People's Congress of the PRC—elected between October 2012 and February 2013 and in session from 2013 to 2017—for example. Its deputies were elected according to the principle of equality among individuals, regions, as well as ethnic groups. According to this principle, the quota of deputies is apportioned in terms of different regions (provinces, autonomous regions, and municipalities) and such differences as gender, ethnic group, urban-rural residence, profession, and age. Correspondingly, less populated regions also have a certain number of deputies. Thus, the *Luoba* people (珞巴族), China's least populous ethnic minority at the time, was guaranteed at least one deputy.

Such thinking and arrangements are also embodied in the appointments at different levels of government. For years, the abbreviation “*wuzhishaonü*” (无知少女) has been used to refer to women who are without party affiliation, are intellectuals, and are members of an ethnic minority. A number of positions at different government levels are reserved for persons with one or more such features; someone possessing all of the above is even more preferred.

It is worth noting that in China, if we say someone is a non-party person, it does not mean s/he is an ordinary person without any party affiliation. Rather, s/he is usually supposed to be an influential person, typically a celebrity or academic. According to the definition provided by the United Front Work Department of the CCP Central Committee, non-party persons refer to those who have not participated in any political party, have the desire and ability to participate in political affairs, make a positive contribution to society

and have a certain influence on society, and whose main body comprises intellectuals. Such people have been organized and become a special group within consultative bodies at different levels; some have even been recruited into government. Among those without any party affiliation, females have greater probability of being selected and appointed to certain political positions.

In the debates around affirmative action policies in other countries, resisting social engineering is sometimes cited as a justification for rejecting such measures (Torres 2015). In China, too, the logic of social engineering will face the challenges of a changing context.

### **China's Preferential Policy in a Changing Context**

Since the founding of the PRC, preferential policy has been extended to a much broader swath of the population. Similar policies in arenas other than ethnic groups have also become important components of public policy in China. Past experience shows that preferential policy does realize its policy expectation to some extent and in certain policy areas, but the positive effects are increasingly overshadowed by unintended side-effects. With the advent of the pluralist age, more and more forms of diversity continue to appear, making it seem that more and more preferential policies are needed. Meanwhile, the frequent challenges to affirmative action suggest the practical dilemmas facing existing preferential policies.

#### ***Policy process: from government control to multi-stakeholder participation***

In the past, including most of the period since 1949, the government controlled the policy process, while other actors held only very limited roles. Since reform and opening-up in late 1970s, Chinese society has become increasingly assertive, and the

policy process has changed into one of multi-stakeholder participation. As a result, diversified interests have been brought into the process. Different groups show varying sensitivity of and receptivity to different policy issues, and correspondingly display different attitudes and behavior (see also Leibold 2014).

It is undeniable that policy making has been turning into a process of coordination among government, market, and society. This is not only an important change in policy development. It also holds an unforeseeable influence on the prospects for increasing preferential policies. The changing environment of social opinion will surely make such a shift even complicated.

### ***The influence of neoliberalism and pluralism***

Neoliberalism has generated unstated but real impact in China. In various public policy arenas, policies emphasizing the roles of market and civil society abound, while affirmative policies redressing the undesirable impacts of the market exist as well. Paradoxically, market-oriented policies seem to generate more demand for affirmative policy.

As far as the policy itself is concerned, multiple conflicts exist between the group preferences intrinsic to affirmative action and the individual preferences of neoliberalism. At its core, liberalism has always been concerned with the welfare, rights, and responsibilities of *individuals qua individuals*, not the welfare, rights, and responsibilities of masses, classes, or other abstract bodies (Nisbet 1991). All affirmative action policies are group based, and thus group membership is a prerequisite for benefitting from affirmative action policies. Therefore, in different policy combinations, those policies that embody the preference of groups may be complementary to the policies that represent individual preferences, but there also remains the risk of conflicts. In the



individualistic and liberal discourse, affirmative action based upon group preferences has been criticized as flawed and problematic. This group characteristic of affirmative action policy has also run into the challenge of governance within the neoliberal context (see also Hall and Lamont 2013).

In terms of social acceptance of affirmative policy, the popularity of neoliberalism, individualism, and other similar ideas has noticeably influenced people's thinking and attitudes about affirmative action. In practice, affirmative action tends to divide the general population into two: beneficiaries and losers. In the age marked by idealism and romanticism, the goal of establishing a fair and just world and of making society more united not only had tremendous appeal, but could also arouse people's moral instincts (Raza, Anderson, and Custred 1999, 5). Such was the case in the US of the 1960s, when the civil rights movement shifted American opinion toward favoring guaranteeing minority rights and finally putting long extant affirmative action policies into practice. But in a climate marked by materialism and individualism, people's receptivity to affirmative action potentially counter to their personal interests has been in decline. It is impossible to overlook the fact that people are rarely willing to sacrifice their own personal concrete interests for such abstract goals as equality and justice.

Furthermore, the general understanding about justice and the approach to achieving justice have also changed. In the meantime, after nearly 40 years of decentralization reform, people's expectations of government have also changed significantly. In this sense, the government interventionist tendency inherent in affirmative action conflicts with people's preferences and expectations. Such changes surely impact people's cognitions and attitudes about affirmative action in general and preferential policy in the Chinese case.

The fact is that public policy itself is changing. In China and around the world, with public policy generally trending toward becoming less controlling and interventionist, affirmative action policies of the proactive and interventionist sort appear to be losing people's favor.

### ***Exclusiveness and fragmentation of affirmative action***

Adjectives such as compensatory, preferential, inclined, and so on are frequently used in defining an affirmative policy. Such vocabulary reveals the politically expedient side of affirmative action. Because an affirmative action policy has its target groups, other groups are often disadvantaged in turn. Therefore, in addressing already extant differences, these policies often give rise to some potential new injustice. Attending to one thing while letting another slip is the oft-seen outcome of an affirmative policy. In general, affirmative action highlights the fragmented and mutually-contradicting facet of public policy. In the changing context, the exclusiveness of affirmative action dims its prospects.

In this respect, the problem for China is evident. With accelerated progress in marketization reform, social differences are beginning to loom large. In the process, growing numbers of new disparities demand redress, necessitating still more affirmative policies. Because they are by nature exclusive, affirmative policies usually benefit certain groups while disadvantaging others to varying degrees. The outcome of affirmative policies is likely that one problem has been solved, but one or more new ones have been created. The scenario described by the phrase “you’ve hardly pushed one gourd under water when another bobs up” (*an xia hulu fuqi piao*, 按下葫芦浮起瓢) is a common one.

## **Concluding Thoughts and Speculations**

It appears that current conditions no longer favor any kind of affirmative action, while at the same time they produce ever-increasing demands for more such policies. Such is the affirmative action dilemma in China and other countries adopting similar policies.

### ***China's Preferential Policy: a palatable alternative to institution(alization)***

Just as in the US case, there is no coherent affirmative policy in China. A host of preferential policies at the national, provincial, and local levels benefit various groups across different domains. It is quite difficult—if not impossible—to count the exact number of preferential policies. China is home to a jungle of preferential policies.

The fact that there is so much diversity and disparity in reality may partially explain why preferential policies prevail in China. But China is surely not the only country marked by diversity and disparity. Thus, further explanation is needed.

Considering the continual *de facto* expansion of government function can shed some light on the situation. For years, even though the ideal of “small government” or “limited government” has gained currency, the government is in reality expanding almost everywhere, despite the ups and downs in public opinion about proper government function. Government affairs are more complicated than ever before. For this reason, it is not difficult to understand why preferential policies are broader and more numerous in China today.

This jungle of preferential policies is also closely related to condition of weak institutions/institutionalization. China's actual situation—in particular its immature and incomplete institutionalization—leaves much room for policy to fulfill broader functions than usual. It is worth noting that, on the one hand, policies are largely charged with

important functions in their capacities as supplements to institutions, or else are taken as ideal substitutes for institutions. Therefore, policies often play roles similar to those of institutions. On the other hand, because of its flexibility, adaptability, compatibility with existing institutions, and reversibility, policy seems to be more in line with China's "trial and error" strategy of "crossing the river"—an expression used in China to mean advancing cautiously (Wang 2017). Consequently, policy grows and proliferates continuously, while a high level of policy density and intensity characterize many policy areas, including preferential policy.

Generally, policy has much broader implications in China than elsewhere, and can be applied as a palatable alternative to institution. Even so, policy is policy; it is not an institution after all and cannot replace institutions completely or permanently. In practice, the distortion to policy arising out of the different forms it takes during implementation is a thorny problem facing China. As institutionalization progresses, policy construction will face more constraints.

### *China's preferential policy as governmentality*

Historically, preferential policies in China were basically driven by particular governance goals. In imperial China, especially the dynasties ruled by Han people, preferential policy was designed to extend the influence of mainstream culture and promote cultural fusion and assimilation. To a large extent, this preferential policy was clear in pursuing objectives—cultural unification—that were intimately connected with court thinking throughout imperial Chinese history.

The preferential policy in education during the Republic of China was an important component of the government's minority education policy. This period was also a critical

time for state-building in modern China. Thus, maintaining national integrity and fostering national identity and a sense of belonging were governance priorities.

To achieve these objectives, preferential policies in imperial China and the Republic of China focused mainly on education. The subsequent growth during the PRC in both policy areas and beneficiaries affected by preferential policies shows the ruling party's policy ambition of going beyond addressing particular problems to reshape the social system itself. This enduring logic of social engineering has promoted the proliferation of preferential policies ever since. Compared with the passive-reaction model that marks the preferential policy making in certain countries, China's introduction of preferential policy is mostly proactive and subject to policymakers' perceived social demands—seldom out of passive reaction to particular social pressure.

From imperial China through the present, China's preferential policy has been more than just affirmative action; rather, it's been an integral part of *governmentality*, or the art of government.

However, governing through policy proliferation means that China faces an even more challenging governance paradox when the affirmative action dilemma occurs in other countries adopting such policies.

### ***Coping with the affirmative action dilemma in China and beyond***

Affirmative action is never a free lunch, so surely it is not “the more the better.” Rather, affirmative action has long been a controversial and emotionally charged issue that requires careful thinking about long term objectives and effects.

What makes the situation still more complicated and pressing is that the rapid increase in diversity across many social dimensions, both old and new, continuously generates new demands for more affirmative policies. As a result, an ever-widening

chasm has opened between social demands for more affirmative policies and declining social support for such policies (see also Iyigun and Levin 2003).

The situation in China is even more challenging. Policy makers seem to be locked in the path of resorting to preferential policy to address the thorny issues that arise out of the country's radical social change, without paying enough heed to the changing public opinion about such policies. In China, preferential policy seems to be a policy tool always at hand—convenient and workable. Because of the heavy reliance on preferential policies to address particular problems, the affirmative action dilemma has proven a governance paradox or even governance risk in China's circumstances. Perhaps this can also be considered a symptom of the “growing pains” defined by Elizabeth J. Perry (2014).

As for a solution to this dilemma, some scholars (Brown, Langer, and Stewart 2012, 28) have suggested “a built-in exit path” in order to achieve the goal of group equality in ways other than simply ending affirmative action. But are there really other routes that lead to the same destination as affirmative action? Based on an empirical analysis, Thomas Sowell concludes that for such “emotionally powerful and politically explosive issues” as affirmative action, searches for “a third way” would be desperate (Sowell 2004, 192). Assuming that no alternatives to affirmative action exist, all that can be done is to refine and upgrade the existing affirmative action regime, a task pithily described by former US President Bill Clinton (1995) as “Mend it don't end it.” Indeed, just as even the proponents of affirmative action have seldom been bold enough to proclaim preferences and quotas to be desirable or permanent features of society, no policymakers would risk ending affirmative action, either.

It appears that affirmative action has a chance to survive the divide between political need and social support for it. But the question of how to realize its governance potential is yet to be answered.

“Who gets what?” is always the core issue of public policy. So generality and neutrality are key virtues in policy construction. Good policies can solve specific problems w

hile avoiding generating new political rifts. Affirmative action certainly fails to be ideal in this sense. It can be expected that the tension between the pros and cons of affirmative action will last, and that the idea of social engineering will definitely be subject to serious social tests.

In recent years, the increasing dissatisfaction with preferential policies in some domains in China suggests that such policy is becoming a key arena in which new social tension grows rapidly. For China, with its dense and intensive preferential policies, constraining the impulse to resort to preferential policy and refraining from unduly introducing preferential policy is already a giant step forward.

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